

Black History Month at the JI: “Tainted Blood” (O’Donovan)

By **Guest** (<https://juvenileinstructor.org/author/guest/>) - February 13, 2013

“Tainted blood” – The Curious Cases of Mary J. Bowdidge and Her Daughter Lorah Jane Bowdidge Berry

Connell O’Donovan (<http://connelldonovan.com/>) January 2013

In September 1885, Joseph Edward Taylor, First Councilor in the Salt Lake Stake Presidency, contacted LDS President John Taylor (no relation) regarding the curious case of “a young girl” (she was 20) residing in the Salt Lake 18th Ward named Lorah Jane Bowdidge Berry. Berry and Hyrum B. Barton, son of a pioneering Salt Lake family originally from England, had fallen in love and began to make plans for a temple marriage or sealing “probably in the still functioning Salt Lake Endowment house. However, as Taylor explained to the church president, “the question of jeopardizing his [Barton’s] future by such an alliance has caused a halt.” The “jeopardy” that the already-married Hyrum Barton faced was that this bigamous marriage would be to a young woman “whose mother was a white woman but whose father was a very light mullatto [sic]” as Councilor Taylor reported. Taylor had written to Pres. John Taylor to request an exemption from the LDS policy at that time of not allowing women or men of black African descent to enter LDS temples to participate in what they consider to be sacred ordinances necessary to salvation and exaltation in the Celestial Kingdom, specifically the endowment ritual and the eternal marital sealing ceremony. As Taylor further explained to his church superior, “The girl is very pretty and quite white and would not be suspected as having tainted blood in her veins unless her parentage was known.” In addition, Lorah J. B. Berry herself was adamantly requesting permission to be endowed for herself and then sealed for eternity to Barton on the basis of two known precedents, which she invoked to the Salt Lake Stake Presidency.

Although I can find no reply from President John Taylor to Lorah Bowdidge Berry’s petition for an exception to church policy, we learn later that, despite the precedents cited by her, it was denied. Who was Lorah Jane Bowdidge Berry and how did she come to need an exemption from the LDS temple ban due to her “tainted” racial background? A thorough answer must start with Lorah’s mother. Mary J. Bowdidge[1] was born March 3, 1836 in the town of St. Sampson on the Isle of Guernsey, a British Crown dependence just off the coast of Normandy, France. She was the third of seven children born to John Bowdidge Jr. and Alice Smith. John (1803-1878), a stonecutter and butcher by trade, was a native of

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Wooton Despain, Dorset, England and was a mean alcoholic and career criminal as well. Alice Smith (1808-1860) was a native of Lime Regis, also in Dorset, and worked as a dress maker to help provide finances for their large family.

A year after Mary was born the family moved to the Isle of Jersey, residing first in St. Saviour then St. Helier. When Mary was eight, according to Utah Mormon descendants of the family, her father died in February 1844. In fact, John Bowdidge Jr. was arrested then in St. Helier for burglary of “corn, oats, &c” and was sentenced to prison for seven-year term on April 23, 1844.[2] Now exclusively using the surname of Burrige (instead of Bowdidge), John was transported to a penal colony on Norfolk Island, between Australia and New Zealand. After one year of hard labor there, he was transferred to Tasmania. He was continually rearrested and punished for public drunkenness, altercations, and using obscene language. In one case he and a group of drunken women assaulted another woman during a row. The other women were discharged but witnesses insisted that John Burrige kicked and struck the woman “about the head and face.” In the midst of this, the 40 year-old Burrige married (bigamously?) 19 year-old Elizabeth Geard and had twelve children by her, in between various further prison sentences. He died in Richmond, Tasmania on November 17, 1878.[3] It is very unlikely that the Bowdidges of Jersey knew of their Burrige half-siblings on another island some ten thousand miles away.

Meanwhile, back on Jersey, Alice Bowdidge and her children encountered Mormonism in 1847 and she and the five youngest children, including Mary, converted, with Alice and daughter Mary being baptized first in the family on November 19, 1847. The Bowdidges then began migrating to Utah piecemeal over the next decade and a half. However Mary G. Bowdidge, now a dressmaker like her mother, left Jersey and first moved to Paris, France where she married Theofil Manuel Soujet (allegedly a judge) about 1858. They had one daughter named Alice E. Soujet in 1859, either in Paris or in London.[4] (Alice Soujet would later marry a man named James Crow in 1879 and then James Tyler Little in Salt Lake in 1882 as his first plural wife. Little was the son of Feramorz Little, Brigham Young’s nephew and business partner.)

Theofil M. Soujet allegedly died in 1909, according to family tradition, but the 1861 Census of Grouville, Jersey (p. 27) lists Mary “Sauge” as already a widow, living with her brother John “Bowridge,” and her two year-old daughter, Alice Sauge. A year or so later, Mary and her baby girl (using her maiden surname Bowdidge rather than Soujet), plus her sister Sarah and niece Emily Bowdidge left Jersey, sailing first to America and then crossing the plains to Utah no later than the spring of 1863. Although they are not listed in any known pioneer company, they do appear in Perpetual Emigrating Fund records for the year 1863, and remained indebted to that fund until their deaths.[5] However, both of Mary’s obituaries report that she came to Utah in 1865, which is certainly incorrect.[6]

