

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.

---

PUBLISHED BY ORDER OF THE GENERAL ASSEMBLY.

---

*6521*

Printed at the office of the Boon's Lick Democrat.

FAYETTE, MISSOURI:

1841.



# INDEX.

PAGE.	PAGE.		
Legislative Proceedings - - -	1	T. C. Burch to the Governor - - -	50
S. M. Smith, a Mormon, to the Governor	8	Proceedings of a public meeting in Ray county - - -	51
Extract from Gov. Boggs' Message of 1840 - - -	9	Hon. A. A. King to the Governor - - -	53
Resolutions ordering the printing of the Mormon Documents - - -	10	Affidavit of Henry Marks - - -	55
Messrs. Campbell, Redman, Wood, and Thompson, to J. L. Minor - - -	11	Affidavit of Adam Black - - -	ib.
J. L. Minor to Messrs. Campbell, Redman, Wood and Thompson - - -	ib.	Affidavit of Thomas B. March - - -	57
Report of the Joint Committee - - -	ib.	Messrs. Williams and Rees to Gen. Clark - - -	ib.
Extract from the Message of Gov. Boggs for 1838 - - -	12	Letter from Messrs. Woods and Dickson to Gen. Clark - - -	60
General Assembly of Missouri - - -	13	E. M. Ryland to Messrs. Rees and Williams - - -	ib.
The Governor to the General Assembly	ib.	Commander-in-Chief to Gen. Clark - - -	62
Testimony accompanying the Message	15	Gen. Lucas to the Commander-in-Chief	63
D. Ashby and others to the Governor	ib.	Gen. Clark to the Governor - - -	64-65
The Clerk of the Circuit Court of Carroll county to the Governor - - -	17	Gen. Lucas to the Governor - - -	68
Citizens of Daviess and Livingston counties to the Governor - - -	18	Governor to Gen. Clark - - -	69
Supposed from Gen. Atchison to the Governor, no signature appearing - - -	19	Gen. Lucas to the Governor - - -	70-72
The Governor to Gen. Atchison - - -	20	Gen. Clark to the Governor - - -	75
Statement of William Dryden - - -	21	Gens. Atchison and Lucas to the Governor - - -	76
L. W. Boggs to the Adjutant General	22	Governor to Gen. Clark - - -	ib.
The Governor to Gen. Atchison - - -	23	Gen. Wilson to Gen. Clark - - -	77
The Governor to Capt. Childs - - -	ib.	Gen. Clark to the Governor - - -	79
The Governor to Gen. Lucas - - -	24	Governor to Gen. Willock - - -	80
Gen. Doniphan to Gen. Atchison - - -	ib.	Governor to Gen. Clark - - -	81-ib.
Gen. Atchison to the Governor - - -	26-27	D. Ashby's statement of the Battle of the Mill - - -	82
Hon. A. A. King to Gen. Atchison - - -	28	Gen. Clark to Gens. Lucas and Atchison - - -	83-84
Citizens of Ray county to Gen. Atchison	29	Gen. Clark to Gen. Lucas - - -	85
A petition from certain Mormons to the Governor - - -	ib.	Gen. Clark to Gen. Parks - - -	ib.
Secretary of State to the Governor - - -	30	Gen. Clark to Gen. Wilson - - -	86
Gen. Atchison to the Governor - - -	31	Certificate of Mormons as to the conduct of Gen. Clark and his troops - - -	87
Governor to Gen. Clark - - -	ib.	Gen. Wilson to Gen. Clark - - -	ib.
Gen. Parks to the Governor - - -	32	Report of Gen. Clark - - -	89
Gen. Parks to Gen. Atchison - - -	33	M. Arthur, Esq. to the Representatives from Clay county - - -	94
Gen. Atchison to the Commander-in-Chief - - -	34	Hon. A. A. King to the Governor - - -	95
Gen. Lucas to the Governor - - -	ib.	Governor to Col. W. C. Williams - - -	96
Gen. Atchison to the Governor - - -	35	EVIDENCE.	
Report of the Committee of Chariton county - - -	36	Sampson Avard - - -	97
Gen. Parks to Gen. Atchison - - -	37	Nehemiah Odle - - -	108
Gen. Atchison to the Governor - - -	38-39	Capt. Samuel Bogart - - -	ib.
Gen. Clark to the Governor - - -	ib.	Wyatt Cravens - - -	109
Statement of Adam C. Woods - - -	40	Maurice Phelps - - -	ib.
Capt. Bogart to the Governor - - -	41	John Correll - - -	110
The Sheriff of Daviess county to the Governor (affidavit) - - -	42	James C. Owens - - -	113-120
Affidavit of Philip Covington - - -	43	Nathaniel Carr - - -	114
Col. Penniston to the Governor - - -	ib.	John Cleminson - - -	ib.
Affidavit of Samuel Venable - - -	44	Reed Peck - - -	116
Affidavit of Jonathan J. Dryden - - -	45	William W. Phelps - - -	120
Affidavit of James Stone - - -	ib.	Geo. M. Hinkle - - -	125
Affidavit of Thomas J. Martin - - -	46	William Splawn - - -	129
Gen. Atchison to the Governor - - -	ib.	Thomas M. Odle - - -	130
Gen. Parks to Gen. Atchison - - -	47	John Raglin - - -	131
Capt. Bogart to Gen. Atchison - - -	48	Allen Rathbun - - -	ib.
Citizens of Ray county to the Governor	49	Jeremiah Myers - - -	ib.
		Andrew J. Job - - -	132
		Frecburn H. Gardner - - -	133
		Burr Riggs - - -	134

	PAGE.		PAGE.
Elisha Cameron - - - -	136	Patrick Lynch - - - -	145
Charles Bleckley - - - -	ib.	Malinda Porter - - - -	146
James Cobb - - - -	ib.	Delia F. Pine - - - -	ib.
Jesse Kelly - - - -	137	Nancy Rigdon - - - -	147
Addison Price - - - -	ib.	Jonathan W. Barlow - - - -	ib.
Samuel Kimbel - - - -	138	Thorit Parsons - - - -	148
John Whitmer - - - -	ib.	Ezra Chipman - - - -	ib.
James B. Turnur - - - -	139	Arza Judd, jr. - - - -	ib.
George W. Wotrington - - - -	140	Asa Cook - - - -	149
Joseph H. McGee - - - -	141	O. H. Searcy to Gen. Clark - - - -	151
John Lockhart - - - -	142		
Porter Yale - - - -	ib.	CERTIFICATES.	
Benjamin Slade - - - -	143	Secretary of State to the Clerks of the	
Ezra Williams - - - -	ib.	Circuit Courts of the counties of	
Addison F. Green - - - -	144	Boone, Caldwell, Daviess, and Ray	152
John Taylor - - - -	ib.	Certificate of the Clerk of Boone co.	153
Timothy Lewis - - - -	145	Certificate of the Clerk of Daviess co.	156
		Certificate of the Clerk of Caldwell co.	163

# CORRESPONDENCE, EVIDENCE, &C.

---

## LEGISLATIVE PROCEEDINGS,

*In the General Assembly of the State of Missouri.*

HOUSE OF REPRESENTATIVES, THURSDAY, NOVEMBER 22, 1838.

On motion of Mr. Geyer,

The House resolved itself into a Committee of the Whole upon the state of the Republic—Mr. Emmons in the chair.

After spending some time therein, the committee rose, and their chairman reported: That the committee had under consideration the Governor's Message, to them referred, and have come to sundry resolutions thereon, which he reported as follows:

*Resolved*, That the Message of the Governor, communicated to the House on the 20th inst., be referred to committees as follows:

15th. So much as relates to the recent difficulties between the people called Mormons, and a portion of the people of this State, to a select committee of seven members, to act jointly with such committee as may be appointed by the Senate, with instructions to inquire into the cause of said disturbances, and the conduct of the military operations in suppressing them, with power to send for persons and papers.

---

IN SENATE, FRIDAY, NOVEMBER 23, 1838.

On motion of Mr. Monroe,

The Senate took up the joint resolution of the House of Representatives relative to the late difficulties with the Mormons, which was concurred in, and Messrs. Turner, Noland and Scott were appointed a committee on the part of the Senate, to carry the above resolution into effect.

---

IN SENATE, TUESDAY, DECEMBER 18, 1838.

Mr. Turner, from the joint committee on the Mormon investigation, submitted the following report, preamble and resolutions:

The joint committee to whom was referred so much of the Gover-

nor's Message as relates to the recent difficulties between the people called Mormons, and a part of the people of this State, with instructions to inquire into the causes of said disturbances, and the conduct of the military operations in suppressing them, have taken the same under consideration, and would respectfully submit the following report and resolutions:

They have thought it unwise and injudicious under all the existing circumstances of this case to predecate a report upon the papers, documents, &c., purporting to be copies of the evidence taken before an examining court, held in Richmond, in Ray county, for the purpose of inquiring into the charges alleged against the people called Mormons, growing out of the late difficulties between that people, and other citizens of this State.

They consider the evidence adduced in the examination there held, in a great degree *ex parte*, and not of the character which should be desired for the basis of a fair and candid investigation. Moreover, the papers, documents, &c., have not been certified in such manner, as to satisfy the committee of their authenticity.

It has been represented to them that the examining court have sent on for further trial, many of that class of citizens called Mormons, charged with various crimes and offences: under the charge of treason, six; for murder and as accessories thereto, before and after the fact, eight; and for other felonies, twenty-seven. Special terms of the Circuit Court are expected to be held in the several counties, in which the above mentioned crimes are represented to have been committed. Grand Juries will then have those charges against said people before them, and must act upon the same documentary evidence which the committee would necessarily be compelled to examine, by which circumstance two co-ordinate branches of this government may be brought into collision—a contingency that should be studiously avoided and cautiously guarded against.

Another insuperable objection that has presented itself to the mind of the committee, and which would induce them to suspend an investigation, under present and existing circumstances, would be the consequences likely to result from a publication of their report. Those persons who have been sent on for further trial, have guaranteed to them the sacred and constitutional right of "a speedy trial by an impartial jury of the viscinage," and if the guilt of the accused should be confirmed by the report of the committee, it would so prejudice public sentiment against them, as to deprive them of that right, which should not be taken away by any consideration involved in this inquiry.

If the committee were to find it necessary in the prosecution of their object, to have access to the papers, documents, &c., connected with this difficulty, the probable interference of the several courts being in session, might seriously interrupt their views. It might reasonably be expected that all the evidence of every description, would be in the possession of the courts, to be used on the final trial, and by that means the investigation would be protracted to a much greater length.

than would be necessary under different circumstances. They would therefore recommend, in order to avoid all the difficulties that have been presented, that a committee, after the adjournment of the General Assembly, go into the vicinity of the scene of difficulties, and make their investigation, and report at such time, and in such manner, as the Legislature may direct. If this course should be adopted, the committee believe that the session would be much shortened, and heavy expenses saved to the State, which otherwise would necessarily be incurred in sending for witnesses, and bringing them from so great a distance. By a resolution of both Houses, the special Message of the Governor in relation to the subject of inquiry, with the accompanying documents, was referred to this committee, with instructions to select such documents as in their opinion, ought to be published with the Message, and report to their respective Houses. The committee after a full consideration of the subject, with due regard to its importance, are of opinion that it is inexpedient at this time, to publish any of the documents, under the authority of the General Assembly, and submit to the two Houses the leading reasons for that opinion.

The documents may be divided into several classes:

1st. The affidavits and correspondence preceding each series of authorized military operations.

2nd. The orders issued upon such evidence.

3rd. The military operations and correspondence consequent thereon; and

4th. The evidence taken before a court of inquiry, held for the investigation of criminal charges against individuals.

It was found by the joint committee, at an early period after their organization, that, in order to a full and satisfactory investigation of the subjects referred to them, a mass of additional testimony, oral and written, would be required. This becomes apparent to the committee, from the contents of the documents referred to them. These documents, although they are serviceable in giving direction to the course of inquiry, are none of them, except the official orders and correspondence, such as ought to be received as conclusive evidence of the facts stated: nor are their contents such as would, without the aid of further evidence, enable the committee to form a satisfactory opinion in relation to the material points of the inquiry.

The copy of the examination taken before the criminal court of inquiry, is manifestly not such evidence as ought to be received by the committee:

1st. Because it is not authenticated; and

2nd. It is confined chiefly to the object of that inquiry; namely: the investigation of criminal charges against individuals under arrest; for these reasons, but above all, for the reasons that it would be a direct interference with the administration of justice, this document ought not be published, with the sanction of the Legislature.

The committee concludes, that it would not be proper to publish the official orders and correspondence between the officers in command, and

the Executive, without the evidence on which they were founded; and that evidence is not sufficiently full and satisfactory to authorize its publication. To publish the whole together might tend to give a direction to the public mind, prejudicial to an impartial administration of justice in pending cases, while it will not afford the means of forming any satisfactory conclusion as to the cause of the late disturbances, or the conduct of the military operations in suppressing them.

The committee therefore recommend to each House to adopt the following resolutions:

*Resolved.* That it is inexpedient at this time, to prosecute further the inquiry into the causes of the late disturbances and the conduct of the military operations in suppressing them.

*Resolved,* That it is inexpedient to publish at this time, any of the documents accompanying the Governor's Message in relation to the late disturbances.

*Resolved,* That it is expedient to appoint a joint committee, composed of ——— Senators, and ——— Representatives to investigate the cause of said disturbances, and the conduct of the military operations in suppressing them, to meet at such time, and to be invested with such powers as may be prescribed by law.

IN SENATE, THURSDAY, JANUARY 10, 1839.

Mr. Campbell offered the following as additional to the resolution of the House:

*Resolved by the Senate, the House of Representatives concurring therein.* That the three foregoing resolutions be referred to a joint committee of the two Houses, heretofore raised on the subject of the Mormon difficulties, with instructions to report a bill in conformity thereto, as soon as they can conveniently prepare the same; which was agreed to.

IN SENATE, WEDNESDAY, JANUARY 16, 1839.

Mr. Turner from the joint select committee asked and obtained leave to introduce "a bill to provide for the investigation of the late disturbances in this State." Which bill is as follows:

### A BILL

TO PROVIDE FOR AN INVESTIGATION OF THE LATE DISTURBANCES IN THIS STATE.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

§ 1. A joint committee shall be appointed to investigate the causes of the late disturbances between the people called Mormons, and other inhabitants of this State, and the conduct of the military operations in repressing them: which committee shall consist of two Senators, to be



ected by the Senate, and three Representatives, to be elected by the House of Representatives.

§ 2. The committee shall meet at Richmond, in the county of Ray, on the first Monday of May next, and shall thereafter meet at such times and places as they shall appoint, as most suitable for the effectual discharge of the duties enjoined on them by this act.

§ 3. Such committee shall have power to choose a Chairman, to appoint a Clerk, a Sergeant-at-Arms, and as many Assistants, not exceeding two, as they shall deem necessary for the prompt execution of process issued by them.

§ 4. A majority of the committee shall constitute a quorum to do business; but any one or more, though less than a majority, attending at the time and place previously appointed for a meeting, may adjourn for a period not longer than two days at a time; but no number less than a majority, shall be competent to adjourn to any place other than that previously appointed by the committee.

§ 5. The committee shall have power to issue subpoenas and compulsory process for witnesses, to compel the production of books, papers, and other evidences, to punish contempts committed in their presence, tending to disturb or interrupt the committee or its officers in the execution of its duties, to the same extent as a court of record.

§ 6. Subpoenas and other process shall be under the hand and private seal of the chairman, and countersigned by the clerk, and shall be executed by the sergeant-at-arms or one of his assistants.

§ 7. The clerk, sergeant-at-arms, and his assistants, shall before entering upon the duties of their respective offices, take an oath to support the constitution of the United States and of this State, and to demean themselves faithfully and vigilantly in their respective offices.

§ 8. The chairman and each member of the committee, shall have power to administer oaths to officers and witnesses to the same extent and with like effect as a court of record or a judge thereof.

§ 9. The sergeant-at-arms and his assistants, shall have power to execute process directed to them, in any county in this State, to the same extent and with the like effect, as any sheriff now has within his county.

§ 10. It shall be the duty of the clerk to keep a regular record of the proceedings of the committee, to record the evidence taken, and to file and preserve all papers and documents, appertaining to the duties of the committee, and to perform such other duties as may be required of him by the committee, and appropriate to the nature of his office.

§ 11. It shall be the duty of the committee to issue all necessary process, to cause to be exhibited to them all papers and documents tending to aid in the object of the enquiry, to cause persons having knowledge of any facts material to the enquiry, to appear and testify before them, to cause a journal of their proceedings to be kept, and a record of the testimony taken by them to be made and preserved.

§ 12. As soon as the committee shall have completed the duties hereinbefore enjoined, they shall make a report, setting forth the facts

which in their opinion are established by the evidence, together with their opinion thereon, as to the causes of the disturbances, and the conduct of the military operations in suppressing them.

§ 13. If in the opinion of the committee a meeting of the General Assembly, before the time appointed by law, will be necessary, to act on their report, and the evidence taken by them, they shall communicate their reasons for such opinion in writing, together with a copy of their report, to the Governor.

§ 14. The original report, records, evidence, papers and documents, relating to the enquiry, shall be deposited in the office of the Secretary of State, within thirty days after the enquiry shall be concluded.

§ 15. If a proclamation convening the legislature shall not be issued within twenty days after the deposit of the report, records and documents in the office of the Secretary of State, it shall be the duty of the Secretary of State to cause the report and evidence to be published in book form, and distributed in the same manner as the journals of the General Assembly.

§ 16. The members of the committee shall receive the same pay and travelling allowance as members of the General Assembly; the clerk shall be allowed at the rate of four dollars per day for his services; the sergeant-at-arms and assistants, shall receive for each arrest one dollar and fifty cents, for summoning each witness fifty cents, and travelling allowance, at the rate of eight cents per mile he shall necessarily travel in going from the place of sitting of the committee, to serve process and returning.

§ 17. Witnesses shall be allowed for each day's attendance, one dollar and five cents per mile they shall necessarily travel, in going to and returning from the place of the sitting of the committee.

§ 18. The committee shall have power to have a room wherein to hold their sittings; to purchase stationery and other things necessary in the discharge of their duties.

§ 19. All accounts shall be audited by the committee, and on certificates thereof, signed by the chairman and countersigned by the clerk, being produced to the Auditor, he shall issue his warrant for the amount on the State Treasury.

§ 20. The compensation of the members of the committee and their clerk, shall be paid out of the appropriations for the pay of the General Assembly; all other expenses shall be paid out of the appropriation for the contingent fund of the General Assembly.

