## **Dissenters and Danites**

Dissent not only occurred at Kirtland, Ohio but in the city of Far West, Missouri. Various saints had a hard time following church directives. For example, in Far West, a meeting was held on January 30, 1838, at the home of Oliver Cowdery. Those in attendance were Frederick G. Williams, David Whitmer, William W. Phelps, John Whitmer, Jacob Whitmer, Lyman E. Johnson, and Oliver Cowdery. They were concerned because some of the church leaders were "endeavoring to unite ecclesiastical with civil authority and force men under a pretense of incurring the displeasure of heaven to use their earthly substance contrary to their own interest." Also according to those in the meeting these same authorities were "endeavoring to make it a rule of faith for said church to uphold a certain man or men right or wrong."

A church general assembly was held less than two weeks later which rejected the Missouri presidency (David Whitmer, John Whitmer, and William W. Phelps) from their positions. In a high council meeting, the former presidency's authority to sign ministerial licenses was cancelled. Apostles Thomas B. Marsh and David W. Patten were voted in as presidents pro tem of the church in Missouri until Joseph Smith and Sidney Rigdon should arrive.<sup>2</sup> On March 10 the High Council of Zion met to consider the conduct of William W. Phelps and John Whitmer. That same day, David Whitmer, W. W. Phelps, and John Whitmer, signing themselves presidents of the church in Missouri wrote to Thomas B. Marsh:

SIR: It is contrary to the principles of the revelations of Jesus Christ, and his gospel, and the laws of the land, to try a person for an offense, by an illegal tribunal, or by men prejudiced against him, or by authority that has given an opinion, or descision [decision] beforehand, or in his absence.

Very Respectfully
we have the honor to be,
David Whitmer,
W. W. Phelps,
John Whitmer;

Oliver Cowdery, signing himself clerk of the high council of the church of Christ in Missouri, attested: "I certify the foregoing to be a true copy from the original."<sup>3</sup>

After discussing the case against Phelps and John Whitmer, the council voted that they be excommunicated.<sup>4</sup> In April three of their associates wrote letters of resignation. On April 12 Cowdery wrote: "This attempt to controll me in my temporal interests, I conceive to be a

<sup>&</sup>lt;sup>1</sup> Minutes of January 30, 1838 contained in letter of Oliver Cowdery to Warren and Lyman Cowdery, February 4, 1838, Oliver Cowdery Letterbook, 85, Huntington Library, emphasis omitted.

<sup>&</sup>lt;sup>2</sup> Cannon and Cook, Far West Record, 137-41.

<sup>&</sup>lt;sup>3</sup> "Minutes of High Council," *Elders' Journal* 1 (July 1838):46. See also Cannon and Cook, *Far West Record*, 146-47.

<sup>&</sup>lt;sup>4</sup> Ibid., 149.

disposition to take from me a portion of my Constitutional privileges and inherent rights. I only, respectfully, ask leave, therefore to withdraw from a society assuming they have such a right." Lyman E. Johnson, also writing on April 12, questioned one of the charges against him about a civil suit and stated that until the charge was removed he "shall withdraw my self from your society and fellowship." On April 13, David Whitmer wrote that he did not consider certain councils legal and ended his letter:

Believing as I verily do, that you and the leaders of the Councils have a determination to persue your unlawful course at all hazards, and bring others to your standard in violating of the revelations, to spare you any further trouble I hereby withdraw from your fellowship and communion—choosing to seek a place among the meek and humble, where the revelations of Heaven will be observed and the rights of men regarded."<sup>5</sup>

After the high council read each of their letters of resignations, it excommunicated the three from the church. From about September 1837 to May 1838, the crisis within church leadership led to resignations, withdrawals of participation, or excommunications by church courts of the following members (location in parentheses):

Associate President; member of First Presidency: Oliver Cowdery (Far West) Frederick G. Williams (Far West)

Presidency of the Church in Missouri: David Whitmer (Far West) John Whitmer (Far West) William W. Phelps (Far West)

Quorum of Twelve Apostles:

John F. Boynton (Kirtland & Far West) Lyman E. Johnson (Far West) Luke S. Johnson (Kirtland & Far West) William E. McLellin (Far West)

Book of Mormon Witnesses:

Oliver Cowdery (Far West)
David Whitmer (Far West)
Martin Harris (Kirtland)
John Whitmer (Far West)
Jacob Whitmer (Far West)
Hiram Page (Far West)

Some of these individuals came back into fellowship at different times. For example, Frederick G. Williams was rebaptized in the summer of 1838. Luke S. Johnson subsequently rejoined the church in 1846 and Oliver Cowdery in 1848.

After Joseph Smith and family arrived at Far West in March 1838 George W. Robinson wrote at Smith's dictation "the following sentiments [that] occur[r]ed to my mind":

Motto of the Church of Christ of Latterday Saints.

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<sup>&</sup>lt;sup>5</sup> Ibid., 165, 173, 177.

## THE RISE OF MORMONISM

The Constitution of our country formed by the Fathers of Liberty. Peace and good order in society Love to God and good will to man. All good and wholesome law's; And virtue and truth above all things And Aristarchy live forever!!!

But Wo, to tyrants, Mobs, Aristocracy, Anarchy and Toryism: And all those who invent or seek out unrighteous and vexatious lawsuits under the pretext or color of law or office, either religious or political.

Exalt the standard of Democracy! Down with that of Priestcraft, and let all the people say Amen! that the blood of our Fathers may not cry from the ground against us.

Sacred is the Memory of that Blood which baught [bought] for us our liberty.

Signed Joseph Smith Jr Geo, W. Robinson Thomas B. Marsh D. W. Patten

D. W. Patten
Brigham Young
Samuel H. Smith
George M. Hinkle
John Corrill.<sup>6</sup>

Sidney Rigdon, of the First Presidency, gave a speech on Sunday, June 17, against church dissenters. John Corrill, who had recently left the church, wrote his recollection of the sermon in 1839:

President Rigden [Rigdon] delivered from the pulpit what I call the salt sermon; "If the salt have lost its savour, it is thenceforth good for nothing, but to be cast out and trodden under the feet of men," was his text, and although he did not call names in his sermon, yet it was plainly understood that he meant the dissenters, or those who denied the faith, ought to be cast out, and literally trodden under foot. He, indirectly, accused some of them with crime.<sup>7</sup>

George W. Robinson made the following record of the salt sermon in these words, "Prest Rigdon preached one Sabbath upon the salt that had lost its savour, that it is henceforth good for nothing but to be cast out, and trod[d]en under foot of men." The church presidency was concerned with the Far West dissenters and felt a need to rid the church of them. To this end a long letter was composed and signed by eighty-three church members warning Oliver Cowdery, David Whitmer, John Whitmer, William W. Phelps, and Lyman E. Johnson to leave Caldwell County. Knowing the animosity of a large number of the brethren, it appears that all of them left except for Phelps.