Sometime before March 1864 Mary met and married her second non-Mormon husband in Salt Lake City, a man named James Preston Berry, with William H. Hickenlooper, Bishop of both the Salt Lake Fifth and Sixth Wards officiating.[7]

Scandalously for the time, Mary’s new husband was of mixed race. With this marriage and subsequent conjugal relations, Mary Bowdidge Berry committed a crime in Utah territory, and two great sins within the LDS Church. Her first sin was in marrying a man of African descent, something Brigham Young had forbade since 1847, when he instigated the priesthood and temple ban policies. Then she committed a crime when she had sexual relations with her mixed-race husband. Utah’s 1852 law that legalized African and Native American slavery in Utah also expressly dictated that “if any white person shall be guilty of sexual intercourse with any of the African race, they shall be subject–to a fine of not exceeding one thousand dollars–and imprisonment, not exceeding three years.”[8] Lastly, Mary Bowdidge’s second sin was to bear children by a person of African descent, likewise declared as a sin by Brigham Young on December 3, 1847; “when they mingle seed it is death to all,” Young proclaimed, for “the law is their seed

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shall not be amalgamated.” Young then also affirmed that this was such a profound sin that forgiveness and salvation could only occur by blood atonement—white spouse, black spouse, and all their mixed-race children would have to be killed with their own consent and by priesthood authority, for this sin to be covered by the soteriological atonement of Jesus.[9]

But just how black was James Preston Berry—or was he even of any (recent)[10] African ancestry at all? Joseph E. Taylor, of the Salt Lake Stake Presidency, described James Preston Berry as “a very light mullatto,” and “about 1/6 Nigger from his appearance.” However others were unaware of Berry’s African ancestry, and Mary Bowdidge herself denied knowing of it at the time of her marriage.

Berry himself was employed as a hairdresser and barber in the company of Russell, Harris & Berry, located on the south side of 100 South, between Main and Commercial Streets in Salt Lake, about where the Bennion Jewelers Building now stands.[11] An 1869 photograph of the California House, located at the same address, shows a barber pole nearby, so Russell, Harris & Berry may have been associated with that hotel.[12] Note that free men of African descent had extremely few skilled employment options at that time, and many middle-class African American men were employed as barbers and hairdressers.[13] I can find no further information on co-owner, J. T. Harris, but the third co-owner was Robert Anderson Russell (1812-1879), and he was a white Mormon who remained in Utah until his death.[14]

Unfortunately little more is known about James Preston Berry’s history. A “mulatto” named James Berry was enumerated as the servant of the Los Angeles County Clerk in the 1860 Census. He was 32 years old and had been born in Maryland. The County Clerk, John W. Shore, was also 32 and was born in Virginia. [15] Otherwise we are left only with questions about his identity.

The Berrys resided in the Salt Lake 14th Ward, on 300 S. between 100 and 200 West (near what is now the Peery Hotel and Capitol Theatre). Their bishop was Abraham Lucas Hoagland (father-in-law of George Q. Cannon and grandfather of apostle Abraham Hoagland Cannon). Some nine or ten months after their marriage, Mary Bowdidge Berry gave birth to their first daughter, Lorah Jane Bowdidge Berry, on January 15, 1865. Bishop Hoagland blessed baby Lorah on March 21.[16]

Lorah’s Birth and Blessing Record, Salt Lake 14th Ward

A year after this, James Preston and Mary Bowdidge Berry conceived another child, and Mary “Polly” Elizabeth Bowdidge Berry was born in the Salt Lake 14th Ward on October 21, 1866. Polly’s birth is the last time we hear of James Preston Berry until the race controversy some twenty years later. Certainly by 1870, he was no longer residing with his wife and two daughters. The 1870 Census of Salt Lake enumerates Mary “Bersy” (instead of Berry) and her daughters Alice (Soujet, but listed as “Bersy” also), Lora, and Mary. And now they were residing in the Salt Lake 13th Ward, on the east side of State Street, where Edwin D. Woolley was the bishop.

Whether second husband James Preston Berry had died or abandoned her, about a year later, in 1871, Mary Bowdidge Soujet Berry married her third non-Mormon husband, James (Frank?) Smith. He is as mysterious a man as her second husband (mostly because of his common name), and their marriage also became a race controversy in the church. James and Mary Bowdidge Smith had a son born on July 10, 1872 in Salt Lake City, and he was named James Frank Smith. (He is once listed as “James F. Smith Jr.” which leads me to believe his father may have also had the middle name of Frank.)

By 1880, the enigmatic James Smith had apparently passed away, for “Mary S[oujet]. Smith” was enumerated as a widow with her four children, all listed with the surname of “Saugé”, including her eight year-old son, “James F. Saugé” [sic- Smith]. (Note that the 1880 Census also reported that Lorah and Polly’s father, James Preston Berry, was a native of Georgia.)