§ 21. The expenses for printing and distributing the report of the committee with the documents, shall be paid for out of the appropriations for printing: and warrants shall be drawn therefor, by the Auditor on the certificate of the Secretary of State.

§ 22. If a vacancy shall happen in said committee, the chairman for the time being, shall immediately notify the presiding officer of the House in which the vacancy happens thereof, and such officer shall immediately supply such vacancy, by designating a member of the proper house to serve on the committee.

§ 23. This act shall take effect from and after its passage.

Which was read a first time, and on motion of Mr. Turner,

The rule requiring bills to be read on three several days being dispensed with, the bill was read a second time, referred to the committee of the whole House, and ordered to be printed for the use of the members of the General Assembly.

---

IN SENATE, THURSDAY, JANUARY 31, 1839.

A bill to provide for an investigation of the late disturbances in this State, was read a third time.

Mr. Rawlins offered the following amendment to come in by way of ryder:

“Strike out the 13th section, and the first and second lines of the 15th section to the word “State” inclusive.” Which was read a first and second times, and objections being made, the question “shall the ryder be rejected?” was decided negatively as follows:

AYES—Messrs. Campbell, Conger, Darby, Deguire, Gilliam, McDaniel, Miller, Morin, Montgomery, Noland, Pratt, Scott, Sterigere, Turner and Thompson—15.

NAYS—Messrs. Ashby, Byrd, Danforth, Gentry, Glascock, Gorham, Grimsley, Hunter, Hyatt, Jones of Cooper, Jones of Pike, Maupin, Mellvaine, Monroe, Penn, Rawlins and Watts—17.

ABSENT—Mr. Alford.

The ryder was read a third time, and the question, “shall the ryder and bill pass?” was decided affirmatively, as follows:

AYES—Messrs. Ashby, Campbell, Conger, Danforth, Darby, Deguire, Gilliam, Grimsley, Hyatt, Jones of Cooper, McDaniel, Mellvaine, Miller, Morin, Montgomery, Noland, Penn, Pratt, Sterigere, Scott, Turner and Thompson—22.

NAYS—Messrs. Byrd, Gentry, Glascock, Gorham, Hunter, Jones of Pike, Maupin, Monroe, Rawlins and Watts—10.

ABSENT—Mr. Alford.

---

HOUSE OF REPRESENTATIVES, MONDAY, FEBRUARY 4, 1839.

The bill from the Senate, entitled “an act to investigate the late disturbances in this State,” was read a first time, when Mr. Wright moved that the bill be laid on the table, until the 4th day of July next, and upon this question Mr. Primm desired the ayes and nays, which were ordered, and decided in the affirmative, as follows:

AYES—Messrs. Acock, Ashby, Biggs, Bollinger, Booth, Brown of Franklin, Burckhartt, Canole, Cannefax, Caldwell, Carson, Carstarphen, Chiles of Jackson, Clark of Linn, Cowan, Enloe, Emmerson, Fisher, Fulkerson, Gore, Hall, Hancock, Harris, Hickcox, Holliman, Jackson of Audrain, Jackson of Howard, Kemp, Kincheloe, McLean, Miller, Minnis, Montgomery of Benton, Montgomery of Pulaski, Morehead, Morin, Morris, Persinger, Polk, Ritchie, Russell, Smith, Thompson, Wat-

son, Williams of Cape Girardeau, Williams of Van Buren, Wilkes and Wright—48.

YAYS—Messrs. Atchison, Bogy, Bowring, Brown of Scott, Burt, Burgee, Caulk, Chiles of Franklin, Clark of St. Louis, Coalter, Curd of Callaway, Curd of Marion, Deatherage, Elston, Emmons, Frost, Geyer, Harris, Hickman, Holeman, Hudspeth, Huston, Jarrell, Jones, Manning, Netherton, Pratt, Primm, Redman, Rollins, Sappington, Young of Callaway, Young of Lafayette and Mr. Speaker—37.

ABSENT, (sick)—Messrs. Corrill and Kelly.

ABSENT—Messrs. Gordon, Mason, Reese, South and Woodson.

## CORRESPONDENCE.

*S. M. Smith, a Mormon, to the Governor.*

KIRTLAND, OHIO, MARCH 21, 1839.

I beg leave to present to your Excellency a petition, praying your assistance in a matter of vital importance to me, and to my friends. I have received by letter, from the widow and others, the following facts respecting the murder of a brother in your State, by the name of Warren Smith: He was a Mormon, (the only one of the connexion.) He set out for Far West, Mo., last summer, because he believed it (as he said,) his duty to go. This was a misfortune to be visited, not a crime to be punished. When he, in company with three or four other families, had arrived to within a short distance of the end of their toilsome journey, they were informed that the roads were strictly guarded, and to proceed further would be disastrous; they consequently halted at Shoal Creek, and encamped in the edge of a prairie, when they were attacked, on the 6th of November, by an armed force of two or three hundred. The women and children fled to the woods, the men and boys to a log blacksmith shop. The ruffians instantly surrounded the latter, and in a few minutes massacred about twenty. After the roar of death had ceased, and the inhuman banditti retired, the women crept silently from their hiding places, and selected each, her own husband from among the mingled and mangled slain, wiped the warm flowing life blood from their wan cheeks, snatched a hasty kiss, and buried their lifeless remains in a deep narrow tomb together, (viz: a well,) and fled again to the thick circling shade of the gloomy forest, to escape a like or a worse fate, and now wander friendless and pitiless, without money or means, in a strange land, a land of enemies! Thus perished my brother and a little son of his about ten years of age, who begged hard for his life, but was shot through the head in cold blood, after the excitement of the battle was over.

If there is philanthropy in Missouri, let it be exercised in relieving the sufferings of these widows and orphans. If there is power in the laws, or energy in the executions of Missouri, let them be put in execution, to bring to condign punishment the perpetrators of this barba-

rous deed. This is my petition! Will it be heard? Will the Governor of Missouri see that the laws of his State are executed, and the suffering of innocent widows and orphans assuaged? I have not sought to procure the signatures of any, but choose to present my name singly in the name of the sufferers. I appeal to your humanity as a man, and your authority as Governor of Missouri, hoping that it will not be in vain. It is said and believed by many, that your proclamation authorized the extermination of the Mormons. I can hardly believe this possible. I think it would go to legalize murder and robbery, and be incompatible with your constitutional powers.

In your answer, address S. M. Smith, Kirtland Mills, Georgia county, Ohio.

I have the honor to subscribe myself,

Your humble and obedient servant,

S. M. SMITH.

To His Excellency, L. W. Boggs,

Governor of Missouri.

#### EXTRACT FROM GOV. BOGGS' MESSAGE OF 1840.

Since your last session, the unpleasant difficulties between a portion of the citizens of our State and the Mormons have entirely subsided, with the exception of some slight interruptions on our north-eastern border.—After that infatuated and deluded sect had left our State, they industriously propagated thoroughout the Union, the most exaggerated details of our difficulties and the foulest calumnies against our citizens. In some of our eastern cities, missionaries of their creed were employed, daily making converts to their cause by proclaiming the cruelties which they alleged they had endured at the hands of our authorities. The report of our alleged barbarities has not been confined to our Union, but even at this day in Europe they are made the ground-work of proselyting, and their orators find it to their interest to distort the acts into a persecution, which in every religious excitement that has marked the history of the earth, has always been found the most effective weapon of conversion.

In all intestine commotions, particularly when mingled with religious fervor, it frequently happens that cases occur of peculiar hardship and unusual distress, and when public sympathy is excited in their behalf, these unavoidable consequences of civil dissension may easily be magnified into barbarous cruelty—that such cases arose in the course of the difficulty, I do not doubt.—But they must be attributed to the excited nature of the contest of the parties and not to any desire on the part of our constituted authorities to wilfully or cruelly oppress them.

These people had violated the laws of the land by open and avowed resistance to them—they had undertaken without the aid of the civil authority to redress their real or fancied greivances—they had instituted among themselves a government of their own, independent of and in opposition to the government of this State—they had, at an inclem-

ent season of the year, driven the inhabitants of an entire county from their homes, ravaged their crops and destroyed their dwellings. Under these circumstances it became the imperious duty of the Executive to interpose and exercise the powers with which he was invested, to protect the lives and property of our citizens, to restore order and tranquility to the country and maintain the supremacy of our laws.

We owe to our reputation, both at home and abroad, the duty of cleansing every aspersion that may rest upon it. Our State character should be held equally as dear as our individual reputation and we should use the same exertion in maintaining the one as spotless as the other. Full testimony as to all the necessary facts of that controversy has been preserved or can easily be procured. Written evidence, on both sides, has been filed among the papers of your last session, forms part also of the records of several of your courts. The facts, as they occurred, can be presented to the world upon proof perfectly conclusive, and the reputation of our State can be rescued from reproach by an exposition of the true causes and events of these difficulties.

In recommending the publication of this testimony, I have no care about its effect upon the principles of that sect. Our constitution has given us the high privilege of religious independence, and left the worship of the Supreme to the unlettered will of every member of the community. If true, the creed of that sect will ultimately triumph; if false, it will "die amidst its worshippers." To explain the attitude which we have been made to assume, I would recommend the publication of all the evidence relating to the occurrence and distributing the same to the chief authorities of each State.

---

## RESOLUTION ORDERING THE PRINTING OF MORMON DOCUMENTS.

*Resolved by the Senate, the House of Representatives concurring :*

That two thousand copies of the evidence taken before the examining court in relation to Mormon difficulties, and such of the letters orders and correspondence on that subject on file in the office of the Secretary of State, as may be selected by a joint committee of the two Houses, shall be published in pamphlet form, under the direction of the Secretary of State; that one copy, in lieu of the manuscript copies heretofore ordered, be sent to our delegation in Congress, to be laid before the Houses to which they respectively belong, one to each member of Congress, and the residue be distributed among the members of the General Assembly.

APPROVED FEB. 16, 1841.

CITY OF JEFFERSON, FEB. 17, 1841.

To JAS. L. MINOR, Secretary of State.

The Joint Committee of the Senate and the House of Representatives, on the subject of the publication of the documents on file in your office, relating to the Mormon disturbances, respectfully request that you will furnish us with *all* the letters, orders, correspondence, papers and documents in your office, relating to the origin, history, and termination of the difficulties with the Mormons in this State.

Very Respectfully,

Yours &amp;c.,

WM. M. CAMPBELL,

J. W. REDMAN,

W. T. WOOD,

J. B. THOMPSON.

CITY OF JEFFERSON, FEB. 17, 1841.

To MESSRS WM. M. CAMPBELL, J. W. REDMAN, }  
W. T. WOOD, J. B. THOMPSON. } COMMITTEE.

GENTLEMEN:—In reply to your letter of this date on the subject of the letters, orders, correspondence, &c, in this office, relating to the origin &c. of the difficulties with the Mormons, I have the honor to state that the committee is now in possession of *all* such letters, &c.

Very Respectfully,

JAS. L. MINOR,

Secretary of State.

## REPORT OF THE JOINT COMMITTEE.

CITY OF JEFFERSON, Mo., FEB. 17, 1841.

The joint committee of the General Assembly appointed to examine the documents, orders, evidence and correspondence in the office of the Secretary of State, in relation to the causes, origin, history and termination of the Mormon disturbances, have done so, and are of opinion that all such documents ought to be published under the resolution of the General Assembly, without suppressing any part thereof.

These documents would consist of the following parts:

1. The entire evidence taken before Judge King, sitting as an examining court, together with the written statement (or sentence) of Judge King appended thereto.

2. All the communications to the Governor of the public meetings, or from citizens complaining of the conduct of the Mormons and asking for military aid.

3. All communications to the Governor from the Mormons complaining of the conduct of the citizens of the county and asking for protection.

4. All military orders of the Commander-in-Chief, and other military officers, and the correspondence in relation to the military operations against the Mormons.

5. The report of General Clark with the documents accompanying the same, and all the letters on file from Messrs Ryland, King, Ashby, Rees, Bogart and other citizens of this State.

6. All papers in relation to arms or other property taken from the Mormons.

7. All papers on file in relation to the indictment, escape and demand for the surrender of the Mormon Leaders. (The indictment need not be copied.)

8. The resolution to raise a joint committee at the former session of the General Assembly, the report of the committee, the resolutions adopted directing a bill to be reported to provide for the investigation of the Mormon disturbances, a copy of that bill, the fact of its passage by the Senate and its final rejection by the House of Representatives.

9. It is also the opinion that the Secretary of State should procure from the clerks of the circuit courts of Ray, Caldwell, Daviess and Boone, a general certificate as to who of the Mormons were indicted, for what crime, and what was the final disposition of such indictments, whether they were disposed of by trial or dismissed, or whether in any case a trial was prevented by the escape of the prisoner, or the forfeiture of his recognizance, or from any other cause, and the information thus obtained should be published.

The committee believe the whole amount of matter to be published, should be arranged by the Secretary of State in the manner that he in his judgement may deem best, and that a table of contents, or brief index, should be prepared and accompany the same.

The committee believe that, that portion of the copies to be published, which are required by resolution to be delivered to the members of the General Assembly, should be sent to the clerk's offices of the several counties in which they reside, for them, unless they should direct them to be sent in some other manner.

WM. M. CAMPBELL, *of the Senate.*

J. W. REDMAN, } *of the House of Rep-*  
 W. T. WOOD, } *resentatives.*  
 J. B. THOMPSON. }

#### EXTRACT FROM THE MESSAGE OF GOV. BOGGS FOR 1838.

The difficulties which have taken place between the people called the Mormons, and the citizens of the adjoining counties, have recently assumed the most serious aspect. It was found necessary to call out a portion of the militia to quiet these disturbances, and to restore peace and order to the community. The troops engaged in this service (with the exception of a company or two retained as a guard over the prisoners) have been discharged.

I have concluded to forbear making any further remarks on this



subject at the present time, as the matter is now undergoing judicial investigation. I have directed the general officer who was placed in command of the troops raised for this service, to collect and embody all the facts in relation to the commencement, progress, and termination of this unfortunate affair, and report to me as early as possible, so that the subject may be placed before the Legislature. I shall avail myself of the earliest opportunity, after receiving his report, to lay the whole subject before you, together with all the documents in relation to it in possession of the Executive.

---

GENERAL ASSEMBLY OF MISSOURI,

HOUSE OF REPRESENTATIVES, THURSDAY, NOVEMBER 22, 1839.

On motion of Mr. Geyer, it was

*Resolved*, that the Governor be requested to communicate to this house all the information in his possession in relation to the recent difficulties between the people called the Mormons, and a portion of the people of this State, copies of all orders issued by the Executive calling into service volunteers and militia, and for the government thereof, and for the conduct of the military operations, with copies of all correspondence in relation to said difficulties, and the military operations authorized by the Governor.

[Extract from the Journal of the House of Representatives.

Page 24.]

---

*The Governor to the General Assembly.*

CITY OF JEFFERSON, DECEMBER 5, 1839.

*To the Honorable the House of Representatives of the State of Missouri.*

GENTLEMEN :—In compliance with a resolution of the House of Representatives of the 22 ulto. requesting the Governor to communicate to the House “all information in his possession in relation to the recent difficulties, between the people called Mormons and a portion of the people of this State, copies of all orders issued by the Executive calling into service volunteers and militia, and for the government thereof, and for the conduct of the military operations, with copies of all correspondence in relation to said difficulties, and the military operations authorized by the Governor:” I have now the honor herewith to transmit the information required, including Major General Clark’s report, and a portion of the testimony taken upon the examination of the Mormon prisoners, before the Hon. Austin A. King, Judge of the fifth Judicial Circuit, at Richmond in Ray county. It will be seen from the report of General Clark, that he has made arrangements to procure the residue of the testimony, which, when received, will be transmitted to the House.

As formidable as the insurgents were represented, and as they are now known to have been, still the number of troops ordered in this service may appear large. In detaching so many the Executive was influenced solely by a desire to prevent the effusion of blood. It appeared to me every way best to send such a force as would awe them into submission—a smaller number could undoubtedly have conquered and subdued the disaffected in combat but many valuable lives would have been lost; and I did not consider that I should truly reflect the wishes and opinions of the people, had I stopped to weigh the expenditure of a few thousands, against the best blood of the land.

I received information of the partial interruption of the peace in De Witt, Carroll county, whilst absent from the seat of government, but took no order on the subject, knowing that the officer in command of the militia of that division was fully authorized under the law, and had ample force to preserve the peace. It will be seen by the report of Major General Atchison, that measures were promptly adopted by him to meet the emergency.

Immediately upon receiving intelligence of the last of the Mormon outrages, General Atchison and Lucas repaired to the scene of difficulty with a considerable force; although this movement was not directed by the Executive, and was unknown to him, it was justified by the circumstances, and meets his fullest approbation. Much injustice, I have reason to believe, has been done to this part of the command by the public press, which it is hoped a thorough investigation will make manifest to the world. The conduct of Major General Clark has fully justified the high expectations entertained of him by the Executive, when he was assigned to this delicate and important command. Among the papers submitted, I am happy to lay before the House a voluntary tribute, from the principal men among the Mormons, to the humanity and kindness with which he had executed this disagreeable duty, and to the good conduct of his troops.

The information transmitted under the call of the House of Representatives, supersedes the necessity of a special communication to both houses of the Legislature, which it was my intention to have made, as announced in my message at the opening of the session, and will, it is hoped, be taken as a redemption of that pledge. The undersigned therefore respectfully requests that the House of Representatives, at such time as they deem convenient and proper, will cause this communication, and the documents submitted, to be laid before the Senate, for the consideration of that body.

I have the honor to be

Most respectfully,

Your obed't servant,

LILBURN W. BOGGS.

## TESTIMONY ACCOMPANYING THE MESSAGE.

State of Missouri, }  
 County of Daviess. } ss.

Before me, William Dryden, one of the Justices of the Peace of said county, personally came Adam Black, who being duly sworn according to law, deposed and saith: that on, or about the 3th day of August, 1838, in the county of Daviess, then came an armed force of men, said to be 154, to the best of my information and surrounded his house and family, and threatened him with instant death if he did not sign a certain instrument of writing, binding himself as a Justice of the Peace for said county of Daviess, not to molest the people called Mormons, and threatened the lives of myself and other individuals, and did say they intended to make every citizen sign such obligation, and further said they intended to have satisfaction for abuse they had received on Monday previous, and they would not submit to the laws; and further saith, that from the best information and his own personal knowledge, that Andrew Ripley, George Smith, Ephriam Owens, Harvey Umstead, Hiram Nelson, A. Brown, John L. Butler, Cornelius Lott, John Woods, H. Redfield, Riley Stuart, James Whitacre, Andrew Thor, Amos Tubbs, Dr. Gourze and Abram Nelson was guilty of aiding and abetting in committing and perpetrating the above offence.

