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PRECINCT GOVERNMENT IN SALT LAKE COUNTY, UTAH,
1852-1904

A Thesis
Presented to the
Department of History
Brigham Young University
Provo, Utah

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

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by
Steven K. Madsen
August 1986

This thesis by Steven K. Madsen is accepted in its present form by the Department of History of Brigham Young University as satisfying the thesis requirement for the degree of Master of Arts.


Thomas G. Alexander, Committee Chairman


Fred R. Gowans, Committee Member


Date


James B. Allen, Department Chairman

PREFACE

I am very grateful to those who have assisted me in the various phases of the preparation of this thesis. I express sincere appreciation to Professor Thomas G. Alexander, my thesis advisor. His professional competence and insightful suggestions have aided me in the writing of this study. I am also grateful to Professor Fred R. Gowans for serving on my advisory committee and for his suggestions concerning this thesis. Moreover, I acknowledge my obligations to professors Norman E. Wright and V. Ben Bloxham, who served as my original committee. Their assignments in Europe forced the committee change. Appreciation is also extended to D. Michael Stewart, Chairman of the Salt Lake County Commission, who served on my oral examination committee.

The bulk of my research took place in the Utah State Archives in Salt Lake City. I am especially indebted to Irvin C. McClay and Val E. Wilson for their generous service. I also wish to acknowledge the assistance rendered by staff members of the Utah State Historical Society, the Genealogical Library and Historical Department of the LDS Church, the University of Utah's Marriott Library, and Brigham Young University's Harold B. Lee Library.

Jerry Spangler, staff writer for Salt Lake City's Deseret News, deserves credit for indirectly steering me toward my thesis topic. His article on precinct government reported my preliminary research results.

I thank the following people who in a number of ways encouraged this work: Kenneth C. Madsen, Ruth W. Madsen, Clarence F. "Pat" Packard, Dr. C. Gregory Crampton, John L. Jackson, "Tom" W. B. Sutton, John W. Rockwell, Richard W. Haight, John R. Ferrin, Gordon C. Madsen, Rosa Mae "Rosie" Evans, Lenora Meeks, Diane Stokoe, and Winifred McLachlan.

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CHAPTER I

INTRODUCTION

The following pages combine for the first time a historical examination of judicial precincts in a Utah county. This work was based on a lengthy list of sources, few of which supplied little more than fragments of information about precinct government. Pieced-together, the information answered some basic questions about precinct government and revealed the general historical and political trends of the institution.

This thesis presents, in the form of a historical survey, the origin, development, and decline, from 1852 to 1904, of Salt Lake County precincts. During Utah's State of Deseret era, legislation approved on January 31, 1850, created Salt Lake County and subdivided it into judicial units called precincts. A precinct functioned as a basic governmental unit of the county. It was not a Utah invention. The concept of district-level, or precinct, government could be found in many western states. It was established to allow for retention of a degree of local control by the people. A precinct was not a one-purpose district such as fortification, election, road, school, and irrigation districts. From Utah's county districts, justices of the peace, constables, estray poundkeepers, and fenceviewers were chosen to serve the populace. (The functions of each officer varied according to legislative enactments and county mandates. County revenues supplied many of the funds needed for precinct services.) The geographical boundaries of precincts generally were coextensive with

that of individual settlements, which easily facilitated their formation. In 1852, at the time of Salt Lake County's organization, the county retained the precincts established under the territory's provisional government. Several times during Utah's territorial period, the county created new precincts as different communities emerged. At the height of the judicial precinct era, in 1894, there were 32 distinct precincts in the county. By mid-1904, the era of the "community precinct" had come to an end with the consolidation of the precincts into eleven districts.

An attempt is made to demonstrate why the community precinct system was an adequate institution among Salt Lake County's populace before statehood and an inadequate one soon after statehood. Also to be demonstrated are the characteristics and functions typical of precinct-level officers and the influence these leaders had in shaping the events associated with precinct government.

The time span of the study has been selected to provide as much depth as possible on local political development beginning with the organization of Salt Lake County and ending with the consolidation of precincts. For the purpose of this study, a precinct is broadly defined as the principal subdivision of county government. Precincts were established for the purpose of preserving the public peace, protecting the rights of citizens, and upholding the laws at the local level.

Precincts provided frontier communities with several basic government services. Justices, constables, poundkeepers, and fence-viewers were independently elected by local voters to administer precinct affairs. These officers were responsible for enforcing laws,

controlling stray animals, administering justice, and overseeing the fencing of lands. Except in judicial and law enforcement matters, such as the presiding function of justices of the peace over constables, precinct government was headless. The officers held few discretionary powers.

Precinct officials basically held executive and judicial powers. Judicial authority was primarily vested in the justice of the peace. Local justices were directly responsible to the county court (or board of county commissioners), the probate court, and, later, the district court. A justice's geographic jurisdiction was county-wide. A justice's civil authority generally included cases where as much as \$300 was involved. His authority in criminal cases covered the usual minor breaches of the peace and other misdemeanors. During the early years of Utah, justices served as judges of election in their respective precincts. As election judges, they had power to supervise local elections. Justices also held the function of coroner. After the county created the coroner's office, justices continued to serve as ex-officio coroners. Furthermore, justices of the peace had the power to deputize any person to act as a peace officer in the absence of a constable.

Constables were the peace officers of precincts. They possessed the customary ministerial duties in executing justices' warrants. In the 1870s constables in isolated mining settlements apparently adopted a county function; they became keepers of the local county jail. After 1890, constables acted as ex-officio poundkeepers to control stray livestock. They were responsible to judicial officers, particularly justices of the peace. Moreover, they were required to periodically report to the county court.

Poundkeepers were also responsible to the county court. A poundkeeper's jurisdiction was limited to his precinct or district. His duties were to control stray livestock and examine the brands of cattle droves passing through the community.

To confine livestock, protect crops and define property lines, fences were built. The fenceviewer decided on the legality of fences in the precincts. Fenceviewers were directly responsible to the county court. They determined the amount of damages caused by neglect in maintaining fences and made sure that the guilty party paid for them.

Beyond describing the changing role of precinct officers, this work is designed to help fill a notable gap in the historical literature on local government in Utah. General background readings of county government have provided insight at the county level, but have thrown little light on precinct-level government. Moreover, recent studies of local government in Utah, such as those found in Atlas of Utah and Utah's History, have provided only superficial illustrations of county district-level institutions. Research preliminary to the writing of my own work, A Union, Utah, History (Union, Utah: Union Fort Chapter, Sons of Utah Pioneers, 1981), provided a short bibliography on precinct government and was confined to one community. Previous studies by other writers on local government in Utah have usually been limited to activities at territory, state, and county levels. Precious few works have focused on the precinct, or district, level of county government. For example, James B. Allen's study, "The Development of County Government in the Territory of Utah, 1850-1896" (M.A. thesis, Brigham Young University, Provo, Utah, 1956), covered the legal evolution of district government, but did not

include a detailed examination of its historical development. Eugene E. Campbell's work, "The Government of Utah --1847-1851" (M.A. thesis, University of Utah, Salt Lake City, 1940), focused on the provisional government of Utah, but avoided local-level government. Alvin Charles Koritz's thesis, "The Development of Municipal Government in the Territory of Utah" (M. A. thesis, Brigham Young University, Provo, Utah, 1972) dealt specifically with incorporated cities. Ellsworth E. Weaver's study of Utah's political institutions, "The Evolution of Political Institutions in Utah" (PhD. dissertation, New York University, 1953), included only the historical highlights of local governments.

This thesis addresses two issues of general importance: First, the extent to which the dynamics of a population effect alterations of its local governmental institutions. Second, the soci-political conditions of a population that create local government and contribute to its essential alteration.

Because local governmental practices may be shaped by several external factors, the writer has examined several legal and historical justifications for the community precinct system. Questions asked of the sources included: What were the major influences in the development and decline of precincts? To what degree did factors such as the geographical distribution of individuals, the impact of non-Mormon inhabitants, the influence of precinct officers, the availability of governmental services, the political conditions of the period, and the policies and practices of Mormon Church leaders, generate changes in Salt Lake County's precinct organization? What was the justification for the community precincts' long existence?

Rather than present a mere collection of facts, the writer has attempted to interpret precinct government by considering several variables, ranging from specific facts to general trends. He has related these variables to each other to present a plausible explanation of the problem.

Examining Utah statutes provided insight into the political justifications for the establishment of precincts. Other questions raised in this thesis were investigated by means of archival research on the records of county government in the Utah State Archives. The Salt Lake County Court (or board of county commissioners) minutes were the primary source materials used in the research. Extensive use was made of the county board minutes, dating back to the era of precinct organization. A search through these records was made to determine some of the motives behind the decisions of the county leaders to change precinct government. Primary information about county population and precinct government were provided in federal manuscript census schedules, election papers, biographies, and family reconstitution records.

Demographic methods were used to generalize quantitative data found in the sources. For instance, to arrive at a representative profile of justices of the peace, a collective biography (or career-line analysis) was employed. Variables of wealth, place of birth, age, and occupation, were viewed in relation to precinct judges and their respective constituents. This illustrated the relative status or prominence of justices. Studying the typical characteristics of local leaders also allowed the researcher to make historical comparisons.

CHAPTER II

ORIGIN AND DECLINE OF THE JUSTICE OF THE PEACE OFFICE, 1852-1896

Once an office of prominence, the justice of the peace in Salt Lake County receded in power and stature during the second half of Utah's territorial period. The purpose of this chapter is to present, in the form of a historical survey, the origin, development, and decline, from 1852 to 1896, of the office of justice of the peace in Salt Lake County. An examination will be made of the changing role of the county's justices. Furthermore, an attempt will be made to demonstrate what impact, if any, these elements may have made on later events associated with county civil government.

The office of justice of the peace can be traced to the fourteenth century in Great Britain. In 1360, King Edward III issued a statute (34 Edw. III. chap. 1) which created the office of the justice of the peace. The object of the statute was for the "better keeping and maintenance of the peace." The provision called for the "most worthy" to become justices to administer the King's law, "restrain offenders, rioters...and...to hear and determine at the King's suit all manner of felonies and trespasses done in the same county."¹ During the several centuries following the enactment of King Edward's statute, the office extended beyond that of a mere guardian of the peace. Justices rapidly took on judicial functions. The

office reached its height of prestige and importance in Great Britain during the early eighteenth century.²

The justice of the peace system was introduced into this country under colonial rule. Charles II issued the Charter of 1663 allowing proprietors of the colonies the right to appoint justices. Justices of the peace were usually appointed by the governor of the province or colony. Their powers and duties were from time to time enlarged or changed by the colonial legislatures as necessity and the progress of the county seemed to demand.³

As American colonization moved westward, the variety of cases heard by justices grew. The powers and authority of justices were almost all of statutory origin. That is, judicial power was vested in the legislatures of the various states and territories. Statutes enacted by these legislatures, including the legislature of Utah, fixed the number and jurisdiction of justices' courts. (These courts, however, were usually created by county charters.)⁴

Settlement of Utah brought with it the office of justice of the peace. Enactments by the General Assembly of the provisional State of Deseret (Utah's first civil government) created the office. In 1849, leaders of the Church of Jesus Christ of Latter-day Saints (Mormons) nominated bishops as candidates for magistrates in their respective wards.⁵ (A ward is an ecclesiastical division of the church similar to a parish.) Before subdivisions of county government could be organized, the civil functions of each community were under the control of these local ecclesiastical leaders.⁶

B. H. Roberts, assistant church historian for the Mormons, wrote: "Making these bishops civil magistrates was evidently a temporary arrangement."⁷ As Roberts suggested, Mormon leaders did not strongly adhere to this practice in later years. For example, a survey of the twenty Mormon wards in the county outside of Salt Lake City, in May of 1887, showed that only one bishop concurrently held the office of justice of the peace. (However, six of the bishops were justices of the peace at an earlier or later date.) Moreover, in Salt Lake City, at that time, only one bishop also served as a justice. Two of the bishops in the city's twenty-one wards had been justices at an earlier date.⁸ Since the period of the provisional State of Deseret, judicial power was no longer concentrated in the hands of bishops. There became a wider distribution of civil authority at the local level.

During the State of Deseret era, legislation approved on January 31, 1850, created Salt Lake County and subdivided it into judicial units called precincts.⁹ Later, in September, the organic act establishing the Territory of Utah provided for the justice of the peace position.¹⁰ In 1852, Utah's territorial legislature outlined the duties of the justice of the peace. As a judicial officer it was his duty to

... examine strictly and faithfully into the merits and demerits of all civil and criminal cases which may come before him, and execute justice without respect to persons, or favor, or technicalities of the law; preserve the public peace; sit in judgement in all cases referred to him; and keep a true record of all proceedings laid before him.¹¹

An act passed in 1874 supplied the foundation of statutory concepts upon which Utah's present justice of the peace system now acts. When ratified

in 1895, the Constitution of the State of Utah provided for the justices' office and made it an integral part of the state's judicial system.¹²

Although a provincial officer, the justice of the peace was an important and effective segment of the judicial system in Utah. The system allowed for retention of a degree of local control by the people.¹³ Justices, sometimes referred to as "magistrates,"¹⁴ were elected officials of the county precincts which they served. By tradition, county justices ran in nonpartisan elections. (In the 1880s and 1890s, however, precinct officers who served in Salt Lake City ran in partisan elections.) They were required to be qualified electors (male United States citizens, residents of the territory, and over eighteen years of age) and to reside in the precinct over which they presided.¹⁵ These judges were expected to preserve the public peace, "protect the rights of the citizens of their precinct, sit in judgement of those citizens, and uphold the laws."¹⁶ Usually, precinct magistrates were not lawyers by profession. Most were non-lawyer-trained judges from any trade or professional background. There was no organized program for providing judges the necessary training in fundamental concepts and procedures.¹⁷ In this regard, Utah was not unique. In most states and territories there were no statutory provisions requiring justices to have legal training as a qualification for office.¹⁸

Although untrained, local magistrates had jurisdiction in all civil proceedings in which the amount in question did not exceed one hundred dollars. (In 1874, that amount was extended to three hundred dollars.) If both litigants agreed, however, a magistrate was authorized to try cases involving any amount. Such suits had to be processed in the precinct

where the defendant resided and the ruling of the magistrate was final. Criminal jurisdiction of the justice of the peace included cases in which the punishment imposed by law involved up to one hundred dollars fine or six months in jail, or both. (In 1878, the territory increased the amount to three hundred dollars.) One justice of the peace was elected every two years in each precinct of the county. If circumstances permitted it, the county court could authorize the election of more than one magistrate.¹⁹

The justice was to make a record of all cases which were brought before him. In case of appeal, he was to transmit a copy of these records to the clerk of the appellate court. Appeals from the justice's court were made to the county probate court.²⁰ (In 1874, the Poland Act removed civil and criminal jurisdiction from the probate courts. Defendants in a criminal action, tried in a justice's court, could only appeal from final judgment to the district courts.)²¹ Justices of the peace were also authorized to attest to formal documents and to solemnize marriages. Statutes placed no geographical limits of jurisdiction on their power to perform marriages within Utah. The performance of a marriage was not considered a judicial act.²² However, justices did receive a \$5.00 fee as compensation for their services.²³

During the latter part of Utah's territorial period, the trend among statutory measures was to reduce a justice's jurisdiction. For example, in 1853 the territorial legislature gave justices the power to act as judges of election in their respective precincts. As judges of election, they had authority to appoint a clerk and to "furnish the necessary stationery, and a ballot box." At the close of the election, judges were required to "seal up

the ballot box, and the list of names of the electors, and transmit the same without delay to the county clerk." As election officers, they were "allowed a reasonable compensation" for their services.²⁴ In 1878, however, the legislature revised the election laws. Justices were no longer given the power to act as election judges. Instead, three judges of election in each precinct were to be appointed by the county court.²⁵

Reductions in the jurisdiction of justices of the peace contributed to their decline in prominence. The declining status of justices of the peace was not a phenomenon unique to county government in Utah. In the latter half of the nineteenth century, Kentucky's counties experienced a similar decline of their justices.²⁶ Furthermore, during this period, criticism of justices of the peace by members of the legal profession began mounting in many areas of the United States. In the 1880s, A. C. Freeman, a close observer and recorder of judicial history and events, warned America's justices of the peace of the "great danger" they faced of being "treated openly with that contempt which is too often secretly felt for them. They require, therefore, to be armed with the powers to enforce at least outward respect."²⁷ In defense of the officers of the lower judicial courts, Jabez Franklin Cowdery of the San Francisco bar in 1889 wrote: "They have ample power to enforce outward respect." "Their decisions are respected by the public at large, and will compare favorably with those of higher and more pretentious tribunals,"²⁸ he added. It appears that for sometime the justice of the peace institution had been "a favorite subject of ridicule" to the bar. Cowdery observed: "...It has been the practice of the higher courts of America, and law writers, during the

last fifty years, and the bar generally, to belittle justices of the peace and their courts." He argued, "If there is a defect in the organization of such courts, it is owing, in great measure to our political system which, as a rule, refers the question of fitness for political office to the vote of the electors of a ward, township, or county." Cowdery continued, "As a general rule, outside of the large cities, none but the honest, worthy and intellectually fit are selected to that office."²⁹ Today, among lawyers generally, there is criticism that untrained people are serving as justices of the peace. They are considered a court of very limited jurisdiction. The Utah Legislature has recognized this by not having a justice of peace serve in a city where a circuit court exists. In the unincorporated parts of metropolitan areas their primary function is to take care of traffic matters. The justice of the peace system, however, has its place primarily in rural parts of the state. Justices are particularly valuable in isolated areas that are more than fifty miles away from a county seat where a circuit judge could be found.³⁰

During the mid-nineteenth century, justices of the peace in municipal as well as rural areas were considered important. From 1852 to 1868, precinct judges held the powers of a coroner. These men were responsible for holding inquests to investigate the deaths of those who died suspiciously. It was their responsibility to determine whether a crime had been committed. In 1868, the territorial legislature provided for a county coroner. Nevertheless, after 1868, magistrates functioned as ex-officio coroners. Local judges usually impaneled juries to probe into alleged murders. Evidence was gathered, a verdict was issued, and perpetrators were punished.³¹

The death of Peter Van Valkenburg, who had been a county justice of the peace, illustrates the steps taken by a magistrate to investigate a wrongful death. On February 25, 1874, after receiving a special dispatch by the Deseret Telegraph from Sandy, Utah, the Salt Lake City Deseret News reported the death of Van Valkenburg:

Peter Van Valkenburg of Union Fort was found dead last night about one and a half miles south of that place. He had nine bullet holes in his body, which apparently had been fired from a shot-gun. There is no clue to the murderers.³²

It became the responsibility of Silas Richards, the local justice of the peace, to act as coroner in this case. He immediately impaneled a jury of three individuals to probe into the alleged murder. The newspaper then published the findings of the jury:

It appeared from the evidence at the inquest held by Justice Richards, that [the] deceased was coming home from Sandy with a load of manure, that one of his singletrees broke, and that while he was in the act of repairing it, he was shot with near[ly] a dozen balls. Perpetrator unknown, according to verdict of jury.³³

Soon afterwards the murderers were apprehended. The motive, although vague, involved a property dispute. To receive remuneration for his work, Justice Richards submitted a bill of costs to the county court. Later, the court appropriated to him \$16.50 "for holding inquest on P V Valkenburg."³⁴

Before taking office, Justice Richards, as well as all other magistrates, was required to file bonds and to take an oath of office assuring the faithful performance of his duties. A certificate of election was then filed with election officials. The election papers were subsequently deposited by Salt Lake County in the Utah State Archives.

The State Archives contains hundreds of election certificates scattered throughout dozens of folders in numerous archival boxes. Records are available for 194 justices of the peace who served from 1852, when the county was politically organized, to 1896, when Utah became a state. Election certificates were not always filed by county election officials. Of the 34 precincts created in Salt Lake County before statehood, only two precincts show complete justice of the peace records for every year of their existence. Well-established communities were more likely to have complete records of magistrates on file in the archives than unstable mining towns and younger precincts.

Whether from well-established areas or not, Utah's justices were perhaps as prominent as they were in other regions of the United States. Frank Esshom's monumental work, Pioneers and Prominent Men of Utah, provides a list of most of Utah's nineteenth century notables. Likewise, Andrew Jenson's Latter-day Saint Biographical Encyclopedia, gives us biographical sketches of hundreds of early Mormons. (Bear in mind that before the advent of the railroad in 1869, Utah's population was over ninety percent Mormon.)³⁵ A study of the 39 magistrates who held office before 1870 reveals that 26 (67 percent) of them were mentioned in at least one of these two publications.³⁶ (See the list of justices in the Appendix for details on years of service.) It is assumed that people were selected as justices because of their prominence in the community. The high percentage of notable magistrates in early Salt Lake County indicates that they may have been as influential as their office suggested.