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Lorah Jane Bowdidge Berry was baptized LDS on August 5, 1884, at the age of 19.[17] She had probably begun courting Hyrum B. Barton by this time, and may have finally converted in preparation for marriage. Her sister Polly seems never to have gotten baptized LDS. However, her half-brother, 12 year-old James Frank Smith, was also baptized on the same day as Lorah. The family was now living at 120 North Main Street (just across the street westward from where the LDS Church History Library now stands), and young James had begun working as a messenger delivery boy for the trunk manufacturing company of Meredith, Gallagher & Jones at 65 South Main.[18]

Hyrum B. Barton

The young and already married Hyrum B. Barton (1852-1901, native of England) lived with his Scottish wife Georgina Crabb Barton just a couple of blocks north of the Berrys, on Oak Street (which is now the extension of North Main Street where it enters the Marmalade District). The Bartons had originally settled in Kaysville, a town halfway between Salt Lake and Ogden to the north. Then John Barton had died in 1874, and the family moved into Salt Lake City so the boys could get jobs to support the family, some following their father in the carpenter’s trade, some going into the mercantile business, and Hyrum, although apprenticed as a carpenter, became a clothing merchant and then a real estate agent in the mid-1880s. Having met, probably as neighbors, Hyrum Barton and Lorah Berry fell in love and began preparing for a plural marriage, although the Edmunds Anti-Polygamy Act of 1882 now prohibited bigamous “unlawful cohabitation.”

Joseph E. Taylor, first counselor of the Salt Lake Stake Presidency, later reported that about February 1885 (before they married), Hyrum Barton was told that Lorah Berry “had negro blood in her veins.” Taylor in fact knew James Preston Berry well as “he had done my barbering for years.” Barton left and Taylor immediately informed Barton’s bishop, Orson F. Whitney (of the Salt Lake 18th Ward)[19] about Barton and Berry’s intention of marrying. Taylor and Whitney then sent for William H. Hennefer (1823-1898), a Mormon pioneer of 1851, and a barber whose business was at 141 South Main.[20] When Hennefer arrived at Joseph E. Taylor’s home, the stake president, Angus M. Cannon (nephew of Pres. John Taylor and younger brother of George Q. Cannon of the First Presidency), happened to be visiting Taylor, although Cannon was hiding “on the underground” at the moment from federal authorities. After enquiries from Whitney, Taylor, and Cannon, William Hennefer “corroborated” Taylor’s belief that James Preston Berry indeed had African ancestry.

Joseph E. Taylor, 1st Counselor, Salt Lake Stake Presidency

In the meantime, Hyrum Barton also began his own investigation, starting with William Hennefer. Barton claimed however, that Hennefer told him that “he could not tell by looks that Mr. Berry had any colored blood in him,” which differs from what Hennefer told Taylor, Whitney, and Cannon. Barton then “went to others who were well acquainted with Mr. Berry but they all told me that there was nothing in his appearance to cause them to think of such a thing.” This included Bishop Hickenlooper, who had married Lorah’s parents back in 1864, and who “stated positively that he had no evidence that there was any negro blood in Mr. Berry’s veins.” When even Mary Bowdidge Berry “denied it” Hyrum felt satisfied that the rumors of Lorah Berry’s mixed-race background were false, and went forward with his marriage to Lorah in September 1885.[21]

Lorah Berry still wanted church sanction however and met with the Joseph E. Taylor, first counselor of the Salt Lake Stake Presidency, around August 1885 to petition him for a polygamous sealing, regardless of her racial makeup. Stake President Angus M. Cannon could not participate as he was now in prison at that time for unlawful cohabitation with his polygamous wives.[22] Thus Taylor reported that Lorah

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"came to me and talked upon the question of marriage." To her dismay, Taylor flatly told her, "no Elder in Israel was justified before God in marrying her" because of her African ancestry and Mormonism's policy of race-based discrimination.

Still, Lorah Berry must have strongly pressed Joseph E. Taylor on the issue, as he then forwarded Berry's request to the church president. On September 5, 1885, Joseph E. Taylor informed president John Taylor by letter "of a young girl residing in the Eighteenth Ward of the City by the name of Laura [sic] Berry whose mother was white but whose father was a very light mullatto [sic]." "It appears," he continued, "that she has fallen in love with brother Bar[t]ons Son and it is reciprocated."

But the question of jeopardizing his future by such an alliance has caused a halt. She now desires to press her claim to privileges that others who are tainted with that blood have received.

Lorah Berry then recited two precedents she knew about, in which white Mormons had been endowed after marrying someone of mixed race. One precedent referred to was that of "Mrs. Jones Elder Sister." Unfortunately no more information is given, other than that Mrs. Jones then resided in Logan. Given the context, it seems like her older sister had married a man of color but had still been allowed to be endowed, and possibly even sealed to him. Without further details, the commonality of the surname prevents further investigation into their identities. The second precedent of which Lorah Berry was aware was that of "Brother Meads" of the Salt Lake 11th Ward, who had married a "quadroon" and all their children were "very dark." Further investigation has revealed that this was Nathan Meads (1823-1894) of England who married a southern woman of color named Rebecca H. Foscue. Rebecca Foscue had moved to Utah in 1860 and gotten baptized at 28 in 1861. Foscue, despite her mixed race, was then endowed and sealed to Meads in 1863, and they had six children, all but one of whom died young. Upon hearing these two cases, Joseph E. Taylor admitted, "I am cognizant of all these having received their endowments here." But the question he now lay before his superiors was:

Can you give this girl any privileges of a like character? The girl is very pretty and quite white and would not be suspected as having tainted blood in her veins unless her parentage was known.[23]