<sup>&</sup>lt;sup>6</sup> Copied into Scriptory Book of Joseph Smith Jr., in Jessee, *Papers of Joseph Smith* 2:213-14, emphasis omitted.

<sup>&</sup>lt;sup>7</sup> John Corrill, *A Brief History of the Church of Christ of Latter Day Saints*, 30. The text is similar to Matthew 5:13. See also LDS D&C 101:40; RLDS D&C 98:5; and LDS D&C 103:10; RLDS D&C 100:2.

<sup>&</sup>lt;sup>8</sup> Jessee, *Papers of Joseph Smith* 2:249.

Also in June a secret order was established at church headquarters in Far West. Though it went by various names, the group was generally known as the Danites. In July, additional members were organized at Adam-ondi-Ahman in Daviess County. This organization will be discussed later in this chapter.

At a gathering held on the sixty-second anniversary of the Declaration of Independence, a recommencement of the laying of the cornerstone of the Far West temple occurred. The year previous on July 3, 1837, the ground had been broken for building a House of the Lord in that city. William W. Phelps wrote about the event:

Monday the 3d of July, was a great and glorious day in Far West; more than fifteen hundred saints assembled in this place, and, at ½ past 8 in the morning, after a prayer, singing, and an address, proceeded to break the ground for the Lord's House; the day was beautiful, the Spirit of the Lord was with us, a cellar for this great edifice, 110 long by 80 broad was nearly finished: on Tuesday the fourth, we had a large meeting and several of the Missourians were baptized.<sup>9</sup>

Later at the November 6, 1837, conference, it was voted "that the building of the house of the Lord in this place be postponed till the Lord shall reveal it to be his will to be commenced." The next year on April 26, 1838, a revelation explained that on the Fourth of July, the foundation would be laid again. The saints received the following instructions for the temple for the next year (1839):

Let them recommence laying the foundation of my house; thus let them from that time forth laibour diligently untill it shall be finished, from the Corner Stone thereof unto the top thereof, untill there shall not any thing remain that is not finished.<sup>11</sup>

Thomas B. Marsh, president of the Twelve Apostles, wrote concerning the 1837 commencement of building a house for the Lord, "Thus we see that the Lord is more wise than men, for Phelps and Whitmer thought to commence it long before this, but it was not the Lord's time, therefore, he overthrew it, and has appointed his own time." On the Fourth of July 1838, the day was spent in celebration. The saints made a Declaration of Independence "from all mobs and persecutions, which have been inflicted upon us time after time <un>time</u> could bear it no longer," and the cornerstones for the Far West temple were laid. Sidney Rigdon gave an oration talking about it as another anniversary of the independence of the United States, and described the plans for the Far West temple:

The first floor will be for sacred devotion, and the two others, for the purpose of education. The building to be one hundred and ten feet by eighty, with three

<sup>&</sup>lt;sup>9</sup> Phelps to "Dear Brother in the Lord," July 7, 1837, *Messenger and Advocate* 3 (July 1837):529; (August 1837):560.

<sup>&</sup>lt;sup>10</sup> Cannon and Cook, Far West Record, 120.

<sup>&</sup>lt;sup>11</sup> Marquardt, *Joseph Smith Revelations*, 291; LDS D&C 115:11-12.

<sup>&</sup>lt;sup>12</sup> Marsh to Wilford Woodruff, no date, *Elders' Journal* 1 (July 1838):38.

<sup>&</sup>lt;sup>13</sup> Jessee, *Papers of Joseph Smith* 2:248.

floors, and not far from thirty feet between the floors: all to be finished, according to the best stile [style] of such buildings in our country.

Rigdon related the persecution church members had endured for such a long time and issued the following warning:

We take God and all the holy angels to witness this day, that we warn all men in the name of Jesus Christ, to come on us no more forever, for from this hour, we will bear it no more, our rights shall no more be trampled on with impunity. The man or the set of men, who attempts it, does it at the expense of their lives. And that mob that comes on us to disturb us; it shall be between us and them a war of extermination, for we will follow them, till the last drop of their blood is spilled, or else they will have to exterminate us: for we will carry the seat of war to their own houses, and their own families, and one party or the other shall be utterly destroyed.—Remember it then all MEN.

Sidney Rigdon ended his oration with this proclamation:

We therefore, take all men to record this day, that we proclaim our liberty on this day, as did our fathers. And we pledge this day to one another, our fortunes, our lives, and our sacred honors, to be delivered from the persecutions which we have had to endure, for the last nine years, or nearly that. Neither will we indulge any man, or set of men, in instituting vexatious law suits against us, to cheat us out of our just rights, if they attempt it we say wo be unto them. We this day then proclaim ourselves free, with a purpose and a determination, that never can be broken, "no never! no never!! NO NEVER."!!!

After the oration was delivered the saints gave a shout of hosanna. The *Elders' Journal* published the speech as a pamphlet and urged the saints to obtain a copy of it. The *Elders' Journal* expressed its approval both of the speech and of making it available:

The oration delivered on the occasion, is now published in pamphlet form: those of our friends wishing to have one, can get it, by calling on Ebenezer Robinson, by whom they were printed. We would recommend to all the saints to get one, to be had in their families, as it contains an outline of the suffering and persecutions of the Church from its rise. As also the fixed determinations of the saints, in relation to the persecutors, who are, and have been, continually, not only threatening us with mobs, but actually have been putting their threats into execution; with which we are absolutely determined no longer to bear, come life or come death, for to be mob[b]ed any more without taking vengeance, we will not.<sup>15</sup>

<sup>&</sup>lt;sup>14</sup> Oration Delivered by Mr. S. Rigdon, on the 4th of July, 1838 (Far West: Printed at the Journal Office, 1838), 8, 12.

<sup>&</sup>lt;sup>15</sup> Elders' Journal 1 (August 1838):54.

Fifty-one years later, Ebenezer Robinson wrote about publishing Rigdon's speech:

A copy of the oration was furnished the editor, and printed in "The Far West," a weekly newspaper printed in Liberty, the county seat of Clay county. It was also printed in pamphlet form, by the writer of this, in the printing office of the Elders' Journal, in the city of Far West, a copy of which we have preserved.

This oration, and the stand taken by the church in endorsing it, and its publication, undoubtedly exerted a powerful influence in arousing the people of the whole upper Missouri country.<sup>16</sup>

In the month of June the beginning of the organization known by such names as the "daughter of Zion," the "Big Fan," or "Danites" commenced at Far West. The leading officers were at the events held on July Fourth. The order of the day for the celebration included a procession headed first by the First Presidency, then by the marshals of the day, and then by Generals Jared Carter, Sampson Avard, and Cornelius P. Lott who were the three leading Danites at the time.<sup>17</sup> This was the day for laying the cornerstones of the temple.