Sworn to and subscribed this 28th day of August, 1838.

W. DRYDEN Justice of the Peace }  
 of the county aforesaid. }

ADAM BLACK.

---

*D. Ashby and others to the Governor.*

BRUNSWICK, SEPTEMBER 1, 1838.

*His Excellency* LILBURN W. BOGGS:

DEAR SIR:—Our country is in a complete ferment, and our families are rendered daily unhappy in consequence of the reports which are constantly coming in concerning the hostile intentions of the Mormons and their allies, as it is currently reported and believed that they have ingratiated themselves with the Indians, and indeed they say so, to assist them in their diabolical career.

The fears of the people are greatly excited, and nothing is now talked of but the contemplated struggle, and plans seem to be devising all around us for the most efficient protection against their encroachments. A deadly hostility is kept constantly alive on their borders, and our old neighbors and friends are petitioning help from abroad to relieve them in their present difficulties. Being remote from the immediate vicinity of the Mormon troubles, we can give but little of au-

thentic data on which to act, but we are strongly of opinion that there is a deeply laid scheme existing among these fanatics, that will be highly destructive to character and at once subversive of the rights and liberties of the people.

We have the best authority for believing that, in their public teachings, their people are taught to believe and expect that immense numbers of Indians, of various tribes, are only waiting the signal for a general rise, when, as they state it, the "Flying or Destroying Angel," will go through the land, and work the general destruction of all that are not Mormons. It is not our object at the present to trouble you with a detail of all the reports in reference to this affair, but we will state a case within our own knowledge, coming from a man who left this neighborhood to join the Mormons, and who has the reputation among the citizens of Chariton county, for a number of years, as being a man of strict veracity. He has returned perfectly satisfied that their object is everything opposite to Christian feeling and principle.—The following statement which he makes, is given at his own request, and under his own hand:—"I have resided among the people called Mormons about five months, during which time I have had frequent opportunities of meeting with them, both in their public and private associations, and have sought every possible opportunity of acquiring information. I distinctly recollect hearing Joseph Smith, the prophet, state in a public discourse that he had fourteen thousand men, not belonging to the church, ready at a moment's warning which was generally understood to mean Indians. It was a very common source of rejoicing among all classes, even the women and children participating, that the time had arrived when all the wicked should be destroyed from the face of the earth, and that the Indians should be the principal means by which this object should be accomplished. There is a common feeling amongst them, amounting to a conspiracy to protect one another against the civil officers of the country, even if it should be attended with death. The public teachers have recently been very urgent in soliciting the people to fly to their towns for protection, as the time had arrived when the "Flying Angel" should pass through the land, accompanied by the Indians, to accomplish the work of destruction, and furthermore stating that they will have enough to do to protect themselves whilst this work is going on."

NATHAN MARSH."

From the above facts, added to the general reports, we have with all due consideration thought proper to suggest to your Excellency the propriety of issuing orders to the militia, so that in case of necessity they may be called on according to the exigency of circumstances.

Your obd't servants,

DANIEL ASHBY,  
JAMES KEYTE,  
STERLING PRICE.

*The Clerk of the Circuit Court of Carroll County to the Governor.*

CARROLLTON, MISSOURI, SEPTEMBER 6, 1838.

HON. L. W. BOGGS, *Governor of Missouri.*

Sir:—I am requested by the committee of safety appointed for Carroll county, to forward to your honor, a copy of an affidavit made by John N. Sapp, the contents of which, they have every reason to believe are true; they wish your honor, if you should consider the same advisable, to acquaint the Indian agents on our frontier with that part of the affidavit which relates to the Indians.

I have the honor to be,

With great respect, your obd't servant,

JOSEPH DICKSON.

*State of Missouri, }*

*County of Carroll. }*

I, John N. Sapp, do solemnly swear that I resided in Daviess county, State aforesaid, for about the space of five months, and was a member of the church of the people styled Mormons, and that I left them about the 15th day of August last by stealth. When I left them they (said people styled Mormons) were building block houses, and calculated this fall to build fortifications for the protection of themselves and families in time of war, for which they were making every arrangement, and the understanding is, that each man has to cultivate one acre of land, and if the produce raised on said acre is not sufficient for their maintenance, and that of their families, they are to take the balance from the Missourians, (thereby meaning the people of other denominations;) and I do further say there are betwixt eight and ten hundred men, well armed and equipped, who have taken an oath to support Joseph Smith and Lyman Wight, in opposition to the laws of the State of Missouri, or otherwise, which said men are called Danites; and I was a member of said body of Danites, and have taken the above oath; and I do further say, I have heard Sidney Rigdon and Lyman Wight say, they had twelve men of their church among the Indians, and that their object was to induce the Indians to join them (the said Mormons,) in making war upon the Missourians, and they expected to be fully prepared to commence war this fall, or next spring at furthest. And I also say, the Danites aforesaid, are sworn to cowhide any person or persons, who may say aught against Joseph Smith and Lyman Wight, and if that will not prevent them from speaking about said Smith and Wight, then they are to assassinate them.

his

JOHN N. SAPP.

mark

Subscribed and sworn to before me, Joseph Dickson, Clerk of the County Court, within and for the County of Carroll, State of Missouri, on the 4th of September, 1838.

In testimony whereof, I have hereunto set my hand, and  
 [L. S.] affixed my private seal at office, there being no official seal  
 yet procured, this 4th day of September, 1838.

JOSEPH DICKSON, Clerk.

*Citizens of Daviess and Livingston counties to the Governor.*

DAVISS COUNTY, SEPT. 12, 1838.

*To His Excellency, the Governor of the State of Missouri:*

We, the citizens of the counties of Daviess and Livingston, represent to your honor, that a crisis has come, which we believe requires us, as the legitimate citizens of Missouri, to call on the Executive of State for protection. For several weeks past, the Mormons have been making formidable preparations for a civil war, and one which they are pleased to call a war of extermination. We presume, that your honor is apprised of the attack made on Adam Black, Esq., on the 8th of August, by the Mormons, and shall not enter into a detail of it here, but we will apprise your honor that the Mormons have and keep a lawless armed force stationed in our country, and are constantly throwing out menaces, threats and challenges to our citizens. Influenced by fearful apprehensions of danger, we, the people of the above counties, sent an express to Richmond last week for arms and ammunition, and on their return with their load of guns, say forty-five, several kegs of powder and two hundred pounds of lead, they were intercepted on Sunday last, in passing through Caldwell county, by a banditti of those fanatical enthusiasts, made prisoners of, and taken to Far West, where they, the guard and the above munitions of war, are still held in custody. On Sunday last, an armed force of fifty Mormons left their own encampment in this county, and marched to the territory of Livingston county, for the purpose, as they said, of removing a considerable amount of property, which was subject to a lien, held by Mr. James Welden; they passed into the settlement secretly, and falling in with a family which they suspected would alarm the settlement, they violently seized, and made prisoners of the whole family, which consisted of three men and two ladies, all of whom, with three others of our citizens, we believe are still held in the custody of those rebels, and deprived of their liberties. Our country, sir, is in a distressed situation, probably two thirds of the families of Daviess county have left, and gone to seek protection among the neighboring counties, while a few of the old settlers are still here, and are determined only to surrender their houses with their lives. For about four weeks, we have humbly and unceasingly been petitioning our neighboring counties for aid, but we are yet in a helpless and defenceless condition.

We, therefore, the people of the above counties, being well aware

that your honor is well acquainted with the character of those people called Mormons, and believing that our lives, our liberties, our property and our all, are in the most imminent danger of being sacrificed by the hands of those impostorous rebels, earnestly call on your honor for assistance—assistance we must have, or leave our homes and seek protection elsewhere. Most of us, sir, emigrated to these frontier counties before there were any settlements formed; we have had to encounter, and have realized nearly all the difficulties incident to a new country—we have foregone the pleasures and the advantages of the old and well settled counties, which we have left in anticipation of enjoying like blessings in these—but, alas! our anticipations are blasted, and unless we can get rid of those Canadian Refugees and emissaries of the Prince of Darkness—we and our families are ruined.

We are, sir, your petitioners,

THE CITIZENS OF DAVIESS AND LIVINGSTON COUNTIES.

I, George F. Prichard, of the county of Daviess, do solemnly swear, that I had an interview with the Mormons who arrested the family in the territory of Livingston, above referred to, and saw three of the prisoners, and was informed by them, (the Mormons,) that they had the rest of the family under arrest, and that they intended to keep them, until they saw their own time to release them.

GEORGE F. PRICHARD.

Sworn and subscribed to before me, this 12th day of September, 1838.

R. WILSON,

Clerk of the Circuit Court of Daviess county.

*Supposed from General Atchison to the Governor, no signature appearing.*

HEAD QUARTERS, 3d Div. Mo. Mi. }  
Richmond, September 12, 1838. }

SIR:—From information received from the counties of Daviess and Caldwell, within the bounds of this Division, I am well convinced, that an insurrection does actually exist, and upon the urgent solicitations of citizens of both counties, and also upon the petition of citizens of the adjoining counties, I have deemed it my duty to order out an armed force to put down such insurrection, and to assist the civil officers in the execution of the laws; also to prevent, as far as possible, the effusion of blood, and to restore quiet, if possible, to the community. This I have done by the advice of the Judge of this circuit. I have ordered four companies, of fifty men each, from the Militia of Clay county, and a like number, from the Militia of Ray county. I have also ordered, four hundred men in addition, to hold themselves in readiness, if required. The troops ordered out are mounted riflemen, with the exception of one company of infantry, who are also mounted. Those troops will proceed immediately to the scene of excitement and insurrection. The

citizens of Daviess and Caldwell counties are under arms, so that it is deemed dangerous for peaceable citizens to pass through said counties. Citizens of other counties are flocking in to the citizens of Daviess county, and the Mormons are flocking to the assistance of the Mormons in those counties, so that from the best information I can attain, there cannot be less than two thousand men in arms, without any legal authority or pretext whatever, and it is very much feared, that if a blow is once struck, there will be a general conflict, the termination of which, God only knows. So soon as I arrive at the scene of insurrection or excitement, I will report to you forthwith by express.

I have the honor to be,

Your most obedient servant.

P. S. I have also required the services of Col. Wiley C. Williams, your aid, and much is expected from his influence and efficiency.

---

*The Governor to General Atchison.*

[ORDER.]

HEAD QUARTERS OF THE MILITIA, ADJUTANT GENERAL'S OFFICE, }  
August 30, 1838. }

GEN. DAVID R. ATCHISON, 3d Div. Mo. Mi.

SIR:—Indications of Indian disturbances on our immediate frontier, and the recent civil disturbances in the counties of Caldwell, Daviess and Carroll, render it necessary, as a precautionary measure, that an effective force of the militia be held in readiness, to meet either contingency. The Commander-in-Chief, therefore orders, that you cause to be raised immediately, within the limits of your Division, to be held in readiness, and subject to further orders, four hundred mounted men, armed and equipped as infantry or dragoon, and formed into companies according to law, and officers already in commission.

The Commander-in-Chief suggests the propriety of your causing the above order to be carried into effect, in a manner calculated to produce as little excitement as possible, and report your proceedings to him through the Adjutant General.

By order of the Commander-in-Chief,

B. M. LISLE, Adjutant General.

[A similar letter was also addressed to Major Generals John B. Clark, Samuel D. Lucas, David Willock, Lewis Bolton, Henry W. Crowther and Thomas D. Grant.]



*Statement of William Dryden.*

*To His Excellency, L. W. Boggs,  
Governor of the State of Missouri.*

Your petitioner, William Dryden, an acting justice of the peace, within and for Daviess county, would respectfully represent, that the counties of Daviess, Caldwell and Livingston are settled, in part, by a denomination of people called Mormons. These Mormons, to the number of about fifteen hundred men, have associated themselves together, and have resisted, and do resist with force of arms, legal process against persons belonging to their denomination. Your petitioner further states, that on the 23<sup>d</sup> day of August last past, Adam Black appeared before me, and under oath, that Andrew Ripley, George Smith and others, had been guilty of a high offence, known to the law, in substance, as follows, to-wit: That on, or about the 3<sup>d</sup> day of August, 1838, in Daviess county, there came an armed force to his, (Black's house,) in said county, among whom, the said Ripley, Smith and other persons named in said affidavit, were a part, and then and there, with deadly weapons, made an assault upon him, (the said Black,) and then and there, threatened him (Black, who was then an acting justice of the peace, within and for Daviess county aforesaid,) with instant death, if he did not sign a certain instrument of writing, binding himself, as a justice of the peace of said county of Daviess, not to molest the people called Mormons, and threatened the lives of himself, (the said Black) and others, and said they intended to make every citizen of said county sign such obligation, &c.

Your petitioner further states, that he immediately issued a writ pursuant to law, for the arrest of the said Andrew Ripley, George Smith and others, commanding the officer, entrusted with the execution of said writ, after the arrest, to bring the bodies of the persons therein named, forthwith before your petitioner, to answer the complaint and further to be dealt with according to law. There being no constable within the township of which I am justice, he having been driven from the county by, and through fear of the Mormons, and your petitioner believing that said writ would not be executed, unless a special deputy was made for that purpose, your petitioner, then and there, appointed Nathaniel H. Blakely a special deputy, to serve said writ, and said appointment was endorsed on said writ, and signed by myself officially, and then and there delivered to the said Blakely. Your petitioner further states, that the said Blakely, took the said writ, and summoned a guard, consisting of ten men, who went in search of the persons named in said writ, for the purpose of executing said writ, but the said constable returned, that the persons named in said writ, were not found in said county, by reason of himself and guard having been driven, by force, from the town, in said county, in which the offenders were supposed there to be. The said affidavit, writ and return, are herewith respectfully submitted to your Excellency.

Your petitioner further believes and represents, that the Mormons are so numerous, and so well armed, within the limits of the counties of Caldwell and Daviess, that the judicial power of the counties is wholly unable to execute any civil or criminal process within the limits of either of said counties, against a Mormon or Mormons, as they, each and every one of them, act in concert, and outnumber the other citizens. They also declare, that they are independent, and your petitioner verily believes, that the Mormons hold in utter contempt, the institutions of the country in which they live.

Your petitioner further represents, some time about the 8th of September last, that three individuals were arrested by the said Mormons, in Caldwell county, and held in custody, and your petitioner represents, that he believes, they are still in confinement, without any warrant of law. Your petitioner further represents that he verily believes, that no civil officer of the State, could cause to be executed any legal process within either of said counties of Caldwell or Daviess.

Your petitioner, therefore, respectfully prays your Excellency to furnish the civil officers, within and for the counties of Daviess and Caldwell, a sufficient number of troops to enable them to execute the laws of the land, and bring the offenders, aforesaid, to justice. To this end, your petitioner will ever pray, &c.

WILLIAM DRYDEN,  
Justice of the Peace, Daviess county.

September 15th, 1838.

---

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Sept. 15, 1838.

TO THE ADJUTANT GENERAL.

SIR:—You will issue an order to Maj. Gen. Atchison, commanding the 3d Division of the Militia of this State, and direct him to cause a sufficient force of the troops under his command, to aid the civil officers within the county of Daviess, in executing such writs of process as may be legally within the province of their respective duties, and especially, to furnish the officers charged with the service of the writ, mentioned in the foregoing petition of William Dryden, justice of the peace of Daviess county, with a force sufficient to enable him to execute said process, and bring the offenders to justice.

L. W. BOGGS, Commander-in-Chief.

*The Governor to General Atchison.*

[ORDER.]

HEAD QUARTERS OF THE MILITIA, ADJUTANT GENERAL'S OFFICE, }  
City of Jefferson, Sept. 15, 1838. }

Gen. DAVID R. ATCHISON, 3d Div. Mo. Mi.

SIR:—Information has recently been received by the Commander-in-Chief, that the officers entrusted with the administration of the law within and for Daviess county, are wholly unable so to do, without the presence and assistance of an armed force.

The Commander-in-Chief, therefore orders, that without delay, you cause to be raised a sufficient force of the troops under your command, and with said troops, aid the civil officers within and for said county, to execute all writs and other process, with the service of which, they may be charged; and you are specially directed, with said sufficient force, to aid and assist the officer charged with the execution of a certain writ, issued by William Dryden, a justice of the peace within and for said county, on the 29th of August last past, for the arrest of Andrew Ripley, George Smith and others, named in said writ, to execute the same, and bring the offenders to justice.

By order of the Commander-in-Chief,

B. M. LISLE, Adj. Gen. Mo. Mi.

*The Governor to Captain Childs.*

[ORDER.]

HEAD QUARTERS OF THE MILITIA, ADJUTANT GENERAL'S OFFICE, }  
City of Jefferson, Sept. 18, 1838. }

To Capt. CHILDS, Commander of the Boonville Guards.

SIR:—You will cause your company to be held in readiness and mounted, each man with ten day's provisions, and the necessary arms and ammunition, to proceed, immediately upon the order of the Governor, with him to the scene of difficulty, in the counties of Daviess and Caldwell. Your action upon the subject is required to be immediate and prompt.

The Commander-in-Chief hopes and calculates upon the Boonville Guards using every exertion in their power, to procure horses, and of their being in readiness to march upon his arrival in Boonville, which will be about the end of this week.

By order of the Commander-in-Chief,

B. M. LISLE, Adj. Gen. Mo. Mi.

*The Governor to General Lucas.*

[ORDER.]

HEAD QUARTERS OF THE MILITIA, ADJUTANT GENERAL'S OFFICE. }  
 City of Jefferson, Sept. 16, 1833. }

Maj. Gen. S. D. LUCAS, 4th Div. Mo. Mi. Independence, Mo.

Sir:—On the 30th ultimo, an order was directed to you to cause four hundred mounted men to be raised and held in readiness, subject to further orders from the Commander-in-Chief. Information has just reached the Executive, that an insurrection actually exists in the counties of Daviess and Caldwell. You will, therefore, march immediately with the number of men ordered from your Division, to the scene of difficulties, and co-operate with Gen. Atchison and other officers in restoring quiet to the country, and suppressing the insurrection. Each man will furnish himself with at least ten day's provisions, and the necessary arms and ammunition. Your action on this subject is required to be prompt and immediate. You will, of course, give the preference to volunteer companies already organized, that are subject by law to be ordered out *en masse*.

By order of the Commander-in-Chief,

B. M. LISLE, Adj. Gen. Mo. Mi.

[A similar letter was addressed to Maj. Generals Lewis Balton, John B. Clark and Thomas D. Grant.]

*General Doniphan to General Atchison.*

HEAD QUARTERS, 1st Brig. 3d Div. Mo. Mi. }  
 Camp at Grand River, Sept. 15, 1833. }

Maj. Gen. DAVID R. ATCHISON, Commanding 3d Div. Mo. Mi.