Before 1870, at least 21 (or 54 percent) of the 39 justices of the peace were polygamists according to 1860 manuscript census data,

published biographies, and family reconstitution records.³⁷ (It is clear, therefore, that Mormon influence existed in early judicial selections.) Among Mormons in early Utah, polygamists were highly regarded.³⁸ It required some degree of wealth to afford an extra wife and a second family. Only a small percentage of the Mormon male population took a plural wife.³⁹

A study of 70 magistrates who held office from 1870 to 1881 reveals that 19 (27 percent) were polygamists. Again, manuscript census data, published biographies, and family reconstitution records were utilized to obtain these results.⁴⁰ Furthermore, only 26 (37 percent) of the justices who served from 1870 to 1881 were mentioned in the two major biographical publications of Utah's nineteenth century notables.

Whether prominent or not, with the enactment of the Edmunds Act of 1882, polygamists were no longer allowed to become magistrates or hold public office. Justices of the peace were required to:

... Swear (or affirm) that I am not a bigamist or a polygamist; that I am not a violator of the laws of the United States prohibiting bigamy or polygamy; that I do not live or cohabit with more than one woman, nor does any relation exist between me and any woman which has been entered into or continued in violation of the said laws of the United States prohibiting bigamy or polygamy.⁴¹

Several prominent men, who had previously been qualified, were prevented by the above oath from voting and holding office.⁴²

Despite the legal sanctions against polygamists, some of the justices in Salt Lake County, who served after 1882, continued practicing the principle. At least two of them -- Matthias F. Cowley and Andrew Jenson -- took plural wives after that year. Andrew Jenson, assistant LDS

Church historian, took two plural wives while he was serving as a justice of the peace. Andrew Jenson's experience with polygamy as an officeholder, however, is unique.⁴³

In contrast to his polygamous marriages, the events surrounding Jenson's nomination and election to justice of the peace may have been typical. During the latter half of Utah's territorial period, it appears that neither voters nor politicians manifested much interest in the office of justice. The case of Andrew Jenson's acceptance to public office, representing the People's Party, illustrates a lack of competitive enthusiasm for the office. About his nomination to office, Jenson wrote:

Mon. 19 [July 1886]. After visiting friends I left my family with our relatives in Pleasant Grove, and returned to Salt Lake City in the afternoon, and in the evening I attended a political primary meeting in the 16th Ward School House, where I was nominated by Peter Reid and unanimously elected a candidate for the position of justice of the peace in the Third Precinct, as successor to Francis Cope, who refused re-election.⁴⁴

On election day in August, Jenson recorded:

Monday 2. This was election day. I spent most of the day at the poll, at the 16th Ward School House. I was elected Justice of the Peace, and there was no opposition ticket.⁴⁵

Andrew Jenson became a magistrate perhaps because of his nationality. His journal entry of July 14, 1883, provides the only clue to his motive:

I attended the convention in the Court House as an alternate. A list of names for County Officers was agreed upon. I made a short speech in favor of paying some attention to the Scandinavian element in the City & County. In the history of Salt Lake City not one individual of Scandinavian origin has ever held any public office.⁴⁶

Jenson's purpose in becoming a justice of the peace was obviously not for financial gain. He kept his work load to a bare minimum. A review of Jenson's diary throughout his two years as justice, reveals only one action related to his office. Jenson carefully listed all of his income in his financial records. His financial accounts for 1887 showed a receipt for \$5.00 for performing a marriage ceremony.⁴⁷

Until recent times (1971), justices in Utah were compensated by fees set by the legislature. Fees in civil cases belonged to the justice. He did not have to report them to the county court. Nevertheless, he was required to enter the fees in his docket, and give the person paying them a receipt. In criminal cases, the precinct justice would send his bill for all services performed to the county court.⁴⁸ In most cases, the justice's cost bill was accompanied by a detailed report specifying all items of fees charged in each criminal case.⁴⁹ Some justices may have relied upon the fee schedule for their livelihoods. The larger their workloads were, the more money they could anticipate. Fee bills from Justice Jeter Clinton's docket between September 1 and November 23, 1858, reveal that he tried 15 criminal cases ranging from stealing strawberries to murder. Clinton was allowed \$5.00 in justice's fees "for trying Robert Taylor for Killing Frank Posey." (This was apparently a preliminary hearing. In similar cases, the defendant was bound and committed to appear before the district court.)⁵⁰ Furthermore, he received \$5.00 "for holding a Coroners inquest over the body of Frank Posey." Clinton was also awarded a \$5.00 compensation "for trying Edward Britton and Richard Jones for stealing 24 cans of strawberries from John M. Wallace."⁵¹ Remuneration was also granted to Justice Clinton for ten other cases.

A search of public archives and special collections reveals no significant file of cost bills related to the justice of the peace office. Justice Clinton's cost bills are a rare exception. It is fortunate that records such as Andrew Jenson's diary and Jeter Clinton's cost bills exist. Diaries and written records of court proceedings by the majority of justices have not been discovered. Nevertheless, to examine the characteristics of justices' lives, chroniclers can adopt demographic methods of inquiry. Census data, for instance, provides elements to describe the relevant aspects of Salt Lake County justices. To illustrate these elements, the writer has divided the history of the justices into three time periods: 1) 1852 (the year Salt Lake County was organized) to 1869 (the completion year of the transcontinental railroad); 2) 1870 to 1881 (the last year polygamists were allowed to hold office); and 3) 1882 to 1895 (the last year Utah was a territory).

According to 1860 census data, the average magistrate who served in the first time period, owned property valued at \$2,764.00.⁵² The average value of real estate in the county for that year was only \$768.00.⁵³ It appears that wealth was an element of political prominence before 1870 in Salt Lake County. Twenty of the thirty justices (67 percent), for whom 1860 census data was discovered,⁵⁴ owned real estate worth more than the average value. Six of the ten magistrates who owned real estate valued less than the average were aged 20 to 39. (See Table 1.) The average age of a magistrate upon taking office for the first time was 43.⁵⁵ Eight of the ten men who had real property of less than average value were younger than 43. (Table 1.)

TABLE I
WEALTH DISTRIBUTION OF MAGISTRATES IN SALT LAKE COUNTY - 1860

Wealth in Dollars	#of house- hold heads	Occupation				Age						
		Farmer	White Collar	Blue Collar	Profes- sional	15-19	20s	30s	40s	50s	60s	70+
0-99	2	1	0	1	0	0	1	1	0	0	0	0
100-249	1	1	0	0	0	0	1	0	0	0	0	0
250-499	2	2	0	0	0	0	1	1	0	0	0	0
500-749	5	5	0	0	0	0	0	1	3	1	0	0
750-999	4	2	1	1	0	0	1	1	1	1	0	0
1000-1249	5	4	0	1	0	0	0	1	2	1	0	1
1250-1499	0	0	0	0	0	0	0	0	0	0	0	0
1500-1749	1	1	0	0	0	0	0	0	1	0	0	0
1750-1999	2	1	0	0	1	0	1	0	1	0	0	0
2000-4999	4	1	0	3	0	0	0	0	2	1	1	0
5000-7499	3	1	2	0	0	0	0	0	3	0	0	0
7500+	1	0	0	1	0	0	0	0	1	0	0	0
TOTAL	30	19	3	7	1	0	5	5	14	4	1	1

An investigation of the wealth of justices of the peace who served during the second time span reveals a different story. In 1870, the average magistrate in this category owned property worth only \$1,386.00.⁵⁶ That is just half of the value of the average magistrate's property in 1860. By 1870, real estate was no longer an element of political prominence in Salt Lake County. In fact, the median value of a magistrate's real property was only \$400.00.⁵⁷

Family size and age remained about the same for magistrates in 1860 and 1870. In 1860, the average justice's family size was 7.8;⁵⁸ in 1870 it was 7.7.⁵⁹ By 1880, it had dropped to 5.5.⁶⁰ The average number of children (5.3) remained the same over the period of a decade.⁶¹ (That is an interesting figure, when one takes into account that polygamy, among justices, was declining over time.) In 1880, however, that figure was down to 4.5.⁶² In the 1860 census, among magistrates of the first time period, the average age was 43. In 1870, the average age of magistrates in the second time category was 40. By 1880, the average age of justices in the third time span had dropped to 37.⁶³

Before 1870, place of birth was another factor illustrating political prominence. Table 2 shows that, in 1860, some 37 percent of the justices of the peace were native-born citizens from the Middle Atlantic states. A random survey of 100 heads of households in Salt Lake County that year showed only 25 percent were from the Middle Atlantic states.⁶⁴ The same survey showed 51 percent of the household heads were from the British Isles. Nevertheless, only 20 percent of the magistrates were British-born. However, the nativity of justices of the peace examined from 1870 to 1881 shows 53 percent were British. Thirty-seven percent

TABLE 2

PLACES OF BIRTH OF THIRTY SALT LAKE COUNTY MAGISTRATES - 1860

<u>Place of Birth</u>	<u>Number of Magistrates</u>	<u>Percent of Total</u>
British Isles	6	20.0
Canada	1	3.3
Continental Europe	1	3.3
Total Foreign	8	26.7

<u>Place of Birth</u>	<u>Number of Magistrates</u>	<u>Percent of Total</u>
New England	5	16.7
Mid-Atlantic	11	36.7
South	1	3.3
Old Northwest	5	16.7
Total Native-born	22	73.3

of the earlier justices were from the Mid-Atlantic states. However, of those justices holding office from 1870 to 1881, only nine percent were from the Mid-Atlantic region. (See Tables 2 and 3.) By 1880, about 57 percent of the magistrates who served from 1882 to 1895 were of British origin. (See Table 4.) Twelve percent of the justices had been born along the Mid-Atlantic coast. Another 12 percent of the group listed Utah as their birth place, according to Table 4. This reflects an emerging native-born element among the justices that, heretofore, had not been seen.

A consideration of occupation as a variant of prominence, shows that justices of the peace tended to be farmers (some 63 percent of the earliest magistrates fit into that category).⁶⁵ Previous research by the writer on 100 Salt Lake County heads of households in the 1860 manuscript census, showed that only 26 percent were farmers.⁶⁶ (Census data covering early Salt Lake County reveals that numerous other occupations existed in addition to farming. Other occupational categories included carpenters, laborers, shoemakers, blacksmiths, saddlers, tanners, and wheelwrights.) In 1870, over 68 percent of the justices in the second time span listed their occupation as farmers.⁶⁷ Nevertheless, by 1880, the percentage of farmers among justices in the third time period dropped to 47.⁶⁸ Still, that percentage is comparatively high when one considers the increase in manufacturing and industrial establishments in the county. In 1880, for example, the census compendium shows over 40 establishments in the county outside of Salt Lake City.⁶⁹ Furthermore, it is a relatively high percentage given the decrease in the percentage of farmers in the county over time.

TABLE 3

WEALTH, AGE, OCCUPATION, AND PLACE OF BIRTH AMONG NINETEENTH
CENTURY JUSTICES IN SALT LAKE COUNTY - 1870

Occupations	Ages					Place of Birth											
	Wealth In Dollars	White Farmer	Blue Collar	Profes- sional	None	20s	30s	40s	50s	60s	70+	Brit. Isles	Cont. Europe	New Eng	Mid- Atl	South	Old North West
0-99	3	0	4	0	0	3	1	3	0	0	0	3	3	0	0	0	1
100-249	1	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0
250-499	6	1	2	0	0	1	5	3	0	0	0	6	1	0	1	0	1
500-749	1	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0
750-999	1	0	1	0	0	0	2	0	0	0	0	2	0	0	0	0	0
1000-1249	2	0	0	0	0	0	0	1	1	0	0	1	0	0	0	1	0
1250-1499	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1500-1749	2	0	0	0	0	0	0	1	0	1	0	1	0	1	0	0	0
1750-1999	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2000-4999	3	1	0	0	0	0	1	1	2	0	0	2	1	0	1	0	0
5000-7499	3	0	0	1	0	0	0	1	2	1	0	0	0	2	1	0	1
7500+	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	22	2	7	1	0	4	11	10	5	2	0	17	5	3	3	1	3

TABLE 4

AGES, OCCUPATIONS, AND PLACES OF BIRTH
OF SALT LAKE COUNTY MAGISTRATES - 1880

	Occupations					Ages								Places of Birth							
	Farm- ers	White Collar	Blue Collar	Profes- sional	Not Listed	15- 19	20s	30s	40s	50s	60s	70s	No Age	Brit Isles	Cont Eur	New Eng	Mid Atl	Old So	NW	Utah	Far West
Justices serving from 1852 to 1904	44	14	17	9	5	2	16	25	20	13	8	4	1	43	3	4	11	6	13	8	1
% of Total	49	16	19	10	6	2	18	28	22	15	9	5	1	48	3	5	12	7	15	9	1

	Occupations					Ages								Places of Birth							
	Farm- ers	White Collar	Blue Collar	Profes- sional	Not Listed	15- 19	20s	30s	40s	50s	60s	70s	No Age	Brit Isles	Cont Eur	New Eng	Mid Atl	Old So	NW	Utah	Far West
Justices serving from 1882 to statehood	24	6	13	5	3	2	14	17	11	4	2	0	1	29	2	0	6	4	3	6	1
% of Total	47	12	25	10	6	4	27	33	22	8	4	0	2	57	4	0	12	8	6	12	2

Perhaps another factor demonstrating prominence was the institution of boarding. Thirteen of the 30 justices (for whom census data was found), who served between 1852 and 1869, had one or more boarders living in their households.⁷⁰ According to historical demographers, those who took in boarders were often the poorer classes. (This is interesting because the income of the group was above average.) Boarding was often encouraged to supplement family income. Examination of the institution of boarding among magistrates who served from 1870 to 1881, finds only nine percent took in boarders.⁷¹ However, in 1880, 18 percent of the magistrates, who held office from 1882 to 1895, brought in boarders.⁷² That percentage rises if just the heads of households among the magistrates are considered.⁷³ Moreover, if all of the magistrates are considered in reviewing the 1880 census, 22 out of 89⁷⁴ justices (25 percent) had boarders living with them.

Salt Lake County's justices of the peace had political ambition. For instance, several of them later sought higher positions in county government. Some of them became officers in Utah's territorial government. Of the 30 justices of the peace examined in 1860, who held office before 1870, 12 were reelected to that position.⁷⁵ Among those who were not reelected, 44 percent of the men (for whom published data is available) later held higher political positions.⁷⁶ A review of all of the justices of the peace who were elected or appointed to office before 1892, shows 158 candidates.⁷⁷ (The year 1892 was chosen as the last year in the study to allow for a justice's reelection at least once before statehood.) Of those 158 men, 91 (over 57 percent) were reappointed or reelected at least once. Those who had been appointed by the county court,

rather than elected, to their first term of office had a better success rate in winning office again. The average magistrate in this group regained office at least two times. The average justice who was elected to office the first time, returned to office only once. (Refer to list of justices in the Appendix.)

In summary, statistics indicate that justices possessed political ambition. The fact that over half of them were reappointed or reelected to office at least once, demonstrates their personal desire for that kind of influence. Furthermore, justices tended to be farmers with large families. Moreover, the majority were of British origin. A significant number of them also took in boarders to supplement family income. Statutory measures enacted by the territorial legislature tended to reduce the authority of justices of the peace. At the outset, justices possessed the powers of coroners and election judges, as well as that of magistrates. After 1868, however, justices could only act as ex-officio coroners. In 1878, they lost the power of election judges.

Justices witnessed jurisdictional reductions at the same time their status was declining. Originally, the office of justice of the peace was usually held by Mormon bishops. Bishops were held in public esteem in the Mormon domain known as the State of Deseret. In later years, fewer bishops sought the office. Published biographies of nineteenth century notables in Utah reveal that over time fewer prominent men became justices. (Fewer polygamists, who were also considered prominent, sought the office in later years.) Furthermore, if wealth is considered as a variable of prominence, justices from 1860 to 1870 experienced a marked decline in status. Additional evidence may also confirm that, in

later years, interest in the justice's office lagged. Perhaps the decreased size of their workload created an environment of political apathy.

Certainly, not much interest was manifested by the county, about the turn of the century, over the intention to consolidate justices' precincts. The plan to consolidate justice of the peace precincts was initiated by county leaders to streamline local civil government. Implementation of the scheme to merge precincts by the county went largely unnoticed in the public press. The smooth adoption of precinct consolidation may have been facilitated by the element of a declining social status of justices.

Notes for Chapter II

¹Manual for Justices of the Peace in the State of Utah, Supplement (Salt Lake City: Office of the Court Administrator, State of Utah, 1978), p. 1; Curtis Hillyer and N. B. Nelson, eds., Code of Law, Practice and Forms for Justices' and Other Inferior Courts in the Western States, 2nd ed. (San Francisco: Bender-Moss Company, 1925), p. 1, note 1.

²Manual for Justices of the Peace in the State of Utah, p. 1.

³*Ibid.*

⁴*Ibid.*, p. 2; Charles H. Conklin and Julius B. Bissell, A Treatise on the Powers and Duties of the Justices of the Peace in Civil, Criminal, and Special Cases in the State of Iowa, 2nd ed. (Des Moines, Iowa: Mills & Company, 1874), p. 1.

⁵Ellsworth E. Weaver, "The Evolution of Political Institutions in Utah," Unpublished Ph.D. dissertation, Department of Government, New York University, New York, 1953, p. 224; Brigham H. Roberts, A Comprehensive History of the Church of Jesus Christ of Latter-day Saints, III, (Salt Lake City: Deseret News Press, 1930; reprint ed. Provo, Utah: Brigham Young University Press, 1965), p. 427.

See also Utah Historical Records Survey, U. S. Work Projects Administration, Inventory of the County Archives of Utah: No. 18, Salt Lake County (Salt Lake City), (Ogden, Utah: Utah Historical Records Survey, 1941), p. 12, note 3; p. 13, note 3.

⁶James B. Allen, "The Development of County Government in the Territory of Utah, 1850-1896," Unpublished M. A. thesis, Brigham Young University, Provo, Utah, p. 167.

⁷Brigham H. Roberts, A Comprehensive History of the Church, III, p. 427, note 24.

⁸The survey was based on published lists of ward officers found in Andrew Jenson's, "Salt Lake County," Historical Record, 6, nos. 9-12 (December, 1887), pp. 281-343.

⁹Dale L. Morgan, "The State of Deseret," Utah Historical Quarterly, 8, nos. 2-4 (1940), pp. 180-181.

¹⁰Utah, Laws and Ordinances of the State of Deseret (Utah). Compilation 1851: Being a Verbatim Reprint of the Rare Original Edition, with an Appendix (Salt Lake City: Shepard Book Company, 1919), preface; Utah, Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah (Salt Lake City: Joseph Cain, 1855), p. 115.

¹¹Utah, Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, from 1851 to 1870 Inclusive... (Salt Lake City: N. P., 1870), p. 32.

¹²Manual for Justices of the Peace in the State of Utah, p. 2.

¹³Peggy Acomb, "J.P.'s an Integral Part of System," Tribune (Salt Lake City), Common Carrier section, 30 March 1980.

Justice Acomb is a strong advocate of the present justice of the peace system.

¹⁴In Utah a magistrate is "an officer having power to issue a warrant for the arrest of a person charged with a public offense." Brigitte M. Bodenheimer, Manual for Justices of the Peace in the State of Utah (Salt Lake City: University of Utah Press, 1956), p. 15.

¹⁵Utah, Acts, Resolutions and Memorials, 1851 to 1871 Inclusive, p. 234.

¹⁶Peggy Acomb, "J. P.'s an Integral Part of System."

¹⁷*Ibid.*

¹⁸The Justice of the Peace Today (New York: The Institute of Judicial Administration, New York University, 1965), pp. 2-3.

¹⁹Jerry Spangler, "When Precincts Ruled: A Tightly Knit Government," Deseret News (Salt Lake City), 10 March 1982.

²⁰James B. Allen, "Development of County Government in Utah," p. 145.

²¹*Ibid.*, p. 139.

²²Manual for Justices of the Peace in the State of Utah, p. 157.

²³Andrew Jenson Journals, Vol. 5, 1887-1894, 31 December 1887, Archives Division, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City.