Although no response from Pres. John Taylor is known to be extant, we do know that Hyrum B. Barton and Lorah Bowdidge Berry did get married later in September 1885, but without church consent, unleashing the church's wrath upon the newlyweds. Lorah became immediately pregnant with their first of three children, Birdie Ethel Barton, who was born May 29, 1886. Now officially a bigamist, a year after Birdie's birth, Hyrum Barton was also arrested by federal authorities for unlawful cohabitation and was sentenced on February 15, 1889 to three months' imprisonment and a \$100 fine.[24]

Less than six months after his release from the territorial penitentiary, with his legal crime now punished, the LDS Church turned to Hyrum Barton's sins. Like his mother-in-law before him, Barton had not only married someone of African descent, but had also "mingled his seed" with his wife and they now had children as proof of his sins. Mary Bowdidge, who was merely a woman, had been allowed to remain a member of the LDS Church, although denied any further temple blessings. But here was a holder of the higher or Melchizedek priesthood who had committed these sins. And with higher authority came higher responsibility and accountability. Bishop Orson F. Whitney of the Salt Lake Eighteenth Ward held a Bishop's Court to try Barton for his membership in the church. The charges were actually for adultery, but the "Bishops report stated that Sister Berry had negro blood in her veins" and "Bro. Barton had married her against counsel, and lived with her as wife," in unapproved polygamy—thus adultery. After convening the court, the bishopric "disfellowshipped him from the Church for the offense."

The case was then forwarded to Salt Lake Stake Presidency and High Council, and they convened to hear it on October 9, 1889. Angus Cannon, now out of prison, presided. The charge before the stake presidency was for "Disobeying counsel and breaking his oath of Chastity in going outside the law of God to take a plural wife." Joseph E. Taylor reported all that had gone before regarding Lorah's parents, and her African ancestry, along with the investigations he had done that confirmed it. Barton then recited his own investigations that differed in conclusion, and explained that having "satisfied myself upon that point" he went ahead and married Lorah Bowdidge Berry. Angus M. Cannon charged, "Bro. Barton deserts his first wife to marry this girl and takes her to wife." This was actually false, because Barton continued to reside with his first wife as well and had two more children by her after his marriage to Lorah Berry. The stake presidency grilled Barton as to whom officiated at his illicit marriage in 1885, "but would not say any more than that it was performed in the 14th Ward, and that an Elder of the Church officiated." After the hearing, the High Council voted to excommunicate Barton. He was also commanded to cease living with Lorah Bowdidge Berry Barton immediately, although he was to continue to support her and her daughter and "treat them kindly" but "not indulge in any sexual gratification if he desires mercy."^[25] However Barton did not comply and continued his marital relationship with Lorah, and she bore him three more children: Lorah "Lola" Denver, Lottie, and Tyler Hyrum Barton. Their first daughter, Birdie Ethel Barton, did not join the LDS Church, and serially married two non-Mormon men. Lottie must have died before 1910 and nothing more is known about her. But children Lorah Denver and Tyler Hyrum were both sealed to their spouses in the Salt Lake Temple, and Tyler certainly must have been ordained an Elder (a prerequisite for Mormon men to enter the temple), despite their also having "tainted blood".

By 1893, Mary Bowdidge Smith had moved to 457 West 300 North. Two years later, it became Mary's turn to challenge the church's nearly 45 year-old racist policies. With her son James F. Smith now baptized, Mary wished to have his father's LDS ordinances performed by proxy, so that she could then be sealed to her third husband, and have their son sealed to them. However, when she approached Angus M. Cannon for a temple recommend, he refused to sign it "for the reason that she had married a man with negro blood in him and borne him children." So she petitioned the First Presidency to overrule Cannon's refusal, while also "denying at the same time that her first [sic- second] husband was part negro."^[26]

On August 22, 1895, apostle Franklin D. Richards reported in his diary that he met with the First Presidency (Wilford Woodruff, George Q. Cannon, and Joseph F. Smith), as well as Lorenzo Snow, Heber J. Grant, and John Henry Smith to discuss their the "ineligibility of any person having negro blood to receive the Priesthood or Temple ordinances." Mary Bowdidge Smith's request had come simultaneously with a petition from black pioneer Jane Elizabeth Manning James "to admit her to Temple ordinances."^[27] They reviewed Jane James's request first. Joseph F. Smith brought up the case of Elijah Abel being ordained a Seventy and High Priest under Joseph Smith's direction. George Q. Cannon denied that Joseph Smith ever did this and instead claimed that Smith taught, "the seed of Cain could not receive the Priesthood nor act in any of the offices of the priesthood" and "that any white man who mingled his seed with that of Cain should be killed," thus preventing Cain's descendants from ever holding LDS priesthood. (Cannon was wrong on both accounts, it was Brigham Young who taught these things instead.)