Sir:—In pursuance of your orders, dated 11th inst., I issued orders to Col. Wm. A. Dann, commanding the 23th Regiment, to raise four companies of mounted riflemen, consisting of fifty men each, also to Col. John Boulware, commanding the 70th Regiment, to raise two companies of mounted riflemen, consisting each of like number, to start forthwith for service in the counties of Caldwell and Daviess, on the same day. Col. Dann obtained the four companies of volunteers required from the 23th Regiment; on the morning of the 12th, I took the command in person, and marched to the line of Caldwell, at which point, I ordered the Colonels to march the regiments to the timber on Crooked River. I then started for Far West, the county seat of Caldwell, accompanied by my aid alone. On arriving at that place, I found

Comer, Miller and McHany, the prisoners mentioned in your order. I demanded of the guard, who had them in confinement, to deliver them over to me, which was promptly done. I also found, that the guns that had been captured by the sheriff and citizens of Caldwell, had been distributed and placed in the hands of the soldiery and scattered over the country; I ordered them to be immediately collected and delivered up to me. I then sent an express to Col. Dann, to march the regiment by daylight, for that place, where he arrived about 7 o'clock, A. M. making forty miles since 10 o'clock, A. M. on the previous day. When my command arrived, the guns were delivered up, amounting to forty-two stand—three stand could not be produced, as they had probably gone to Daviess county. I sent these guns under a guard, to your command in Ray county, together with the prisoner Comer, the other two being citizens of Daviess, I retained and brought with me to this county, and released them on parole of honor, as I conceived their detention illegal. At 3 o'clock, A. M. we took up the line of march, and proceeded through Mill Port, in Daviess county, thirty seven miles from our former encampment, and arrived at the camp of the citizens of Daviess and other adjoining counties—they amounted to between two and three hundred, as their commander, Dr. Austin of Carroll, informed me. Your order, requiring them to disperse, which had been forwarded in advance of my command, by your aid, James M. Hughes, was read to them, and they were required to disperse; they professed that their object for arming and collecting was solely for defence, but they were marching and counter-marching guards out, and myself and others who approached the camp were taken to task, and I required to wait the approach of the sergeant of the guard. I had an interview with Dr. Austin, and his professions were all pacific, but they still continue in arms, marching and counter-marching. I then proceeded with your aid, J. M. Hughes, and my aid, Benj. Holliday, to the Mormon encampment, commanded by Col. Lyman Wight; we held a conference with him, and he professed entire willingness to disband and surrender up to me every one of the Mormons accused of crime, and required in return, that the hostile forces, collected by the other citizens of the county, should also disband. At the camp, commanded by Dr. Austin, I demanded the prisoner, demanded in your order, who had been released on the evening after my arrival in their vicinity. I took up line of march, and encamped in the direct road between the two hostile encampments, where I have remained since, within about two and a half miles of Wight's encampment, and some times the other camp is nearer, and some times further from me. I intend to occupy this position until your arrival, as I deem it best to preserve peace, and prevent an engagement between the parties, and if kept so for a few days, they will doubtless disband without coercion.

I have the honor to be,

Yours with respect,

A. W. DONIPHAN,

Brig. Gen. 1st Brig. 3d Div. Mo. Mi.

*General Atchison to the Governor.*

HEAD QUARTERS, 3d Div. Mo. Mi. }  
Grand River. Sept. 17, 1838. }

*To His Excellency, the Commander-in-Chief.*

SIR:—I arrived at the county seat of this county, Daviess, on the evening of the 15th inst., with the troops raised from the militia of Ray county, when I was joined by the troops from Clay county, under the command of General Doniphan; in the same neighborhood I found from two to three hundred men in arms, principally from the counties of Livingston, Carroll and Saline; these men were embodied under the pretext of defending the citizens of Daviess county, against the Mormons, and were operating under the orders of a Dr. Austin, from Carroll county. The citizens of Daviess, or a large portion of them residing on each side of the Grand River, had left their farms and removed their families either to the adjoining counties or collected them together at a place called the Camp Ground. The whole county on the east side of Grand River appears to be deserted, with the exception of a few who are not so timid as their neighbors.

The Mormons of Daviess county have also left their farms, and have encamped for safety at a place, immediately on the east bank of Grand River, called Adam-on-dishmon. The numbers are supposed to be about two hundred and fifty men, citizens of Daviess county, and from fifty to one hundred men, citizens of Caldwell county; both parties have been scouting through the country, and occasionally taking prisoners, and threatening and insulting each other, but as yet no blood has been shed. I have ordered all armed men from adjoining counties to repair to their homes; the Livingston county men, and others to the amount of one hundred men, have returned, and there remain now about one hundred and fifty who will, I am in hopes, return in a few days. I have been informed by the Mormons, that all of those who have been charged with a violation of the laws, will be in to day for trial; when that is done, the troops under my command will be no longer required in this county, if the citizens of other counties will return to their respective homes. I have proposed to leave two companies, of fifty men each, in this county, and discharge the remainder of the troops; said two companies will remain for the preservation of order, until peace and confidence are restored. I also enclose to your Excellency the report of General Doniphan, and refer you for particulars to Major Rogers.

I have the honor to be, your obd't servant,

D. R. ATCHISON,

Maj. Gen'l 3 Div. Mo. Mi.

*General Atchison to the Governor.*

HEAD QUARTERS, 3 Div. Mo. Mi. }  
Liberty, September 20th 1838. }

*To His Excellency, the Commander-in-Chief of the Mo. Mi.*

SIR :--The troops ordered out for the purpose of putting down the insurrection, supposed to exist in the counties of Daviess and Caldwell, were discharged on the 20th inst., with the exception of two companies of the Ray militia, now stationed in the county of Daviess, under the command of Brigadier General Parks; it was deemed necessary in the state of excitement in that county, that those companies should remain there for a short period longer, say some twenty days, until confidence and tranquility should be restored.

The reason that an officer of General Parks' rank was left in command, were, 1st. that, if necessary he might call to his assistance upon the shortest notice, the whole force of his Brigade. 2d., the moral influence of an officer of his rank would be greater than an officer of less grade. 3d, I could not find an officer of less grade in my Division to manage affairs of so much delicacy and importance. All the offenders against the law, in that county, against whom process was taken out, were arrested and brought before a court of inquiry, and recognized to appear at the Circuit Court. Mr. Thos. C. Burch attended to the prosecuting on the part of the State. The citizens of other counties who came in armed to the assistance of the citizens of Daviess county, have dispersed, and returned to their respective homes, and the Mormons have also returned to their homes; so that I consider the insurrection for the present, at least, to be at an end, but from the state of feeling in the county of Daviess and the adjoining counties, it is very much to be feared it will break out again, and if so, without the interposition of the Commander-in-Chief, the consequences will be awful. From the best information I can get, there are about two hundred and fifty Mormon families in Daviess county, nearly one half of the population, and the whole of the Mormon forces, in Daviess, Caldwell and the adjoining counties, is estimated at from thirteen to fifteen hundred men, capable of bearing arms.

If an attack is made upon the Mormons in Daviess county, for the purpose of driving them from that county, it is very much to be feared that the Mormons, to a man, will assist the Mormons of that county; this will be the case I have no doubt. I will further inform your Excellency, that the Mormons are well armed, most of them being equipped with a good rifle or musket, a brace of large belt pistols, and a broad sword, so that from their position, and their fanaticism, and their unalterable determination not to be driven, much blood will be spilt, and much suffering endured, if a blow is once struck, without the interposition of your Excellency.

Major Rogers, I presume, has given your Excellency a history of the

immediate cause of the disturbance in Daviess county, and also Judge King has given a detail of facts as far as he could learn them; I send you copies of Judge King's communication to me, upon the subject of ordering out a military force; also a petition from the citizens of Ray county. I was also urged to take that step by the citizens of the most respectable classes in the county of Clay, and was urged to it by the citizens of Daviess county, also of Caldwell county; from all which representations, I deemed it my duty to order out all the military forces and I have now no doubt of the propriety of the measure; it has prevented blood being shed, for the present, and I am in hopes for the future; it has convinced the Mormons that the law will be enforced, and other citizens that it can be enforced, and is ample to redress all grievances. The Mormons of Daviess county, as I stated in a former report, were encamped in a town called A-Him-on-silthmon, and are headed by Lyman Wight, a bold, brave, skillful, and, I may add, a desperate man; they appeared to be acting on the defensive, and I must further add, gave up the offenders with a good deal of promptness, the arms taken by the Mormons, and prisoners were also given up upon demand with seeming cheerfulness. Your order in relation to raising five hundred mounted men, will be attended to with promptness.

I have the honor to be, &c.,

DAVID R. ATCHISON,

Maj. Gen'l. 3 Div. Mo. Mi.

*Hon. A. A. King to General Atchison.*

Richmond, Sept. 10, 1838.

DEAR SIR:—Since my letter to you, on yesterday, I have received divers and sundry communications from Grand River, all going to show that the people in that quarter, on both sides, need protection, and nothing but an armed force can do it.

The Mormons, named in the warrant issued by Esquire Dryden, will not be taken, and I send you a letter\* from South and Rigdon, which may be of service to me hereafter, and I hope you will preserve it. From that, you can learn somewhat the state of affairs. I do not know of any authority I have to direct your movements in the matter, but I will advise you, and hope you deem it your duty to act in the matter, to send a force, six or two hundred men, or more if necessary, and from the circumstances, more may be necessary. Dispel the forces in Daviess, and all the assembled armed forces in Caldwell, and while there, cause those Mormons who refuse to give up, to surrender and be recognized, for it will not do to compromise the law with them. I shall inform the Governor of what I have advised, and I have no doubt but he will approve of it; to take time to send to him before hand, will be

\* This letter does not appear in the testimony on file.



useless, for the mischief will be done before he could act. Please advise me of your determination by the bearer; I will cordially co-operate with you, when you may require it.

Respectfully,

AUSTIN A. KING.

---

*Citizens of Ray County to General Atchison.*

Gen. DAVID R. ATCHISON.

DEAR SIR:—The undersigned are fully impressed with a belief, that there is an insurrection on foot, in the counties of Caldwell and Daviess, in this State, between the Abolitionists and other citizens of this State. The citizens of Daviess have a Mormon in custody as a prisoner, who they took as a spy; and the Abolitionists in Caldwell have three men, to-wit: John Comer, Wm. McHenry and Aden Mear, taken and confined as prisoners. They were taken in passing from Ray through Caldwell to Daviess. The undersigned, therefore, earnestly request you to order out the militia, to suppress this insurrection, and to save the effusion of blood, which must speedily take place, unless prevented.

H. W. Lide,	G. B. Thacken,	Jesse Coates,
Anderson Martin,	Wace Had,	John McGee,
P. R. Witt,	Geo. Woodward,	W. C. Williams,
Jas. S. Ball,	J. W. Wall,	A. B. Sherwood,
Isaac Manson,	Lewis L. Jacoby,	Jos. Jacobs,
A. H. Ringo,	John N. Hughes,	Jacob Riffe,
Allen Bill,	Merrill M. White,	James Johnson,
J. R. Hendley,	Hos. on Long,	W. P. Boyce,
C. R. Morehead,	W. C. Pollard,	Nathan Conner,
Sept. 10, 1838.	S. L. D. W. Shaw.	

---

*A petition from certain Mormons to the Governor.*

DE WITT, Carroll county, State of Missouri, Sept. 22, 1838.

To His Excellency, LILBURN W. BOGGS,

*Governor of the State of Missouri.*

Your petitioners, citizens of the county of Carroll, do hereby petition your Excellency, praying for relief: That whereas, your petitioners have, on the 20th inst., been sorely aggrieved, by being beset by a lawless mob, certain inhabitants of this and other counties, to the injury of the good citizens of this and the adjacent places; that on the aforesaid day, came from one hundred to one hundred and fifty armed men, and threatened, with force and violence, to drive certain peaceable citizens from their homes, in defiance of all law, and threatened them

to drive said citizens out of the county, but on deliberation, concluded to give them, said citizens, till the first of October next to leave said county, and threatened, if not gone by that time, to exterminate them, without regard to age or sex, and destroy their chattles, by throwing them in the river. We, therefore, pray you to take such steps, as shall put a stop to all lawless proceedings; and we, your petitioners, will ever pray, &c. &c.

Benj. Kendrick.	Thos. Hollingshead,	Nathan Harrison,
Dudley Thomas,	Asa W. Barnes.	Elizabeth Smith,
Wm. P. Luadow,	Elijah T. Rogers,	Henry Root,
Jno. Kendrick,	John Dougherty,	A. L. Caldwell,
Thos. Dehart,	Moses Harris,	Rufus Allen,
Francis Brown,	Perry Thayer,	Ezekiel Barnes,
John Tifford,	B. R. Bartley,	D. H. Barnes,
H. G. Sherwood,	Jonathan Harris,	Wm. S. Smith,
John Murdock,	Wm. J. Hatfield,	James Hampton,
G. M. Hinkle,	Oliver Oiney,	Robt. Hampton,
James Vallance,	John Thorp,	Jonathan Hampton,
Jabez Lake,	H. T. Chipman,	Geo. Peacock,
Albert Soree,	David Dixon,	Danl. Clark,
Samuel Lake,	Benj. Hensley,	John Proctor,
Asa Manchester,	Franklin N. Thayer,	James McGuin,
Wm. Winston,	H. M. Wallace,	Smith Humphrey,
John Clark,	D. Thomas, (no Mormon.)	

*Secretary of State to the Governor.*

OFFICE OF SECRETARY OF STATE, }  
City of Jefferson, Sept. 22, 1838, 5 o'clock P. M. }

*To His Excellency L. W. BOGGS, Gov. Mo.*

SIR:—The accompanying two letters, or reports, from Major General Atchison, and Brigadier General Doniphan, on the subject of the Mormon difficulties, the former directed to your Excellency, and the latter from General Doniphan to General Atchison, have just been received by express; deeming them of sufficient importance to justify the sending of them to you by express, I have engaged Jesse B. Barber, Esqr., for that purpose, who will leave some time to-night, or very early in the morning.

From the tenor of these papers, it would appear there is no necessity for the troops that have been raised for this Division to march. The commanding officer, however, does not consider that he would be justified in disbanding them, or suspending, for a few days, operations, without express orders from the Commander-in-Chief. He has accordingly, a few moments ago, taken up the line of march for the scene of difficulties.

I have the honor to be

Very respectfully, &c.

PETER G. GLOVER.

*General Atchison to the Governor.*

LIBERTY, SEPT. 23, 1838.

*To His Excellency, the Commander-in-Chief.*

SIR:—Your order through the Adjutant General, of the 15th inst., was received on the 22nd inst. Your Excellency will perceive from a former report, that an armed force was ordered out under my command, from the militia of the third Division, to put down an insurrection, supposed to exist in the counties of Caldwell and Daviess, and to assist the civil officers in the counties to bring offenders to trial, and otherwise enforce the laws. I now again inform your Excellency, that all offenders against the laws in these counties, against whom process was issued, and particularly the persons in the writ named, issued by William Dryden, a Justice of the peace for the county of Daviess, were brought before a court of inquiry, and recognized to appear at the Circuit Court; and Brigadier General Parks was left in said county of Daviess, with two companies, of fifty men each, for the purpose of enforcing the laws, under the direction of the civil officers, and from the facts as far as I could learn them, one hundred men were amply sufficient for all purposes of enforcing law, keeping down insurrections, &c.

I have the honor to be, &c.

DAVID R. ATCHISON,  
Maj. Gen'l. 3d Div. Mo. Mi.

*From the Governor to General Clark.*

[ORDER.]

HEAD QUARTERS OF THE MILITIA, }  
Jonesborough, Sept. 24, 1838. }

MAJOR GEN'L JOHN B. CLARK, 1st Div. Mo. Mi.

SIR:—The Commander-in-Chief, having this morning received information, by express, that the civil disturbances in the counties of Daviess and Caldwell have been quieted and order restored to the community; he therefore orders that the troops under your command destined for that service be immediately discharged.

The Commander-in-Chief avails himself of the present occasion, to tender to you, and through you to the troops under your command, his thanks for the prompt manner in which they responded to the call of their country.

By order of the Commander-in-Chief,

B. M. LISLE, Adjutant General, Mo. Mi.

[A similar letter was also sent to Major Generals H. W. Crowther, S. D. Lucas, and Lewis Bolton.]

*General H. G. Parks to the Governor.*

HEAD QUARTERS, 2d Brig. 2d Div. Mo. Mil. }  
 Mill Port, Sept, 25, 1838. }

*His Excellency, LILBURN W. BOGGS, Commander-in-Chief.*

SIR:—I received this morning, after my return from a tour in the upper part of this county, with a detail of the troops under my command, in assisting the constable in bringing offenders against the laws to justice, your despatch to Major General Atchison, which I took the liberty to open. The Major General left here with the troops from Clay and Ray, except two companies from Ray ordered to remain under my command, on the 13th inst.: since that time I have been employed in assisting the peace officers to execute the laws, and in bringing offenders to justice.

I am happy to inform you that there is not any necessity to use a larger force here at present; that now under my command I deem amply sufficient for the present purpose; should occasion require it, I have thought I could detach a sufficient force from the Brigade under my command. Whatever may have been the disposition of the people called Mormons, before our arrival here, since we have made our appearance they have shown no disposition to resist the laws, or of hostile intentions.

I deemed it my duty to visit their town in this county, and as soon as they saw the militia interpose between them and the people of this, and some of the adjoining counties who had assembled in arms, they went to work, abandoned their hostile attitude, and at this time peace and tranquility has every appearance of being restored. How long things may maintain their present attitude, I know not, but if the Maj. General had not taken the field with a sufficient force, as promptly as he did, there is every reason to fear a dreadful conflict would have ensued. On next Saturday there will be brought to trial some fifteen or twenty individuals, of the Mormons, before a Justice of the Peace; a committee has been appointed on behalf of the citizens of Daviess county, to meet the Mormons on to-morrow, for the purpose of proposing to buy or sell out to them; they will meet at Adam-on-dialamon, when I will attend with a force to insure tranquility.

There has been so much prejudice and exaggeration concerned in this matter, that I found things on my arrival here, totally different from what I was prepared to expect. It is true that a great excitement did prevail between the parties, and I am happy to say that my exertions, as well as those of Major General Atchison, and the officers and men under my command, have been crowned with success. When we arrived here, we found a large body of men from the counties adjoining, armed and in the field, for the purpose, as I learned, of assisting the people of this county against the Mormons, without being called out by the proper authorities. This force, the Major General very promptly

prevailed upon to return to their homes, and left directions with me to see that they had done so. I have the honor to say to you, that duty has been promptly attended to, all of which I have advised General A. thereof. I have thought it necessary to be thus minute in detailing to you our operations since we took the field; for further particulars I beg your Excellency may refer to the Major General, who I doubt not will communicate to you all the information in his possession; in the mean time, I assure you that any orders, given by you, or the Major General, relative to this matter, shall be promptly attended to.