²⁴Utah, Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, pp. 232-233.

²⁵James B. Allen, "Development of County Government in Utah," p. 156.

²⁶Robert M. Ireland, Little Kingdoms: The Counties of Kentucky, 1850-1891, (Lexington: University Press of Kentucky, 1977), pp. 28-29.

²⁷Jabez Franklin Cowdery, A Treatise on the Law and Practice in Justices' Courts, as Determined by the Statutes and Decisions of the States of California, Colorado, Nevada, and Oregon, and the Territories of Arizona, Idaho, Montana, Utah, and Washington, in Civil and Criminal Cases, with a Full Collection of Forms, I (San Francisco: Bancroft-Whitney Company, 1889), pp. 39-40.

The writer assumes that A. C. Freeman made his remarks in the 1880s, based on the 1889 response by Jabez F. Cowdery.

²⁸*Ibid.*

²⁹*Ibid.*, p. 40.

³⁰Interview with Justice Richard C. Howe, Utah State Supreme Court, Salt Lake City, 6 June 1986.

³¹*Ibid.*, p. 146; Steven K. Madsen, A Union, Utah, History (Union, Utah: Union Fort Chapter, Sons of Utah Pioneers, 1981), p. 91.

After statehood, Utah's local justices were once again granted their previous functions as ex-officio coroners.

³²*Ibid.*

³³*Ibid.*

³⁴*Ibid.*

³⁵Elizabeth D. Gee, "Justice for All or for the 'Elect'? The Utah County Probate Court, 1855-72," Utah Historical Quarterly, 48, (1980), p. 138.

³⁶A biographical encyclopedia that overlaps these two publications is found in Biographical Record of Salt Lake City and Vicinity, (Chicago: National Historical Record Company, 1902).

³⁷Manuscript census data was obtained from: U. S. Department of Commerce, Bureau of the Census, Eighth Census, 1860, [Microfilm of ms] census schedules for Utah: Salt Lake County.

Information from published biographies came from: Frank Esshom, Pioneers and Prominent Men of Utah, (Salt Lake City: Utah Pioneers Book Publishing Co., 1913; reprint ed. Salt Lake City: Western Epics, Inc., 1966); Andrew Jenson, Latter-day Saint Biographical Encyclopedia: A Compilation of Biographical Sketches of Prominent Men and Women in the Church of Jesus Christ of Latter-day Saints, 4 vols., supplement (Salt Lake City: Andrew Jenson Memorial Association, 1936).

Family reconstitution records were examined in Archives Section, Genealogical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City.

³⁸Stanley S. Ivins, "Notes on Mormon Polygamy," Utah Historical Quarterly, 35, no. 4 (Fall, 1967), p. 319; Madsen, Union, pp. 78-79.

³⁹Gustave O. Larson, The "Americanization" of Utah for Statehood (San Marino, California: The Huntington Library, 1971), p. 38, note 3.

⁴⁰Manuscript census data was obtained from: U. S. Department of Commerce, Bureau of the Census, Ninth Census, (1870), [microfilm of ms] census schedules for Utah: Salt Lake County.

Information from published biographies was gathered from Frank Esshom's Pioneers and Prominent Men of Utah and Andrew Jenson's Latter-day Saint Biographical Encyclopedia.

Family reconstitution records were examined in the Archives Section, Genealogical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City.

⁴¹Certificates of Election for Salt Lake County, 1882, Election Papers, Utah State Archives (Branch), Salt Lake City.

⁴²James B. Allen, "Development of County Government in Utah," p.32.

⁴³Andrew Jenson Journals, Vols 1-4, 1864-1886; Vol. 5, 1887-1894, Archives Division, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City.

⁴⁴Ibid.

⁴⁵Ibid.

⁴⁶Ibid.

⁴⁷Ibid.

⁴⁸Manual for Justices of the Peace in the State of Utah, p. 145; Brigitte M. Bodenheimer, Manual for Justices, pp. 123-126.

⁴⁹Ibid.

⁵⁰Fee Bills from Justice Clinton's Docket, Various Reports, Salt Lake County Clerk, Utah State Archives (Branch), Salt Lake City.

⁵¹Ibid.

⁵²This statistic refers to 30 magistrates the writer was able to find on the 1860 handwritten census (microfilmed) of Salt Lake County.

⁵³[U. S. Bureau of the Census], Statistics of the United States, (Including Mortality, Property, &c.,) in 1860... (Washington, D. C.: Government Printing Office, 1866), p. 318.

⁵⁴The 30 magistrates discovered in the 1860 microfilmed manuscript census of Salt Lake County were those who served in office during the years 1852 to 1869.

⁵⁵This figure is based on the ages of 30 magistrates for whom 1860 census data was found. U. S. Bureau of the Census, Eighth Census, (1860), [microfilm of ms] census schedules for Utah: Salt Lake County.

⁵⁶This information was supplied by the 1870 manuscript census of Salt Lake County. Thirty-two magistrates were found in that census.

⁵⁷*Ibid.*

⁵⁸This data represents the 30 justices in the first time period who were found in the 1860 census.

⁵⁹Family size statistics of 32 justices, in the second time span, were located on the 1870 census. U. S. Bureau of the Census, Ninth Census, (1870), [microfilm of ms] census schedules of Utah: Salt Lake County.

⁶⁰The information was gathered from a search of the census data of 51 justices who served in the third time period. U. S. Bureau of the Census, Tenth Census, (1880), [microfilm of ms] census schedules of Utah: Salt Lake County.

⁶¹The decade of 1860 to 1870.

⁶²A search of census data of 51 justices who served in the third time span. See U. S. Bureau of the Census, Tenth Census (1880), [microfilm of ms] census schedules of Utah: Salt Lake County.

⁶³Ibid.

⁶⁴To get a random sampling of the 1,993 families in the 1860 census of Salt Lake County, the writer collected data on about one out of every 20 families. (Blacks, Mulattoes, and Indians were excluded from the survey.)

⁶⁵This represents 19 of the 30 magistrates in the first time period, who were in the 1860 census.

⁶⁶A random sample of the 1,993 families in the 1860 census of Salt Lake County.

⁶⁷Twenty-two out of 32 justices (found in the 1870 census) were farmers.

⁶⁸This represents 24 of the 51 justices, in the third time period, who were discovered in the 1880 census.

⁶⁹Census Office, Department of the Interior, Compendium of the Tenth Census (June 1, 1880), Compiled Pursuant to an Act of Congress Approved August 7, 1882, Part II (Washington, D. C.: Government Printing Office, 1883), p. 1021; Census Office, Department of the Interior, Report on the Social Statistics of Cities Compiled by George E. Waring, Jr., Part II: The Southern and Western States (Washington, D. C.: Government Printing Office, 1887), p. 835.

⁷⁰This figure is based on information provided in U. S. Bureau of the Census, Eighth Census, (1860), [microfilm of ms] census schedules of Utah: Salt Lake County.

⁷¹This statistic is based on information supplied in U. S. Bureau of the Census, Ninth Census, (1870), [microfilm of ms] census schedules of Utah: Salt Lake County.

⁷²This is based on data provided in U. S. Bureau of the Census, (1880), [microfilm of ms] census schedules of Utah: Salt Lake County.

⁷³It appears that at least four of the justices were not heads of households.

⁷⁴Eighty-nine justices were found in the 1880 census who served between 1852 and 1896.

⁷⁵This is based on data supplied by the list of justices in the Appendix.

⁷⁶The published data refers to Andrew Jenson's Latter-day Saint Biographical Encyclopedia and Frank Esshom's Pioneers and Prominent Men of Utah.

⁷⁷See the list of justices in the Appendix.

CHAPTER III

POPULATION DISTRIBUTION AND PRECINCT BOUNDARIES

This chapter examines the influence of population distribution on the development and eventual consolidation of precinct borders. Moreover, an attempt is made to explain why Salt Lake County leaders hesitated to grant precinct government to certain communities. Also to be demonstrated is what influence Mormon ward organization had on the formation of precincts in the various county settlements.

In Salt Lake County, early boundaries of judicial precincts bore little relationship to the settlement of people. In most cases, they were not even surveyed. Boundaries were determined by reference to natural features or early man-made landmarks, which makes it hard to fix their precise location. The boundaries were established to allow local government to be easily accessible for the settlers of a general area.

By the mid-1860s, the geographical boundaries of precincts generally were made coextensive with that of local communities. As settlements developed in Salt Lake County there came an increased demand for local government from the citizenry. County leaders, therefore, divided and subdivided the precincts to satisfy the needs of a growing population. (In later years, some precinct boundary changes were also

made when surveys and petitions of local residents helped determine their exact location.)¹

Numerous changes were made during the growth of Salt Lake County's precincts. Dozens of adjustments were made in the boundaries of the four original precincts between their creation in 1850 and their consolidation in 1904. In the decade before consolidation, there were 32 precincts in the county.

On January 31, 1850, the General (legislative) Assembly of the provisional State of Deseret passed an ordinance creating Great Salt Lake County. According to the act, the county included "all that portion of country known as the Valley of the Great Salt Lake, and lying south of Stony Creek."² (Stony Creek was located near Kaysville, Utah.)³ The original boundaries of Salt Lake County comprised the southern part of Great Salt Lake Valley from the Kaysville area on the north to Utah Valley on the south. The General Assembly subsequently divided the county into five precincts, or local governmental units -- Farmer's Precinct, Cottonwood Precinct, Western Jordan Precinct, (Great Salt Lake) City Precinct, and North Canyon Precinct. North Canyon Precinct became part of Davis County when it was created in October of 1850.⁴ (Davis County was created by detaching Davis Valley from Salt Lake and Weber counties, leaving Salt Lake County's dimensions similar to those of today.)⁵

On March 3, 1852, the Territorial Legislature extended Salt Lake County's borders eastward to the summit of the Rocky Mountains, the Territorial line.⁶ (The boundaries of Utah counties were extended to include the entire land area within the Territorial limits.)⁷ At this time,

all the islands in the Great Salt Lake south of the Weber County line were attached to Great Salt Lake County "for election, revenue, and judicial purposes," as was also Green River County.⁸ Attaching other land areas to existing counties was merely for administrative purposes. In early Utah, these land areas were often sparsely settled and were not ready for government organization.⁹

Great Salt Lake County was fully organized on March 15, 1852.¹⁰ At the time of its organization, the county retained the four precincts established under the territory's provisional government. Because the Territorial Legislature had significantly altered the boundaries of the county since the formation of its precincts, the precinct boundaries were also affected.

The original precinct boundaries encompassed large tracts of land. (Note the size of precincts from 1894 to 1904 in Table 5. See also the county's precinct map in figure 2.) For example, the precinct of Salt Lake City was bounded on the north by Davis County, south by Ninth South Street, west by the Jordan River, and east by the county line. West Jordan Precinct included almost half of present-day Salt Lake County. Originally, it comprised all of the county west of the Jordan River. Farmer's Precinct extended from Big Cottonwood Creek (between the Jordan River and about 400 East) and 4500 South Street (between about 400 East and the county line on the east) on the south to Ninth South Street on the north; from the Jordan River on the west to the county limits on the east. Cottonwood Precinct was bounded on the north by Farmer's Precinct, on the south and east by the county limits, and west by the Jordan River.¹¹

TABLE 5

LAND AREA AND POPULATION OF SALT LAKE COUNTY'S PRECINCTS*
1894-1904

Precinct	Population (1900)	Land Area (Square Miles)
1. Big Cottonwood	1,045	10
2. Bingham	1,872	40
3. Bluff Dale	322	23
4. Brighton	230	10
5. Butler	450	25
6. Crescent	420	11
7. Draper	989	35
8. East Mill Creek	442	28
9. Farmers	2,200	5
10. Granger	617	12
11. Granite	178	19
12. Herriman	262	40
13. Hunter	364	42
14. Little Cottonwood	110	24
15. Mill Creek	2,496	12
16. Mountain Dell	325	43
17. Murray	3,302	11
18. North Jordan	859	30
19. North Point	65	17
20. Pleasant Green	465	78
21. Riverton	628	12
(Salt Lake City	53,460	52)
22. First	12,593	7 1/3
23. Second	14,854	10 1/3
24. Third	10,333	15 2/3
25. Fourth	7,269	16

TABLE 5 (continued)

Precinct	Population (1900)	Land Area (Square Miles)
26. Fifth	8,411	2 2/3
27. Sandy	1,663	9
28. Silverton	45	41
29. South Jordan	575	14
30. Sugar, or Sugar House (+Ft. Douglas Military Reservation)	1,780	55
31. Union	757	6
32. West Jordan	1,733	53
Total Population - 77,654 Total Sq. Mileage - 757**		

*Based on square miles shown on the Precinct Map of Salt Lake County, Utah, 1896. Steven K. Madsen, A Union, Utah, History (Union, Utah: Union Fort Chapter, Sons of Utah Pioneers, 1981), p. 90; Population statistics were gathered from the 1900 census of Salt Lake County. See U.S. Bureau of the Census, Twelfth Census (1900), [microfilm of ms] census schedules of Utah: Salt Lake County.

**There are 764 square miles in Salt Lake County. Ward J. Roylance, Materials for the Study of Utah's Counties (Salt Lake City: Ward J. Roylance, 1962), p. 9.

By the creation of Summit County in 1854, the eastern border of Great Salt Lake County fell back to the summit of the Wasatch Mountains.¹² At the time of its establishment, Summit County was placed under the administrative control of Great Salt Lake County, which lasted until 1861.¹³

A minor change was made in the county's boundaries in 1855. The legislature added "all that portion of Davis County lying on the west side of the Jordan River" to Great Salt Lake County.¹⁴ This added land area later became a major part of North Point Precinct created in 1880.

The next change in boundaries came in 1856. The county court, the forerunner of the board of county commissioners, created Drapersville Precinct out of the southern portion of Cottonwood Precinct.¹⁵ This was the first time the county had exercised its authority to create a precinct and alter existing political borders within its own boundaries. Drapersville citizens had petitioned the court for the establishment of precinct government at their community. The county leaders merely satisfied the community's need for local government.

A series of legislative acts passed in 1857 and 1859 did not alter any county boundaries, but made changes in the administrative jurisdiction of Great Salt Lake County and the civil organization of two other counties. In 1857, Carson County and Green River County were disorganized and temporarily attached to Great Salt Lake County.¹⁶ The Mormon settlements there had been abandoned on the approach of the troops of the Utah expedition. Governor Alfred Cumming disapproved this procedure of disorganization of counties. In the summer of 1858, he authorized the

reorganization of both counties. The following January, the legislature reorganized the counties, thereby separating them from the jurisdiction of Great Salt Lake County.¹⁷

In 1862, the legislature again put a land area under the control of the county for election, revenue, and judicial purposes. All the islands of the Great Salt Lake were placed under the jurisdiction of this county. The legislature also completely redefined the county's boundaries to include:

All that portion of Territory, bounded south by Utah County, west by the summit of the range of mountains between Great Salt Lake and Tooele valleys and a line running from the northern termination of said summit through Black Rock on the south shore of Great Salt Lake, north by the shore of said lake, easterly to the mouth of Jordan River, thence by the centre of the channel of said river to a point due west from Hot Springs north of Great Salt Lake City, thence by the summit of the Spur range, terminating at said Hot Springs, to its intersection with the summit of the Wasatch mountains, and east by the summit of said mountains....¹⁸

This delineation of the county's boundaries and jurisdiction was repeated in 1866, with minor additions to clarify the northeast border and to rededicate Salt Lake City as the county seat.¹⁹

In 1863, the county court established ten more precincts in the county. Six precincts were formed in the county outside Salt Lake City: Sugar House, Mill Creek, South Cottonwood (Murray), Big Cottonwood (Holladay), Union, and Fort Herriman. Four precincts were created out of City Precinct in Salt Lake City.²⁰

The map in figure 1 illustrates the boundaries of the various Salt Lake City precincts. Described as an irregular broadfaced "L" hugging the western edge of the Wasatch Mountains, the city was divided into five

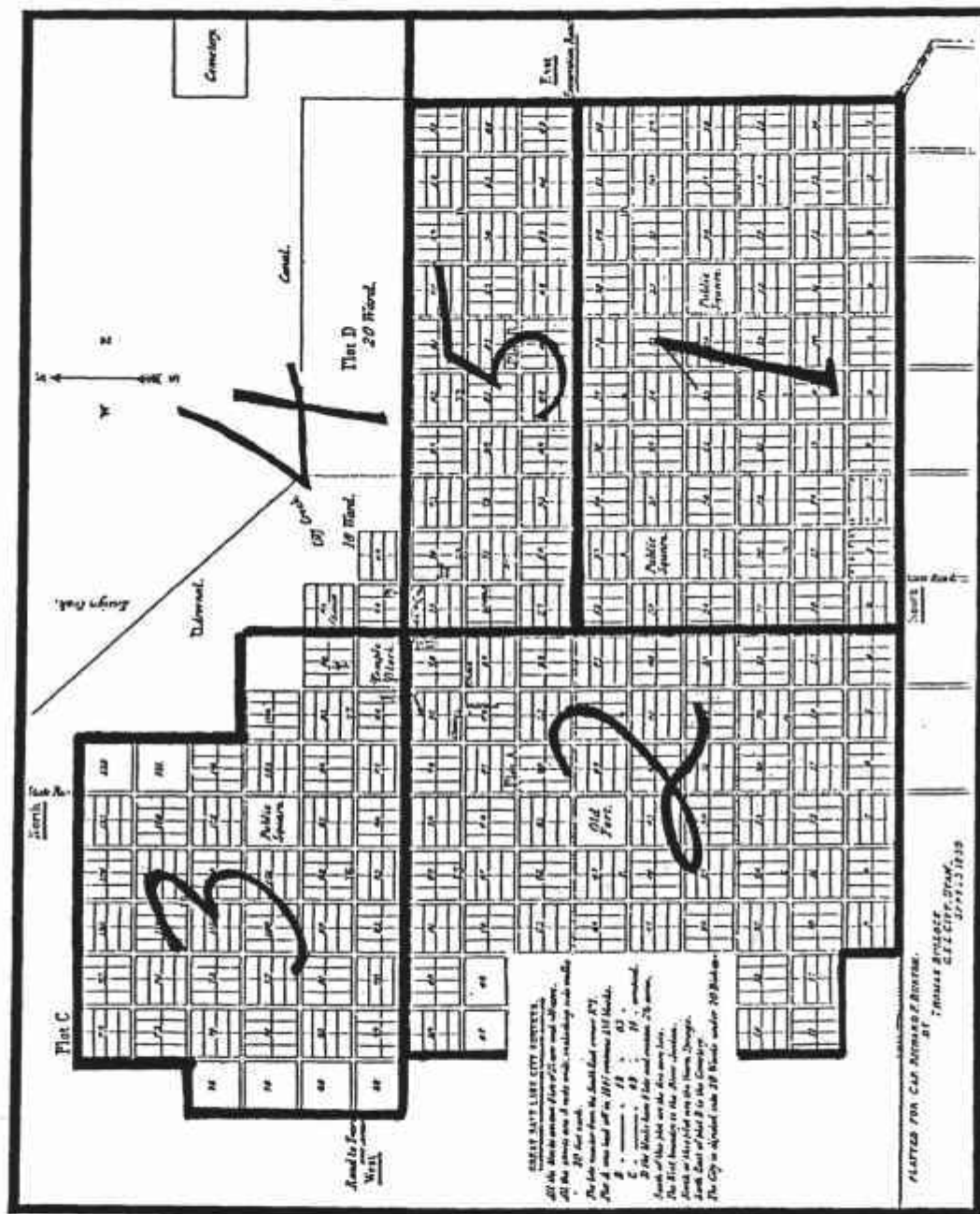


Fig. 1. Boundary Map of Salt Lake City's Precincts.