The Council's secretary, George F. Gibbs, then introduced Mary Bowdidge Berry Smith's "desire to be sealed" to her third husband, with her son James F. Smith standing in as proxy for the deceased husband and father, and based on her belief that her second husband was not "part negro." However the Council agreed that "Mr. Berry was part negro" and George Q. Cannon felt that since Mary's daughters "could not be admitted to the temple," by the same token "it would be unfair to admit their mother and deny them

this privilege." Cannon also felt that any compromise on the policy "would only tend to complications" and though it best "to let all such cases alone" believing that in the end of it all, God would "deal fairly with them all." [28]

Franklin D. Richards merely summarized the meeting: "also a <white> Sister who m[arried]. a negro man entreats for permission to receive her ordinances but is refused." A month later however, Richards expanded and clarified:

Sister Mary Bowdige Berry Smith asks me what about & why Angus M. Cannon will not sign her recommend to the Temple to do work in connexion with her son James F. Smith by her 2nd [sic-third] husband that she may be sealed to his father & he to them because she married & had two dau's by a former husband James Preston Berry who had negro blood in him [emphasis in original but added later in red ink] [29]

So just like her son-in-law Hyrum Barton before her, not only were people of African descent prohibited from holding priesthood and participating in soteriological ordinances, but white Mormons who married people of African descent "tainted" themselves, and thereby permanently (or at least mortally) revoked their privileged status of potential priesthood and temple worthiness. Even if they later "repented" and married a white person. And in this case, even James Frank Smith, who was white and completely innocent in all of this, was denied being sealed to his white parents, a victim of collateral damage.

Five years after this fateful decision, Lorah and her mother Mary both died; Lorah in March and Mary in December of 1900, both faithful members of the LDS Church.

James Frank Smith went on to become a lawyer, married a high society woman in the Salt Lake Temple and had several children by her. But, just like his grandfather, John Bowdidge/Burridge, he became an alcoholic and career criminal, specializing in embezzlement and passing bad checks, which led to time in jail. [30] In 1906 his wife sued him for divorce on the grounds of "non-support" and won the divorce, custody of their children, and monthly alimony. [31] The Mormon lawyer died in 1915 at the age of 42 while at Holy Cross Hospital from a perforated ulcer, likely due to his alcohol consumption. I am left to ponder if the callous decisions of church leaders coupled with institutional racism were at least partially responsible for James F. Smith's rapid moral decline.

[1] Later city directory sources give her middle initial as Mary G., possibly for Gardener, her maternal grandmother's maiden name. Note that Mary's youngest sister was named Alice Gardener Bowdidge (1843-1933).

[2] Prisoner Transport Record #18500, John Burridge or Bowdidge, ancestry.com (accessed July 18, 2010); scanned image in my possession.

[3] "Convict Department," *Launceston Examiner* (Tasmania), June 2, 1849, 8; "Personal," *The Mercury* (Hobart, Tasmania), February 26, 1919, 6; "Police Office "This Day," *The Courier* (Hobart, Tasmania), March 18, 1857, 3; "Local Intelligence," *Colonial Times* (Hobart), March 21, 1857, 3; "Hobart Town General Quarter Sessions," *The Courier*, April 8, 1857, 3; and "Quarter Sessions," *The Mercury*, April 10, 1857, 3; and "Family Notices-DEATHS," *The Mercury*, November 21, 1878, 1.

[4] See Death Certificate for Alice Soje Little, January 4, 1928, Utah Department of Health, Office of Vital Records and Statistics, Series 81448, Entry 11467.

- [5] Perpetual Emigrating Fund Company financial accounts, LDS Church History Library, CR 376 2, Reel 2, Folder 1, Ledger C, 579.
- [6] "Death of Mary J. Smith," *Deseret News*, December 7, 1900, 8; and "Dearth of Mrs. Smith," *Salt Lake Herald*, December 8, 1900, 5.
- [7] Salt Lake Stake High Council Minutes, October 9, 1889, quoted in Anonymous, *Minutes of the Apostles of The Church of Jesus Christ of Latter-day Saints, 1894-1899*, (Salt Lake City: privately published, 2010) 35.
- [8] Section 4, "An Act in Relation to Service," *Acts, Resolutions, and Memorials Passed by the First Annual-Legislative Assembly of the Territory of Utah*, (Great Salt Lake City, Utah: Brigham H. Young, 1852), 80.
- [9] December 3, 1847, Historian's Office-General Church Minutes, 1839-1877, CHL CR 100 318, 6-7 (in the hand of Thomas Bullock).
- [10] We now know that all of humanity is genetically of African descent. Therefore by "recent" I mean within the past 300 hundred years.
- [11] *1867 Salt Lake City Directory*, (G. Owens, 1867) 38.
- [12] "S.L.C.-1st South St." P-9, Classified Photograph Collection, Utah State Historical Society.
- [13] See my discussion of this in my biography of Elder Walker Lewis.
- [14] See his entry in the Mormon Pioneer Overland Travel database, online, <http://history.lds.org/overlandtravels/> (accessed January 22, 2013).
- [15] 1860 Federal Census of Los Angeles, Los Angeles, California, 56.
- [16] Birth and Blessing Records, Salt Lake 14th Ward Record of Members, 1856-1909, Family History Library film #26695, 16/19.
- [17] Hyrum B. Barton Family Group Sheet, Family Group Records Collection " Patrons Section, 1924-1962, LDS Family History Library, film 412122.
- [18] Robert W. Sloan, *Utah Gazetteer and Directory* (Salt Lake City: Herald Printing & Publishing Co., 1884) 210; R. E. Doublas, et al., *Salt Lake City Directory for the Year Commencing Aug. 1, 1885*, (San Francisco: U.S. Directory Publishing Co. of Cal., 1885) 219 and 272.
- [19] The 18th Ward had been Brigham Young's ward until his 1877 death, with his younger brother Lorenzo Dow Young as its bishop. After Lorenzo's death, young Orson F. Whitney presided over the ward. It's famous Gothic chapel, built in 1881, was located at 2nd Avenue and A Street. It then was dismantled in the early 1970s and reassembled on Capitol Hill as the White Memorial Chapel.
- [20] Doublas, *Salt Lake City Directory:1885*, 162.
- [21] Salt Lake Stake High Council Minutes, October 9, 1889, 34-35.
- [22] "The Anti-Polygamy Law, Ex-Delegate Cannon's Sentence Affirmed," *New York Times*, December 15, 1885.
- [23] Joseph E. Taylor to John Taylor, September 5, 1885, John Taylor papers, CHL, CR 1 180, Box 20, File 3; typed transcript in my possession.