The Danites was an extra-legal group of church members who pledged to support Joseph Smith and joined together in extreme activities working to further their goals. The organization was not directed by the state of Missouri, as a militia unit would have been, but was composed of male church members. They believed that certain dissenters had to leave Caldwell County to save the church from further fractures. They were to protect the homes and lives of members from any adverse action from those they perceived as mob like or enemies of the church. They agreed to assist each other if necessary. Though organized like regular troops, this Mormon force was acting under the direction of their own leaders. In Missouri history, this period is known as the Mormon War.

It appears that Joseph Smith, Sidney Rigdon, and Hyrum Smith, members of the First Presidency, did not take the Danite oath as the Danites did to support their program. Rigdon mentioned in 1843 that the Danites were formed for mutual protection and they "had certain signs and words by which they could know one another, either by day or night." In July the order of Danites was organized at Adam-ondi-Ahman headed by Lyman Wight. The total number who joined the Danite organization at the two locations numbered in the hundreds. The leaders had military titles. There are no known minutes of the secret meetings where members were initiated. Reed Peck, who had been an Adjutant with the Danites, listed the names of the leading officers of the Danites. <sup>19</sup>

<sup>&</sup>lt;sup>16</sup> Ebenezer Robinson, ed., "Items of Personal History of the Editor," *The Return* 1 (November 1889):170-71, Davis City, Iowa.

<sup>&</sup>lt;sup>17</sup> "Celebration of the 4th of July," *Elders' Journal* 1 (August 1838):60.

<sup>&</sup>lt;sup>18</sup> Times and Seasons 4 (July 15, 1843):271, Nauvoo, Illinois.

<sup>19</sup> Missouri General Assembly, Document Containing the Correspondence, Orders, &c. in Relation to the Disturbances with the Mormons; and the Evidence Given before the Hon. Austin A. King, Judge of the Fifth Judicial Circuit of the State of Missouri, at the Court-House in Richmond, in a Criminal Court of Inquiry, begun November 12, 1838, on the Trial of Joseph Smith, Jr., and others, for High Treason and Other Crimes Against the State (Fayette, Missouri: Printed at the office of the Boon's Lick Democrat, 1841), 116-17, 120. Reed Peck in his 1839 manuscript listed the leaders, and has Avard holding the office of Major General and Lott as

Captain General—Jared Carter (replaced after July 4 by Elias Higbee)
Brigadier General—Sampson Avard
Major General—Cornelius P. Lott
Colonel—George W. Robinson
Lieutenant Colonel—Philo Dibble
Major—Seymour Brunson

George W. Robinson recorded under the date of July 27 the following concerning the Danite order:

Some time past the bretheren or saints have come up day after day to consecrate, and to bring their offerings into the store house of the lord, to prove him now herewith and se[e] if he will not pour us out a blessing that there will not be room enough to contain it, They have come up hither

Thus far, according to the <Revelat[o]r> order of the Danites, we have a company of Danites in these times, to put to right physically that which is not right, and to cleanse the Church of verry great evils which hath hitherto existed among us inasmuch as they cannot be put to right by teachings & persuasyons, This company or a part of them exhibited on the fourth day of July They come up to consecrate, by companies of tens, commanded by their captain over ten.<sup>20</sup>

When George Robinson wrote, "This company or a part of them exhibited on the fourth day of July" he meant the Danite company exhibited itself at the Fourth of July activities.

John Corrill wrote concerning the Danites in 1839: "They said they meant to cleanse their own members first, and then the church. In order to carry on their operations, they organised themselves into companies of fifties and tens, with a captain to each company, that they might be ready to act in concert on any occasion."<sup>21</sup>

Reed Peck wrote in September 1839, "In July the law of consecration took effect which required every person to give up to the bishop all surplus property of every description not necessary for their present support." <sup>22</sup>

On August 6 at Gallatin an election was to be held. Some Latter Day Saints were prevented from voting, and a fight broke out between Missourians and Mormons that resulted in injuries. On the morning of the next day, church leaders at Far West heard a report that at the election two or three brethren had been killed and other rumors. No one was killed, but at the

Brigadier General, otherwise the list is the same. Peck was an Adjutant, and the Danites had captains of fifties and tens. Peck to "Dear Friends," September 18, 1839, 45-46, Huntington Library, copy in Manuscripts Division, Marriott Library, University of Utah.

<sup>&</sup>lt;sup>20</sup> Scriptory Book of Joseph Smith, 60-61, original wording. The portion of the entry on manuscript page 61 starting at "Thus far, according to the" and ending with "commanded by their captain over ten" was at a later date crossed out. See Jessee, *Papers of Joseph Smith* 2:262.

<sup>&</sup>lt;sup>21</sup> Corrill, A Brief History of the Church of Christ of Latter Day Saints, 31.

<sup>&</sup>lt;sup>22</sup> Peck to "Dear Friends," September 18, 1839, 50. The law of consecration mentioned by Peck was one of the revelations given on July 8, 1838. See Marquardt, *Joseph Smith Revelations*, 293; LDS D&C 119; RLDS D&C 106.

time, they followed the oral report. Robinson wrote in the Scriptory Book that the First Presidency rode with the Far West Danite chiefs to the settlement at Adam-ondi-Ahman:

Before we arrived at Col. Wights we had a large company Prests Smith and Rigdon and H[yrum] Smith, all the first presidency, General [Elias] Higbee, Gen. [Sampson] Avard[,] myself [Colonel George W. Robinson] and ma<n>y others to[o] tedious to mention at this time or in this record, were in the company.

Luman Shurtliff mentioned that, near the beginning of August 1838, he joined the Danites. Luman, who was thirty-one years old when he joined, wrote the following regarding the Danites:

About this time I received an invitation to unite with a Society called the Danite society and to meet with them at their next meeting which I did. And found <it> was got up for our personal defense also of Our Families[,] Proper<ty> and our Religeon Sighns and pass-words given which each member could know the Other whare ever they met night or day Each person to settle all difficulty if he had any <with a member> of the Society before he could be received. I considered this a go<o>d institution for the benefit of society and a blessing for this people[.] But it Braok up on our leaveing the State of Missouri.<sup>23</sup>

Of interest in Shirtliff's recollection is an episode when he was on guard duty that shows Joseph and Hyrum Smith knew the Danite secret countersign, "I herd two Men Comeing from towa[r]d Camp I knew by their voicees it was our Prophet and his Br Hyrum when they came in hailing distance I hailed them enquired who they ware the answer was friends I bade them advance and give the Countersign which they did." At another time Shurtliff felt he could not "use any sighn or password" since he learned that John Taylor was not a Danite.<sup>24</sup>

Missourians were scared by the activities of Mormon forces. Citizens and government officials wrote to Governor Boggs telling him of the fear of the Mormons caused by recent events. This public outcry prompted Boggs to issue a dreadful executive order to expel or exterminate the Mormons from Missouri. Whatever actions good or bad that both sides were involved in, the action of the governor was enough to get the attention of the saints. Their stay in Missouri as a group was over, and they needed to depart. Both sides contributed to the events that caused anger and hardships which continued for many years afterwards.