(Basic map outline derived from Richard F. Burton, City of the Saints and Across the Rocky Mountains to California, edited with an introduction and notes by Fawn M. Brodie (New York: Alfred A. Knopf, 1963), p. 214.)

precincts and subdivided into twenty ecclesiastical wards. Each ward was roughly equal in size; outlying wards, such as Sugar House and Pleasant Green, were irregular and larger.²¹ Salt Lake City's First Precinct comprised the First, Second, Third, Eighth, Ninth, and Tenth wards. The Second Precinct included the Fourth, Fifth, Sixth, Seventh, Fourteenth, and Fifteenth wards. The Third Precinct contained the Sixteenth, Seventeenth, and Nineteenth wards. The Fourth Precinct comprised the Eighteenth, Twentieth, and, later, Twenty-first wards. The Eleventh, Twelfth, and Thirteenth wards were also included in the Fourth Precinct. Later, they comprised the land area of the Fifth Precinct, created in 1874.²²

Even though the Mormon Church was centered here, there was nothing very peculiar about how local precinct boundaries were determined in Salt Lake County. For example, the boundaries of the original precincts did not correspond with local Mormon ward boundaries. Initially, nineteen wards were included within the limits of Salt Lake City Precinct.²³ In addition, on January 11, 1851, the Salt Lake City Council had apportioned the city into four municipal wards.²⁴ Only one judicial precinct, however, was created from these municipal and ecclesiastical wards.²⁵

The precinct boundaries in Salt Lake County outside Salt Lake City also did not conform with local ward boundaries. At the time of Salt Lake County's organization, four wards were fully organized outside of Salt Lake City -- Big Cottonwood, South Cottonwood, Little Cottonwood (Union), and West Jordan.²⁶ (Furthermore, Draperville Ward was organized in the spring of 1852, but did not become a precinct until 1856.)²⁷ Nevertheless, this area was divided into three precincts -- Cottonwood, Farmer's, and Western Jordan precincts.

In 1863, the Salt Lake County Court redistricted the county so as to conform with the boundaries of existing "Bishop's wards." In effect, the county was divided to geographically correspond with local communities. The minutes of the county court on July 21, 1863, give the reasons for the court's actions. (Bear in mind that until statehood, the area of election precincts were coterminous with that of judicial precincts. The two terms, therefore, were used interchangeably.):

The court took under consideration the propriety of reorganizing and redistricting Great Salt Lake County into Districts for Election purposes for the better accommodation and convenience of the voters thereof -- After discussing the matter and being convinced that the necessities of the voting publick required more Election Precincts, It was resolved and ordered by the Court....²⁸

The account of the Court's actions in the Salt Lake City Deseret News gives another set of reasons for dividing the county:

At a special session of the county court for Great Salt Lake County, held on the 21st Inst., several new precincts were formed, or established, and some of the former ones divided and changed, so that outside of Great Salt Lake City the several precincts will now correspond, and be co-extensive with the several Bishop's wards throughout the county. The city was so districted that the election precincts correspond with the municipal wards, which will be far more convenient for election purposes, than under the former arrangement.²⁹

In Salt Lake City, then, the precinct boundaries were changed to correspond with the municipal wards. A city precinct also continued to include several ecclesiastical wards.

TABLE 6

ESTABLISHMENT DATES OF PRECINCTS AND LDS WARDS
AT THE VARIOUS SALT LAKE COUNTY* SETTLEMENTS

Settlement	Date LDS Ward Established	Date County Precinct Established
1. Mill Creek	1849	1863
2. Big Cottonwood (Holladay)	1849	1863
3. Cottonwood (later, South Cottonwood)	1849	1850
4. Union	1849-65, 1877	1863-65, 1877
5. West Jordan	1852	1850
6. Drapersville	1852	1856
7. Sugar House	fully organized 1854	1863
8. Herriman	1858	1863
9. Brighton	1867	1867
10. South Jordan	1877	1867
11. North Jordan	1877	1872
12. Granite	1877	1871
13. East Mill Creek	1877	1877
14. Farmers	1877	1850-63, 1877
15. Mountain Dell	1882	1877
16. Sandy	1882	1872
17. Pleasant Green (Magna)	1882	1874
18. Granger	1884	1878
19. Bluff Dale	1886	1883
20. Riverton	1886	1879
21. North Point	1887	1880
22. Hunter	1888	1880
23. Pleasant View (Crescent)	1896	1894
24. Bingham	1899	1871
25. Butler	1901	1877
26. Silverton	not organized	1871
27. Little Cottonwood (Alta)	not organized	1871

* outside of Salt Lake City

Although the trend, in earlier years, was to create a precinct from an existing ward site, it generally was not adopted in later years. In most cases, precincts were established before Mormon wards were organized at the various settlement sites. Of the 27 county precincts outside of Salt Lake City, 17 were created before ward organization took place.³⁰ Beginning in 1867, almost every Mormon ward that was established in a community outside of Salt Lake City was created after the formation of a local precinct. (See Table 6.) Furthermore, in at least one case, ward boundary lines were changed to become coextensive with precinct boundaries. For example, on January 3, 1883, the presidency of the Salt Lake Stake of the Mormon Church decided

... to change the boundary between the First Ward and the Sugar House Ward so as to conform with the precinct boundary, which runs on a line east and west along Roper Street, sometimes called 10th South Street.³¹

The relationship between ecclesiastical and precinct boundaries, therefore, was not considered sacred.

The county redivided the precincts several times as different population centers developed. (See Table 7.) By the end of 1867, for instance, South Jordan and Brighton precincts were created out of West Jordan Precinct.³² The county, outside of Salt Lake City, was eventually divided into twenty-seven precincts (North Point, above Brighton, is not identified) which are outlined on the map in figure 2.

In the early years of Salt Lake County, there was little relationship between the county's population distribution and the size of

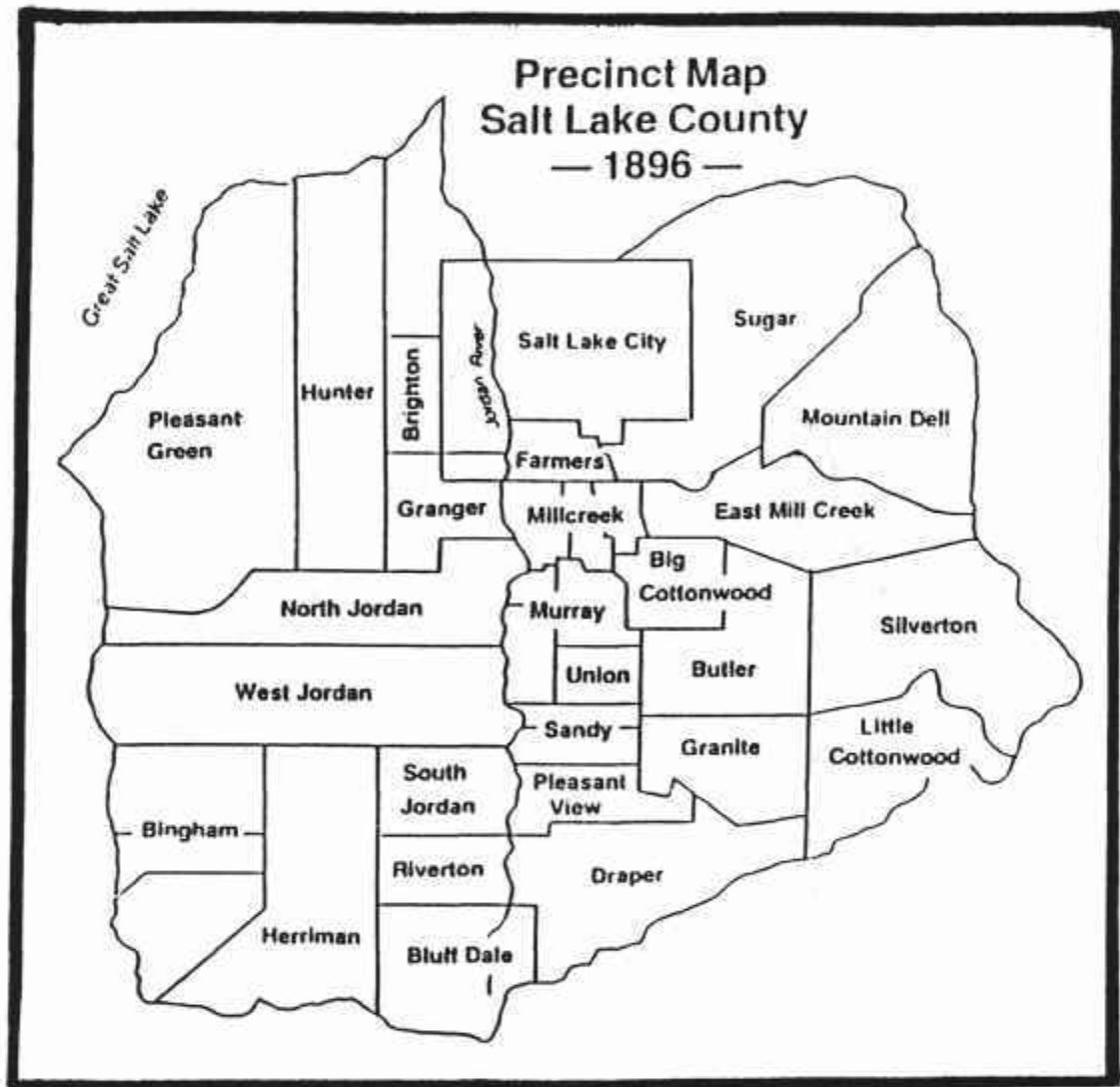


Fig. 2. Precinct Map of Salt Lake County, 1896.

Source: Steven K. Madsen, A Union, Utah, History (Union, Utah: Union Fort Chapter, Sons of Utah Pioneers, 1981), p. 90.

its precincts. In later years, the opposite proved common. Generally, outlying precincts were larger than those closer to the bigger population centers. Outlying areas of the county were sparsely populated due to the nature of the mountainous terrain surrounding the valley. By 1900 there was an average of 34.4 persons per square mile in the county. An average of 1,028 persons inhabited each square mile of Salt Lake City. However, only 17.5 persons lived in precincts bordering the county limits, excluding Salt Lake City. Precincts not bordering the outer perimeters of the county, outside of Salt Lake City, had an average population of 93.3 persons per square mile. (See Table 5.)

Before the coming of the transcontinental railroad in 1869, the population centers of Salt Lake County were largely agrarian. Moreover, the majority of the inhabitants were Mormons. With the completion of the rails, however, came an influx of non-Mormon mining activities in the county, as well as throughout Utah. By 1871, miners had established communities in Bingham, Little Cottonwood, and Big Cottonwood canyons.³³ Perhaps, because of the composition of the new population centers, the county court hesitated to provide them with local government. (County leaders, however, had taken immediate action on petitions for precinct government by Mormon farming communities, such as Draper and South Jordan.) The granting of precinct organization to these communities came months after initial petitions were made to the court for local government. The Little Cottonwood Mining District, for instance, petitioned the county three times before the court took action. Its first petition was made on June 13, 1870. Remonstrances, however, were

immediately made against the petition. On July 1, after much discussion of the matter, the court ordered the petition "to be laid on the table indefinitely." On July 23, Charles H. Hempstead, a former major in Connor's California volunteers at Fort Douglas, appeared before the court "in behalf of the citizens of Little Cottonwood mining districts soliciting that a precinct be established and officers be elected therefore." The court took no action on his verbal petition. Finally, on March 24, 1871, Little Cottonwood became a precinct.³⁴ That same year, Bingham Canyon, Big Cottonwood Canyon (Silverton), and Granite (a smelting and ore hauling town) were granted precinct governments.³⁵

Beginning in 1872, the county court began surveying new precinct boundaries in relationship to township and range lines.³⁶ This made it easier to determine the precise location of precinct borders. As late as 1893, though, the boundaries of several precincts remained obscure. Moreover, the court observed that the boundary definitions of the precincts were "scattered through the records of many years." To remedy the problem, the court passed the following resolution:

Whereas the acts of this Court establishing and defining the boundaries of the Election precincts, Road Districts and School Districts in Salt Lake County are in an inconvenient and not easily accessible form, by reason of being contained in isolated resolutions scattered through the records of many years, and whereas it is desirable that the establishment of all said precincts and districts shall be definitely known and the boundaries thereof accurately established. Be it resolved that the following are hereby declared by this Court to be the Election Precincts in Salt Lake County, and the boundaries thereof respectively, are hereby declared to be established as hereinafter set forth....³⁷

Between 1871 and 1884, twelve more precincts were created in Salt Lake County: North Jordan, Sandy, Fifth (in Salt Lake City), Pleasant Green, Mountain Dell, East Mill Creek, Butler, Granger, Riverton, North Point, Hunter, and Bluff Dale.³⁸ Of the twelve precincts, Pleasant Green deserves special notice. Four years after its creation, the county court ordered that the extent and boundaries of Pleasant Green were to include "all the Islands of Great Salt Lake attached to Salt Lake County for Elections, Revenue, and Judicial purposes."³⁹ Although the islands were put under the administrative jurisdiction of the precinct, this writer has found no further mention of the islands in the county court minutes.

In 1880, the islands of the Great Salt Lake were separated from the administrative control of Pleasant Green Precinct, as well as Salt Lake County. The legislature apportioned "the Waters and Islands of Great Salt Lake to the Counties bordering thereon," and extended slightly the northern boundary of Salt Lake County.⁴⁰ That was the final statutory delineation of the county until two decades after statehood.⁴¹

As was previously noted, from 1852 to 1896, election district and judicial precinct boundaries were identical.⁴² A peculiar set of circumstances, therefore, was encountered when the county court established Crescent Precinct in 1894.⁴³ By then, the Utah Commission, a board of five commissioners appointed by the President of the United States, had administered elections in Utah for 12 years. The commission had been created in 1882 by the passage of the Edmunds Act, which disfranchised the polygamist vote. (In the 1880s government officials launched a crusade to crush the plural marriage system that dominated the

Election Notice!

In accordance with the provisions of Law and by direction of the Board of Registration and Election, notice is hereby given, that

An Election Will Be Held

at Precinct, in County,
Territory of Utah, on

Tuesday, November 6th, 1894,

for the purpose of choosing persons to fill the following offices:

ONE (1) DELEGATE IN THE SEN CHAMBER.

THREE (3) COMMISSIONERS TO LOCATE UNIVERSITY LANDS.

..... DELEGATION TO A CONVENTION TO FORM A CONSTITUTION FOR THE PROPOSED
STATE OF UTAH.

ONE (1) CLERK OF THE COUNTY COURT.

ONE (1) COUNTY RECORDER.

ONE (1) COUNTY ASSESSOR.

ONE (1) COUNTY COLLECTOR.

ONE (1) COUNTY TREASURER.

ONE (1) COUNTY PROMOTING ATTORNEY.

ONE (1) SHERIFF.

ONE (1) COUNTY SHERIFF OR.

ONE (1) COUNTY JUDGE.

THREE (3) JUDGES.

..... JUDICIAL OF THE PEACE FOR PRETEXT.

..... COUNTY FOR PRETEXT.

Said Election will commence at one hour after sunrise, and continue until sunset, on the 6th day of November, 1894.

Dated at Precinct County, Utah Territory,
this 20th day of October, 1894.

Register for Precinct County

Fig. 3. Election Notice Form for Precinct Elections in Utah Territory, 1894. Authorized by the Utah Commission.

Source: Salt Lake City, Utah State Archives (branch), Papers of the Utah State Historical Society, Utah Commission Report, 1883.

political affairs of Utah. The Edmunds Act was a major outcome of that crusade.) The commission's purpose was to supervise elections and to prevent polygamists from voting or from holding public office.⁴⁴ (Note the 1894 election notice form authorized by the Utah Commission for precinct elections, in figure 3.)

At the time the county court created Crescent Precinct, it followed a strict procedure to satisfy the Utah Commission. All resolutions passed by the court, that affected elections or election district boundaries, were submitted to the commission. The court, therefore, directed the county clerk

... to file with the Utah Commission a certified copy of this resolution, of said resolution of December 18th, 1893 [a description of the precinct boundaries] and of so much of said resolution of March 27th, 1893 as describes the extent and boudaries of the election precincts of Salt Lake County.⁴⁵

By the end of the month, the commission had been notified of the establishment of Crescent Precinct.⁴⁶ As a matter of formality, the commission ordered all such communications filed and the new precinct added to the list of existing precincts in the county.⁴⁷

Immediately following statehood, the Salt Lake County Board of County Commissioners divided the election precincts into smaller units, thereby separating the boundaries of the election precincts from those of the judicial precincts.⁴⁸ The commissioners redistricted the county in accordance with the requirements set down in the Legislative Session Laws of 1896⁴⁹ and the census returns of 1890. In most instances, outside of Salt Lake City, the geographical limits of the judicial precincts now comprised from one to three election districts. Because Salt Lake

City was more heavily populated, there were between seven and fifteen districts established in each of its judicial precincts.

Although Salt Lake City's election districts were made smaller to meet the demands of a voting public, there was no need for the number of county judicial precincts that existed in the city. (The city's municipal ward boundaries corresponded with the boundaries of the county judicial precincts.)⁵⁰ In 1902, the five judicial precincts in the city were consolidated into one precinct.⁵¹ Perhaps this was because the judicial needs of Salt Lake City were sufficiently met by ex-officio justices (aldermen) in each of the city's municipal wards. In addition, the county's constables that were assigned to Salt Lake City were doing the same job as that of the city policemen.

Like Salt Lake City, the cities that had been established elsewhere in the county did not need the overlapping services of the city and county. By mid-1904, Sandy, Murray, and Bingham had become incorporated cities with inherent quasi-independent governments.⁵² County precincts were not needed in these cities which had established their own judicial and law enforcement units. Moreover, the justice of the peace system in Salt Lake County experienced a marked decline in the size of its workload by the turn of the century. Even the job of a constable was largely replaced by the office of deputy sheriff. Therefore, in 1904, the board of county commissioners consolidated the county's judicial precincts outside of Salt Lake City. Ten judicial precincts were created out of the existing twenty-seven precincts. The new precincts were given numbers, rather than names as under the old system, to identify them.⁵³ The area

encompassed by each of the newly established precincts no longer was coextensive with the boundaries of local communities. The era of the "community precincts" had ended.

The geographic distribution of individuals was a major influence in the development and decline of community precincts. Precincts which bordered the county limits generally were larger in size and more sparsely populated than those closer to the larger populated communities centered in the valley. As different population centers developed, precincts were established to provide the people with government services. Mining communities, however, were not granted precinct government as promptly as were the more stable Mormon farming communities.

Mormon church policies and practices had only a minor impact on the fundamental changes that took place in the county precincts. The early trend in Salt Lake County was to create a precinct within an existing ward boundary. After 1866, however, nearly every Mormon ward that was created in a community outside of Salt Lake City followed the creation of a local precinct.

Because Salt Lake City was the only incorporated city in the county until 1893, precinct services remained important to the nearby rural communities before statehood. With the incorporation of Sandy, Bingham, and Murray came the overlapping services of city and precinct governments. Because these cities had established their own judicial and law enforcement departments, fewer county precincts were needed. The overlapping services contributed to the move in 1904 to consolidate the precincts.

TABLE 7

DATES OF ESTABLISHMENT AND BOUNDARY CHANGES
OF SALT LAKE COUNTY'S PRECINCTS
1852-1904

Precinct	Established	Remarks
1. Salt Lake City	March 15, 1852	First called City Precinct. Referred to as Great Salt Lake City Precinct on June 25, 1852. Name changed to Salt Lake City in 1868. (Boundaries set January 31, 1850) Disorganized July 21, 1863. Reorganized July 28, 1902.
2. Farmer's	March 15, 1852	Disorganized July 21, 1863. Reorganized December 5, 1877. (Original boundaries set January 31, 1850)
3. Cottonwood	March 15, 1852	Discontinued July 21, 1863. (Boundaries set January 31, 1850)
4. West Jordan	March 15, 1852	First called Western Jordan Precinct. (Boundaries set January 31, 1850)
5. Draper	March 4, 1856	First called Drapersville Precinct. Created from the southern part of Cottonwood Precinct.
6. First	July 21, 1863	First called Great Salt Lake City Precinct No. 1. Created from the southeastern part of Salt Lake City Precinct. (Discontinued in 1902)
7. Second	July 21, 1863	First called Great Salt Lake City Precinct No. 2. Created from the

TABLE 7 (continued)

Precinct	Established	Remarks
		southwestern part of Salt Lake City Precinct. (Discontinued in 1902)
8. Third	July 21, 1863	First called Great Salt Lake City Precinct No. 3. Created from the northwestern part of Salt Lake City Precinct. (Discontinued in 1902)
9. Fourth	July 21, 1863	First called Great Salt Lake City Precinct No. 4. Created from the northeastern part of Salt Lake City Precinct. (Discontinued in 1902)
10. Sugar (Sugar House)	July 21, 1863	Created from the northern part of Farmer's Precinct and the eastern part of Salt Lake City Precinct.
11. Mill Creek	July 21, 1863	Created from the southwestern part of Farmer's Precinct.
12. Big Cottonwood (Holladay)	July 21, 1863	Created from parts of Farmer's and Cottonwood precincts.
13. Murray	July 21, 1863	First called South Cottonwood Precinct. Name changed to Murray on November 19, 1894. Created from part of Cottonwood Precinct.
14. Union	July 21, 1863	Disorganized April 28, 1865. Reorganized December 15, 1877. Created from the southern part of Cottonwood Precinct.
15. Herriman	July 21, 1863	First called Fort Herriman Precinct. Created from the south-central part of West Jordan Precinct.