[24] Andrew Jenson, *Church Chronology: A Record of Important Events Pertaining to the History of the Church of Jesus Christ of Latter-day Saints*, (Salt Lake City: Deseret News Press, 1899) 150 (July 7, 1887), 171 (February 15, 1889), and 174 (April 30, 1889).

[25] Salt Lake Stake High Council Minutes, October 9, 1889, 34-35.

[26] *Minutes of the Apostles*, September 25, 1895, 34.

[27] Franklin D. Richards journal, August 22, 1895, CHL, MS 1215, vol. 45.

[28] *Minutes of the Apostles*, September 25, 1895, 34.

[29] Franklin D. Richards journal, September 25, 1895, CHL, MS 1215, vol. 45.

[30] "Lawyer is Accused," *Salt Lake Herald*, July 27, 1905, 5; "Lawyer Accused of Crime," *Salt Lake Herald*, July 21, 1906, 12; "Issues Another Bad Check," *Salt Lake Herald*, July 22, 1906, 28; "Passes Worthless Check," *Salt Lake Tribune*, September 6, 1906, 5 and September 9, 1906, 5; and "Police Court Glimpses," *Salt Lake Herald*, September 22, 1908, 6.

[31] "News of the Courts," *Salt Lake Herald*, September 1, 1906, 12.

Article filed under **Biography**, **Categories of Periodization: Accommodation**, **Categories of Periodization: Territorial Period**, **Race**

Comments

1

Connell, incredibly detailed and painstakingly researched as always. What I find interesting about this piece is the range of community responses involved. There are instances of people who are willing to overlook and tolerate black-white sexual relations, even though they were forbidden by Brigham Young and church law. Some were even willing to advocate on the behalf of the woman involved for an exception so that she could go to the temple. It reminds me of Martha Hodes' book "White Women, Black Men," which argues that responses to white women having sex with black men only became violent after the Civil War. Before the, this type of sex was considered an issue for the local community. Cases were greeted with gossip, begrudging acceptance, and a variety of emotions, but what those emotions were determined by local politics.

None of this diminishes the blatant racism involved here, but it does point to the ways in which communities matter when we are talking about interracial sex.

Hodes' Book: <http://www.amazon.com/White-Women-Black-Men-Nineteenth-Century/dp/0300077505> (<http://www.amazon.com/White-Women-Black-Men-Nineteenth-Century/dp/0300077505>)

Comment by Amanda HK — February 13, 2013 @ 10:13 am

2

Fascinating stuff, Connell. More thoughts later, but for now I'll just caution that such exhaustive research is probably overqualified for a blog 😊

Comment by Ben P (<http://www.juvenileinstructor.org>) — February 13, 2013 @ 11:11 am

3

One more indictment of the tired commentary by some church leaders that we "don't know how the Priethood ban came about". Does anyone ever send them the Juvenile Instructor to read?

Comment by Ignacio M. Garcia — February 13, 2013 @ 11:13 am

4

Connell, I repeat this is a detailed and excellently researched piece. This essay really unlocks the familial politics and legacy of channeling the church's racist policies in the late nineteenth century. Additionally, I have to say I am very intrigued by Mary's time between leaving Jersey and arriving in Utah. This seems to be an overlooked piece of Mormon migration history—what happened to European Mormon pioneers during their journeys to Utah. I also appreciated the way you pointed out where these homes and buildings stand in relation to current day SLC. Thanks!

Comment by NatalieR — February 13, 2013 @ 12:35 pm

5

How common were trials for unauthorized polygamy? I can think of a couple of prominent examples (at WQ for example).

Also thought the idea of God working things out was tremendously interesting, and flows, I believe, directly from the shift brought by the adoption revelation not too long before this.

Also, because I haven't looked at this closely, when is the use of "bigamy" in these contexts preferable to "polygamy"?

Comment by J. Stapley — February 13, 2013 @ 1:16 pm

6

Thank you all for the compliments!

One week ago this blog was half this length – and it was "done." But then Will Bagley kindly shared two recent publications: the SL High Council Minutes, and the Council of the 12 minutes, as searchable PDFs. That gave me two more enormously informative citations that filled in most of my questions and added so much more. I just dumped them all into the blog and sent it on. I realize it's rather long and complex, but I hope folks take the time to carefully examine it.

And this is just one of MANY examples of interracial couples and their children in the LDS Church facing discrimination and prohibitions – as well as some surprising (and contradictory) instances of exemption to the ban and inclusion in temple and priesthood ordinances, despite the persons having known African ancestry.

I myself have African ancestry from Virginia in the 1780s – the proverbial "negro in the woodpile." Ergo my father theoretically should not have held LDS priesthood, nor have baptized me in 1969. This is a main reason for my near obsession with this topic.