In 1841 the Missouri General Assembly published a lengthy compilation of one hundred sixty-three pages of printed material. It was printed in Fayette under the title *Document Containing the Correspondence, Orders, &c. in Relation to the Disturbances with the Mormons; and the Evidence Given before the Hon. Austin A. King, Judge of the Fifth Judicial Circuit of the State of Missouri, at the Court-House in Richmond, in a Criminal Court of Inquiry, Begun* 

<sup>&</sup>lt;sup>23</sup> Luman Andrus Shurtliff Autobiography, 120, CHL.

<sup>&</sup>lt;sup>24</sup> Ibid., 122, 125.

November 12, 1838, on the trial of Joseph Smith, Jr., and others, for High Treason and Other Crimes Against the State. <sup>25</sup>

The publication contained an index, Missouri Legislative Proceedings, correspondence, affidavits, testimonies, summaries by Judge King, and certificates. The testimonies of witnesses mainly for the prosecution and a few for the defense are contained under the heading "evidence" covering pages 97 through 149. Judge Austin Augustus King was born in Tennessee in 1802 and had been appointed a judge of the fifth circuit in 1837. At the time of the Mormon inquest hearing, he was thirty-six years old.

The printed text at times has different wording than the signed statements in the manuscript.<sup>26</sup> A few corrections may have been made on the pages during the printing process. In a couple of places the order of the testimony was changed. There are also variants in how the names are spelled of those who gave testimony. Three testimonies of Mormons were not published in the 1841 printing. The important aspect of this document is that it contains the original signatures of those who testified before Judge King. What is presented hereafter is a short summary from that document.

One of the rumors heard prior to the court hearing was of the group of Mormons called Danites. On September 4, 1838, John N. Sapp made an affidavit saying he left the Mormons on August 15, and had been a member of the Danites (1841, 17). There was also a statement by Philip Covington, an acting justice of the peace in Daviess County, which adjoined Caldwell County, who said that on the October 18 Mormons went to Gallatin, robbed a store, and told the citizens to leave the county (1841, 43).<sup>27</sup> Another letter written October 23 to the governor also said that the store of Jacob Stollings was looted and burned, including the post office that was located in the structure (1841, 49).

George M. Hinkle was a colonel in Caldwell County militia, and for a time in charge of the local militia. The majority of citizens living in the county were Mormons. The church high council on March 10, 1838, resolved that those holding preaching licenses, between ages eighteen and forty-five, who were not officiating in their office "be subject to military duty." How many Mormons were involved in unlawful activities in the Caldwell County militia, or in the Far West, or Adam-ondi-Ahman companies of Danites is not a part of our examination. Every Mormon male was not a Danite. The Mormon town Adam-ondi-Ahman was called Diahman (spelled Diahmon in the record of the hearing),

It appears that Joseph Smith sometimes directed Mormon troops. John Cleminson recalled that Lyman Wight believed that the Mormons could settle the difficulties themselves (53; 1841, 116). Whether armed Mormon men were considered under the banner of Danites, the

<sup>&</sup>lt;sup>25</sup> Missouri General Assembly, *Document Containing the Correspondence, Orders.* . . (Fayette, Missouri: Printed at the office of the Boon's Lick Democrat, 1841). This work will hereafter be cited in the text as 1841 followed by the page number.

The original testimony is located in the Eugene Morrow Violette Collection, Collection Number 1033, Western Historical Manuscript Collection-Columbia, 23 Ellis Library, University of Missouri, Columbia, Missouri. The first number cited in parenthesis is from my page by page transcription of this manuscript which I have titled "Mormon Inquest Testimony, 1838," (excluding crossed through words), and the second reference is from the 1841 printing.

<sup>&</sup>lt;sup>27</sup> The date of the statement was printed as September 22, 1838, rather than the correct month of October.

<sup>&</sup>lt;sup>28</sup> Cannon and Cook, Far West Record, 146.

Army of Israel, as being part of a militia or defending their families, there is no question that these Mormon troops felt they were defending their rights. It is not a question of whether these troops were legal or not. The Mormons were resolved to retaliate and take revenge upon the enemies of the kingdom of God.

These courses of events led to leadership problems in the organizational history of the church apostles. In October 1838 David W. Patten (who was known as Captain Fearnaught) commanded a company of soldiers and went to Gallatin and committed acts of destruction. He was later killed in a battle with Captain Samuel Bogart at Crooked River. Two apostles left the church over activities that, at the time, were sanctioned by church leaders. Thomas B. Marsh, president of the Quorum of the Twelve Apostles, made an affidavit on October 24, 1838, disclosing what church members had done and their threats against Mormon dissenters. Apostle Orson Hyde concurred with what Marsh wrote (1841, 57-59).

Charges and counter-charges have been made about who performed acts of aggression toward citizens of Missouri and also against the Mormons. These recollections before Judge King were given closer to the events than later published explanations. It appears from my examination that most of the testimony came from those who were still church members with the exception of John Whitmer who had been excommunicated eight months prior to the hearing.

This was a court of inquiry or preliminary hearing, sometime called a trial. The hearing lasted eighteen days, November 12-29, 1838. If there was enough evidence against the defendants, they would be brought to trial. In this case, evidence was to be presented before a grand jury. This ex parte hearing related to the purported guilt of the Mormons but did not examine wrong-doings of local residents against the Latter Day Saints. For example, no hearing was held dealing with Missourians killing Mormons at Haun's (or Hawn's) Mill.

The inquiry was the State of Missouri versus Joseph Smith and the Mormons. The examination started with fifty-three defendants charged "with the several crimes of high treason against the State, Murder, burglary, arson, robbery & larceny" (1; 1841, 97). During the days of the hearing; eleven more Mormons were added, making a total of sixty-four defendants. Some of these individuals were later released. Some persons who gave testimony remembered the dates of events that took place while most did not. What the witnesses affirmed appear to be genuinely believed by each individual.<sup>30</sup>

A large part of the testimony described Mormon troops raiding small towns in Daviess County. The number of troops mentioned in testimony appears to be an estimate based upon the perception of each individual. On October 18, 1838, Lyman Wight led about eighty men to Millport and burned some houses, while David W. Patten commanded another eighty troops (some estimated 100 to 150) to Gallatin. The battle at Crooked River was fought between the forces led by David W. Patten and the Missouri state troops commanded by Captain Samuel Bogart.

The testimonies given at the examination can be broken down as follows: Of the forty-two witnesses, twenty-two were or had been Latter Day Saints. This included seven who had been Danites. The longest testimonies came from former Danites: Sampson Avard, Reed Peck,

<sup>&</sup>lt;sup>29</sup> See also Marsh to "Brother and Sister Abbot," October 25, 1838, copy in Joseph Smith Letterbook 2:18, CHL. Orson Hyde added to the letter that he left the church.