TABLE 7 (continued)

Precinct	Established	Remarks
16. South Jordan	May 13, 1867	Created from the southeastern part of West Jordan Precinct.
17. Brighton	May 13, 1867	Created from the northern part of West Jordan Precinct.
18. Bingham	February 4, 1871	Created from the western part of Herriman Precinct or the southwestern part of West Jordan Precinct. Enlarged on December 11, 1884.
19. Granite	March 24, 1871	Created from the eastern part of Murray and Draper precincts.
20. Little Cottonwood	March 24, 1871	First called Mineral Precinct. Name changed to Little Cottonwood Precinct July 22, 1871. Created from the southeastern part of Murray Precinct and the extreme eastern part of Draper Precinct.
21. Silverton	June 6, 1871	First called Silver Precinct. Created from the extreme eastern part of Murray and Big Cottonwood precincts.
22. North Jordan (Taylorsville)	June 3, 1872	Created from the northern part of West Jordan Precinct.
23. Sandy	August 16, 1872	Created from the southern part of Murray Precinct.
24. Fifth	July 21, 1874	Created from the Fourth Precinct of Salt Lake City. (Discontinued in 1902)

TABLE 7 (continued).

Precinct	Established	Remarks
25. Pleasant Green (Magna)	July 21, 1874	Created from the western part of Brighton Precinct. Enlarged on April 13, 1878, and Included Islands of the Great Salt Lake.
26. Mountain Dell (Parleys)	November 10, 1877	Created from the eastern part of Sugar House and Big Cottonwood precincts.
27. East Mill Creek	December 5, 1877	Created from parts of Sugar House and Big Cottonwood precincts.
28. Butler (Butlerville)	December 15, 1877	Created from parts of Big Cottonwood, Murray, and Granite precincts.
29. Granger	April 13, 1878	Created from the northeastern part of North Jordan Precinct.
30. Riverton	December 23, 1879	Created from the southern part of South Jordan Precinct.
31. North Point	March 19, 1880	Created from the northern part of Brighton Precinct.
32. Hunter	March 19, 1880	Created from the eastern part of Pleasant Green Precinct.
33. Bluff Dale	December 14, 1883	Created from the southern part of Riverton Precinct and the southwestern part of Draper Precinct. Borders defined on August 27, 1884.
34. Crescent	July 2, 1894	First called Pleasant View Precinct. Name changed to Crescent Precinct June 10, 1895. Created from the northern part of Draper Precinct. (Boundaries set December 18, 1893)

Notes for Chapter III

¹Book D 1882-1890, pp. 194, 203, 218-220, 799-800, Minutes, Salt Lake County Court [and] Commission, Utah State Archives (Branch), Salt Lake City. Hereinafter cited as Salt Lake County Court [and] Commission, Minutes, followed by the book volume, inclusive dates, and page number.

²Dale L. Morgan, "The State of Deseret," Utah Historical Quarterly, 8, nos. 2-4, (1940), pp. 180-181.

³U.S. Work Projects Administration, Utah Historical Survey, Inventory of the County Archives of Utah: No. 18, Salt Lake County (Salt Lake City), (Ogden, Utah: Utah Historical Records Survey, 1941), p. 14, note 4.

⁴Dale L. Morgan, "The State of Deseret," pp. 180-181.

⁵Inventory of the County Archives of Utah: No. 18, Salt Lake County (Salt Lake City), p. 15.

⁶Utah, Acts, Resolutions, and Memorials, Passed at the First Annual, and Special Sessions, of the Legislative Assembly, of the Territory of Utah..., (Salt Lake City: Brigham H. Young, 1852), p. 163.

⁷Inventory of the County Archives of Utah: No. 18, Salt Lake County (Salt Lake City), p. 15.

⁸*ibid.*

⁹James B. Allen, "The Evolution of County Boundaries In Utah," Utah Historical Quarterly, 23, no. 3 (Summer, 1955), p. 265. See also Dale L. Morgan, "The State of Deseret," p. 181.

¹⁰Andrew Jenson, "Salt Lake County," Historical Record, 6, nos. 9-12 (December, 1887), p. 272.

¹¹To fix the precise boundaries of the original precincts, the writer gathered information from the legislative act that created the county and

its precincts as well as from significant data provided in early survey plat maps of Salt Lake County communities. See Pioneer Plat Book, Salt Lake County Recorder's Office, Salt Lake City; Dale L. Morgan, "The State of Deseret," pp. 180-181.

¹²Act Defining Boundaries and Organizing Green River and Summit Counties and Border of Davis County, 13 January 1854, Third Legislative Session (Council) 1854, Salt Lake City, Utah State Archives (Branch); James B. Allen, "The Evolution of County Boundaries in Utah," p. 265.

¹³*Ibid.*

¹⁴*Ibid.*, p. 266; Utah, Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, (Salt Lake City: Joseph Cain, 1855), Chapter 85, pp. 279-280; Inventory of the County Archives of Utah: No. 18, Salt Lake County (Salt Lake City), p. 15. (An 1855 statute gave counties power to subdivide into districts.)

¹⁵Salt Lake County Court [and] Commission, Minutes, Book A 1852-1857, p. 200.

¹⁶Inventory of the County Archives of Utah: No. 18, Salt Lake County (Salt Lake City), pp. 16-17; James B. Allen, "The Evolution of County Boundaries in Utah," pp. 266-267.

¹⁷*Ibid.*

¹⁸Legislature, Act Defining the Boundaries of Counties and for Other Purposes, 17 January 1862, Eleventh Legislative Session (Council) 1861-1862, Salt Lake City, Utah State Archives (Branch); Inventory of the County Archives of Utah: No. 18, Salt Lake County (Salt Lake City), p. 17.

¹⁹*Ibid.*; Utah, Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, (Salt Lake City: Henry McEwan, 1866), p. 208.

²⁰Andrew Jenson, "Salt Lake County," p. 272.

²¹Census Office, Department of the Interior, Report on the Social Statistics of Cities, Compiled by George F. Waring, Jr. Part II: The Southern and Western States, (Washington, D. C.: Government Printing Office, 1887), p. 831.

²²Andrew Jenson, "Salt Lake County," pp. 271-272.

²³*Ibid.*, p. 281. Although nineteen wards were created, the Fifth Ward did not begin functioning until 1853. It also appears that the Eleventh Ward and the Eighteenth Ward were not fully organized until 1851.

²⁴*Ibid.*, p. 305.

²⁵Dale L. Morgan, "The State of Deseret," p. 180.

²⁶Andrew Jenson, "Salt Lake County," pp. 281-343.

²⁷*Ibid.*, pp. 288-289.

²⁸Salt Lake County Court [and] Commission, Minutes, Book B 1857-1874, p. 269.

²⁹Salt Lake City, Deseret News, 22 July 1863.

³⁰Andrew Jenson, "Salt Lake County," pp. 281-343.

See also Manuscript Histories for North Point, Hunter, Crescent, Bingham, and Butler wards in the Archives Division, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City.

³¹Andrew Jenson, "Salt Lake County," p. 308.

³²See Jerry Spangler, "When Precincts Ruled: A Tightly Knit Government," Deseret News (Salt Lake City), 10 March 1982.

³³Andrew Jenson, "Salt Lake County," pp. 281-282, 292-293, 295, 332.

³⁴Salt Lake County Court [and] Commission, Minutes, Book B 1857-1874, pp. 515-516, 524, 532, 583-584.

³⁵*Ibid.*, pp. 571, 583, 592.

³⁶Salt Lake County Court [and] Commission, Minutes, Book B 1857-1874, pp. 689-690.

³⁷*Ibid.*, Book F 1893-1895, p. 13.

³⁸Salt Lake County Court [and] Commission, Minutes, Book B 1857-1874, pp. 673, 689-690; Book C 1874-1882, pp. 36-36, 431-432, 442-444, 456-457, 496, 696-697, 727-728; Book D 1882-1890, p. 86; Andrew Jenson, "Salt Lake County," p. 272.

³⁹Salt Lake County Court [and] Commission, Minutes, Book C 1874-1882, p. 36.

⁴⁰Utah, Laws of the Territory of Utah Passed at the Twenty-Fourth Session of the Legislative Assembly..., (Salt Lake City: Deseret News, 1880), pp. 15-17; Inventory of the County Archives of Utah: No. 18. Salt Lake County (Salt Lake City), p. 17.

⁴¹*Ibid.*, In 1917, the Utah Legislature made its next statutory delineation of Salt Lake County's boundaries.

⁴²On November 12, 1849, the General Assembly of the State of Deseret passed an ordinance regulating elections. Section four of the legislative act reads, "Every Precinct shall compose an Electoral District, and County Judges of each County shall name a house, or place in each Precinct, where the Election shall be held; and appoint three Judges of said Election." Dale L. Morgan, "The State of Deseret," p. 164.

"In 1852 the territorial legislature enacted election laws similar to those of the State of Deseret and provided for the appointment of three judges of election in each voting precinct." James B. Allen, "The Development of County Government in the Territory of Utah, 1850-1896," Unpublished M.A. thesis, Brigham Young University, Provo, Utah, p. 155.

In 1896, the Salt Lake County Board of County Commissioners divided the county's 32 election precincts to create 86 election precincts. The boundaries of the election precincts were thereby separated from the judicial precinct boundaries. Salt Lake County Court [and] Commission, Minutes, Book H 1896-1897, pp. 38-47.

⁴³Salt Lake County Court [and] Commission, Minutes, Book F 1893-1895, 296.

⁴⁴S. George Ellsworth, Utah's Heritage (Santa Barbara and Salt Lake City: Peregrine Smith, Inc., 1872), pp. 322-323.

⁴⁵Salt Lake County Court [and] Commission, Minutes, Book F 1893-1895, p. 296.

⁴⁶Salt Lake City, Utah State Archives (Branch), Utah Commission, Minutes, Book G 1894-1895, pp. 34, 36.

⁴⁷*Ibid.*, pp. 37, 45.

⁴⁸Salt Lake County Court [and] Commission, Minutes, Book H 1896-1897, pp. 38-47.

⁴⁹Utah, Laws of the State of Utah, Passed at the Special and First Regular Sessions of the Legislature of the State of Utah, Held at Salt Lake City, the State Capital, in January, February, March and April, 1896... (Salt Lake City: Deseret News Publishing Co., 1896), p. 521.

⁵⁰From 1863 to 1902, the city's municipal ward boundaries corresponded with the boundaries of the county judicial precincts. Deseret News (Salt Lake City), 22 July 1863.

⁵¹Salt Lake County Court [and] Commission, Minutes, Book M 1901-1903, p. 327; Deseret News (Salt Lake City), 26 July 1902.

⁵²Sandy became a city in 1893. See Roxie N. Rich, The History and People of Early Sandy (Sandy, Utah: Rixie N. Rich, [1975]), pp. 87-88;

Minutes, Book F 1893-1894, pp. 30-32, Utah Commission, Utah State Archives (Branch), Salt Lake City.

In 1902, Murray Incorporated as a city. Murray Bicentennial History Book Committee, The History of Murray City, Utah (Murray, Utah: Murray City Corporation, 1976), pp. 18-19.

Bingham (or Bingham Canyon) became Incorporated as a town in 1904. Marlon Dunn, Bingham Canyon (N.p.: [Marion Dunn], 1973), p. 26; Salt Lake County Court [and] Commission, Minutes, Book N 1903-1905, pp. 209-210, 231.

⁵³Salt Lake County Court [and] Commission, Minutes, Book N 1903-1905, pp. 334-336; Salt Lake City, Deseret Evening News, 3 August 1904.

CHAPTER IV

MINOR PRECINCT OFFICIALS

Justices of the peace filled the most important post in precinct government. However, precincts were more than judicial units. They served as the basic subdivision of county government. The administration of precinct affairs required other officers. Utah's statutes, therefore, created the precinct positions of fenceviewers, poundkeepers, and constables. Law enforcement needs were handled by constables. Controlling stray animals was the job of the estray poundkeeper. Later, it became the responsibility of constables. The job of fenceviewers was to oversee the fencing of lands. Fence construction around farm lands served to confine livestock, define property boundaries, and prevent stray animals from destroying crops.

The authority of each precinct officer varied according to territorial laws and the decisions of the county court. Their powers generally declined with the evolution of precinct government.

The following pages describe the development of minor precinct posts. Precinct officers were elected by their respective precincts. (Beginning in 1872, however, poundkeepers were appointed by the county court.) Officers of the precinct were responsible directly to the county court. (See Figure 4.) Constables and poundkeepers were required to report periodically to the court.

Fenceviewers

The position of fenceviewer was nothing new to America. Early New England towns created the office. These minor officials were required to

... view all the fences and if they found any defect were empowered to make the necessary repairs, and to demand adequate compensation for their services from the owners.¹

The reason for fences was simple: English common law, as practiced by settlers along the Atlantic coast, supported the idea to "fence livestock in." Stock owners, therefore, were held responsible for controlling their livestock. To control the cattle, early colonists built fences from stones, split logs, and boards.²

Under Spanish law, however, farmers were responsible for erecting fences to keep cattle out. Settlers in New Spain and early Texas and California followed the tradition that "the landowner must fence his land if he wished to protect his crops from cattle on the open range." The California Trespass Act of 1850, for instance, adhered to the traditional Spanish law. The act made it clear that farmers were to build fences if they wanted to keep cattle from destroying their crops, orchards, and vineyards.³

With the settlement of Utah came laws that reflected Spanish law⁴ -- to foster grazing and animal husbandry. Early leaders of the territory passed laws to keep livestock where it belonged. Legislation passed in February, 1851, placed the burden of responsibility on the farmer for erecting fences to keep livestock out. It reads in part:

All farming lands used for raising grain, grass, or other agricultural purposes, shall be inclosed with a good and lawful fence sufficient to secure the crop therein from the encroachments of all kinds of peaceable animals.⁵

In the event an animal broke through a "lawful fence," its owner was held responsible for all damages:

Any horse, mule, ox, cow, or other animal or animals, which shall throw down or break over any fence into any inclosure which shall be judged by two or more fence-viewers to be in lawful repair, the owner of such animal shall be liable to the person or persons so damaged for all damages sustained, which may be recovered with costs before any justice of the precinct where such damage shall have been done.⁶

In 1851, the provisional government of the State of Deseret created the position of fenceviewer. Two or more fenceviewers were to be elected to serve for two years⁷ in each precinct. The duty of a fenceviewer was "to examine and decide upon the legality of all fence in their respective precincts."⁸ The General Assembly, or legislature, outlined what was to be a lawful fence:

All fence, four and a half feet high, in good repair, consisting of rails, poles, boards, stone, or other suitable materials, and all fence, of any description whatever, and all brooks, rivers, sloughs, ponds, hedges, or other obstructions, which shall be in the judgment of two or more fence-viewers equal thereto, shall be deemed a lawful fence.⁹

Another duty of the fenceviewer was to see that the law relating to enclosures and trespassing be "faithfully executed."¹⁰ In Utah, fence construction was a community enterprise. Each landowner was

responsible for constructing a section of the fence in proportion to the number of his acres to be enclosed.¹¹ Individual farmers within a joint enclosure were responsible for all damages sustained by fellow landowners due to neglect in maintaining their portion of the fence. The fenceviewer's job was to determine the amount of damages and to see that the guilty party pay for them.¹² In 1870, fenceviewers were allotted twenty-five cents per hour to "examine and give judgment upon any fence within their respective precincts, when required to do so." This fee was assessed against the parties for whom the service was to be performed.¹³ Another purpose for fences in Utah was to limit the holding of land for speculation. In 1848, church leader Brigham Young established a policy of fencing property to provide equality in land ownership. As was noted, a settler was required to erect a fence (and dig an irrigation ditch) in proportion to the area of land that he claimed. The work and cost involved served as an effective bar to anyone's appropriating more property than one needed.¹⁴ A legislative act passed in 1852 reinforced the idea of non-speculation. All claimed surveyed lands were to be enclosed within one year. If not, the land again became common land and could be appropriated to any person applying for it.¹⁵

Newspaper accounts in the early 1850s are replete with notices of land sales because owners were delinquent in paying for fence repairs done by others.¹⁶ Precinct fenceviewers apparently were not involved in the repairing of these fences or in the subsequent land seizures. Committees were elected by the ecclesiastical wards and other groups of landowners within joint enclosures for "governing and controlling" such

enclosures.¹⁷ This was in accordance with a law passed in 1852 to regulate joint enclosures and division fences. A year later, the territorial legislature repealed the law.¹⁸

In 1869, Utah adopted a fence law that reflected English common law:

... Owners of horses, mules, cattle, hogs, sheep, goats and other domestic animals shall be held liable to pay all damages done by said animals upon the premises of other persons, whether said premises be protected by fence or not.¹⁹

Although the 1869 legislation adopted English common law, the discretionary powers of the county court allowed precincts to accept or reject the concept of fence construction. Thirty-four citizens of Draper petitioned the county court in 1875 for permission to hold a local election to determine whether or not the "fence act" would be inoperative in their precinct. The court granted them their request and appointed a special election to be held in their community to decide the issue. The records show that out of the 49 votes cast, only five votes were "in favor of fencing."²⁰ In 1878, Pleasant Green was also granted permission to conduct an election "to vote upon the questions of Fence or no Fence."²¹ The Deseret News reported that the election turnout "was quite numerously attended." The newspaper added, "The voting was done by ballot. There appeared to be quite a large proportion of those present in favor of the no-fence system."²² The minutes of the county court recorded the results of the election: 75 voters desired "no fence," 28 citizens favored fences. The court accepted the mandate of the community. It declared Pleasant Green subject to the provisions of the

law passed in 1869 that held livestock owners liable for all damages done by their animals to fenced, or unfenced, property belonging to others.²³

Despite the mention of fenceviewers in Utah's statutes and the importance of fences in general, fenceviewers were not required to file bonds to qualify for office as did other precinct officers. In addition, they are not listed in Salt Lake County election records after 1854.²⁴ In the 1856 election, fenceviewers are cited in the local newspaper's election notice, but only those from Salt Lake City Precinct.²⁵ Two years later, the official election papers named all of the county and precinct officers who were elected in Salt Lake County, "not including Fence Viewers & Pound Keepers."²⁶ Furthermore, research shows no mention of fenceviewers in the minutes of the county court, from its inception in 1852 until statehood.²⁷ At the time of statehood, Utah's laws did not provide for the office, and the service discontinued.