I have the honor to remain, your obed't servant,

H. G. PARKS, Brigadier General.

P. S. Since writing the above, I received information that if the committee do not agree, the determination of the Daviess county men is to drive the Mormons with powder and lead; should any further measures take place, of importance, I will immediately advise the Major General of the Division thereof.

H. G. PARKS, Brig. Gen'l.

---

*General Parks to General Atchison.*

HEAD QUARTERS, 2d Brig. 3d Div. }  
Mill Port, Sept. 25, 1838. }

MAJOR GENERAL ATCHISON.

DEAR SIR:—I received this morning a despatch from the Governor, directed to you, which I took the liberty to open and advise you thereof. You will see by the letter of the Commander-in-Chief that he is bringing into the field a large body of troops, as I understand, under the command of four Major Generals. I have thought it my duty to advise the Commander-in-Chief, that I deemed the forces now under my command amply sufficient to preserve tranquility and enforce the laws. Since my last to you by Mr. Stone, I have been at this place, employed in fulfilling the orders left by you. I am happy to be able to state to you, that the deep excitement existing between the parties has in a great degree ceased, and so far I have had no occasion to resort to force, in assisting the constables. On to-morrow, a committee from Daviess county meets a committee of the Mormons at Adam-on-dahmon, to propose to them to buy or sell, and I expect to be there. On Saturday the 29th inst, there are fifteen or twenty of the Mormons cited to trial at Gallatin, where, Lyman Wight has pledged himself to me, they will attend. The officers and men are all in good health at present, and have been actively employed in the above duties. I have this moment heard a threat, thrown out by the men of this county, that should the above measures fail, their intention is to drive the Mormons with powder and lead from this county. How far such a measure

will be executed I know not, but I will exercise my utmost vigilance in this affair, and advise you thereof, from time to time.

I remain, your obd't servant,  
H. G. PARKS, Brig. Gen'l.

---

*General Atchison to the Commander-in-Chief.*

LIBERTY, SEPTEMBER 27, 1838.

To the COMMANDER-IN-CHIEF.

SIR:—I received a communication by express on the 26th inst., together with a report from Brigadier General Parks, who is in command of the troops, left by me in Daviess county. I have made two reports to your Excellency, one sent by Maj. Rogers, and the other by mail, neither of which I presume your Excellency has received; one dated the 17th of September, the other the 20th of September. The force under General Parks is deemed sufficient to execute the laws and keep the peace in that county; things are not so bad in that county as represented by rumor, and in fact from affidavits I have no doubt your Excellency has been deceived by the exaggerated statements of designing or half crazy men. I have found there is no cause of alarm on account of the Mormons; they are not to be feared; they are very much alarmed. I transmit a report made to me by General Parks, dated 25th of September, and from that report I learn that the General has reported to your Excellency.

I have the honor to be &c.

DAVID R. ATCHISON,

Maj. Gen'l. 3d Div. Mo. Mi.

---

*General Lucas to the Governor.*

BOONVILLE, Mo., OCTOBER 4, 1838.

DEAR SIR:—AS we passed down the Missouri River, on Monday last, we saw a large force of Mormons at De Witt in Carroll county, under arms. Their commander, Col. Hinkle, formerly of Caldwell county, informed me that there were two hundred, and that they were hourly expecting an attack from the citizens of Carroll county, who, he said, were then encamped only six miles from there, waiting for a re-inforcement from Saline county. Hinkle said they had determined to fight. News had just been received at this place, through Dr. Scott of Fayette, that a fight took place on yesterday, and that several persons were killed. Dr. Scott informed me that he got his information from a gentleman of respectability, who had heard the firing of their guns as he passed down. If a fight has actually taken place, of which I have no

doubt, it will create excitement in the whole upper Missouri, and those base and degraded beings will be exterminated from the face of the earth. If one of the citizens of Carroll should be killed, before five days I believe that there will be from four to five thousand volunteers in the field against the Mormons, and nothing but their blood will satisfy them. It is an unpleasant state of affairs. The remedy I do not pretend to suggest to your Excellency. My troops, of the 4th Division, were only dismissed subject to further orders, and can be called into the field at an hour's warning.

In haste, I have the honor to be,  
Your most ob't serv't,  
SAMUEL D. LUCAS.

*General Atchison to the Governor.*

BOONVILLE, Oct. 5, 1838.

*To His Excellency, the Commander-in-Chief of the Mo. Mi.*

SIR:—I have just received by express, a communication from Brig. Gen. Parks, a copy of which I herewith transmit. It seems, sir, that the Mormon difficulties are not brought to a close. In Carroll county the citizens are in arms, for the purpose of driving the Mormons from that county. I have authorized Gen. Parks, if he deems it necessary, to call for the troops raised in the 1st Brigade, 3d Division, under the order from your Excellency, or as many of them as are deemed necessary. The following is a copy of Gen. Parks' communication:

HEAD QUARTERS, 2d Brig. 3d Div. }  
Richmond, Oct. 3, 1838. }

Maj. Gen. DAVID R. ATCHISON.

DEAR SIR:—I received this morning an affidavit from Carroll county. The following is a copy:

"Henry Root, on his oath, states, that on the night of the 1st of October, there was collected in the vicinity of De Witt an armed force, consisting of from thirty to fifty persons, and on the morning of the 2d of October, came into the town of De Witt and fired on the civil inhabitants of that place. Thirteen of said individuals were seen by me in that place, and I believe there is actually an insurrection in that place.

(Signed)

HENRY ROOT."

Subscribed and sworn to this 3d day of October, 1838.

WILLIAM B. MORTON, J. P.

In consequence of which information, and belief of an attack being

made on said place, I have ordered out the two companies raised by your order, to be held in readiness under the command of Capts. Bogart and Houston, to march for De Witt, in Carroll county, by 8 o'clock tomorrow morning, armed and equipped as the law directs, with six day's provisions and fifty rounds of powder and ball. I will proceed with these troops in person, leaving Col. Thompson in command on Grand River. As soon as I reach De Witt I will advise you of the state of affairs more fully. I will use all due precaution in the affair, and deeply regret the necessity of this recourse.

H. G. PARKS, Brig. Gen. 2d Brig. 3d Div.

P. S. I will thank you to write me by Mr. Wade, and give me any advice you may deem necessary in this affair.

Yours, &c.

H. G. P.

In the county of Daviess every thing is quiet at this time, and it is supposed will remain so. I have ordered Gen. Parks to discharge the troops in that county so soon as thirty days shall have expired from the time they were mustered into service.

I have the honor to remain, &c.,

DAVID R. ATCHISON,

Maj. Gen'l. 3d Div. Mo. Mi.

*Report of the Committee of Chariton county.*

The undersigned committee were appointed at a public meeting, by the citizens of Chariton county, on the 3d day of October, inst., for the purpose of repairing to De Witt, in Carroll county, to inquire into the nature of the difficulties between the citizens of Carroll and the Mormons. We arrived at the place of difficulties on the 4th of October, inst., and found a large portion of the citizens of Carroll and the adjoining counties, assembled near De Witt well armed. We inquired into the nature of the difficulties. They said that there was a large portion of the people called Mormons, embodied in De Witt from different parts of the world. They are unwilling for them to remain there, which is the cause of their waging war against them. To use the gentleman's language, they are waging a war of extermination, or to remove them from the said county. We also went into De Witt, to see the situation of the Mormons. We found them in the act of defence, begging for peace, and wishing for the civil authorities to repair there as early as possible, to settle the difficulties between the parties.

Hostilities have commenced, and will continue until they are stopped by the civil authorities. This we believe to be a correct statement of both parties. This the 5th day of October, 1838.

JOHN W. PRICE,

WM. K. LOGAN.

Sworn to and subscribed before me, the undersigned, one of the justices of the peace, within and for Chariton county, and State of Missouri, this 5th day of October, 1838.

JOHN MORSE, J. P.



*General Parks to General Atchison.*

BRIGADE HEAD QUARTERS, 5 miles from De Witt, }  
 Carroll county, October 7, 1838. }

Gen. DAVID R. ATCHISON.

SIR:—Immediately after my express to you, by Mr. Warder, was sent, I proceeded to this place, which I reached yesterday with two companies of mounted men from Ray. I ordered Col. Jones to call out three companies from this county to hold themselves in readiness, to join me at Carrollton on the 5th inst., which order has not been carried into effect. None of the Carroll regiment is with me. On arriving in the vicinity of De Witt, I found a body of armed men, under the command of Doctor Austin, encamped near De Witt, besieging that place, to the number of two or three hundred, with a piece of artillery, ready to attack the town of De Witt. On the other side, Hinkle has in that place three or four hundred Mormons to defend it, and says he will die before he is driven from thence. On the 4th inst. they had a skirmish—fifteen or thirty guns fired on both sides—one man from Saline wounded in the hip. The Mormons are at this time too strong, and no attack is expected before Wednesday or Thursday next, at which time Dr. Austin hopes his forces will amount to five hundred men, when he will make a second attempt on the town of De Witt, with small arms and cannon.

In this posture of affairs, I can do nothing but negotiate between the parties, until further aid is sent me. I received your friendly letter of the 5th inst., by Mr. Warder, authorizing me to call on Gen. Doniphan, which call I have made on him for five companies from Platte, Clay and Clinton, with two companies I ordered from Livingston, of which I doubt whether these last will come, if they do, I think I will have a force sufficient to manage these beligerents. Should these troops arrive here in time, I hope to be able to prevent bloodshed. Nothing seems so much in demand here (to hear the Carroll county men talk,) as Mormon scalps—as yet they are scarce. I believe Hinkle, with his present force and position, will beat Austin with five hundred of his troops. The Mormons say they will die before they will be driven out, &c. As yet they have acted on the defensive as far as I can learn. It is my settled opinion, the Mormons will have no rest until they leave—whether they will, or not, time only can tell. I assure you I never felt more rejoiced, than when I received your letter to call on Gen. Doniphan's Brigade. For this mark of your confidence and friendly approval of my actions, I do feel under renewed obligations to you, and hope to show the necessity of making the call on Gen. D's Brigade. I have also sent an express to Gen. Doniphan, to come in person if he can; I want his aid and advice. I will keep you advised from time to time of the state of affairs here. It would relieve me much if you would request the Governor to make his appearance here among the Carroll

boys; he need not order out any forces, those already ordered by me I deem sufficient. You know a word from his Excellency would have more power to quell this affair than a regiment. Should he come, which I hope he will, for this is no little affair, he will be able to take such steps as may be deemed by him right and necessary to settle this matter.

I have the honor to remain,

Your obedient servant,  
H. G. PARKS, Brig. Gen. Com.

---

*General Atchison to the Governor.*

BOONVILLE, Oct. 9, 1838.

*To the Commander-in-Chief.*

SIR:—Enclosed you will receive a communication from Gen. Parks, which I deem my duty to forward to your Excellency. I have required Gen. Doniphan with the troops from Clay, Clinton and the Platte, to co-operate with Gen. Parks; I have also instructed Parks to prevent armed Mormons from marching to De Witt, and also to send back or take into custody, all the Mormons from Caldwell county, who may be found in arms in Carroll county; also to disperse all armed bands of citizens from other counties found in Carroll.

I have also suggested to Parks to urge it upon the Mormons in Carroll county to sell out and remove elsewhere, and also to urge the citizens to make the proposition to buy. I have no doubt but your Excellency, if you should deem it your duty to proceed to Carroll county, could restore peace. I would have forwarded this communication by express, but was informed that you were at St. Louis. It is therefore sent by mail. If you deem it necessary to proceed to Carroll county, I would respectfully suggest that it should be done as quick as possible.

I have the honor to be, &c.,

D. R. ATCHISON.

P. S. If your Excellency should deem it necessary to proceed to Carroll county, Boonville will be in your route, when it would give me great pleasure to see your Excellency, at which time I will be prepared to give all information as to the difficulties between the Mormons and citizens, as far as it could be obtained.

D. R. A.

*General Atchison to the Governor.*

BOONVILLE, OCT. 16, 1838.

*To His Excellency, L. W. BOGGS.*

SIR:—From a communication received from Gen. Parks, I learn that the Mormons in Carroll county have sold out and left, consequently every thing is quiet there, but Parks reports that a portion of the men from Carroll county, with one piece of artillery, are on their march for Daviess county, where it is thought the same lawless game is to be played over, and the Mormons to be driven from that county and probably from Caldwell county. Nothing, in my opinion, but the strongest measures within the power of the Executive, will put down this spirit of mobocracy.

The troops ordered into the field, from Parks' report, partake, in a great degree, of the mob spirit, so that no reliance can be placed upon them; however, in this I believe Parks to be mistaken. I would respectfully suggest to your Excellency the propriety of a visit to the scene of excitement in person, or at all events; a strong proclamation. The state of things which have existed in the counties of Daviess and Carroll for the last two months, has been, in a high degree, ruinous to the public, and disgraceful to the State. I would again respectfully suggest strong measures to put down this spirit of mob and misrule, or permit them to fight it out. If your Excellency should conclude the latter expedient best calculated to produce quiet and restore order, issue an order to the Major General, 3d Division, to discharge the troops now engaged in that service.

I have the honor, &c.,

DAVID R. ATCHISON.

---

*General Clark to the Governor.*

BOONVILLE, OCT. 9, 1838.

*To His Excellency, L. W. BOGGS.*

SIR:—Since I wrote to you, I have received the enclosed information in relation to the Mormon difficulty. The names subscribed to the enclosed paper are worthy, prudent and patriotic citizens of Howard county; and I am persuaded nothing but a case of absolute necessity to protect their friends would induce them to engage as they have done.

I regret exceedingly that your Excellency received information, making it necessary to discharge the troops you had on the march. Nothing but some such step, in my opinion, will ever settle the affair. I hope your excellency will write to me on the receipt of this.

I have the honor to be,

Your obd't servant,

JOHN B. CLARK.

Camp near De Witt, Oct. 7, 1838.

*To the citizens of Howard county.*

GENTLEMEN:—This county is the theatre of a civil war, and will soon be one of desolation, unless the citizens of the adjoining counties lend immediate assistance. The infatuated Mormons have assembled in large numbers in De Witt, prepared for war, and are continually pouring in from all quarters where these detestable fanatics reside.

The war is commenced! blood has been shed—they shed it; they waylaid and fired upon a body of the citizens of Carroll county and wounded some. They are the aggressors—they have been guilty of high treason; they have violated the laws and shed the blood of our citizens; and we think this one of the cases of emergency in which the people ought to take the execution of justice in their own hands. Speedy action is necessary; the progress of their imposition, insult and oppression ought to be checked in the beginning. The people must act together—they must act energetically.

It is now 12 o'clock at night—the Mormons are lurking around our camp, and making preparations to attack us before day. Our numbers are much less than theirs, and we will have to act on the defensive until we procure more assistance. About two hours ago the Mormons were re-inforced by sixty-two mounted men, well armed, from Far West; they are arriving every night; two nights ago it is thought one hundred came to De Witt for the purpose of making war upon the people of this county.

Under such circumstances, you cannot fail to come forward immediately. Can you not be here by Sunday or Monday at farthest? Come by fives and tens, if you cannot come by companies; bring all you can. This is no false excitement or idle rumor—it is the cold reality too real. We will anticipate you immediately, and shall expect your co-operation and assistance in expelling the fanatics, who are mostly aliens by birth, and aliens in principle from the county. We must be enemies to the common enemies of our laws, religion and country.

Your friends and fellow citizens,

Congrave Jackson,	James Jackson, Jr.	Geo. Crigler,
Larkin K. Woods,	Johnson Jackson,	Wm. L. Banks,
Thomas Jackson,	John L. Tomlin,	Whitfield Dicken.
Rolla M. Daviess,	Sidney S. Woods,	

P. S. Our guard was just now fired upon by the Mormons. They have become emboldened by their recent re-inforcements, and we will have to act on the defensive until assistance arrives.

---

*Statement of Adam C. Woods.*

I, the undersigned, Adam C. Woods, a citizen of Howard county, do certify, that on the 6th day of October, 1838, in company with Capt.

Congrave Jackson and others of Howard county, hearing of the Mormon difficulty at De Witt, concluded to go up there, and did go to interpose our good offices, and make peace between them and the citizens. When we reached there, on last evening, we found under arms, in a mile or thereabout of De Witt, about two hundred citizens encamped and sentinels out. I did not go into De Witt; I was advised not to go in, fearing that I would be injured. I was informed, and believe the information to be true, that the Mormons at De Witt are between five and six hundred, well armed. I remained on last night in the camp of the citizens, intending on this morning to go into town, and endeavor to make peace, but about midnight the Mormons commenced firing on the sentinels placed out by the citizens, which was returned; there was occasional firing at a distance until day. From the above occurrences we were deterred from making any attempt with the Mormons for peace, and I left on this day about 10 o'clock in the morning.

Oct. 7, 1838.

A. C. WOODS.

---

*Captain Bogart to the Governor.*

ELK HORN, Ray county, Mo., Oct. 13, 1838.

*To His Excellency, L. W. BOGGS.*

DEAR SIR:—I avail myself of this opportunity, to inform you of the present deplorable condition of our country. I arrived home last night from the second tour of duty to suppress insurrections. When the first campaign closed on Grand River, and the public was informed that peace was restored, the citizens who lived in Daviess and the adjoining counties knew, and expressed themselves, that the Mormons were determined to drive the citizens from Daviess county, which the Mormons have since expressed. The lives of the people of Daviess have been threatened; many of them have fled for safety to the adjoining counties. Whenever we meet a Mormon he is armed in the best manner, and continually throwing out his threats.