<sup>&</sup>lt;sup>30</sup> This observation is contrary to what Hyrum Smith and Sidney Rigdon, members of the First Presidency, stated in 1843. See *Times and Seasons* 4 (July 1, 1843):253; (August 1, 1843):278; and Firmage and Mangrum, *Zion in the Courts*, 75.

and Burr Riggs. Men who never were Danites but who also gave lengthy testimonies, were William W. Phelps, George M. Hinckle, and John Corrill. In addition, near the end of the examination seven witnesses testified in behalf of the defense including fifteen-year-old Nancy Rigdon, daughter of Sidney Rigdon. The state had twenty non-Mormon witnesses who testified.

Witnesses were examined concerning the activity of Mormon troops led by David Patten to Gallatin. Some testimony was given relative to the settlement of Millport and to a lesser degree to Grindstone Fork. The hearing concerned itself mainly with the events that took place at Gallatin and Millport in Daviess County, the Danite band, the fight with state troops led by Captain Bogart, and the reported intentions of church leaders. Judge Austin King certified "that the several witnesses herein before examined, were severally sworn by me according to law, and their examination taken by me, in the presence of the prisoners, and reduced to writing under my direction, and signed by said witnesses respectively, after the same was read over to them" (1841, 150-51).

Ebenezer Robinson, who was one of the defendants, gave a description fifty-one years later of the deplorable building where the court of inquiry was held.

At Richmond we were taken into the court house, which was a new unfinished brick building, with no inside work done except a floor laid across one end, some 16 or 20 feet wide. There were two large fire places built in the wall where the floor was laid. A railing was built across the room at the edge of the floor, and we were quartered inside the railing as our prison, with a strong guard inside and outside the building.

Two 3 pail iron kettles for boiling our meat, and two or more iron bake kettles, or dutch ovens, for baking our corn bread in, were furnished us, together with sacks of corn meal and meat in the bulk. We did our own cooking. This arrangement suited us very well, and we enjoyed ourselves as well as men could under similar circumstances. We spread our blankets upon the floor at night for our beds, and before retiring, we sang an hymn and had prayers, and practiced the same each morning before breakfast. . . .

Tuesday, Nov. 13, A space on the south end of the floor in the court house was appropriated for the use of the court, which convened on that day, with Austin A. King on the bench, and Thomas C. Burch, state's attorney, when the prisoners named above, together with those confined in the court house, were arraigned for trial, viz: . . .

All the above named prisoners were severally charged with high treason against the state, murder, burglary, arson, robbery and larceny.

The charge of murder was made on account of the man that was killed in the Bogart battle, wherein one Missourian and three of our men were killed. Fortunately, most of our brethren who had participated in that battle had left the state, consequently only a few of our fellow prisoners had anything to do with that unfortunate affair.<sup>31</sup>

George M. Hinkle wrote to William W. Phelps (both were witnesses before Judge King): "When the Court of Enquiry held its session in Richmond, I did not turn State's evidence, but

<sup>&</sup>lt;sup>31</sup> Robinson, "Items of Personal History of the Editor," *The Return* 2 (March 1890):234.

was legally subpoenaed, as you know."<sup>32</sup> One such subpoena made out by Judge King near the end of the examination reads:<sup>33</sup>

The State of Missouri to James Blakely Nathaniel Blakely, James B. Turner, Laburn Marion, John Lockard Timothey Lewiss

Greeting, you are hereby commanded that setting aside all excuse, and delay you be and appear forthwith before me at the Court House in the town of Richmond there and there to give evidence and the truth to say on a certain examination & inquiry there and there pending before me wherein the State of Missouri is plaintiff and Joseph Smith Jr and others are defendants on behalf of the state. Herein fail not at your peril. Given under my hand this 21<sup>st</sup> day of November 1838.

Austin A King Judge &C

First and foremost in the court of inquiry was the examination of Sampson Avard. Avard was baptized into the church and ordained an elder in 1835 by Orson Pratt.<sup>34</sup> Later Avard was ordained a high priest and participated at a June 1838 high council meeting in the city of Far West. Avard held the rank of brigadier general and was one of the leaders in the Danite order but was not the individual in charge of the organization. In July he was present when Joseph Smith received a revelation for the Twelve Apostles.<sup>35</sup> At the hearing Avard produced a copy of a reported Constitution, and also a copy of a warning to dissenters that was signed by eighty-three individuals. This last document as has been stated, warned Oliver Cowdery, David Whitmer, John Whitmer, William W. Phelps, and Lyman E. Johnson to depart out of Caldwell County. Of those warned only William W. Phelps, postmaster of the town, became repentant and stayed in Far West while the others fled. Sampson Avard indicated in his testimony that those becoming Danites entered into a covenant. After raising their right hand they repeated:

In the name of Jesus Christ the son of God, I do solemnly obligate myself ever to conceal & never to reveal the secret purposes of this society called the daughter of Zion; Should I ever do the same I hold my life as the forfeiture (3; 1841, 97).<sup>36</sup>

At a meeting held in the schoolhouse the church presidency, Joseph Smith, Sidney Rigdon, and Hyrum Smith blessed the officers of the Danites.<sup>37</sup> Avard mentioned that Joseph

<sup>&</sup>lt;sup>32</sup> Hinkle to Phelps, August 14, 1844, *The Ensign* 1 (August 1844):31, Buffalo, Iowa Territory.

<sup>&</sup>lt;sup>33</sup> Greg and MarJane Christofferson Collection, Irvine, California. Used by permission. Of those commanded to appear before the court James B. Turner, John Lockhart (spelled Lockard on document), and Timothy Lewis gave testimony before Judge King circa November 26, 1838.

<sup>&</sup>lt;sup>34</sup> Orson Pratt to "Dear Brother" [John Whitmer], November 18, 1835, *Messenger and Advocate* 2 (November 1835):224.

<sup>&</sup>lt;sup>35</sup> Marquardt, *Joseph Smith Revelations*, 292; LDS D&C 118 (July 8, 1838).

<sup>&</sup>lt;sup>36</sup> John Corrill said he was at one of the meetings "where an oath in substance the same as testified <to> by Dr Avard was administered" (30; 1841, 110).

<sup>&</sup>lt;sup>37</sup> Based upon the testimonies of Avard (2; 1841, 97); John Corrill (30; 1841, 111); and Reed Peck (55; 1841, 117).

Smith said "it was necessary this band should be bound together by a covenant that those who revealed the secrets of the society should be put to death" (2-3; 1841, 97). Avard recalled, "At the Election last August a report came to Far West that some of the brethren in Davis [Daviess County] were killed. I called for 20 volunteers to accompany me to Davis [Daviess] to see into this matter.—I went and about 120 mormons accompanied me to Adam Ondi Ahman. Mr Joseph Smith Jr in company, when we arrived there I found the report exag[g]erated, none were killed" (3; 1841, 98). At a later date Joseph Smith removed Avard from his position.