Estray Poundkeepers

Like the fenceviewer, the historical origins of the office of poundkeeper can be traced to the town governments of early New England.²⁸ This position was carried westward with the spread of America's governmental institutions to the frontier. In Utah's frontier period, estray pounds were established under the temporary (1847-1849) ecclesiastical government of the Mormons. No provision was made, however, for the office of poundkeeper. Estrays were simply "delivered over to the marshall, or the Bishops of the several wards."²⁹

In February, 1851, the State of Deseret created the poundkeeper post and provided for the construction and maintenance of estray

pounds.³⁰ (This act was later ratified by the Utah legislature.)³¹ The costs of building and repairing pounds were to be paid by the county. Precinct pounds were to be located at or near the center of each community. The people of each precinct, "at the time of their election," were empowered to elect a "suitable person" to be keeper of the pound.³² Although no particular term of office was specified, the law implied that poundkeepers serve a two-year term.³³ The laws of 1866 clarified the matter by specifically commissioning them to a term of two years.³⁴ According to the original ordinance, the keeper of the precinct estray pound was required to

... receive, brand, and take care of all stray or unruly animals driven to him, and keep a description, together with the several certificates of appraisal and bills of damage and costs, and take them away; and if no such owner shall appear and prove property within six months, then the avails of such animal or animals shall be paid into the Perpetual Emigrating Fund for the Poor.³⁵

Under this provision, an alliance of church and state existed. Public funds were to be used to support Mormon immigration. The Perpetual Emigrating Fund (P. E. F.) Company was designed to supply poor Mormon converts in Europe with money to pay for the costs of their pilgrimage to Utah. After the immigrants reached Utah, the objective was to repay the P. E. F.³⁶ One of the major sources of funds for the P. E. F. came from the sale of estray cattle, including mules, horses, sheep, and swine. The P. E. F. collected "upwards of a thousand dollars per year" from estray livestock sales. In one year alone, the amount reached \$2,152.00.³⁷

After 1866, the income from pounds was given to the county school fund to support common schools.³⁸ Only the surplus money from

the sale of estray animals reached the P. E. F. or the county school fund. Much of the revenues raised by this source went to defray the costs incurred by the poundkeeper. It required capital to build and maintain the pounds. Cost-bills recorded in the county court minutes of 1872 show expenditures for construction of a precinct pound. One William C. Neal reported that he had "contracted with Latimer & Taylor for Lumber & posts to build stray pound in 2nd precinct S. L. City." The county court appropriated \$48.44 for "boards & scantling." It also paid \$16.55 from the estray pound account of the county treasury "for nails, hinges, locks and bolts, and putting up fence."³⁹ Later, another \$8.50 was allotted to William C. Neal for "cedar post for Pound."⁴⁰

In 1852, the duties of the estray poundkeeper were slightly increased. The legislature directed poundkeepers to inspect the brands of all trains and droves of cattle passing through their respective precincts. The ordinance stipulated that they impound, as stolen property, any improperly branded cattle.⁴¹ The law required livestock owners, for instance, to reverse the brand on any cattle they sold or disposed of. Brands not belonging to the individual claiming to own the livestock in his possession, that had not been reversed, were considered illegal.⁴² A legislative enactment of 1866 stated that unbranded cattle also risked impoundage. Any stock, over eighteen months old, running at large without a recorded mark or brand were judged estrays.⁴³

Animals often ran loose on the range in different portions of Salt Lake County. To help the settlers round up the loose livestock, the county court arranged periodic stock drives. At the end of a drive, remaining livestock would be delivered to a poundkeeper for impoundage, to be sold

later as estrays. An example of a stock drive, was the general roundup ordered in November of 1864 by the county court. A committee of twelve men were appointed to superintend the drive, select the time for the drive, and make all other necessary arrangements. The committee issued its report on December 3rd. One hundred three horsemen were paid \$5.00 each per day. Eight dollars per day was allotted for each of the seven baggage wagons that were used in the drive. Livestock owners were charged \$1.50 for each animal delivered to them on the first day of each drive and \$2.00 each on the second day. Notice of the general drive was advertised in the Deseret News and the Daily Telegraph. Revenues from the drive came to \$1,146.70. Nevertheless, the costs of the drive exceeded the funds collected from the livestock owners by \$287.80. Money raised from the selling of estrays, would make up for the deficit. The committee's report discussed the matter of estrays:

... We had remaining 136 head of Horned Cattle and 60 head of Horses. Many of these animals had neither Marks or Brands.

These animals were, by us, duly delivered over to Briant Stringham, Pound Keeper, with an understanding on our part, that they should be kept during the winter on some good range, and in the spring to be brought again to Great Salt Lake City, and duly advertised; and then sold according to law.⁴⁴

Utah statutes required a poundkeeper to make a semiannual report of damages and costs to the clerk of the county court.⁴⁵ Surpluses from the sales of strays were often reported by poundkeepers in their reports. Few reports showed the costs of impoundage exceeding the assests from the sale of livestock. In some cases livestock could not be sold. Provisions were made, however, to reimburse the poundkeeper for his costs. In 1876, the poundkeeper of Sugar House Precinct "incurred

liabilities to the amount of Twenty five 50/100 Dollars on cattle which could not be disposed of at Public Sale." The county court authorized him to "retain out of the surplus fund of said precinct pound the amount due him."⁴⁶

To sell an animal in his possession, a poundkeeper had to publish a notice in the newspaper or post notices "in three of the most public places in the precinct" twenty days in advance of the sale.⁴⁷ Poundkeepers were required to search for the owners of stray or unruly animals, however, before they conducted a sale. The law ordered them to refer to the record of brands, "or other diligent search," to locate the owners of impounded cattle.⁴⁸ For that purpose, Utah's territorial government demanded that a record book of marks and brands be sent to all precinct poundkeepers.⁴⁹ Other diligent searching of owners was usually done by advertising the acquisition of restrained livestock, and a description of each, in the local newspaper. In 1864, Poundkeeper Charles Nowlan of Union Precinct, for instance, published the following notice three times:

WHOSE COW? I have in my possession a dark-brown Cow, white face, bob-tail, about eight years old; branded CC on left horn, reversed U on left shoulder, and A. S. on right hip. The owner is requested to prove property, pay charges and take her away.⁵⁰

The amount of fees that poundkeepers were allowed to collect were detailed in the laws of 1866. Poundkeepers could charge an impounding fee that was not to exceed one dollar a head for horses, mules, cattle, swine, or goats; ten cents for sheep. Fees for keeping animals were governed by the price of forage or the price demanded for pasturage or herding. One half of the impounding fees were to be paid into the county treasury. Fees for "registry" were twenty-five cents a head for horses or

"cattle kind"; ten cents for sheep, goats, or swine. Poundkeepers could also charge fees for advertising, not to exceed twenty-five percent above the publisher's price. Furthermore, keepers of pounds could collect "a fair compensation for time and expenses" for locating the owners of estrays and for delivering animals to the county poundkeeper.⁵¹

The office of county poundkeeper was created in 1866. With the creation of that post, the responsibilities of the precinct poundkeeper were slightly changed. It became his duty to forward to the county poundkeeper all animals remaining unclaimed or not taken away within fourteen days from commitment. After public notice was issued, animals not claimed and taken away from the county pound within thirty days, were to be sold at public auction.⁵²

In 1872, the county poundkeeper post was replaced by that of the district poundkeeper. Territorial legislation authorized the establishment of one to four district pounds in each county.⁵³ In Salt Lake County, four district pounds were erected.⁵⁴ Poundkeepers of precincts where district pounds were established were designated as district poundkeepers. The job of selling stray animals now went to the keeper of the district pound.⁵⁵

The method of selecting officers for the district and precinct pounds changed in 1872. The legislature granted county courts the authority to appoint poundkeepers.⁵⁶ Nevertheless, the selection of precinct poundkeepers was not always well-conceived. Often appointees would not accept the post or file the necessary bonds. Resignations became commonplace.⁵⁷ In 1890, therefore, the position was abolished. The functions of the office were transferred to the precinct constable.⁵⁸

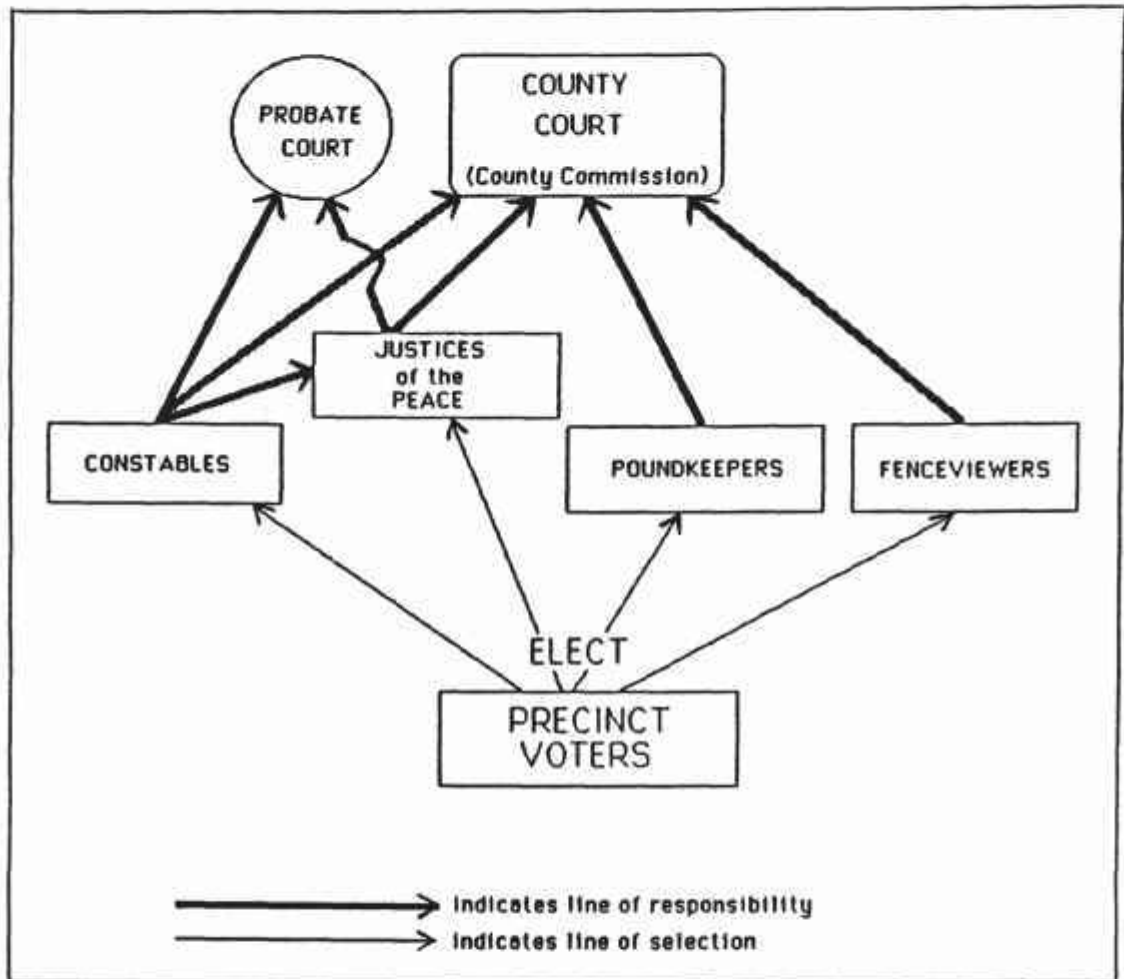


Fig. 4. Precinct Government, 1870.

See charts 1 and 2 in James B. Allen's "The Development of County Government in the Territory of Utah, 1850-1896," unpublished M. A. thesis, Brigham Young University, Provo, Utah, 1956, pp. 164-165.

Constables

The historical roots of the office of constable are relatively obscure. The term "constable" was introduced in England as early as the year 1252. It was first cited in a writ of King Henry III for enforcing "watch and ward."⁵⁹ It is generally agreed, however, that the position was created earlier.⁶⁰ Some sources trace the post of constable back to Alfred the Great (870-901).⁶¹ Although impossible to determine exactly when it was established, the office was well-defined by the time of America's discovery.⁶² Moreover, a power relationship existed as far back as the fourteenth century between the office of constable and that of the justice of the peace. The constable had become subordinate to the justice of the peace.⁶³

Early settlers in America brought with them the system of maintaining peace that had evolved in England. Consequently, the office of constable was incorporated into the colonial society. Constables became the overseers of law enforcement in the Atlantic seaboard towns.⁶⁴

The methods of local administration that had developed in the East followed the settlement of the West. In the Great Basin, the office of constable was created by the State of Deseret. The provisional state government allowed each precinct to elect two constables.⁶⁵ Utah's territorial legislature, however, provided for the election of one precinct constable, unless the county court judged that the "public good" required more than one.⁶⁶ The constable's term of office was set at two years.⁶⁷ As peace officer, he was to

... attend the sessions of the court of the justice of the peace, whenever so required, serve papers, post notices, and perform such other duties as are required by law.⁶⁸

Territorial laws stated that all fines collected by a constable were to be paid into the county treasury.⁶⁹ In criminal cases, he would submit a bill of costs to the county court.⁷⁰ If the court determined that the bill was justified, the constable would be reimbursed.⁷¹ His fees in civil cases came from the litigant.⁷²

The salary of a constable consisted of fees fixed by statute for each official act.⁷³ In 1859, the government of Utah established a table of court fees and costs from which judicial officers and peace officers were to be compensated. According to the law, a constable received a twenty-five cent fee for each summons or warrant that he served. His income for serving a subpoena was fifteen cents. He was allotted fifty cents for summoning a jury. For committing a person to prison, a constable was rewarded twenty-five cents. His compensation for travel costs amounted to five cents per mile.⁷⁴

A constable's geographical jurisdiction was limited by statute. A constable could serve an arrest warrant "in any county or district within the Territory."⁷⁵ A constable, however, was a precinct officer.⁷⁶ Outside of the precinct, he had little jurisdiction. As in other regions across the country, his power to execute process, or serve a warrant, beyond his immediate district came "rather from jurisdiction of the magistrate than from his own."⁷⁷ The jurisdiction of a county magistrate, or justice of the peace, was county-wide.⁷⁸ When necessary, courts of justice with jurisdiction that extended to the territorial borders could also commission the services of constables.⁷⁹

Communities sometimes required the services of more than one constable. In the vast majority of cases, only one constable was assigned

to each precinct. Bingham was one of the exceptions. When Bingham Precinct was established in 1871, the county court appointed a constable and a justice of the peace to serve the mining populace.⁸⁰ By 1875, however, Bingham was in the middle of a population surge. In the 1870s, the population jumped from two hundred seventy-six to more than one thousand. The predominantly male population sought robust recreation. Boxing matches, gambling activities, and saloon drinking created the need for additional law enforcement.⁸¹ This need was recognized by the electors of the community. In 1875, two hundred eighty-eight citizens of Bingham petitioned the Salt Lake County Court for the appointment of additional officers for their precinct. Forty other residents signed a remonstrance against the petition.⁸² It took the conservative court only three weeks to decide the issue. The court ordered that two constables, as well as two justices of the peace, be assigned to the precinct.⁸³ Nevertheless, for Bingham, two constables were not enough. In this case, the county court took an unusual step. Before year's end, the court appointed a "deputy constable" to serve the precinct.⁸⁴

At various times, citizens of Bingham, as well as other precincts, became concerned less with the number of constables serving them than with the lack of local jail facilities. One of the general duties of a constable, it appears, was that of serving as a keeper of the local county jail.⁸⁵ Records show that local county jails were established in Bingham, Sandy, Murray,⁸⁶ and Little Cottonwood precincts.

Alta, the postoffice name for Little Cottonwood Precinct, was a mining settlement located twenty-seven miles southeast of Salt Lake

City. The mining town was established some eighteen miles above the mouth of Little Cottonwood Canyon. After the discovery of the Emma silver mine thousands of people drifted up the canyon between 1865 and 1873. In 1872, Alta's population stood at 5,000. Scattered over the flat were more than one hundred buildings, six breweries, and twenty-six saloons. Between 1867 and 1873, in two saloons alone, more than one hundred ten killings had occurred.⁸⁷

The violence in the community, as well as its relative isolation, drove Alta's judicial leader to petition the county government for a local jail.⁸⁸ In 1872, the county court granted the precinct citizenry a county jail. The minutes of the Salt Lake County Court itemized the building expenses for the "Little Cottonwood prison." Lumber costs came to \$414.00. The shingles, doors, and sash amounted to a \$73.00 expenditure. Fifteen dollars were allotted "for making Hinges etc." Twenty-five dollars went "for Excavation cellar Cottonwood prison." The sum of \$36.70 was paid for nails. The court also appropriated \$2.60 for shackles.⁸⁹

In 1876, the former warden of the Utah Penitentiary gave Salt Lake County the use of his iron cages. The county court, subsequently, offered Sandy and West Jordan precincts the use of the cages "until called for."⁹⁰ Later, when the residents of Sandy petitioned the county for the erection of a lockup, the court denied them their request.⁹¹ County records show, however, that a local jail was ultimately established in Sandy Precinct.⁹²

By 1874, the Salt Lake County Court had also granted a jailhouse to the populace of Bingham Precinct.⁹³ In 1877, Bingham's two constables and justices of the peace wrote to the court "in relation to a jail in said

precinct." The communication seems to suggest that by then the Bingham Jail was in poor condition.⁹⁴ Three years later, the court seriously investigated the condition of the facility.⁹⁵ The following year, it ordered "a jail built in Bingham Precinct on the ground where the other was." The proposed dimensions of the building were "16 x 26 feet in the clear." Two members of the county court were appointed to serve as a committee to attend to the building of the jail "at the earliest convenience."⁹⁶ Nevertheless, it appears that as late as June of 1885, the court had not taken any action: The court announced that it would "arrange for a Jail as soon as practicable."⁹⁷ Finally, in November, the court appropriated \$300.00 for the erection of the lockup.⁹⁸ It is uncertain what other appropriations went for the jail's erection or when the building was completed. Regardless of the duration of construction, four years later, Bingham's justice of the peace wrote to the county court asking for "the keys of the Bingham Jail."⁹⁹

Besides acting as local jailors, constables had the unsavory task of disposing of dead animals. In 1870, constables, as well as other peace officers, were given the responsibility of removing or burying animals found dead within the limits of any community, or "near any main traveled Territorial or county road." In Salt Lake City, decaying animals were a constant problem. Rather than pay removal costs after the inopportune death of a horse, owners frequently left the carcass lying in the street. Local newspapers often reported about dead animals lying along the roadside for days.¹⁰⁰ As a health precaution, if peace officers removed a dead animal, they were to take the remains one half of a mile

from any settlement, one quarter of a mile from any main traveled road, and "twenty rods from any spring, running stream, or water ditch."¹⁰¹

In 1890, constables assumed the duties of estray poundkeepers.¹⁰² Peace officers were also given the leverage to arrest the owners of estray livestock and prosecute them.¹⁰³ Some constables were reluctant to discharge their newly acquired duties. At times, the county commission charged constables to fulfill their responsibilities as ex-officio poundkeepers. In 1902, for instance, the county commission became concerned with the damage that sheep droves were causing to the farms along Twelfth South Street. The commissioners instructed the constable of Farmer's Precinct to "take charge of the trespassing sheep."¹⁰⁴ The peace officer of Bingham Precinct had to be reminded of his duties and the statutes that authorized him to act as poundkeeper. The officer was instructed "to put a stop to horses running loose in the streets of Bingham." He was to "arrest the owners of horses running at large in Bingham and prosecute them under the provisions of Section 4275, Revised Statutes." If there were any strays found among the loose horses, he was to "take charge of them as constable and poundkeeper."¹⁰⁵

Riverton's constable was also reluctant to act in the capacity of poundkeeper. In 1903, a resident of the precinct complained to the county commission of stray horses doing damage to his property. He claimed that he "had notified the Constable, who had refused to act in the matter." The county commission ordered a communication sent to the constable, "calling his attention to his duties" under the provisions of the law.¹⁰⁶ Such admonitions did little to change the reluctance of constables to perform their poundkeeping duties.

Besides constables hesitating to act as poundkeepers, by this time the county commissioners considered most precinct officers to be incompetent.¹⁰⁷ In 1904, therefore, the Salt Lake County Commission passed a resolution making fewer precincts.¹⁰⁸ At the time the judicial precincts were consolidated, the Deseret News briefly explained the problem:

The reason for the change is because of the fact that under the statutes each precinct is entitled to a justice of the peace and a constable, for whom there has been so little business in the past that it was impossible to secure competent persons to do the work.¹⁰⁹

Now eleven constables would assume the workload that at the turn of the century had been assigned to thirty-two constables.¹¹⁰

Among the minor precinct officials, only the constable's position remained after statehood. Salt Lake County's precincts assumed a smaller role as local districts for judicial and law enforcement needs. The posts of fenceviewer and poundkeeper were no longer required.

In 1869, the role of fenceviewers was effectively diminished by the adoption of a new fence law. Livestock owners became responsible for all damages done by their animals to fenced, or unfenced, property belonging to others. Farmers were no longer liable for damages to their unfenced lands. The county court, however, allowed communities to decide whether they wanted to fence property or not. Communities began rejecting the concept of fence construction.

Statutory measures by the legislature also reduced the authority of precinct poundkeepers. The district poundkeeper post took the job of selling stray animals away from the keeper of the precinct pound. After

the county court began appointing precinct poundkeepers, their selections often were ill-conceived. Many appointees would not accept the post or file the necessary bonds. Poundkeepers often resigned their posts. In 1890, the legislature transferred their powers to the constables who were reluctant to accept them.

Constables were reluctant to discharge their duties as ex-officio poundkeepers. The county commission charged constables to fulfill their new responsibilities. Constables continued to hesitate performing their poundkeeper duties despite the admonitions by county leaders and the mandates of territorial law.

The conditions of a frontier environment modified territorial law. Although Utah law assigned county sheriffs to act as keepers of county jails, it appears that constables also served in that capacity. The violence in the mining communities, as well as their relative isolation, led to the establishment of four local county jails. Jails were constructed in Bingham, Sandy, Murray and Little Cottonwood. It is believed that constables, as local law enforcers, served as keepers of these jails.