Comment by Connell O'Donovan (<http://connelldonovan.com>) — February 13, 2013 @ 1:18 pm

7

Also, sorry for the curt comment. I'm on my phone. This is a really interesting case. Thanks for sharing it with us!

Comment by J. Stapley — February 13, 2013 @ 1:24 pm

8

J., I do know that William Smith, Sam Brannan, and George J. Adams were tried for performing unauthorized sealings (some of which were polygamous) throughout New England from 1843-1845, but eventually Smith was exonerated by Brigham Young in exchange for Smith's fealty to Young. That lasted about 10 minutes!

As for here in Utah, this is the only case I've run across.

I am unsure about the usage of bigamy, but I believe that once the Edmunds-Tucker Act became law, a Mormon man only had to be shown to be bigamous – one plural marriage was all that was required to be proved in court – in order to be found guilty and sent to jail. In this particular case, Hyrum B. Barton only had one plural wife, so I do refer to it as bigamy, rather than polygamy.

As for "God working things out," I'm reminded in this case of the well known, über-macho t-shirt motto/bumper sticker – "Kill 'em all and let God sort it out." I do wish the LDS leaders had erred instead on the side of mercy and inclusion, rather than exclusion and fear.

Comment by Connell O'Donovan (<http://connelldonovan.com>) — February 13, 2013 @ 1:29 pm

9

Eek, I meant "challenging" not "channeling" the church's racist policies in my above comment.

Comment by NatalieR — February 13, 2013 @ 2:03 pm

10

Can someone explain to me the difference between acialism and racism? I checked Wiki and found this:

Racialism can have two meanings:

As a synonym for racism

The belief in the existence and significance of racial categories, and social, cultural and/or biological differences among races. See: Racialism (Racial categorization).

Do Mormon scholars prefer it to simply calling Mormonism's historic (and given the Dixie College intransigence, enduring) racism, which it was and is?

Comment by Will Bagley — February 13, 2013 @ 3:35 pm

11

A very regrettable and indefensible episode from Church history.

As to Ignacio's comments, I think the "we don't know" answer is another way of saying that "the Brethren are not in agreement" how the ban arose. Just as many members of the Church continue to believe that God directed the ban, I suspect that view may continue to be held by some in the leading councils.

Comment by DavidH — February 13, 2013 @ 7:27 pm

12

Connell: simply excellent research. You have a knack for hunting down people and rooting out ?the rest of the story?, which is something I love about your work.

Will: Racism and racialism have, historiographically, been confusing terms, especially since their coinage is relatively recent (though still many decades old). Scholars did not settle on meaning for some time. Louis Snyder wrote some years ago: "From the root word race come two terms closely allied and often used interchangeably—racism and racialism. Racism assumes inherent racial superiority or the purity and superiority of certain races; also, it denotes any doctrine or program of racial domination based on such an assumption. Less specifically, it refers to race hatred and discrimination. Racialism assumes similar ideas, but describes especially race hatred and racial prejudice. The idea of racialism goes far beyond the biological sense of race. It utilizes the word pseudo-scientifically for specific political and economic purposes. It is, unfortunately, suffused with myth and fallacy." (The Idea of Racialism [1962], 10)

But the more modern usage of racialism follows what you found on Wiki.

One of the noted scholars on racism, George Frederickson, assesses racialism thus: "[Kwame Anthony Appiah] defines racialism as the belief 'that there are heritable characteristics, possessed by members of our species, that allow us to divide them into a small set of races, in such a way that all the members of these races share certain traits and tendencies with each other that they do not share with members of any other race.'?"

Frederickson goes on to say, "Such a belief essentializes differences but does not necessarily imply inequality or hierarchy. Racialists do not become racists until they make such convictions the basis for claiming special privileges for members of what they consider to be their own race, and for disparaging and doing harm to those deemed racially Other." (Racism: A Short History, 154-55)

However, Will, and more to the point, I'm not sure what you mean by Mormon scholars preferring to use the term ?racialism??as you seem to infer?so they can somehow lessen or ignore the realities of racism in Mormonism. Connell can speak for himself, and you and others are free to correct me on this, but I can't recall a Mormon scholar (or scholar of Mormonism) using ?racialism? in the way you're suggesting.

Comment by Nate R. — February 14, 2013 @ 12:05 am

13

Connell,

Great post. It is interesting that "An Act in Relation to Service" criminalizes a white person having sexual relations with a person of "African race" but not the other way round. In fact, the law does not define what "African race" means. I'd have to do some more research, although probably this would apply to somebody of mixed race. In any case, if the law was actually still in operation at the time of their marriage (which is an interesting question) then Mary Berry was committing a crime although her mix-raced husband was not. But from what I gather in your post, no one made much comment of the marriage at the time and there were certainly no criminal proceedings in regard to the relationship.

I am also curious about your comments concerning how "An Act in Relation to Service" legalized slavery. Is this a legal conclusion you have come to, or do you feel that the status of African-American and Indian servants in Utah was sufficiently slave-like that you do not make a distinction?

Comment by Christopher Rich — February 14, 2013 @ 5:34 am

14

Christopher,

The Act that Brigham Young demanded that the Territorial Legislature pass regarding servitude (i.e. both slavery and indentured servitude) was a bit different from the slavery practiced in southern states, in that there were various limitations. For example, theoretically you couldn't make someone a "servant" who was already a free person in the territory; they could only be imported. You couldn't have sex with your African servants (but this prohibition was not made about Indian servants). Masters had certain duties toward their slaves. And extreme forms of punishment were prohibited. (Here "servant" is the legalistic and biblical synonym for "slave.")