Avard said he did not know if the members of the First Presidency ever took the Danite oath. He also mentioned an anecdote that Joseph Smith gave "about a captain who applied to a Dutchman to purchase potates [potatoes], who refused to sell, the Capt[ain] then charged his company several different times not to touch the Dutchmans potatoes. In the morning the Dutchman <a href="https://doi.org/10.1001/j.com/no.1001/j.com

Further in his testimony Sampson Avard said that Captain David W. Patten, with about 100 men went to Gallatin, removed goods out of the store of Jacob Stollings and took them to the storehouse in Diahman in the care of Bishop Vincent (Vinson) Knight.

Those who opposed the operations of the Danites included John Corrill, William W. Phelps, and former member John Whitmer. What started out as secret society to cleanse the church of undesirables, afterwards turned into an organization of defense and retaliation against nonmember Missourians. Most nonmembers including the governor were considered being part of a mob, bent on having the Mormons leave the state.

John Corrill said he was at a Danite meeting where the officers of the society were blessed by the first presidency in their calling.<sup>38</sup> Joseph Smith said "he wished to do nothing unlawful" and told them to obey the presidency (30; 1841, 111).

George M. Hinkle talked with Joseph Smith and "told him that this course of things of burning houses & plundering by the mormon troops would ruin us, that it could not be kept hid and would bring the force of the State upon us, that houses would be searched & stolen property found." Hinkle said that Smith replied in a rough manner "to keep still, that I should say nothing about it, that it would discourage the men & he would <not> suffer me to say any thing about it" (38-39; 1841, 126).

Hinkle received an order from Judge Elias Higbee to order out the militia of Caldwell County. Joseph Smith reduced Hinkle's command and took charge of the forces personally. George Hinkle recalled:

I have heard Jos[eph] Smith Jr say that he believed Mahommet [Mahomet] was a good man, that the Koran was not a true thing, but the world believed Mahommet [Mahomet] as they beli[e]ved him. & that he believed Mahommet [Mahomet] a true prophet (42; 1841, 128).

James C. Owens testified Joseph Smith "observed that he didn't intend to obey the laws any longer, that he had had a great many writs served on him, & that he was of age, and did not intend to have another served on him" (47; 1841, 113).

<sup>&</sup>lt;sup>38</sup> On John Corrill see Kenneth H. Winn, "'Such Republicanism as This': John Corrill's Rejection of Prophetic Rule," in Roger D. Launius and Linda Thatcher, eds., *Differing Visions: Dissenters in Mormon History* (Urbana: University of Illinois Press, 1994), 45-75.

Jeremiah Myers said he was in the last expedition to Daviess County (in October 1838) and was "summoned from my home in the east part of Caldwell county, by my militia officer to go to Far West" (67; 1841, 131). He went and Captain Fearnaught (David W. Patten) took a company of men and went to Gallatin. Myers was told there was a mob there. That evening he saw the goods that had been removed from the store in Gallatin and they were at the bishop's storehouse. The goods were called "consecrated property."

Samuel Kimble gave testimony that he heard Joseph Smith say in a speech to a large company under arms:

It was impossible to please a mob, that he had applied to the Governor, and he understood the governor said he could do nothing for us, he said that the whole state was a mob, and that the governor was nothing but a mob, & if he come upon them he would make war upon him. He cursed the state as a damn mob & that God would damn them. He observed that the people might think he was swearing, but that the Lord would not take notice of it (82; 1841, 138).

Addison Greene mentioned that he was in the spy company. He was taken prisoner and then released before the fight with Bogart (108; 1841, 144).<sup>39</sup> William W. Phelps, who had recently rejoined the church after being excommunicated, remembered at one time attending a meeting in the spring of 1838 where Sidney Rigdon spoke:

As early as April last, at a meeting, in Far West, of 8 or 12 persons, Mr Rigdon, arose and made an address to them in which he spoke of having bo<u>rne persecutions & law suits & other privations, and did not intend to bear them any longer. That they meant to resist the law, and if a sheriff came after them with writs they would kill <him>. And if any body opposed them they would take off their heads. Geo W Harris who was present observed, you mean the head of their influence I suppose. Rigdon answered, he meant, that lump of flesh & bones called the skull or scalp (83; 1841, 121).

Abner Scovel, whose testimony was not published in 1841, said he heard Joseph Smith say he would conquer the people by the sword of the Spirit; also "what do we care for the laws of the land <is> so long as there is no person to put them in force." Scovel said the following concerning the rebaptisms of William W. Phelps and Frederick G. Williams:

Soon after the time that Phelps & Williams was baptized, (about the last of June <or July> last) I heard Sidney Rigdon say, in Far West, that if Phelps or Williams apostatised again, or <set up against the government or kingdom>, the Lord would kill them in half an hour, or would put it into the hearts of his saints to kill them (49).

<sup>&</sup>lt;sup>39</sup> Compare with a short statement made by Greene on March 17, 1840 in Clark V. Johnson, *Mormon Redress Petitions: Documents of the 1833-1838 Missouri Conflict* (Provo, Utah: Religious Studies Center, Brigham Young University, 1992), 220.

The testimony of Scovel helps us determine when the rebaptism of these men occurred. Both Phelps and Williams had lost their office in the church. They were told in a revelation to Joseph Smith, "in consequence of their transgressions, their former standing has been taken away from them And now if they will be saved, Let them be ordained as Elders, in my Church, to preach my gospel." On July 26 Phelps was called upon to draw up a petition to remove the county seat to Far West. The Scriptory Book of Joseph Smith recorded for August 5, "Br. F. G. Williams was among the number, who being rebaptized a few days since was this day confirmed." 42

In his testimony, Phelps said he attended a meeting where Rigdon and Smith "meant to have the words of the presidency to be as good, and as undisputed as the words of God. And that no one should speak against what they said" (84; 1841, 121). It was said at another meeting that if anyone spoke against the presidency they would be turned over into the hands of the "brother of Gideon."

William Phelps said he heard from David Patten "that Rigdon was writing a declaration, to declare the Church independent." Phelps said he replied to Patten, "I thought such a thing treasonable, to set up a government within a government. he [Patten] answered it would not be treasonable if they could maintain it" (87; 1841, 122). Phelps heard Joseph Smith tell the anecdote of the Dutchman's potatoes. Phelps said he also heard Joseph Smith remark that there was a store at Gallatin and a grocery at Millport. Phelps understood that Captain Fearnaught (David W. Patten) should take a company of men and go to Gallatin and take the goods out of the store and bring them to Diahman and burn the store. Also Lyman Wight was to take a company to Millport, and Seymour Brunson was to take a company to Grindstone Fork.