Next we were ordered to De Witt, in Carroll county, under Gen. H. G. Parks. When we arrived at Carrollton, we were informed that the people of Carroll and the Mormons, who were mostly Canadians, were assembled within a mile of each other, ready for battle. We were also told the Mormons of Caldwell were on their way to De Witt—one hundred more expected to pass down that night; I went to Gen. Parks and requested him to permit me to move my company on that road and prevent their passing, but he refused, and we lay there that day and until midnight, at which time W. C. Williams came to the camp and told us the Mormons were passing from Caldwell. I paraded my company and marched to the Mormon roads, leaving Parks in Carrollton,

(d\*\*\*k) incapable of knowing what was going on. The Mormons passed before I reached the road. The next day, Parks overtook us with the balance of the troops—we moved down near De Witt, and encamped two days, without making one effort to disperse either party. I visited De Witt, in company with Parks, Dr. Ellis, McGee and several others, and on the public highway, some half mile from the town, we were met by a Mormon from Far West, who cocked his gun and presented at me, and commanded us to stop; this is a common thing with them in this country—the public highways are guarded. Gen. Parks returned home with his command, leaving over two hundred Mormons, well armed, in Carroll county, who came from Caldwell, after being expressly ordered by Maj. Gen. Atchison to disperse them at all hazards. The people of Carroll and the Mormons have made a compromise. The Mormons are moving west—it is supposed they intend pushing the citizens out of Daviess; that county is in a state of great agitation—great excitement prevails there. The Daviess and Livingston county people, and many others, are on their way to Daviess county with one field piece, with the determination to prevent their settling in that county at all hazards. If there is not some effective means taken to settle this difficulty, much blood will be spilt soon; it will require a strong force. Too many of our officers are seeking popularity with the Mormons, supposing their votes in time would be of some service to them.

You may rest assured times grow worse and worse here. The Mormons embody themselves, keep out guards, and refuse to let any person see their forces. Had you proceeded on to Daviess county, you could easily have convinced yourself of the state of things, which are desperate in the extreme; you will no doubt be called on. I hope you will take steps to make a final settlement of this matter—if it is not soon done, our country is ruined.

Your obedient servant,

SAMUEL BOGART,  
Captain in the late Volunteers.

---

*The Sheriff of Daviess county to the Governor, (affidavit.)*

October 21, 1838.

I, William Morgan, sheriff of Daviess county, do certify, that on the 18th day of this instant, as I was going to Gallatin, I saw five men ride off from the store of Jacob Stollings, and on walking fifty or sixty yards further I perceived the house was on fire; I ran to the house where the clerk of the store boarded, say one hundred and fifty yards from the store, and found no one there. Whilst standing there, I saw two other men ride by the store and make no stop, I then expected it was Mormons. On going home, one mile from town, I then learnt that the Mormons had driven off the clerk and had fired the store. Since that they

(the Mormons) have ordered almost all the citizens of the county to leave, and they, myself for one, have moved our families to Livingston county. Our county is in a desperate situation; they are burning and driving as they go. It is reported by a prisoner that they turned loose last night, that they were to burn Mill Port, and I have no doubt of that being the fact.

I remain, yours with respect,  
WILLIAM MORGAN.

To L. W. BOGGS.

---

*Affidavit of Philip Covington.*

State of Missouri, }  
County of Daviess. } ss.

I, Philip Covington, an acting Justice of the Peace within and for said county, do certify, that on the 18th inst., one hundred or more Mormons marched to Gallatin and drove the citizens from said place, then robbed the store and post office, and burned said store and office. On the 20th of this instant, twenty-five armed Mormons came to my house, and gave me orders to leave the county against next morning, or they would be upon me and my family. Myself with many other citizens have left the county. They are now robbing and burning the dwellings of the defenceless citizens. Given under my hand, this 22d day of September, 1838.

PHILIP COVINGTON, J. P.

---

*Col. Peniston to the Governor.*

DAVISS COUNTY, Mo., Oct. 21, 1838.

*To His Excellency, the Governor of Missouri.*

SIR:—I deem it my duty, made so not only from the law as an officer, but also as an individual, to report and make known to your Excellency, the unheard of and unprecedented conduct and high handed proceedings of the Mormons of this and Caldwell counties, towards the other citizens of this county, being myself one of the sufferers.

On Monday, the 15th inst., we learned that the Mormons were collecting in Far West, for the purpose of driving what they term the mob from this county, by which we understand the citizens that were not Mormons; and accordingly they have come, and their worst apprehensions have been already fulfilled. They have plundered or robbed and burned every house in Gallatin, our county seat, among the rest our post

office; have driven almost every individual from the county, who are now flying before them with their families, many of whom have been forced out without necessary clothing; their wives and little children wading, in many instances, through the snow without a shoe. When the miserable families are thus forced out, their houses are plundered and burned; they are making this universal throughout the county. They have burned for me two houses; and sir, think this not exaggeration, for all is not told; and for the truth of all and every statement here made, I pledge the honor of an officer and gentleman.

These facts are made known to you, sir, hoping that your authority will be used to stop the course of this banditti of Canadian refugees, and restore us to our lost homes. I neglected to state, that among the rest, our County Treasurer's Office has been also burned. I will only ask, in conclusion, can such proceedings be submitted to in a government of laws? I think not, and must answer my interrogatory--no, notwithstanding the political juggling of such men as David R. Atchison and some others, whose reports and circulations, setting the conduct and character of the Mormons favorably before the community, are believed by the people of this county to be prompted by the hope of interest or emolument.

I am yours, sir,

With due regard,

WM. P. PENISTON,

Col. 60th Reg. 2d Brig. 3d Div. Mo. Mi.

P. S. Since writing the above, I have procured the testimony, on oath, of some six or eight persons, corroborating with my statement, which accompanies this.

W. P. P.

---

*Affidavit of Samuel Venable.*

This is to certify, that I was called upon last night to wait upon a lady who was about to increase her family; she had travelled as she told me about eight miles in labour to get from the Mormons, who were engaged in driving off the people from their homes, giving them only about three days notice, plundering and robbing their houses. The lady alluded to above, Mrs. Smith by name, stopped on the camp ground on the east of Daviess county, where she increased her family. There was another lady who stopped on the camp ground, whose baby was but four days old.

I was also at Mr. White's this morning, who lives in Livingston county, who was on yesterday very much injured in property by the Mormons. I saw a good deal of the mischief by them done, and was told by Mrs. White that, in addition to the above, she received from them invectives; that they had plundered the house, taken cloths, and other articles; destroyed all their bee stands; taken off drawing chains, log chains, &c. The quantity of oats, fodder and corn taken



from White's must have been considerable, as they fed about two hundred horses, leaving on the ground where they fed a great deal of oats, &c. Given under my hand, this 22nd. October, 1838.

SAMUEL VENABLE.

I certify that the above is a true copy of the instrument given, sworn to, and subscribed before me on 22nd of this inst. this 22nd October, 1838.

LEVI F. GABEN, J. P.

---

*Affidavit of Jonathan J. Dryden.*

Jonathan J. Dryden, after being duly sworn, deposeth and saith: that on the 21st day of October, 1838, he was taken as a prisoner by the persons called Mormons from his own house, sick with the fever, and carried him about one mile, and released him upon the account of his health; and while in custody, he was told by them they had applied to the Governor divers of times for protection, and he had never sent them any assistance, and now they had taken the law in their own hands and they intended to have the thing settled, because they believe the Governor to be as big a mob man as any of them; and the plunder which they were now taking was to pay them back for the property which they had lost in Jackson county, when they were driven from there, and further this affiant saith not.

JONATHAN J. DRYDEN.

The above sworn and subscribed before me, this 22nd day of this instant.

ADAM BLACK, J. P.

---

*Affidavit of James Stone.*

James Stone, after being duly sworn, deposeth and saith: that on the 20th day of October, 1838, the people called Mormons came to his house, and told him if he did not leave Daviess county, against next morning, at sunrise, that they would take his head with their sword, and drew their sword and waved it at him, and said they would take his heart's blood if he did not leave the county, and then this affiant took them at their word, and left his house at ten o'clock in the night, he and two other men; and went back next morning and his house was robbed; and this affiant saith, on the 21st day, inst. that he, with several other men, saw the said people called Mormons, herding a number of cattle, the amount not known, he supposed to be about two acres of ground covered, and they looked at them, until they started them towards Caldwell county, and further this affiant saith not.

JAMES STONE.

The above sworn to and subscribed before me, this 22nd day of this instant.

ADAM BLACK, J. P.

*Affidavit of Thomas J. Martin.*

I, Thomas J. Martin, after being duly sworn, do testify upon oath: that whereas I was returning from meeting on the 21st day of October, 1838, in Livingston county, I was intercepted and taken prisoner by the body of people called Mormons, who presented their guns and told me that I had one of two things to do, that was to relate to them all that I knew concerning the militia—their munitions &c. or to be laid on the sod and let birds eat me. They also took me about twelve miles, during which time I saw them rummage the house of Mr. White; I also saw them take four others, and they had some others that had been taken before, some of whom they took to Adam-on-diahmon, and I have not heard from them since. During the time I was a prisoner they told me that they did not intend to let any man stay in Daviess county, that was not friendly to them, and that they were doing the same to redress the injury received in Jackson county.

THOMAS J. MARTIN.

The above sworn to and subscribed before me, this 22nd day of October, 1838.

ADAM BLACK, J. P.

---

*General Atchison to the Governor.*

LIBERTY, October 22, 1838.

*To His Excellency, the Commander-in-Chief.*

SIR:—Almost every hour I receive information of outrage and violence—of burning and plundering in the county of Daviess. It seems that the Mormons have become desperate, and act like mad-men; they have burned a store in Gallatin; they have burnt Millport; they have, it is said, plundered several houses; and have taken away the arms from divers citizens of that county; a cannon that was employed in the siege of De Witt, in Carroll county, and taken for a like purpose to Daviess county, has fallen into the hands of the Mormons. It is also reported that the anti-Mormons have, when opportunity offered, disarmed the Mormons, and burnt several of their houses.

The great difficulty in settling this matter, seems to be in not being able to identify the offenders. I am convinced that nothing short of driving the Mormons from Daviess county will satisfy the parties opposed to them; and this I have not the power to do, as I conceive, legally. There are no troops at this time in Daviess county, nor do I deem it expedient to send any there, for I am well convinced that it would but make matters worse; for, sir, I do not feel disposed to disgrace myself, or permit the troops under my command to disgrace the State and themselves by acting the part of a mob. If the Mormons are to be

driven from their homes, let it be done without any color of law, and in open defiance thereof; let it be done by volunteers acting upon their own responsibilities.

However, I deem it my duty to submit these matters to the Commander-in-Chief, and will conclude by saying it will be my greatest pleasure to execute any order your Excellency shall think proper to give in this matter with promptness, and to the very letter.

I have the honor to be,

Your Excellency's most ob't serv't.

DAVID R. ATCHISON.

Maj. Gen'l. 3d Div. Mo. Mi.

N. B. I herewith inclose to you a report from General Parks; also one from Capt. Bogart.

D. R. A.

---

*Gen. Parks to General Atchison.*

BRIGADE HEAD QUARTERS, 2d Brig. 3d Div. }  
Richmond, October 21, 1838. }

Maj. Gen. D. R. ATCHISON.

SIR:—I received yours of the 16th inst. from Boonville, which I will let remain until I see you. I have now returned from the county of Daviess, and assure you this county is agitated by a deeper and more desperate excitement than I have yet witnessed. I left the place on Tuesday, the 16th inst, with two companies of mounted men, having directed Col. Dunn to precede me to Daviess county, where I had good evidence to believe the troops (militia) intended to act against Adam-on-diahmon. Intending to co-operate with Gen. Doniphan and the remainder of the troops, I had proceeded on to the head waters of Crooked River, when a severe snow storm overtook us and we were compelled to abandon the undertaking for the present. The troops were dismissed until further orders, and the troops under Col. Dunn had been ordered home by Gen. Doniphan, who came as far as Far West, from whence he returned home. I, with a part of my staff, proceeded on to Far West, which I reached on Tuesday night, and learning the Clay troops had gone home, I determined to proceed to Daviess and examine the state of the county. On Thursday I proceeded on to the town of Adam-on-diahmon, in Daviess county, and on the way heard the Mormons had burned a store house in Gallatin, belonging to Jacob Stollings; I sent two men to see and learn the facts, and on their return they confirmed the news. I saw at Adam-on-diahmon about five hundred Mormons under arms, all well armed, about two hundred of them mounted. I asked them their motive in appearing in arms—their answer was: “they intended to defend that place; they had been driven from De Witt and other places, and here they were determined to stand and die, rather than be driven from that place.”

I next visited Millport, and found on my way down the ridge, that the inhabitants had left their houses, and all above Pennington have fled. That county is in a worse state than at any former period, and I believe that the Mormons are now the aggressors, as I have seen many depredations which they have committed. I have certificates of their having taken arms from the citizens of Daviess forcibly. The excitement in this county is more deep and full of vengeance than I have yet seen it, and I would not be surprised if some signal act of vengeance would be taken on these fanatics. Wednesday next is fixed for a full and general meeting of the citizens of this county, to take into consideration the steps necessary to be taken in this state of affairs. I do not know what to do. I will remain passive until I hear from you. I do not believe calling out the militia would avail any thing towards restoring peace, unless they were called out in such force, as to fright the Mormons and drive them from the country. This would satisfy the people, but I cannot agree to it. I hold myself ready to execute as far as I can go, any order from you, and wish you to advise the Commander-in-Chief as to the situation of the upper country; perhaps a visit from him would have some effect in allaying the excitement.

I remain, your ob't serv't.

H. G. PARKS, Gen. 2d Brig. 3d Div.

---

*Captain Bogart to General Atchison.*

ELK HORN, Oct. 23, 1839.

Gen. ATCHISON,

DEAR SIR:—The Mormons have burnt Gallatin and Mill Port, and have ravaged Daviess county, driven out the citizens, burnt the post office, taken all kinds of property from the citizens; have gone into Livingston county, and taken the cannon from the citizens there; they have threatened to burn Buncombe and Elk Horn, and have been seen near, and on the line between Ray and Caldwell. In consequence of which I have ordered out my company to prevent, if possible, any outrage on the county of Ray, and to range the line between Caldwell and Ray, and await your order and further assistance. I will camp at Field's, 12 miles north of this, to night. I learn that the people of Ray are going to take the law into their own hands, and put an end to the Mormon war.

In haste, your obd't serv't,

SAMUEL BOGART.

P. S. Please be explicit in your express to me as to my course.

S. B.

*Citizens of Ray county to the Governor.*

RICHMOND, Mo., October 23, 1838.

*To the Governor of the State of Missouri.*

SIR:—The alarming state of Daviess county, and the panic produced by the late movements of the Mormons in that county, have produced a degree of excitement and alarm here, that has not been heretofore witnessed. The latest accounts from Daviess county that have reached us, say that all the inhabitants of Daviess county have left, and sought refuge in Livingston or this county. The store house of Jacob Stollings in Gallatin was robbed and burned by the Mormons; the post office kept there was also destroyed, and we believe that the houses of five or six of the inhabitants of Daviess have been destroyed by fire, the property taken away, and the women and children obliged to flee. The arms of all the citizens in Daviess, they could find, have been taken by them forcibly; they have carried away the cannon from Livingston county, and have it now in their possession.

The Mormons have robbed George Worthington, P. M. at Gallatin, of his notes and property, to the amount of nearly \$2,000. In short, the news from them reaches us hourly, that they are destroying the property of the citizens they cannot carry away, and all that they can carry away, they take. Blood and plunder appears to be their object, and those who do not join with them in their incendiary conduct, are banished from Caldwell, and all those of other counties who are opposed to them, are threatened. It is the desire of the citizens that his Excellency would visit this section of country and call out a sufficient number of troops to put a stop to the further ravages of these fanatics. If some such measures are not taken shortly, the whole country will be overrun. We now firmly believe they are aggressors, and say they will indemnify themselves for losses in Jackson and Carroll. We are not alarmists, and have had no tears until lately that these fanatics would have dared to behave as they have lately. There seems to be but one opinion here on the subject, and that is, unless a military force is brought to act against them, and that shortly, they will destroy as far as they are able. We think it our duty to advise you of these things.

Very respectfully,

R. S. Mitchell,

G. Lenhart,

George Woodward,

John N. Hughes,

John C. Richardson,

Lewis S. Jacobs,

Thos. McKinney,

M. P. Long,

Berry Huges,

Jesse Comer,

James S. Bell,

Wm. Hudgins, P. M.

T. L. D. W. Shaw,

B. J. Brown, sheriff,

We are deficient in arms, if there are any to spare, we wish them brought up here.

WM. HUDGINS.

## T. C. Burch to the Governor.

RICHMOND, Mo., October 23, 1838.

*To His Excellency, the Governor of Missouri.*

The Mormon difficulties are arising and have arisen here to an alarming height. It is said (and I believe truly,) that they have recently robbed and burned the store house of Mr. J. Stollings, in Gallatin, Daviess county, and that they have burned several dwelling houses of the citizens of Daviess, taken their arms from them, and have taken some provisions.

Mormon dissenters are daily flying to this county for refuge from the ferocity of the prophet Jo Smith, who, they say, threatens the lives of all Mormons who refuse to take up arms at his bidding or to do his commands. Those dissenters (and they are numerous,) all confirm the reports concerning the Danite Band, of which you have doubtless heard much, and say that Jo infuses into the minds of his followers a spirit of insubordination to the laws of the land, telling them that the Kingdom of the Lord is come, which is superior to the institutions of the earth, and encourages them to fight, and promises them the spoils of the battles.

A respectable gentleman of my acquaintance, from Livingston, is here now, who informs me that the Mormons are robbing the citizens of Livingston, on the borders of Caldwell, of their corn and whatever else they want; that they have taken a cannon from Livingston county, and are prowling about the country, a regularly formed banditti. That the prophet Jo Smith has persuaded his Church, that they are not, and ought not to be amenable to the laws of the land, and is still doing it I have no doubt. The Danite Band, as I am informed by numbers of the most respectable of the Mormons, (who are now dissenters,) binds them to support the High Council of the Mormon Church and one another in all things, whether right or wrong, and that even by false swearing. I have taken much pains to be informed correctly about this Danite Band, and I am well satisfied that my information as above stated is correct. I have no doubt but that Jo Smith is as lawless and consummate a scoundrel, as ever was the veiled prophet of Chovassin. I believe the criminal law in Caldwell county cannot be enforced upon a Mormon. Grand Juries there will not indict. Jo declares, in his public addresses, that he can revolutionize the United States, and that if provoked he will do it. This declaration has been heard by Colonel Williams of this place, and other gentlemen of equal veracity. I have hoped that the civil authorities would prove sufficient for the exigency of the case, but I am now convinced that it is not, so long as indictments have to be found by a jury of the county in which the offence may be committed.

I do not pretend to have wisdom enough to make a suggestion as to

what your Excellency should do. The evil is alarming, beyond all doubt. I suggest the foregoing facts for your consideration.

I am, very respectfully,

Your obedient servant,

THOS. C. BURCH.