Sec. 1 of the Act states that "any persons coming to this Territory and bringing with them servants justly bound to them...shall be entitled to such service or labor by the laws of this Territory." Sec. 3 allowed for masters to pass down servants to their heirs.

Sec. 4 prohibited masters from having sexual relations with their African servants. Sec. 5 demanded that masters provide their servants with "comfortable" housing, clothing, bedding, food, and recreation. Sec. 6 prohibited the masters from punishing servants with cruelty, abuse, or neglect.

Sec. 7 provided that servants could be sold to another master. And lastly Sec. 9 made it the duty of masters to send their servants aged 6-20 to school for at least 18 months (not per year, but per person).

And lastly, the Utah State Historical Society, the Church History Library, and the Family History Library contain records and slave receipts of the purchase prices of both African and Native American slaves. While the number of African slaves in Utah was quite small, a much larger number of Mormon families bought Indian children and kept them on as "servants" throughout their useful lives.

Comment by Connell O'Donovan (<http://connelldonovan.com>) — February 14, 2013 @ 12:52 pm

15

Bagley – in the one instance in which I used racialist in my blog, I meant the cultural mythos that is used as the basis or excuse for racism. Thus Mormon racialism includes the beliefs that black people are descended from the cursed Cain, via Ham, whose grandson was also cursed; and that they were fence-sitters in the pre-existence during the cosmic war between God/Jesus and Lucifer.

Comment by Connell O'Donovan (<http://connelldonovan.com>) — February 14, 2013 @ 1:08 pm

16

Connell,

You may already be aware of this, but the provisions of "An Act in Relation to Service" were very similar to the provisions of an 1809 law from Illinois that created a system of indentured servitude for former slaves (slavery being illegal in Illinois). Courts held that this mode of service was legally distinct from chattel slavery even though it bore similarities. Moreover, the ability to sell a servant (or slave) is not dispositive as to their actual legal status. For instance, indentured servants could be sold from one master to another without their permission. In contrast, a master was not allowed to sell a servant in Utah without that servant's express consent given to a probate judge. More to the

point, "An Act in Relation to Service" required that a servant freely enter into a service relationship with his or her master as determined by a judge. At least according to the law, no African servant (or slave) could be brought into Utah Territory against their will.

Comment by Christopher Rich — February 14, 2013 @ 2:12 pm

17

A fascinating post on a topic of great interest to me. Thank you so much for writing it.

Comment by Bro. Jones — February 14, 2013 @ 2:35 pm

18

Christopher Rich is probably too modest to mention it, but anyone interested in Utah's early slavery statute should definitely read his essay in the Winter 2012 issue of the *Utah Historical Quarterly*, "The True Policy for Utah: Servitude, Slavery, and 'An Act in Relation to Service.'"

Comment by Gary Bergera (<http://www.juvenileinstructor.org>) — February 14, 2013 @ 6:57 pm

19

Christopher – sorry but I disagree with you. Sec. 8 only prohibits taking a servant "OUT of the territory contrary to his, or her will" unless by court decree.

But thanks for the information on the 1809 Illinois law. I was unaware of this and will look further into it.

And ultimately, regardless of the fine print of the Act in Relation to Service, African American slaves were brought to Utah Territory as slaves, they were treated as slaves, their children born here were slaves, and they were not emancipated until their masters did so, or the federal government intervened.

I believe Brigham Young wanted it to look on paper like Utah was practicing a "kinder, gentler" form of slavery, while keeping the slaves here uninformed of their rights and the "relic of barbarism" alive and well until the end of the Civil War.

Comment by Connell O'Donovan (<http://connellodonovan.com>) — February 14, 2013 @ 7:03 pm

20

Connell,

You have again provided us with an important piece of Mormon history. I appreciate that you tackle a subject that can be looked at today and see how a horrible policy can affect the lives of the common folk of a religious group. Important lessons can be learned from historical events like this.

As I read the post, I wondered if the hierarchy was equally up set with Hyrum Barton for taking a plural wife out side their control as they were of his marrying Lorah who had ?tainted blood?? During Smith's life, taking a wife with out his permission was a sure way of having his wrath come down upon your head.

Comment by Joe Geisner — February 14, 2013 @ 10:10 pm

21

Joe – thanks again for your kind words. You ask a good question about Barton's actions, and I would have to say that at least on paper, the charges against Barton that led to his excommunication were primarily given as adultery as a result of taking a plural wife against church counsel. His plural wife's alleged African ancestry were only mentioned as secondary charges.

As for [Joseph?] Smith controlling *every* marriage as you suggest, I really don't see that. I realize *plural* marriages were to be performed only in Nauvoo. But I don't know of any cases where they were performed outside of Nauvoo and Smith castigated the parties involved. There are the cases I mentioned in comment #8, but those were dealt with by Brigham Young, and he eventually overlooked them. I do know that Smith was hard on those who had extra-marital relations in his name – like John C. Bennett, Lyman O. Littlefield, Darwin Chase, Chauncey Higbee, etc.

Comment by Connell O'Donovan (<http://connellodonovan.com>) — February 15, 2013 @ 1:15 am

Comments for this post are closed.