Traditional practice, even with unruly communities, dictated that no more than two constables serve in each precinct. Nevertheless, the rambunctious atmosphere of Bingham's populace in 1875 led to the appointment of another constable. In an unprecedented move, the court created the position of deputy constable to serve the precinct's law enforcement needs.

Notes for Chapter IV

¹John F. Sly, Town Government in Massachusetts, 1620-1830 (Cambridge: Harvard University Press, 1930), pp. 40, 42.

²David Dary, Cowboy Culture: A Saga of Five Centuries (New York: Avon Books, 1981), pp. 308-309.

³Ibid., p. 310.

The herd laws of the American Southwest, nevertheless, reflected English common law brought westward by settlers. Herd laws made cattle owners responsible for damages, even though the livestock may have broken through the fence or gotten loose by other means. Ibid.

⁴Ibid.; Dale L. Morgan, "The State of Deseret," Utah Historical Quarterly, 8, nos. 2-4 (1940), p. 110.

⁵Utah, Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah (Salt Lake City: Joseph Cain, 1855), p. 107; Utah, Laws and Ordinances of the State of Deseret (Utah). Compilation 1851: Being a Verbatim Reprint of the Rare Original Edition, with an Appendix, (Salt Lake City: Shepard Book Company, 1919), p. 71.

⁶Ibid., p. 70.

⁷Executive Proceedings and Elections and Commissions, Book A 1850-1854, p. 277, Utah State Archives (Branch), Salt Lake City.

⁸Utah, Laws and Ordinances of State of Deseret, p. 72.

⁹Ibid.

¹⁰Ibid.

¹¹Dean L. May, "Economic Beginnings," in Utah's History, ed. Richard D. Poll, et. al. (Provo, Utah: Brigham Young University, 1978), p. 202.

¹²Utah, Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah (Salt Lake City: Joseph Cain, 1855), p. 107.

¹³Utah, Acts, Resolutions and Memorials, Passed and Adopted during the Nineteenth Annual Session of the Legislative Assembly of the Territory of Utah (Salt Lake City: Joseph Bull, 1870), pp. 127-128.

¹⁴Steven K. Madsen, A Union. Utah. History (Union, Utah: Union Fort Chapter, Sons of Utah Pioneers, 1981), p. 22; Feramorz Young Fox, "The Mormon Land System: A Study of the Settlement and Utilization of Land Under the Direction of the Mormon Church," 1932, p. 145, Church Library, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City; Leonard J. Arrington, Great Basin Kingdom: Economic History of the Latter-day Saints, 1830-1900 (Lincoln: University of Nebraska Press, 1966), pp. 51-52.

¹⁵Utah, Acts Resolutions and Memorials, Passed by the First Annual, and Special Sessions, of the Legislative Assembly, of the Territory of Utah, Begun and Held at Great Salt Lake City, on the 22nd Day of September, A.D., 1851 (Salt Lake City: Brigham H. Young, 1852), pp. 66-67; Charles Brooks Anderson, "The Growth Pattern of Salt Lake City, Utah, and Its Determining Factors" (Ph.D. dissertation, New York University, 1945), pp. 10-11.

¹⁶Deseret News (Salt Lake City), 21 August 1852, 18 September 1852, 8 January 1853, 4 June 1854.

¹⁷Deseret News (Salt Lake City), 19 February 1853.

¹⁸*Ibid.*

¹⁹Utah, Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah, from 1851 to 1870 Inclusive (Salt Lake City: Joseph Bull, 1870), p. 3.

²⁰Salt Lake County Court [and] Commission, Minutes, Book C 1874-1882, pp. 110, 249-251, Utah State Archives (Branch), Salt Lake City.

²¹*ibid.*, p. 495.

²²Deseret News (Salt Lake City), 27 April 1878.

²³Salt Lake County Court [and] Commission, Minutes, Book C 1874-1882, p. 502.

²⁴Election Papers, Box 1, 1851-1859, Secretary of State, Utah State Archives (Branch), Salt Lake City.

²⁵Deseret News (Salt Lake City), July 23, 1856.

²⁶Secretary of State, Election Papers, Box 1, 1851-1859.

²⁷Salt Lake County Court [and] Commission, Minutes, Books A-G, 1852-1896.

²⁸Sly, Town Government in Massachusetts, p. 40.

²⁹Journal History of the Church, 28 April 1849, Archives Division, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City.

³⁰Utah, Acts, Resolutions and Memorials, Passed at Several Annual Sessions (1855), pp. 105-106.

³¹Arrington, Great Basin Kingdom, p. 100.

³²Utah, Acts, Resolutions and Memorials, Passed at Several Annual Sessions (1855), p. 105.

³³A precinct election was held every two years. Local citizens could choose one poundkeeper at the election.

³⁴Utah, Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah (Salt Lake City: Henry McEwan, 1866), p. 212.

³⁵Utah, Acts, Resolutions and Memorials, Passed at Several Annual Sessions (1855), p. 105.

³⁶Madsen, Union, p. 37.

³⁷Arrington, Great Basin Kingdom, p. 100.
The year was 1859.

³⁸Allen, "Development of County Government in Utah," p. 150.

³⁹Salt Lake County Court [and] Commission, Minutes, Book B 1857-1874, pp. 681, 694.

⁴⁰*Ibid.*, p. 718.

⁴¹Allen, "Development of County Government in Utah," p. 149.

⁴²Utah, Acts, Resolutions and Memorials, Passed at Several Annual Sessions (1855), p. 166.

⁴³Utah, Acts, Resolutions and Memorials, Passed at Several Annual Sessions (1866), p. 211.

⁴⁴Salt Lake County Court [and] Commission, Minutes, Book B 1857-1874, pp. 312, 316-317. See also Allen, "Development of County Government in Utah," pp. 65-67.

⁴⁵Utah, Acts, Resolutions and Memorials, Passed at Several Annual Sessions (1855), p. 106.

⁴⁶Salt Lake County [and] Commission, Minutes, Book C 1874-1882, pp. 223-224.

⁴⁷Utah, Acts, Resolutions and Memorials, Passed at Several Annual Sessions (1855), p. 106.

A statute of 1852, from page 166 of the above source, stipulated that whenever branded animals were impounded, the poundkeeper was to display notices in four public places in the county.

⁴⁸*Ibid.*, p. 105.

⁴⁹*Ibid.*, p. 167.

⁵⁰Deseret News (Salt Lake City), 27 July, 17, 24 August 1864.

⁵¹Utah, Acts, Resolutions and Memorials, Passed at Several Annual Sessions, (1866), p. 213.

⁵²*Ibid.*, pp. 212-213.

⁵³Utah, The Compiled Laws of the Territory of Utah, Containing All the General Statutes Now in Force (Salt Lake City: n. p., 1876). p. 177; Allen, "Development of County Government in Utah," pp. 149-150.

⁵⁴Salt Lake County Court [and] Commission, Minutes, Book D 1882-1890, pp. 130-131, 199.

In 1884, district pounds were located at Brighton, South Cottonwood, West Jordan, and Draper.

⁵⁵Utah, Compiled Laws of Utah (1876), pp. 177-179; Allen, "Development of County Government in Utah," p. 150.

⁵⁶Utah, Compiled Laws of Utah (1876), p. 177.

⁵⁷See Salt Lake County Court [and] Commission, Minutes, Book D 1882-1890, pp. 436, 483, 533, 686, 690, 724, 755.

⁵⁸Utah, Laws of the Territory of Utah, Passed at the Twenty-ninth Session of the Legislative Assembly (Salt Lake City: Deseret News Company, 1890) p. 83; Allen, "Development of County Government in Utah," p. 150.

⁵⁹W. L. Melville Lee, A History of Police in England, Patterson Smith Reprint Series in Criminology, Law Enforcement, and Social Problems, no. 119 (London: Methuen & Co., 1901; reprint ed., Montclair, New Jersey: Patterson Smith, 1971), pp. 55-56.

⁶⁰*Ibid.*

⁶¹*Ibid.*, p. 57; John A. Humphrey and Michael E. Milakovich, The Administration of Justice: Law Enforcement, Courts and Corrections (New York: Human Sciences Press, 1981), pp. 36-37.

⁶²*Ibid.*, p. 37.

⁶³*Ibid.*, pp. 37-38.

⁶⁴*Ibid.*, p. 40; Raymond B. Fosdick, American Police Systems, Patterson Smith Reprint Series in Criminology, Law Enforcement, and Social Problems, no. 53 (New York: The Century Co., 1920; reprint ed., Montclair, New Jersey: Patterson Smith, 1969), pp. 58-59.

⁶⁵Morgan, "The State of Deseret," pp. 164, 173.

⁶⁶Utah, Acts, Resolutions, and Memorials, Passed by the First Annual, and Special Sessions, of the Territorial Assembly of the Territory of Utah... (Salt Lake City: Brigham H. Young, 1852), p. 48; Allen, "Development of County Government in Utah," p. 148.

⁶⁷Morgan, "State of Deseret," pp. 164, 173; Utah, Acts, Resolutions, and Memorials, Passed by First Annual, and Special Sessions, of Territorial Assembly (1852), p. 48.

⁶⁸George Thomas, Civil Government of Utah (Boston: D. C. Heath & Co., 1912), p. 101.

⁶⁹Utah, Acts, Resolutions, and Memorials, Passed by First Annual, and Special Sessions, of Territorial Assembly (1852), p. 50.

⁷⁰See Cost Bill of James Maxfield, 29 January 1877, Salt Lake County Court, Receipts, 1878, Utah State Archives (Branch), Salt Lake City.

⁷¹See two examples of constable's bills that were allowed by the county court in Salt Lake County Court [and] Commission, Minutes, Book B 1857-1874, pp. 128, 730.

⁷²Interview with John Sindt, Salt Lake County, Constables Association, Midvale, Utah, 22 August 1985.

⁷³Thomas, Civil Government of Utah, p. 101.

⁷⁴Act Concerning Costs and Fees of Courts and for Other Purposes, 21 January 1859, Eighth Legislative Session (Council), 1858-1859, Utah State Archives (Branch), Salt Lake City.

⁷⁵Utah, Acts, Resolutions, and Memorials, Passed by First Annual, and Special Sessions, of Territorial Assembly (1852), p. 49.

⁷⁶Morgan, "State of Deseret," p. 164.

⁷⁷Walter H. Anderson, Clyde Bowen, and Gus Carr Anderson, A Treatise on the Law of Sheriffs, Coroners and Constables, with Forms, 2 vols. (Buffalo, New York: Dennis & Co., Inc., 1941), 1: 8, n. 10.

⁷⁸Utah, Acts, Resolutions, and Memorials, Passed by First Annual, and Special Sessions, of Territorial Assembly (1852), pp. 49-50.

⁷⁹Utah, Acts and Resolutions Passed at the Third Annual Session of the Legislative Assembly of the Territory of Utah (Salt Lake City: Ariele C. Brower, 1854), p. 20.

⁸⁰Salt Lake County Court [and] Commission, Minutes, Book B 1857-1874, p. 571.

⁸¹U. S. Work Projects Administration, Writers' Program, Utah: A Guide to the State (New York: Hastings House, 1941), p. 318.

⁸²Salt Lake County Court [and] Commission, Minutes, Book C 1874-1882, pp. 117-118.

⁸³*Ibid.*, p. 123.

⁸⁴*Ibid.*, pp. 193, 205.

In later years, the Salt Lake County Board of County Commissioners appointed a deputy constable for the Fourth Precinct. See Book M 1901-1903, p. 166.

⁸⁵Utah legislation assigned county sheriffs to act as jailors or keepers of the county jail. Nevertheless, selectmen, or members of the county court, were designated as ex-officio directors of county jails. (See Utah, Compiled Laws of Utah (1876), p. 128.) By law, the county court had the power to authorize the construction of county jails in outlying areas. Jails were erected in at least four precincts outside of Salt Lake City. It is assumed that constables who served in those precincts had the additional duty of local jail keeper. Research shows no evidence of any sheriffs or deputy sheriffs acting as jailors of the county branch jails before 1890. In 1904, the county sheriff was given the "exclusive charge" of a branch county jail in Precinct No. 6. See Salt Lake County Court [and] Commission, Minutes, Book N 1903-1905, p. 418.

⁸⁶*Ibid.*, Book M 1901-1903, p. 524.

⁸⁷U. S. Work Projects Administration, Utah: A Guide to the State, pp. 285-286.

⁸⁸Salt Lake County Court [and] Commission, Minutes, Book B 1857-1874, pp. 665, 669.

⁸⁹*Ibid.*, pp. 684, 693, 699.

⁹⁰*Ibid.*, Book C 1874-1882, p. 237.

⁹¹ Salt Lake County Court [and] Commission, Minutes, Book D 1882-1890, p. 78.

⁹² *Ibid.*, p. 740.

⁹³ *Ibid.*, Book B 1857-1874, pp. 718, 774.

⁹⁴ *Ibid.*, Book C 1874-1882, p. 436.

⁹⁵ *Ibid.*, pp. 713, 723, 887.

⁹⁶ *Ibid.*, p. 893.

⁹⁷ *Ibid.*, Book D 1882-1890, p. 287.

⁹⁸ *Ibid.*, p. 349.

⁹⁹ *Ibid.*, p. 729.

¹⁰⁰ John S. McCormick, Salt Lake City: The Gathering Place (Woodland Hills, California: Windsor Publications, 1980), p. 47.

¹⁰¹ Utah, Compiled Laws of Utah (1876), pp. 182-183; Allen, "Development of County Government in Utah," p. 148.

¹⁰² *Ibid.*

¹⁰³ Salt Lake County Court [and] Commission, Minutes, Book M 1901-1903, pp. 252-253.

¹⁰⁴ *Ibid.*, p. 252.

¹⁰⁵ *Ibid.*, pp. 252-253.

¹⁰⁶ *Ibid.*, p. 519.

¹⁰⁷ Deseret Evening News (Salt Lake City), 3 August 1904.

¹⁰⁸*ibid.*; Salt Lake County Court [and] Commission, Minutes, Book N 1903-1905, pp. 334-336.

¹⁰⁹Deseret Evening News (Salt Lake City), 3 August 1904.

¹¹⁰Salt Lake County Court [and] Commission, Minutes, Book N 1903-1905, pp. 334-336.

CHAPTER V

CONCLUSION

An attempt has been made in this thesis to answer some of the basic questions regarding precinct government: What were the major influences in the development and decline of precinct government? To what degree did factors such as geographic distribution of individuals, the influence of precinct officers, the availability of governmental services, the political conditions of the period, and the policies and practices of Mormon Church leaders, generate changes in Salt Lake County's precinct organization? What was the justification for the community precincts' long existence? The following paragraphs address those questions.

The major influences in the development and decline of community precincts were the geographic distribution of individuals, the availability of government services, and the enactments of the Utah Legislature. Other factors played a minor role in the evolution of precincts. However, the instinct for imitation and the obedience to precedent were, perhaps, the reasons for the long existence of community precincts.

The boundaries of a precinct were generally coterminous with those of local communities. A precinct had no administrative leader. It is best described in terms of what it did rather than how it was organized. Within its geographic borders it had control over stray animals, property

enclosures, and judicial and law enforcement matters. These were services needed by frontier settlements.

Before statehood, when Salt Lake County was primarily rural and governmental functions were limited, community precincts adequately met the basic governmental needs of a local populace. Furthermore, the very nature of the precinct organization (popularly elected officers from a limited geographic and population base) promoted public participation in the government.

The officers of a precinct were independently elected officials. Utah statutes created the precinct positions of justices, constables, poundkeepers, and fenceviewers. Later legislative enactments, however, lessened the jurisdiction of some precinct officers which contributed to their declining socio-political status. The fence law of 1869, reflecting English common law, effectively diminished the role of fenceviewers. Statutory measures by the legislature also reduced the authority of justices of the peace. The legislature eliminated their powers as election judges and decreased their authority to act as coroners. The Utah Legislature also established a fee system by which precinct authorities would be compensated for their services. The more official acts performed by the officers, the more income they could anticipate. (In districts where few public services were needed, there was little financial incentive for office seekers.)

Because of the decreased size in the workload of precinct officers in some communities, few competent persons agreed to serve. Lack of capable men and adequate means to earn a livelihood from public posts in the precincts, constituted a serious obstacle to the efficiency of local

government. Consolidating community precincts provided a broader base from which to choose candidates competent for public office.

Because Salt Lake City was the only incorporated city in the county until 1893, the functions of the precinct were important in the nearby rural communities before statehood. With the development in the county of two more municipalities soon after statehood, came the overlapping services of city and precinct governments. The dual services contributed to the move in 1904 to consolidate precincts. Eleven districts were created out of the thirty-two precincts that existed at the turn of the century. Fewer county precincts were needed now that cities had established their own judicial and law enforcement units. The county no longer considered community precincts to be adequate.

The conditions of a frontier environment (mining communities with often unruly inhabitants and vast distances from rural settlements to county jails) effected at least one modification of territorial laws. According to Utah law, only county sheriffs and their deputies were assigned as keepers of county jails. It appears, however, jails were located in at least four communities in Salt Lake County. Utah statutes granted authority to county leaders to act as ex-officio directors of county jails. The writer believes that the county delegated this authority to constables to solve local law enforcement needs.

Mormon church policies and practices had only a minor impact on the fundamental changes that took place in the political development of county precincts. A few changes, however, may be attributed to the church's influences. Polygamy, as one may expect, did work upon local

politics. Political conditions over the issue of polygamy forbade polygamists from participating in all levels of government in Utah. Beginning in 1882, therefore, polygamists, could not vote or hold office in county precincts.

The same conditions that prohibited polygamists from participating in political matters, required the county to register all changes in precinct boundaries with the Utah Commission. Therefore, when Crescent Precinct was organized in 1894, the county notified the commission of its establishment. It also submitted a description of the precinct boundaries to the supervising committee.

Another influence was the church's hierarchy. Although leaders of the Mormon church in 1849 nominated bishops as candidates for local justices of the peace, it was only a temporary move. In later years, fewer bishops sought the office. A survey of bishops serving in 1887 in the county precincts, showed that only two were serving as justices of the peace.

A case may be made that during the early years the trend was to create a precinct within an existing ward boundary. However, as time passed, the opposite proved common. After 1866, nearly every Mormon ward that was created in a community outside of Salt Lake City followed the creation of a local precinct. Furthermore, the trend after 1866 was to create Mormon wards from existing precinct sites.

An alliance of church and state existed from 1851 to 1866 when public funds from precinct estray pounds helped support Mormon immigration. Surplus money from the sale of estray animals was given to

the Perpetual Emigrating Fund Company to help poor converts pay for their travel costs to Utah.

This thesis has shown the need for at least three topics for further study. A seemingly insignificant, yet obvious issue concerned estray animals. According to Utah statutes, beginning in 1890 local constables were responsible for estray animals. The records have revealed, however, that precinct constables were reluctant to discharge their duties as ex-officio poundkeepers. Animal control in recent years has been administered by the county health department or an independent division of the department of human services. Portions of animal control have been contracted to the private sector. A study of this topic may determine if the hesitancy of constables to accept this duty led to the transfer of animal control to other agencies.

Another study might show if elements of precinct government served as a catalyst to implement municipal government in growing communities. The successful incorporation of the precinct institution in Bingham, Sandy, and Murray, may have generated the concept of municipal organization in these communities to secure more governmental services. The writer has found evidence to indicate that some of these cities incorporated after petitions to the county for more public services proved unproductive. It is plausible Salt Lake County would be an excellent setting for further study on this question.

The documented Mormon influence that deserves future study concerns Mormon bishops. Several historical publications on Utah's territorial period suggest that Mormon bishops, as ecclesiastical leaders,

performed several, if not most, civil functions for their communities. It appears, however, that in early Salt Lake County settlements, bishops who performed public services held public positions. Bishops, as well as their assistants (counselors), often played dual roles. Nevertheless, on many occasions they executed public tasks within their official jurisdictions. For example, when a local ecclesiastical leader supervised the division of water among the populace, he sometimes did so in his official capacity as district water superintendent. If he adjudicated a civil suit, it was often in his legal role as justice of the peace. (James B. Allen's article, "Ecclesiastical Influence on Local Government in Utah," Arizona and the West (Spring, 1966), has approached this issue, as it regards Utah and Davis counties.) Donald Gene Pace surveyed the bishop's role in Utah in his work, "Community Leadership on the Mormon Frontier: Mormon Bishops and the Political, Economic, and Social Development of Utah Before Statehood" (Ph.D. dissertation, Ohio State University, 1983). Pace, however, did not address the question of whether undue historical credit has been given to bishops for public services in frontier communities. A study, focusing on this aspect of the early Mormon bishop institution in Utah's larger population centers, might make such a determination.