The other two testimonies given during the examination that were not published in 1841 were those of Robert Snodgrass and George Walter. Snodgrass said he heard Joseph Smith say in Far West a number of months previously, "That the time had now come that the Saints should <rise &> take the kingdom, <and they should> do it by the <sword of the> Spirit, and if not, by the sword of power" (35).

George Walter, who was examined at length, said he heard Joseph Smith say in Far West that he believed that Mahomet "was an inspired man, and had done a great deal of good." Walter gave bail for Lyman E. Johnson, a dissenter and former apostle, who had been driven from Far West. On leaving town Johnson was fired upon. "Jos[eph] Smith Jr accused me of lying, of harbouring the mob, of being too intimate with the dissenters," and also carrying news to Richmond and other places. Smith said "it was a time of war, and to permit persons who are right in among them to go out and carry news, would never do and it should be stop[p]ed, if not in any other way, they would do it by taking their lives." (36). Joseph Smith further said, "the militia was nothing but a mob, <that> the state of Missouri was a mob. & that the Governor himself was a mob character." Smith also said, according to Walter, "that it was time to lay religion aside and take up <their> guns" (37-38).

In addition to Sampson Avard, six other Danites were examined at the hearing. Reed Peck said that in June 1838, George W. Robinson and Philo Dibble "invited me to a danite meeting, I went. The only speaker was Dr Avard who explained the object of the meeting, and said that its object was that they might be perfectly organized, to defend <them>selves against

<sup>&</sup>lt;sup>40</sup> Marquardt, *Joseph Smith Revelations*, 293. The revelation was given on July 8, 1838.

<sup>&</sup>lt;sup>41</sup> Jessee, Papers of Joseph Smith 2:262.

<sup>&</sup>lt;sup>42</sup> Ibid. 2:264.

mobs. that we were all to be govern[e]d by the presidency, & do whatever they required. and uphold them that we were not to judge for ourselves whether it were right or [w]rong that God had raised us a prophet who would judge for us, & that it was proper we should stand by each other in all cases" (54; 1841, 116).

Peck learned that "Jared Carter was captain General of the band." Reed Peck was present when the officers were introduced and blessed by the presidency and indicated that Avard did not explain what he was teaching to the church presidency probably because it was a secret society. Peck said he heard Avard "say that the danites were to consecrate their surplus property, and to come in by tens to do so." Peck also said that in October:

I heard Jos[eph] Smith Jr in a speech say, in refference [reference] to stealing, that in a general way he did not approve of it, but that on one occasion our Saviour & his disciples stole corn in passing thro' the corn fields for the reason that they could not otherwise procure any thing to eat. He told an anecdote of a Dutchmans potatoes, and said in substance that a colonel or captain was quarter[e]d near a Dutchman from whom he wished to purchase some potatoes, who refused to sell them. The officer then charged his men, not to be cau<gh>t stealing the dutchmans potatoes but next morning he found his potatoes all dug (56; 1841, 117).

Morris Phelps told about attending two Danite meetings. At the second meeting he took objection to taking spoils or plunder and said he never attended a Danite meeting since. He also heard Joseph Smith talk about the Dutchman's potatoes (28-29; 1841, 110).

Witness Burr Riggs testified that he was at Diahman when he "saw a great deal of plunder brought in, consisting of beds. & bed cloths, I also saw one clock, and I saw 36 head of cattle drove up & put in a pen. all the above property was called consecrated property." Riggs heard from John L. Butler "that they had taken the cattle from the citizens of the Grindstone fork, and said he had made a valuable expedition" (73; 1841, 134). Burr Riggs also mentioned, "When Patten was raising his company to go against Bogart. he remarked that it (Bogarts company) was said to be militia, but it was a cursed mob, and that in the name of the Lord he would go and disperse them" (76; 1841, 135).

Finally Ezra Williams (son of Frederick G. Williams), who had turned fifteen years old since the start of the hearing, testified that he was in Captain Patten's company "when he took Gallatin, and rob[b]ed the store, the goods were packed off a great many of them before the men on their horses, my Captain often gave me some, which I packed off before me to Diahmon, they were deposited in a house on the river bank" (107; 1841, 144).

The non-Mormons who gave testimony during the examination discussed events that occurred in Millport and being taken prisoners by the Mormons. They also told about the attack on Captain Bogart, and the taking of goods from the store of Jacob Stollings at Gallatin. Charles Bleckley and James Cobb were both examined and said they observed Joseph Smith, Lyman Wight, and George Robinson on horseback looking at the burning of a house at Millport (77-78; 1841, 136).

James B. Turner said the day after Millport was burned, he saw Joseph Smith, Hyrum Smith, Lyman Wight along with two others. Mr. Cobb the mail rider said, "see what the damn Mormons, have done," referring to the burning and Hyrum Smith asked how he knew it was the

Mormons. "Lyman Wight said their cause was just" and they were acting on the defensive (97; 1841, 139-40).

Elisha Camron said he was taken prisoner and informed Lyman Wight they were raising a militia in Clay County and there was no mob out there (77; 1841, 136). A rebuttal witness, Asa Cook, said he told a man who said he was a Mormon that "we were no mob, but militia" (120; 1841, 149). Andrew Job said he was taken prisoner by Captain Fearnaught (David Patten). While traveling Job saw ten houses on fire between Millport and Diahman. Job also said Ebenezer Page told him that the mob was burning their own houses and would blame the Mormons. The next morning Lyman Wight told the prisoners that they had four hours to leave the county. Afterwards Job found various articles taken from the residence of his stepmother at the house of Lyman Wight (69-70; 1841, 132-33).

Jesse Kelley testified that a company of Mormons led by Alexander McRay took him and Addison Price prisoners. McRay told them that, if they did not wish to flight, they needed to leave the state. They were released soon after (79-80; 1841, 137). Addison Price concurred with Kelly's testimony about being taken prisoner and said that McRay, captain of the company, raised his right hand and warned him in the name of God to leave the county and he had better leave the state. The company said they were militia and bore a white flag (80-82; 1841, 137-38).

Captain Samuel Bogart said that on the evening of October 24 he met with several Mormons and read to them his order of General Atchison. Bogart supposed that they would inform the Mormons of Caldwell County about the character of his company (27; 1841, 108). Wiatt Craven, who was in Captain Bogart's company, mentioned that Parley P. Pratt and David Patten made an attack upon them and Craven was wounded. Craven said the Mormons approached, both parties commenced firing about the same time, and he was taken prisoner. Moses Rowland and several Mormons were killed during this battle (24-25; 1841, 109).

Testifying also was John Lockhart who was in Bogart's company, being one of two picket guards. The guards hailed the other (Mormon) company and told them to lay down their arms but they did not (102-104; 1841, 142). Nehemiah Odle Sr. was also in the battle of October 25 between Captain Bogart and the Mormons. Odle said Parley P. Pratt participated but he did not know who fired first (26; 1841, 108).