P. S. Judge King will give you some information by the next mail.

T. C. B.

*Proceedings of a public meeting in Ray county.*

At a very numerous public meeting, held at the court house, in Richmond, Ray county, on Wednesday, the 24th day of October, 1838, for the purpose of taking into consideration the difficulties of the Mormons:

The object of the meeting having been explained by Thos. C. Burch, Esq., the following resolutions were unanimously adopted, after reading the report of Chas. R. Morehead, Wm. Thornton and Jacob Gudgel, which is hereunto attached, to-wit:

*Resolved*, That the report here made, by Charles R. Morehead, Wm. Thornton and Jacob Gudgel, Esqs. be transmitted by express to the Governor of this State, together with these resolutions

*Resolved*, That this meeting have the most implicit confidence in said report, as well from the known veracity of said gentlemen, as from numerous other facts and circumstances in our knowledge, corroborating the same.

*Resolved*, That in the opinion of this meeting, the time has arrived, when it is the imperious duty of the Executive, by an armed force, to quell the insurrection put on foot by the Mormons, and that to effect the same, the civil authorities are wholly inadequate.

*Resolved*, That Wiley C. Williams and Amos Rees, Esqs. be requested to visit the Governor, and lay before him the proceedings of this meeting, and urge upon him the necessity of ordering out, forthwith an armed force against the Mormons, sufficient to meet the emergency.

*Resolved*, That we view, with the utmost concern, the conduct of the Mormons in the counties of Daviess and Livingston, and that immediate action is necessary for the protection of our property and homes from this lawless banditti.

*Resolved*, That, heretofore as citizens desiring to abide by the laws of the land, we have been disposed to see this people called Mormons, dealt with for their offences by the civil authorities; but that in the opinion of this meeting, from their past and present lawless course, a resort to the laws will be worse than useless, and wholly insufficient to afford the country that protection to which she is entitled.

*Resolved*, That we appeal to the Governor of this State, to give the people of upper Missouri protection from this fearful body of thieves and robbers.

*Resolved*, That it would, at this time, be inexpedient to take any offensive step, but that we should, at present, act on the defensive.

*Resolved*, That all who have, in good faith, renounced the Mormon religion should be protected, either in this county or Caldwell, during the present excitement.

*Resolved*, That some men should now be raised to go to the northern border of this county, and guard it from intrusion by the Mormons, to act entirely on the defensive for the present, and that Gen. Parks be requested to raise three companies for that purpose, or that they be raised by volunteers.

*Report of Messrs. Morehead, Thornton and Gudge.*

The undersigned, having on Monday morning last learned that the Mormons had burned Millport, in Daviess county, in addition to burning Stollings' store in Gallatin, in said county, and of their having threatened to burn the store in Buncombe settlement, in this county, and feeling an anxiety to know the truth in relation to said reports, left this place, Richmond, on that (Monday morning,) and proceeded to Mill Port; they, however, previously called at Judge Morin's, who lives about a quarter of a mile from Mill Port, who informed them that all they had learned was substantially true, and that much more had been done by the Mormons than the people of this county had been informed of. He went with us to Mill Port, where we found all the houses in ashes, except a Grocery storehouse belonging to a Mr. Slade, and a house in which Mr. Wilson McKinney had lived; we also found the house of Robert Peniston near Mill Port burned. The horse-mill belonging to him, Peniston, was taken down, the stones, bolting chest, &c., lying out some distance from the shed, and the shed yet standing. Mr. Morin informed us that the burning was done on Sunday night last; that on the next day he saw Mormons there and saw them taking off beds and other things belonging to Wilson McKinney; we also saw some furniture, which we understood from Mr. Morin, belonged to Mr. McKinney, standing out in the commons, and which seemed to have been rifled of its contents. Mr. Morin expected, on the day that we were there, that the Mormons would be there (at Mill Port) to move off the remaining property, and to burn the balance of the houses; he stated to us that he considered his situation a precarious one; that he had been permitted to stay thus long owing to his having no wagons to move with, but that he expected to get wagons that day, and intended moving into Richmond immediately. He said that the county was entirely deserted by the inhabitants, excepting himself and a few others besides the Mormons, and expressed it as his belief, that the corn from his house to 'Dialmon would all be gathered, and hauled into 'Dialmon by the Mormons in forty-eight hours from that time; he also stated to us, that he was at 'Dialmon a few days previously, and saw a company of men (Mormons) come into camp with a drove of cattle, amounting to about one hundred head, which he supposed belonged to other citizens; he also



saw a man in the possession of a Mormon, which he was very certain belonged to Wm. Morgan, a citizen of Daviess county. Mr. Morin looked upon these Mormons, who were then at 'Diahmon, (amounting he supposed to about six hundred men,) as a band of robbers and desperadoes; he advised us very strongly to go no further, not to attempt to go to 'Diahmon or Far West, that we would gather nothing by doing so; in addition to which, we there learned that the county on the north side of Grand River and west of him was certainly deserted, except by the Mormons, and had been for several days—that the houses were all burned, or to use his own words. that it was a complete waste.

Mr. Morin also informed us, that the Mormons had ordered the other citizens out of the county, and that he, too, had been ordered to leave; he appeared very anxious that we should not be seen at his house by any Mormon—that it should not be known that he had given any information, or expressed any thing unfavorable towards them, until he got away.

We did not visit Gallatin, but understood from Mr. Morin and others whom we met moving into this county, that all the houses in that place were burned, except a shoemaker's shop, belonging to a Mr. Borwell.

C. R. MOREHEAD,  
WM. THORNTON,  
JACOB GUDGEL,

Richmond, Mo., Wednesday, October 24, 1838.

---

*Hon. A. A. King to the Governor.*

RICHMOND, Oct. 24, 1838.

DEAR SIR:—As Mr. Williams will be to see you in reference to our Mormon difficulties, and will be able to say all to you, perhaps, that can be said, I deem it a duty, notwithstanding, to give you such information as I have sought and obtained, and it is such that I assure you may be relied on.

Our relations with the Mormons are such that I am perfectly satisfied the arm of the civil authority is too weak to give peace to the country. Until lately, I thought the Mormons were disposed to act only on the defensive, but their recent conduct shows that they are the aggressors, and that they intend to take the law into their own hands. Of their recent outrages in Daviess county, you have doubtlessly heard much already; of their course of conduct in Daviess, I will give you the general facts, for to give particulars would far transcend the limits of a letter.

On Sunday, before they marched to Daviess, Jo Smith made known his views to the people, and declared the time had come when they would avenge their own wrongs, and that all who was not for them, and take up arms with them, should be considered against them;

that their property should be confiscated, and their lives also be forfeited. With this declaration and much else said by Smith, calculated to excite the people present, the next day was set to meet and see who was for them and who against them, and under such severe penalties there was none that I learn who did not turn out, and about three or four hundred men, with Smith at their head, marched to Daviess; this was on Tuesday; the next day was the snow storm, and upon Thursday they commenced their ravages upon the citizens, driving them from their houses and taking their property. Between eighty and one hundred men went to Gallatin, pillaged houses and the store of Mr. Stollings and the post office and then burned the houses; they carried off the spoils on horseback and in wagons, and now have them, I understand, in a storehouse near their camp. Houses have been robbed of their contents, beds, clothing, furniture, &c., and all deposited, and they term it a consecration to the Lord. At this time there is not a citizen in Daviess except Mormons. Many have been driven without warning—others have been allowed, a few hours to start. The stock of the citizens have been seized upon, killed and salted up by hundreds. From fifty to one hundred wagons are now employed in hauling in the corn from the surrounding country. They look for a force against them, and are consequently preparing for a siege, building block houses, &c. They have lately organized themselves into a band, of what they call Danites, and sworn to support their leading men in all they say and do, right or wrong, and further to put to instant death those who will betray them. There is another band, of twelve, called the Destructives, whose duty it is to watch the movements of men, and of committees, and to avenge themselves for supposed wrongful movements against them, by privately burning houses, property and even laying in ashes towns, &c.

I find I am running out my letter too much in detail; I do not deem it necessary to give you a minute detail of all the facts of which I am possessed, but I give you the above in order that you may form some idea of the disposition of these people. The Mormons expect to settle the affair at the point of the sword, and I am well warranted in saying to you that the people in this quarter of the State look to you for that protection which they believe you will afford when you have learned the facts. I do not pretend to advise your course nor make any suggestions other than what I have stated, that it is utterly useless for the civil authorities to pretend to interpose. The country is in great commotion and I can assure you that either with or without authority, something will shortly have to be done.

I hope you will let me hear from you by the return of Mr. Williams, and if you should come up the country shortly, it will give me pleasure to take the trouble to see you.

I am, very respectfully,  
AUSTIN A. KING.

*Affidavit of Henry Marks.*

Being requested by a committee of the citizens of Ray county to make a statement of such facts as are within my knowledge relative to the Mormons, I have to say that I came to Far West the 17th of April last, and have lived there ever since. I have never been a member of the Mormon Church, but my parents are. I am about the age of eighteen years. I have lived at the house of Sidney Rigdon the most of the time. I have heard the prophet Smith, in a public address, say he would like to have a play spell of the whole United States (in a fight as I took it.) This was on the election day last August. I have often heard the Mormons say they would as soon shoot the dissenters that come out and talked against them, as to shoot any thing else. I have heard divers Mormons say that they burnt the store of Mr. Stollings in Daviess county. David W. Patten had the command of the company that went to Gallatin. The Mormons say that they did not burn the goods, but hauled them off—said Patten went by the name of Capt. Fearnaught. A few days ago I heard a company of Mormons, who had been to Daviess county, say they had taken from the citizens of Daviess county about twenty-four horses and thirty-two guns, and it was said by Mormons about there that it was done to make up for losses in Jackson county—when the company came up who took the guns and horses, I heard Sidney Rigdon shout three times “Hosannah to the Victors,” and made then a speech exhorting them not to fear, and to keep up courage.

October 24, 1838.

HENRY MARKS.

Sworn to and subscribed before me on the day above written.

HENRY JACOBS, J. P. of Ray county.

---

*Affidavit of Adam Black.*

I, Adam Black, a citizen of Daviess county, do state as follows, to wit: that, on the 11th day of October, 1838, Mr. Henry Lee was driven from his house in said county; he stated that the Mormons came to his house and ordered him to leave immediately or he would suffer; that he was in danger; that there was a general insurrection going to take place, and he had better get away, and Mr. Lee left home on the 15th inst. The Post rider stated to the citizens of said county, that the citizens of Caldwell were paraded in Far West for the purpose of marching to Daviess county, to drive all of the citizens out of that county that were not friendly towards them. On the 16th, the Mormons marched into said county, from two to five hundred, supposed to be. On the 17th, they went to several of the citizens of said county, and took their arms and ammunition, and said they intended to drive all of the mob out of the county. On the 18th, they marched about one hundred or more men, well armed, to Gallatin, and drove the citizens

of said town, and robbed the store and Post Office, and burned the said store house and office; they went to G. Worthington's, P. M. of said office, and drove him out of his house, and robbed it and burned it; they went to several other citizens on the same day and ordered them to leave the county against the next day, or they would take their lives. On the 19th, they marched through the county and drove a number of the citizens from said county and robbed their houses and burnt them. My house was one amongst the rest; about 12 o'clock the same night they were seen burning down 5 houses in Gallatin, the county seat of Daviess county. On the 20th, they were seen marching three hundred men through the county, all well armed, driving the citizens before them, robbing their houses, threatening their lives, if they did not leave. The smoke was seen rising from several buildings by the citizens of Daviess county. On the 21st, they marched about four hundred to one Mr. Wm. Osburn's in Daviess county; Mr. Osburn not being at home, they threatened the life of his wife, ordered her out of her house, putting the muzzles of their guns against her, and punching her with them, and shoved her out of her house and told her to leave there, and plundered and robbed her house. They then marched across Grand River, to the north side, to Esquire Dryden's, and took two saddles, and one pair of saddle bags; took his son and nephew prisoners—marched to Mr. White's in Livingston county, threatening in the presence of Mrs. White, if her husband was at home they would take his life; plundered her house; took a quantity of their clothing, several log chains and draw chains; took and destroyed about fifty bushels of oats; trod down the fences, rode through his field of corn, and destroyed a quantity of corn; took five bee stands. They plundered two other houses in Livingston county, and took two prisoners, a Mr. Dryden and Mr. Martin, as they were returning from preaching. They then marched for their city in Daviess county, Adam-on-diahmon; and on their way they took five other men prisoners. In marching a short distance, they discharged three of the prisoners—they carried six others on about twelve miles, where they passed through a large company of footmen; there they discharged some others of the prisoners, and one of the prisoners states, when he returned, there was a company came with him to Mill Port to burn said place—the light of the fire was seen, and next morning the smoke was seen rising from five houses by Mr. Osburn.

It is also stated by Col. Peniston, it (the town) is burnt into ashes. It is stated by Mr. Stone and two other men, that on the 21st, they saw the Mormons driving a large drove of cattle from Daviess county towards Caldwell county—Mr. Osburn states he has lost forty-one or forty-two head of cattle—they have taken several horses from the citizens the amount not known—they have also taken a quantity of pork hogs, the amount not known. It is supposed from the best information there is about eight hundred or upwards, well armed, embodied in said county, and near about all the citizens of said county have left their homes, and moved their families to Livingston county. There is not a single officer left in said county to execute the laws of our land;

and in behalf of the citizens of said county, and in my own behalf, I ask of the Executive of the State to be reinstated in our homes, and the necessary and legal steps be taken to recover our property, and bring the offenders to justice.

ADAM BLACK.

*Affidavit of Thomas B. March.*

At the request of a committee of the citizens of Ray county, I make the following statement in relation to the recent movements, plans, and intentions of the Mormons in the counties of Caldwell and Daviess:

Shortly after the settlement of the difficulties at De Witt, in Carroll county, a call was made by the Mormons at Far West, in Caldwell county, for volunteers to go to Daviess county to disperse the mob, as they said. On the day before this, Joseph Smith, the prophet, had preached, in which he said, that all the Mormons who refused to take up arms, if necessary in difficulties with the citizens, should be shot or otherwise put to death; and as I was there with my family, I thought it most prudent to go, and did go with my wagon as the driver. We marched to Adam-on-diahmon, and found no troops or mob in Daviess county. Scouting parties frequently went out and brought in intelligence that they had seen from three to five hundred men. We got to 'Diahmon on Tuesday evening, and on the next day a company of about eighty of the Mormons, commanded by a man fictitiously named Capt. Fearnaught, marched to Gallatin. They returned and said they had run off from Gallatin twenty or thirty men, and had taken Gallatin—had taken one prisoner, and another had joined the company. I afterwards learned from the Mormons that they had burnt Gallatin, and that it was done by the aforesaid company that marched there. The Mormons informed me that they had hauled away all the goods from the store in Gallatin, and deposited them at the Bishop's store houses at 'Diahmon. On the same day, Lyman Wight marched about eighty horsemen for Mill Port. He returned before night and called for Joseph Smith and Hiram Smith, to report to them (said Hiram being counsellor of said Joseph the prophet) and said Wight reported that he had been in sight of Mill Port—saw no one to fight—but that the people generally had gone and left their houses and property. The prophet, on hearing the property was left, commenced a reply, and said: "we had better see to it," when Wight stopped him by saying "never mind, we will have a private council," and Smith replied "very well." The private council I did not hear. The men were determined to go to their camps. The same evening a number of footmen came up from the direction of Mill Port laden with property which I was informed consisted of beds, clocks and other household furniture. The same night I think about three wagons were despatched for about forty bee gums, and the next day I saw several gums, when they were splitting them up and taking

the honey and burning the gums, in which business of taking out the honey, but few were engaged, for fear as they said, they would be called on as witnesses against them. When Wight returned from Mill Port and informed Smith that the people were gone and the property left, Smith asked him if they had left any of the negroes for them, and Wight replied, no; upon which some one laughed, and said to Smith "you have lost your negro then." During the same time, a company, called the Fur Company, were sent out to bring in fat hogs and cattle, calling the hogs, bears, and the cattle buffaloes. They brought in at one time seven cattle and at another time four or five belonging to the people of Daviess. Hogs were brought in dead, but I know not how many, I saw only two. They have among them a company consisting of all that are considered true Mormons, called the Danites, who have taken an oath to support the heads of the church in all things that they say or do, whether right or wrong; many however of this band are much dissatisfied with this oath, as being against moral and religious principles. On Saturday last, I am informed by the Mormons that they had a meeting at Far West, at which they appointed a company of twelve, by the name of the Destruction Company, for the purpose of burning and destroying; and that if the people of Buncombe came to do mischief upon the people of Caldwell, and committed depredations upon the Mormons, they were to burn Buncombe, and if the people of Clay and Ray made any movements against them, this destroying company were to burn Liberty and Richmond. This burning was to be done secretly, by going as incendiaries. At the same meeting, I was informed, they passed a decree that no Mormon dissenter should leave Caldwell county alive; and that such as attempted to do it, should be shot down, and sent to tell their tale in eternity. In a conversation between Dr. Avard and other Mormons, said Avard proposed to start a pestilence among the Gentiles, as he called them, by poisoning their corn, fruit &c, and saying it was the work of the Lord; and said Avard advocated lying for the support of their religion, and said it was no harm to lie for the Lord. The plan of said Smith, the prophet, is to take this State, and he professes to his people to intend taking the United States, and ultimately the whole world. This is the belief of the church, and my own opinion of the prophet's plans and intentions. It is my opinion that neither said Joseph Smith, the prophet, nor any one of the principal men, who is firm in the faith, could be indicted for any offence in the county of Caldwell. The prophet inculcates the notion, and it is believed by every true Mormon, that Smith's prophecies are superior to the law of the land. I have heard the prophet say that he should yet tread down his enemies, and walk over their dead bodies; that if he was not let alone he would be a second Mahomet to this generation, and that he would make it one gore of blood from the Rocky Mountains to the Atlantic Ocean; that like Mahomet, whose motto in treating for peace, was "the Alcoran, or the Sword," so should it be eventually with us, "Joseph Smith or the Sword." These last state-

ments were made during the last summer. The number of armed men at Adam-on-diahmon was between three and four hundred.

THOMAS B. MARCH.

Sworn to and subscribed before me the day herein written.

HENRY JACOBS, J. P. Ray county Mo.

Richmond Mo. Oct. 24, 1838.

*Affidavit of Orson Hyde.*

The most of the statements in the foregoing disclosure of Thomas B. March, I know to be true, the remainder I believe to be true.

ORSON HYDE.

Richmond, Oct. 24, 1838.

Sworn to and subscribed before me on the day above written.

HENRY JACOBS J. P.

The undersigned committee, on the part of the citizens of Ray county, have no doubt, but Thomas B. March and Orson Hyde, whose names are signed to the foregoing certificates, have been members of the Mormon Church in full fellowship until very recently, when they voluntarily abandoned the Mormon Church and faith, and that said March was at the time of his dissenting the president of the twelve Apostles, and president of the Church at Far West, and that said Hyde was at that time one of the twelve Apostles, and that they left the Church and abandoned the faith of the Mormons from a conviction of their immorality and impiety.