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APPENDIX

Salt Lake County Justices of the Peace, 1852-1904

Adamson, Alexander G. Brighton, 1882, 1884, 1886.
 Alexander, John T. Hunter, 1900.
 Allen, Daniel R. West Jordan, 1858.
 Allen, Orson. Fourth Precinct, 1898.
 Allen, William L. N. Fourth Precinct, 1874, 1876, 1878, 1880.
 Allsop, Thomas. South Jordan, (appointed) May 1867; West Jordan, 1870.
 Alston, Christopher. Sugar (House), 1898.
 Argent, Jesse. West Jordan, (appointed) April 1888, 1890, 1892.
 Arrington, N. O. Mineral (Little Cottonwood), (appointed) March 1871.
 Baker, William. Silver (Silverton), 1896.
 Bateman, John T. Little Cottonwood, (appointed) September 1876, 1877, 1879, 1881.
 Beckstead, Samuel H. South Jordan, 1896.
 Bennion, John. North Jordan, 1876.
 Bennion, Samuel. West Jordan, 1853, 1874.
 Bills, George W. Bluff Dale, 1902.
 Bills, Parley. South Jordan, 1900.
 Bishop, F. M. Farmers, 1900, 1902.
 Bitner, Breneman B. Big Cottonwood (Holladay), 1870, 1872, 1874, 1876.
 Blair, George E. Fourth Precinct, 1890, 1892.
 Blazer, James B. Fourth Precinct, (appointed) January 1894.
 Boss, R. Brighton, 1902.
 Boyce, John. Granite, 1894.
 Bradford, William. South Cottonwood (Murray), 1886.
 Brandner, A. G. Little Cottonwood, 1871, (resigned) 1872.
 Bringhurst, John B. North Jordan, 1892.
 Bringhurst, Samuel. North Jordan, 1882, 1884.
 Brinton, David. Big Cottonwood, 1863.
 Brinton, David B. Big Cottonwood, 1902.
 Brown, A. S. Crescent, 1898.
 Brown, Elisha. Draper, 1902.
 Brown, James C. Sandy, 1898, 1900.
 Brunton, John. Bingham, 1882, (appointed) November 1886.
 Burgon, Willard C. Union, 1882, 1884, 1886, 1888.
 Burnham, Andrew. Willow Creek (Draper), 1866.
 Burnswood, Joseph J. Little Cottonwood, 1875, 1894.

- Burrows, William. Sandy, 1902.
- Burton, Willard C. Second Precinct, 1884, 1886, 1888.
- Butler, Alva John. Granite, 1900, 1902.
- Butterfield, Samuel. Fort Herriman, 1894, 1898, 1900, 1902.
- Cahoon, Andrew. South Cottonwood, 1863, 1866.
- Carn, David. Sugar House, 1863.
- Case, George W. Little Cottonwood, 1874, (resigned) 1874.
- Christensen, George. East Mill Creek, 1902.
- Clark, Frank H. Salt Lake City, 1902.
- Clark, Lorenzo S. Sugar, 1881, 1883.
- Clinton, Jeter. Great Salt Lake City, 1858, 1860, 1862, 1863, 1864, 1866;
Fourth Precinct, 1868, 1870.
- Cochran, James H. Hunter (appointed) 1886, 1886.
- Cohitection, D. S. First Precinct, 1892.
- Collins, C. H. Little Cottonwood, 1892.
- Cook, Melvin D. Granger, 1880.
- Cooley, Andrew W. Brighton, (appointed) May 1867.
- Cope, Francis. Third Precinct, 1884.
- Cowley, Matthias F. Second Precinct, 1882.
- Crane, Henry. Fort Herriman, 1881, 1883.
- Crane, James S. Fort Herriman, 1875, 1877, 1879, 1885.
- Crismon, George. Second Precinct, 1874, 1876.
- Crump, Heber. Fort Herriman, 1892.
- Cushing, F. L. Bingham, 1891.
- Cutler, Benjamin L. West Jordan, 1872, 1874, 1876, 1878, 1880, 1882,
1884, 1886, (died in office) 1886.
- Dansie, George H. Riverton, 1900.
- Davis, O. F. Farmers, 1896.
- Despain, Solomon J. Granite, (appointed) March 1871, 1871, 1873, 1875,
1877, 1880.
- Dickson, Bines. Mountain Dell, 1892.
- Draper, William. Draper, 1856.
- Draper, Zemira. Draper, 1858, 1860.
- Earl, Joseph H. North Point, 1902.
- Ells, Nathaniel. Bingham, (appointed) March 1875.
- Ennis, Willard B. Draper, 1890, 1896.
- Enos, C. H. Little Cottonwood, 1875.
- Fagg, John B. East Mill Creek, 1884.
- Fairbourn, William. Crescent, 1902.

Farr, Aaron. Great Salt Lake City, 1852.
 Fitzgerald, John. Draper, 1880, 1882.
 Foote, Warren. Cottonwood, 1854, 1856, 1858.
 Frame, Archibald. North Jordan. 1902.
 Freeman, John J. Fort Herriman, 1889, 1891, 1896.
 Frost, Samuel B. Draper, 1862.
 Fuller, William. First Precinct, 1888.
 Gabbott, John. Farmers, 1890.
 Gardner, Archibald. Farmers, 1857.
 Garn, Daniel. Sugar, 1866, 1870.
 Gee, William W. Fifth Precinct, 1888, 1890, 1892; First Precinct, 1896.
 Gibbs, Horace. Great Salt Lake City, 1853, (1856?), 1858.
 Gibson, Jacob. Sugar, 1872, 1876.
 Goldthart, John W. Sandy, 1872, 1876.
 Greenway, Richard. Silver, 1873, 1875, 1877.
 Gregg, William C. Butler, 1889.
 Guest, Edward F. M. Millcreek, 1882, 1884.
 Hall, Clarence W. Second Precinct, 1890, (1892?), (died in office) 1893.
 Hardy, William B. Mountain Dell, 1885, 1888, 1894, 1896, 1898.
 Harker, Joseph. West Jordan, 1860, 1862, 1866, 1868; North Jordan, 1878.
 Harris, John H. Second Precinct, (appointed) March 1894.
 Harrison, Isaac. Sandy, (appointed) August 1872, 1877, 1879, 1880, 1882, 1884, 1886.
 Harrop, J. J. Butler, 1902.
 Hartviksen, Emil. Sandy, 1894, 1896.
 Harvey, William J. Second Precinct, (appointed) December 1893, 1894.
 Hawkes, George A. Farmers, 1894.
 Heaton, A. D. Bingham, (appointed) September 1871.
 Heintze, Ferdinand F. Big Cottonwood, 1880.
 Heintze, Ferdinand F., (Jr.?). Big Cottonwood, 1900.
 Hendricks, James. Great Salt Lake City, 1854.
 Herriman, Henry. West Jordan, 1852.
 Hillman, Ira K. Fort Herriman, 1863.
 Holm, Charles. Murray, 1902.
 Holman, W. A. Third Precinct, 1894.
 Holt, John. South Jordan, 1882.
 Holt, Joseph M. South Jordan, 1894, 1898.
 Hood, Nicol. Sugar, 1894, 1896.

- Horne, Joseph. Third Precinct, 1878; Second Precinct, 1880.
Horne, William J. Granger, 1896, 1898.
Howe, Richard. South Cottonwood, 1888.
Hullinger, H. C. Farmers, (resigned) November 1862; Silver, (appointed) 1871, 1871.
Jacobson, A. O. Little Cottonwood, (appointed) January 1904.
Jensen, James. Draper, 1888.
Jenson, Andrew. Third Precinct, 1886.
Johnson, Luke. Western Jordan, (appointed) April 1854.
Johnston, James. Sugar, 1889.
Jones, Silas S. Butler, 1898.
Kellar, Alva S. East Mill Creek, 1896, 1898, 1900.
Kelson, John H. Fifth Precinct, 1894.
Kesler, Frederick. Pleasant Green (Magna), 1874, 1876.
Kinney, L. B. Bingham, 1872, 1876, 1878, 1880, 1882.
Kroeger Gustave. Fifth Precinct, (appointed) March 1891; Fourth Precinct, 1900.
Laird, James. Mountain Dell, (appointed) November 1877, 1878, 1880.
Lambert, Edward. Pleasant Green, 1880, 1882, 1884, 1886, 1888, 1892.
Langford, W. E. North Point, 1888.
Layton, C. E. Hunter, 1898.
Lee, George. Bingham, 1891, 1896, 1898, 1900, 1902.
Lemine (or Levine), Samuel D. Great Salt Lake City, (appointed) December 1861.
Lind, Neils. West Jordan, 1896.
Lindsay, Joseph S. North Jordan, 1896.
Lochrie, Peter. Fifth Precinct, (appointed) January 1894; First Precinct, 1900.
Lunnen, Edmund G. Crescent, 1896, 1900.
McDonald, Francis. Big Cottonwood, 1882, 1884.
McGhie, James. Sugar, 1878.
Mackie, Simon F. Sugar, 1902.
McMaster, Alexander. Fifth Precinct, 1896, 1898.
McMillan, David A. Murray, 1900.
McMillan, William. South Cottonwood, 1873; Butler, 1879.
McNulty, William B. Bingham, 1889.
Margetts, Frank R. Third Precinct, 1896.
Mason, Ambrose T. Bluff Dale, 1896.
Meayher, James Drew. Mineral (Little Cottonwood), (appointed) 1871.

- Meek, W. H. Sandy, 1875.
- Merrill, William W. Bluff Dale, 1884, 1891, 1892, 1894.
- Mickelsen, James. Pleasant View (Crescent), (appointed) July 1894, 1894.
- Miller, Charles E. Riverton, 1880, 1882, 1884, 1889, 1891, 1892, 1894, 1896.
- Mills, William Gill. Little Cottonwood, (appointed) 1871, (appointed) 1872, 1872.
- Mineer, William S. Bingham, 1874.
- Miner, Aurelius. Great Salt Lake City, 1860, (appointed) December 1861; Second Precinct, 1863, 1864.
- Monk, James T. Silver, 1886, 1891, 1892, 1894.
- Monteer, Henry C. Union, 1892, 1894, 1896, 1900.
- Morris, Joseph E. East Mill Creek, 1882, (appointed) November 1894.
- Morris, Joseph N. Hunter, 1880.
- Moses, Julian. Millcreek, 1878; East Mill Creek, 1880.
- Muir, James A. Granite, 1891.
- Musser, St. Joseph W. Sugar, 1900.
- Nebeker, John. Great Salt Lake City, 1860.
- Nebeker, John L. Third Precinct, 1892.
- Neilson, Peter A. Draper, 1898.
- Nielsen, Charles M. Third Precinct, 1898, 1900.
- Oliver, James A. South Jordan, 1891, 1892.
- Oliver, Samuel. East Mill Creek, 1886, 1888, 1890, 1892, 1894.
- Olmstead, George A. Mountain Dell, 1900.
- Osgathorpe, John. East Mill Creek, 1882.
- Page, Thomas P. Riverton, 1898.
- Panter, William. Union, 1902.
- Pardee, James D. First Precinct, 1898.
- Park, John R. Draper, 1868.
- Parsons, Arthur. Third Precinct, 1888, 1890.
- Perrin, S. C. Bingham, 1875.
- Phelps, W. W. Second Precinct, 1865, 1866.
- Phillips, Ishmael. Union, 1880.
- Pixton, Seth. Riverton, 1902.
- Pratt, Alma. Farmers, 1878, 1880, 1882, 1884, 1886, 1888.
- Pyper, Alexander C. Fifth Precinct, 1874, 1876, 1878, 1880.
- Pyper, George D. Fifth Precinct, 1882, 1884, 1886.
- Quinn, Bernard B. Bingham, 1890, 1892.

- Raleigh, Alonzo H. Great Salt Lake City, 1856, 1862; Third Precinct, 1874, 1878.
- Rawlins, James R. Draper, 1900.
- Reid, George A. Pleasant Green, 1894.
- Richards, Samuel W. Second Precinct, (1866?), 1868, 1870, 1872.
- Richards, Silas. Union, 1863; South Cottonwood, 1868, 1870, 1872, 1874, 1876; Union, 1878.
- Ridd, William. Hunter, 1892, 1894, 1896.
- Rideout, David O., Jr. Draper, 1884, 1886.
- Rider, John. Millcreek, 1900, 1902.
- Rudy, Frank H. North Point, 1892.
- Rudy, Orson W. North Point, 1894.
- Russell, Thomas W. Millcreek, 1888, 1890, 1892.
- Sanders, Heber. Murray, 1898.
- Sanders, James. South Cottonwood, 1894.
- Saville, George. Millcreek, 1896.
- Schoenfeld (or Shonfeld), Frederick W. Brighton, 1875, 1877, 1879, 1881.
- Scott, John. Farmers, 1858, 1860.
- Sells, William H. First Precinct, 1894.
- Serine, Samuel D. [or Lemine, Levine] Great Salt Lake City, (appointed) December 1861.
- Shields, Henry. Little Cottonwood, 1879.
- Simmon, F. H. Little Cottonwood, 1881.
- Simmons, Joseph F. Fourth Precinct, 1882.
- Sims, Edward. Little Cottonwood, 1884.
- Smith, Dana T. Fifth Precinct, 1900.
- Smith, John G. Farmers, 1852, 1854.
- Smith, John William. Draper, 1892.
- Smith, Manasseh, Sr. Granger, 1894, 1900, 1902.
- Smoot, W. C. A. Sugar, 1891, 1892.
- Snedaker, John F. Farmers, (appointed) December 1862; Millcreek, 1863, 1864, 1866, 1868, 1870, 1872, 1874, 1876, 1878, 1880, 1886.
- Snow, William. Great Salt Lake City, 1852, 1854.
- Sommer, Morris. Second Precinct, 1896, 1898, 1900.
- Spencer, George M. North Jordan, 1886.
- Spencer, Samuel G. Pleasant Green, 1900, 1902.
- Spencer, William J. North Jordan, 1894, 1900.

- Spiers, Adam. First Precinct, 1866, 1870, 1874, 1876, 1878, 1880, 1882, 1884, 1886.
- Staker, Nathan H. Butler, 1892.
- Stevenson, Henry R. Big Cottonwood, 1886, 1888, 1891, 1892, 1894, 1896, 1898.
- Stewart, Charles B. Fourth Precinct, 1896.
- Stewart, Levi. Cottonwood, 1852; Big Cottonwood, 1866.
- Stewart, Samuel W. Fourth Precinct, 1894.
- Stocking, John J. Fort Herriman, 1868.
- Stout, Hosea, Jr. Big Cottonwood, 1878.
- Stringfellow, R. H. Draper, 1894.
- Sutton, Henry. Brighton, 1900.
- Sutton, Richard S. Hunter, 1888.
- Tanner, Martin H. Granger, 1878, 1884, 1886, 1888, 1890.
- Tarbell, Samuel W. Farmers, 1892.
- Taylor, Samuel B. Pleasant Green, 1896.
- Terry, Joshua. Draper, 1869, 1870, 1872, 1876, 1878.
- Terry, Thomas S. Cottonwood, 1860.
- Thompson, Andrew W. Granite, 1898.
- Thompson, William, Jr. Granite, 1883, 1885, 1892.
- Thomson, Christopher J. North Point, 1885.
- Thomson, James. North Point, 1880.
- Tipton, Jacob H. South Cottonwood (Murray), 1890, 1892, 1896.
- Tripp, Enoch B. Third Precinct, 1872; South Cottonwood, (appointed) January 1876, 1876.
- Trott, Otto Von. Bingham, 1877.
- Turnbull, Gideon P. Bingham, (appointed) August 1891, 1892, 1894.
- Turner, William A., Jr. Bluff Dale, 1900.
- Van Valkenburg, Peter. Cottonwood, (appointed) December 1862.
- Varnes, James A. Little Cottonwood, 1872, 1877.
- Walk, Henry J. Brighton, 1888.
- Walker, John H. Union, 1890, 1898.
- Watrous, R. H. Silverton, 1902.
- Webb, Frank. Bingham, 1879.
- Webster, John. North Jordan, (appointed) October 1880, 1888, 1891.
- Webster, John W. North Jordan, 1898.
- West, Alma H. Bluff Dale, 1898.
- Wheadon, John W. South Jordan, 1902.

- Wheeler, Thomas A. South Cottonwood, 1878, 1880.
 Whitehorne, D. S. First Precinct, 1892.
 Whitmore (or Whitmon), I. (or J.) M. Second Precinct, (appointed)
 September 1861.
 Wickersham, Lewis G. Brighton, 1896.
 Wilder, James G. (or A.). Bingham, 1880, (appointed) June 1885.
 Wilkin, Richard C. Granger, 1892.
 Williams, Joseph J. West Jordan, 1894, 1898, 1900, 1902.
 Williams, Thomas. Draper, 1864.
 Williams, Zebedee. Butler, 1896.
 Wilson, John R. Farmers, 1898.
 Wilson, William W. Sandy, (appointed) 1888, 1890, 1892.
 Wing, Samuel J. Fort Herriman, (appointed) February 1871, 1871, 1874.
 Winward, John William. South Jordan, 1870, 1872, 1874, 1876, 1878,
 1880.
 Wixom, S. A. Granite, 1896.
 Wood(s), John. Butler, 1891, 1894.
 Wooley, Orson A. South Cottonwood, 1882, 1884.
 Young, LeGrande. Third Precinct, 1870.

VITA

Name	Steven K. Madsen
Birthplace	Murray, Utah
Birthdate	August 26, 1949
High School	Hillcrest High School Midvale, Utah
Degree	B.A. University of Utah, 1975
Teaching Certificate	Utah State Secondary, University of Utah, 1976
Professional Organizations	Utah State Historical Society Western History Association Utah Westerner's Association
Professional Positions	Research Assistant, American West Center University of Utah Social Studies Teacher Taylorsville High School Granite School District

VITA (Continued)

Publications

Madsen, Steven K., and C. Gregory Crampton.
The Navigational History of the Bear
River, Wyoming, Idaho, Utah. Salt Lake
City: University of Utah contract with
U.S. Army Corps of Engineers, 1975.

Crampton, C. Gregory, assisted by Steven K.
Madsen.

Boating on the Upper Colorado: A
History of the Navigational Use of the
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and Their Major Tributaries. Salt Lake
City: University of Utah contract with
U.S. Army Corps of Engineers, 1975.

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A Union, Utah, History. Union, Utah:
Union Fort Chapter, Sons of Utah
Pioneers, 1981.

PRECINCT GOVERNMENT IN SALT LAKE COUNTY, UTAH,

1852-1904

Steven K. Madsen

Department of History

M.A. Degree, August 1986

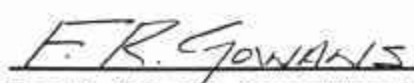
ABSTRACT

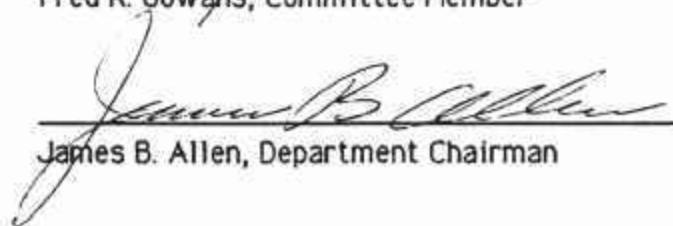
This thesis traces the origin, development, and decline, from 1852 to 1904, of Salt Lake County's judicial precincts. A precinct functioned as the basic subdivision of county government. Its boundaries were generally coterminous with those of local communities. It was established to allow for a degree of local control by the people.

Chapter two reveals that precinct justices experienced over time a marked decline in socio-political prominence. This is largely due to legislative statutes that decreased their jurisdictional powers. Chapter three examines the evolution of precinct boundaries. It is demonstrated that geographic distribution of individuals played a major role in the growth and eventual consolidation of community precincts. The relative availability of government services also fostered the development of county districts. Chapter four studies the role of the minor precinct officials in local government--constables, estray poundkeepers, and fenceviewers. The last chapter devotes attention to the factors that influenced the institution. The appendix lists the county's justices of the peace from 1852 to 1904.

COMMITTEE APPROVAL:


Thomas G. Alexander, Committee Chairman


Fred R. Gowans, Committee Member


James B. Allen, Department Chairman