A number of witnesses told about the stolen goods taken from the store of Jacob Stollings in Gallatin. Patrick Lynch mentioned that he was a clerk in the store. Lynch said he saw the Mormons at a distance and locked the door of the store. He saw the Mormon troops taking goods from the store. Later the merchandise was found in Diahman. Among the items taken were a ledger, three daybooks, and notes of hand. The books were not recovered "but the notes I found in the house of bishop Knight, at Diahmon, in the possession of his wife, except the notes on mormons." Later Lynch returned and found the storehouse burned; this building housed the post office and the treasurer's office (110-11; 1841, 145).

Joseph H. McGee said it was on Thursday, October 18, when the Mormons came to Gallatin. His shop was broken open and George Worthington's saddlebags were taken, also two quilts, a coat, and other clothing that belonged to McGee. Items belonging to other individuals were also removed. McGee saw the Mormons taking goods out of the storehouse and packing articles on their horses. A short time later, he saw the place in smoke and flames. McGee said he heard Parley P. Pratt order the men to take the goods prior to the house being set on fire (101-102; 1841, 141).

Another witness, Thomas M. Odle, stated that on Saturday (October 20), after Gallatin was burned, a company of twelve men came to John Raglin's home in Daviess County: "They

said their object was to drive the mob from the county, and said that I must go." Odle was told to be gone next morning or they would take his life. Mrs. Raglin was also told to leave. The men said they had been driven long enough and would defend themselves and they intended to make it a war of extermination (64-65; 1841, 130).

George W. Worthington testified that it was about Thursday, October 18 that the Mormons troops took Gallatin. About 100 Mormons, he later learned under the command of Captain Patten, rushed the town. Worthington lived about a half mile from Gallatin. He said the Mormons took a horse, saddle, and bridle that belonged to John A. Williams. They did not take his mare but took his gun. Later Worthington looked toward the storehouse and saw smoke in the roof and soon after flames burst out from the top. He left his home that evening leaving his property in the house. His home was burned and his property taken. At a subsequent time, he saw his property in a storehouse and some in a house said to be Bishop Knight's in Diahman (98-100; 1841, 140-41).

Porter Yale said he was at Gallatin when the Mormons attacked and burned it. They took some guns from his father's house. He went with the Mormons to Diahman, and they kept him there two or three days. There were about 100 Mormons there. He saw a great deal of plunder brought into Diahman, and it was called consecrated property (104-105; 1841, 142-43).

After Judge Austin A. King heard the testimony of the witnesses, he discharged twenty-nine of the defendants because of the lack of sufficient evidence. Twenty-four Mormon prisoners were considered guilty of arson, burglary, robbery, and larceny in Daviess County; and as the offences were bailable, they could post bail until the next term of the Daviess County Circuit Court. But the court believed that Joseph Smith and four other Mormons were guilty of overt acts of treason in Daviess County. Smith together with Lyman Wight, Hyrum Smith, Alexander McRae, and Caleb Baldwin were to answer the charge in March 1839. Sidney Rigdon was charged with treason committed in Caldwell County. They were committed to Liberty Jail in Clay County. Since the death of Moses Rowland occurred in Ray County, it was believed that Parley P. Pratt, Norman Shearer, Darwin Chase, Luman Gibbs, and Morris Phelps were guilty and would be held in the Ray County jail.

In January 1839 Sidney Rigdon represented himself in his plea of habeas corpus. He said he was innocent of high treason. He was able to give bail and was released, but he stayed in Liberty Jail for protection for ten days before leaving the state.<sup>43</sup> The other petitioners remained confined as prisoners.

At a March 1839 conference in Quincy, Illinois, individual names were presented for excommunication from the church, including six men who testified at the hearing.<sup>44</sup> A few months later, Joseph Smith and his fellow Mormons prisoners were allowed to escape from custody and also fled to Quincy. This was one reason why further legal efforts were made to extradite Joseph Smith to Missouri.

What occurred in Missouri during those trying times was a sad state of affairs. There was no restoration of homes and property for either the Mormons or the Missourians. The insurrection surely assisted Governor Boggs to help the early settlers in their efforts to get rid of

<sup>&</sup>lt;sup>43</sup> Richard S. Van Wagoner, *Sidney Rigdon: A Portrait of Religious Excess* (Salt Lake City: Signature Books, 1994), 254.

<sup>&</sup>lt;sup>44</sup> "Extracts of the Minutes of Conferences," *Times and Seasons* 1 (July 1839): 15, Commerce, Illinois, conference held on March 17, 1839 at Quincy, Illinois; republished in Ibid., 1 (November 1839):15.

the Mormons. Petitions for help from the local citizens resulted in the extreme measure of Executive Order No. 44 issued by Boggs on October 27, 1838. It took another executive order, issued 137 years later in 1976 by Missouri Governor Christopher S. Bond to heal the wounds made in 1838.

In New York City, Parley P. Pratt wrote a response to La Roy Sunderland, editor of *Zion's Watchman*, a Methodist periodical. The pamphlet refers to Book of Mormon passages from the second (1837) edition. It also contains a prophecy by Apostle Pratt regarding the Book of Mormon:

Also, p. 527, where all who will not hearken to the Book of Mormon, shall be cut off from among the people; and that too, in the day it comes forth to the Gentiles and is rejected by them. And not only does this page set the time for the overthrow of our government and all other Gentile governments on the American continent, but the way and means of this utter destruction are clearly foretold, namely, the remnant of Jacob [Native Americans] will go through among the Gentiles and tear them in pieces, like a lion among the flocks of sheep. Their hand shall be lifted up upon their adversaries, and all their enemies shall be cut off. This destruction includes an utter overthrow, and desolation of all our Cities, Forts, and Strong Holds—an entire annihilation of our race, except such as embrace the Covenant, and are numbered with Israel.

Now, Mr. Sunderland, you have something definite and tangible, the time, the manner, the means, the names, the dates; and I will state as a prophesy, that there will not be an unbelieving Gentile upon this continent 50 years hence; and if they are not greatly scourged, and in a great measure overthrown, within five or ten years from this date, then the Book of Mormon will have proved itself false.<sup>45</sup>

This theological statement by Apostle Parley P. Pratt regarding the primary founding book of the church presents an interesting situation as he defended his beliefs. The next chapter will concern itself with developments in church theology.

<sup>&</sup>lt;sup>45</sup> P. P. Pratt, *Mormonism Unveiled: Zion's Watchman Unmasked, and Its Editor, Mr. L. R. Sunderland, Exposed: Truth Vindicated: The Devil Mad, and Priestcraft in Danger!* (New York: Printed for the Publisher, 1838), 15, dated March 24, 1838 (47). See also *The Essential Parley P. Pratt* (Salt Lake City: Signature Books, 1990), 23-24. The text Pratt refers to is in LDS 3 Nephi 21:6-17; RLDS 9:92-103.