Thos C. Burch, George Woodward, C. R. Morehead,  
William Hudgins, J. R. Hendley, O. H. Searcy,  
Henry Jacobs,  
Richmond, October 24, 1838.

*Messrs. Williams and Rees to General Clark.*

DEMOES's, Midnight, Oct. 25, 1838.

Maj. Gen. JOHN B. CLARK.

We write you a hasty letter from this point to give you authentic information as to the appalling situation of the county in the neighborhood of the Mormons. We are on our way as expresses to the Governor conveying the following information: That these wretched fanatics have thrown off all restraints, and are destroying all before them—they have burned Gallatin the county seat of Daviess—taken the goods from J. Stollings' store, and burned the house—they have burned the village of Mill Port in Daviess, and have burned almost every house from Gallatin and Mill Port north, with many others in other

parts of the county, and plundered the whole country of the property of the inhabitants—they say themselves that they have taken thirty thousand dollars worth of property. We have this moment received an express informing us that they, this morning at day light, attacked Capt. Bogart's company of fifty men, with three hundred Mormons, and defeated him, killing some ten men, wounding many others and taken most of the remainder prisoners. Many of the Mormons having been killed in the fight as is supposed. We have but little hope from these wretched desperadoes, but that they will kill all those prisoners. This attack was made in Ray county. Capt. Bogart had been stationed on the northern line of the county to patrol and guard it, the Mormons having threatened to invade that county. They have determined to attack and burn Richmond to night, and we have but little doubt but that they will attempt it. The women and children have all left Richmond, and are leaving the county, flying for protection to Livingston and elsewhere. These creatures will never stop until they are stopped by the strong hand of force, and something must be done and that speedily. There is no kind of doubt but that all the alarm, with much more that we have not time to write is true and you may act accordingly.

Yours respectfully,

WILEY C. WILLIAMS,  
AMOS REES.

---

*Letter from Woods and Dickson.*

Carrollton, Mo., Oct. 24, 1852.

SIR:—We were informed last night by an express from Ray county, that Capt. Bogart and all his company amounting to between fifty and sixty men, were massacred by the Mormons at Buncombe, twelve miles north of Richmond, except three. This statement you may rely on as being true, and last night they expected Richmond to be laid in ashes this morning. We could distinctly hear cannon, and we know the Mormons had one in their possession. Richmond is about twenty-five miles west of this place on a straight line. We know not the hour or minute we will be laid in ashes—our county is ruined; for God sake give us assistance as quick as possible.

Yours, &c.

SARSHEL WOODS,  
JOSEPH DICKSON.



*The Governor to General Clark.*

HEAD QUARTERS OF THE MILITIA, }  
 City of Jefferson, Oct. 27, 1838. }

Gen. JOHN B. CLARK.

SIR:—Since the order of this morning to you, directing you to cause four hundred mounted men to be raised within your Division, I have received by Amos Rees Esq. of Ray county and Wiley C. Williams Esq. one of my aids, information of the most appalling character, which entirely changes the face of things, and places the Mormons in the attitude of an open and avowed defiance of the laws, and of having made war upon the people of this State. Your orders are, therefore, to hasten your operations with all possible speed. The Mormons must be treated as enemies, and must be exterminated or driven from the State if necessary for the public peace—their outrages are beyond all description. If you can increase your force, you are authorized to do so to any extent you may consider necessary. I have just issued orders to Maj. Gen. Willock, of Marion county, to raise five hundred men, and to march them to the northern part of Daviess, and there unite with Gen. Doniphan, of Clay, who has been ordered with five hundred men to proceed to the same point for the purpose of intercepting the retreat of the Mormons to the north. They have been directed to communicate with you by express, you can also communicate with them if you find it necessary. Instead therefore of proceeding as at first directed to reinstate the citizens of Daviess in their homes, you will proceed immediately to Richmond and then operate against the Mormons. Brig. Gen. Parks, of Ray, has been ordered to have four hundred of his Brigade in readiness to join you at Richmond. The whole force will be placed under your command.

I am very respectfully,  
 your ob't serv't,  
 L. W. BOGGS, Commander-in-Chief.

*E. M. Ryland to Messrs. Rees and Williams.*

LEXINGTON, 6 o'clock, p. m. Oct. 25, 1838.

*To Messrs. Amos Rees and Wiley C. Williams.*

GENTLEMEN:—This letter is sent on after you on express, by Mr. Bryant of Ray county, since you left this morning. Mr. C. R. Morehead came here on express for men to assist in repelling a threatened attack upon Richmond to-night. He brought news that the Mormon armed force had attacked Capt. Bogart this morning at daylight, and had cut off his whole company of fifty men. Since Mr. Morehead left Richmond, one of the company (Bogart's) had come in and reported that

There were ten of his comrades killed, and the remainder were taken prisoners, after many of them had been severely wounded; he stated further, that Richmond would be sacked and burned by the Mormon banditti to-night. Nothing can exceed the consternation which this news gives rise to. The women and children are flying from Richmond in every direction. A number of them have repaired to Lexington, amongst whom is Mrs. Rees; we will have sent from this county since 7 o'clock this evening, about one hundred well armed and daring men, perhaps the most effective our country can boast of. They will certainly give them (the Mormons) a warm reception at Richmond to-night. You will see the necessity of hurrying on to the City of Jefferson, and also of imparting correct information to the public as you go along. My impression is, that you had better send one of your number to Howard, Cooper and Boone counties; in order that volunteers may be getting ready, and flocking to the scene of trouble as fast as possible. They must make haste and put a stop to the devastation which is menaced by these infuriated fanatics, and they must go prepared and with the full determination to exterminate or expel them from the State *enmasse*. Nothing but this can give tranquility to the public mind, and re-establish the supremacy of the laws. There must be no further delaying with this question any where. The Mormons must leave the State, or we will—one and all. And to this complexion it must come at last. We have great reliance upon your ability, discretion and fitness for the task you have undertaken, and we have only ~~time~~ to say, God speed you.

Yours truly,

E. M. RYLAND.

---

*Commander-in-Chief to Gen. John B. Clark.*

HEAD QUARTERS OF THE MILITIA, }  
 City of Jefferson, Oct. 26, 1838. }

Gen. JOHN B. CLARK, 1st Div. Mo. Mi.

Sir:—Application has been made to the Commander-in-Chief by the citizens of Daviess county, in this State, for protection, and to be restored to their homes and property: with intelligence that the Mormons, with an armed force, have expelled the inhabitants of that county from their homes, have pillaged and burnt their dwellings, driven off their stock, and were destroying their crops. That they (the Mormons) have burnt to ashes the towns of Gallatin and Mill Port in said county; the former being the county seat of said county, including the clerk's office, and all the public records of the county, and that there is not now a civil officer within said county.

The Commander-in-Chief, therefore orders, that there be raised from the 1st, 4th, 5th, 6th and 12th Divisions of the Militia of this State, four hundred men, each to be mounted and armed as infantry or rifle-men, each man to furnish himself with at least fifty rounds of ammuni-

tion and at least fifteen days' provisions. The troops from the 1st, 5th, 6th and 12th Divisions will rendezvous at Fayette, in Howard county, on Saturday, the 3d day of next month, (November,) at which point they will receive further instructions as to their line of March. You will, therefore cause to be raised, the quota of men required of your Division (four hundred men,) without delay, either by volunteers or drafts, and rendezvous at Fayette, in Howard county, on Saturday, the 3d day of next month, (November,) and there join the troops from the 5th, 6th and 12th Divisions.

The troops from the 4th Division will join you at Richmond, in Ray county. You will cause the troops raised in your Division to be formed into companies according to law, and placed under officers already in commission. If volunteer companies are raised they shall elect their own officers. The preference should always be given to volunteer companies already organized and commissioned. You will also detail the necessary field and staff officers. For the convenience of transporting the camp equipage, provisions and hospital stores for the troops under your command, you are authorized to employ two or three baggage wagons.

By order of the Commander-in-Chief,

B. M. LISLE, Adj. Gen.

[An order corresponding with the above was issued at the same time of the foregoing, directed to the Major Generals commanding the 4th, 5th, 6th and 12th Divisions of the militia of this State. An order was also issued to Gen. Willock of the 14th Division, ordering him to raise five hundred men, and march them to the north of Caldwell county. Orders were also issued to Brig. Gens. Doniphan and Parks, directing them to raise five hundred men each. But understanding that no men were raised under these orders, it is thought a copy is unnecessary.]

B. M. I. Adj. Gen.]

*Major General Lucas to the Commander-in-Chief.*

INDEPENDENCE, NOV. 11, 1838.

*To His Excellency, L. W. BOGGS, Commander-in Chief.*

SIR:—Your communication of Nov. 6, 1838, through B. M. Lisle, Esq., Adj. Gen., has just been received. The prisoners have been sent to Richmond, subject to the order of General Clark, and the arms will be sent as soon as the weather will permit. I have also furnished Gen. Clark a copy of my report to you—all of which proceedings have been transmitted to you by mail; but which, I presume, did not reach you previous to the date of your orders. I have the honor to be,

Your most obedient servant,

SAMUEL D. LUCAS,  
Maj. Gen. 4 Div. M. M.

P. S. I refer you to my report and two other communications, since my return from Far West, for further particulars as to the prisoners and arms. Col. S. V. Noland, one of your Aiddecamp, who accompanied the expedition under my command, will leave this evening for Jefferson City, and will communicate further on this subject.

S. D. L., Maj. Gen., &c.

P. S. The first communication received from Gen. Clark was under date October 30, in which he directs Gen. Atchison and myself to act as we think best, according to circumstances. This letter was received either on the day, or the day before the surrender, by Captain Long, one of the persons Gen. Atchison and myself had started to you with our reports. The second communication of Gen. Clark was dated November 1st. In this he directs us to remain in some secure position, and not to make any attack until he arrived; which, together with the third communication, (the one you sent a copy of in your communication per Mr. Dorris,) was only received at Williams' Ferry, Missouri River, two days after I had disbanded the army, as per my report to you of November 2d. I never had any idea of trying any of the prisoners by a Court Martial; but only ordered them to my Head Quarters, to await your further orders.

S. D. L., Maj. Gen., &c.

---

*Major General John B. Clark to the Governor.*

HEAD QUARTERS, Richmond, Nov. 11, 1838.

To His Excellency, L. W. Boggs.

SIR:—In as much as the Commissary General of the State could not follow the movements of the army under my command, and it becoming absolutely necessary for the preservation of the stores and munitions of war to have an acting Commissary, I appointed to that office Alfred W. Morrison, and desire your Excellency to ratify that appointment, and have forwarded to me or Mr. Morrison, at Fayette, a commission to that effect. It is desirable, if possible, to have it before my final report of the expedition is made.

I have the honor to be,

Your obedient, humble servant,

JOHN B. CLARK,

Maj. Gen. 1 Div. Mo. Mi.

[Let the commission be dated October 29, 1838.]

J. B. C.

*General Clark to the Governor.*

HEAD QUARTERS of the Militia employed against the Mormons, }  
 RICHMOND, November 10, 1838. }

*To His Excellency, L. W. BOGGS.*

SIR:—A day or two before I received your first order, I had, upon information from a letter from Mr. Rees and Col. Williams on their way to you, issued an order to have raised in my Division one thousand men, ready to march on Monday, the 29th day of October last—all of which I communicated to you by express,—the one, however, carrying my communication, met one from your Excellency and returned.

On the 29th, according to my order, the First Brigade rendezvoused at Fayette—proposed to march, and did, on that evening, take up the line of march, and reached Chariton on that evening. At Chariton I received an express from Messrs. Atchison and Lucas to you, which I forwarded, and then I despatched an order to Gens. Atchison and Lucas, with a copy of your several orders to me, all of which you have been informed of by me. The next day, October thirtieth, we reached Keytesville, where we met the Second Brigade, commanded by General Robert Wilson, who had been ordered to join me at that place. The next morning, October 31st, I organized the two Brigades into a Division, officered the same, and took up the line of march for Richmond. On the day we reached Carroleton, November 2d, I heard a report that General Lucas had invested Far West, and effected a capitulation, the terms of which I sent you from here on my way out. I then sent another express to Gen. Lucas, to hold fast to all he had (supposing he had the prisoners and arms) until I arrived, to make no final capitulation or treaty until I did arrive; when I would communicate to him my plans of settling the difficulty, and also requesting him to report to me forthwith his acts, strength, &c. The express was directed to bring back to me, at Richmond, any communication the General might desire to make. The next day I reached Crooked River, in the neighborhood of Richmond. At this place I learned that Gen. Lucas had disbanded his forces, and marched the prisoners to Independence. I immediately sent an express to intercept him, with orders to march the prisoners and arms back to Richmond, for reasons contained in my letter to you. From Richmond I continued my march to Far West, where I arrived on Sunday, the 4th inst. When I reached there, I encamped in the vicinity of town—at night I went into town with all my field officers, and commenced ferreting out the guilty amongst the Mormons who were there—this business employed my time for two days and nights. After I had obtained all the information I could by disclosures of the dissenters from Jo, the prophet (and there are not a few at this time,) I caused the whole of the Mormons to be paraded, and took out of their ranks such of those I conceiv-

ed guilty, as could be found, and put them into a room. A deep snow falling on this evening, and there being no chance to obtain fuel or provender, I was compelled to march back to Richmond with the prisoners, forty-six in number. I, however, the day before I left Far West, despatched Lieut. Col. Price from the 2d Brigade to Richmond with two companies, to receive the prisoners and arms; but, on his arrival, not finding them there, he went to Gen. Lucas, at Independence, and informed him of his mission. The General then sent them, and they reached here on last evening, and they are now here under a guard. On the day I left Far West, I ordered General Wilson with his Brigade (except the two companies with Colonel Price) to Adam-on-diahmon, a town in Daviess, which had a few days since surrendered and given up their arms, with instructions to take possession of the town and disarm all the Mormons, and act in that quarter in accordance to your instructions to me, a copy of which was furnished him. He was also instructed to take out from the mass of Mormons, such as probably could be convicted of crime, and have them committed, and then carry them to Keytesville, and have them placed in jail and guarded; but he was instructed not to leave that quarter until he had reinstated the citizens in their property and homes, as far as practicable, and if necessary leave a small force there to protect the citizens. I also ordered Capt. Comstock, with his company in Livingston, to continue there, disarming the Mormons, wherever found, and report to General Wilson, at 'Diahmon for further orders. This business done, I proposed to march back to Richmond. The morning before I left Far West, I called the whole of the Mormons together, about five hundred, (a great number having run away between the surrender and my arrival,) and informed them that the prisoners I had, together with those taken by Gen. Lucas, would be taken to Richmond, tried, and punished if found guilty; that they must comply with the terms of the capitulation with Gen. Lucas.

The situation of their women and children, and the inclemency of the weather, induced me to modify the terms, and not require them to remove forthwith: That they could remain until their convenience suited them in the spring—that no military guard would go with them, but I would pledge the honor of the State, they should not be hurt, and that their arms should be given up to them whenever they left the State, and not before. This they readily agreed to, so far as I could judge from their expressions.

This being done, I took up the line of march with the prisoners, and got here on yesterday. On my arrival here I discharged the whole of the 1st Brigade. I will here state, that on my way to Far West, while at Richmond, I wrote to Gen. Grant, and ordered him to countermarch, and discharge his forces. The same order I sent to Gen. Willock from Far West, also Gen. Crowther's Division was discharged at Richmond, on their way, except the Boonville Guards, who were taken on to Far West, and discharged here this morning. Gen. White, learning of the state of affairs, left his men at the river near Lexington, and came on to

meet me with his staff at Far West. I then ordered him to counter-march his Brigade, except the cavalry commanded by Capt. Parsons, which company is now here guarding the prisoners. All the forces in this quarter are now discharged, except two companies commanded by Captains Parsons and Bogart. I detained Lieut. Col. Price to superintend the guard of the prisoners, and I also detained Gen. White and his field officers here a day or two, for the purpose of holding a court martial if necessary. I this day made out charges against the prisoners, and called on Judge King to try them as a committing court, and I am now busily engaged in procuring witnesses, and submitting facts. There being no civil officers in Caldwell, I have to use the military to get witnesses from there, which I do without reserve.

Gen. Wilson's Brigade is still in service, in Daviess county, under the instructions above stated. They will be discharged as fast as possible. The most of the prisoners here I consider guilty of *Treason*, and I believe will be convicted, and the only difficulty in law is, can they be tried in any county but Caldwell? if not they cannot be there indicted, until a change of population. In the event the latter view is taken by the civil courts, I suggest the propriety of trying Jo Smith and those leaders taken by Gen. Lucas, by a court martial for mutiny. This I am in favor of only as a dernier resort. I would have taken this course with Smith at any rate; but it being doubtful whether a court martial has jurisdiction or not, in the present case—that is, whether these people are to be treated as in time of war, and the mutineers as having mutined in time of war—and I would here ask you to forward to me the Attorney General's opinion on this point. My whole object is to obey your orders, and settle this matter so as to have the best effect upon the people, and at the same time not compromise the character of the State. But it will not do to allow these leaders to return to their treasonable work again, on account of their not being indicted in Caldwell. I find by inquiry, that with all the enormities we have heard charged against these people, many of which charges we looked upon as the offspring of prejudice on the part of our citizens, the half has not yet been told. There is no crime, from treason down to the most petty larceny, but these people or a majority of them have been guilty of, all too under the counsel of Joseph Smith, Jr., the prophet. They have committed *treason, murder, burglary, robbery, larceny, and perjury*. They have societies formed under the most binding covenants in form, and the most horrid oaths to circumvent the laws, and put them at defiance, and to plunder and burn and murder, and divide the spoils for the use of the church. This is what they call the Danite Club or Society. These facts I gather from some persons I have seen who have disclosed them. Under this horrid system many of the citizens of Daviess county, who went to that frontier poor, and who by their industry and economy had acquired a good living, have been robbed of every article of property they have—their houses burnt before their eyes, and them and their wives and children driven out of the county, without any kind of shelter. In one instance I have

been informed that a family was ordered off, and their houses burnt in their sight, and a woman driven out while it was snowing, with a child only four days old; in another case, I was informed the family was driven away, and the woman was compelled to ask protection in a few miles, where she was delivered of a child a short time after she was thus treated. These, sir, are some of the offences of these people. I do not wonder at the prejudices against them in their vicinity. I send you enclosed a copy of the constitution of one of their societies, from which you can gather some information. I design to continue my head quarters here until the investigation of the cases of the prisoners are closed. You shall be informed, from time to time, of the progress, as also of the movement in Daviess. These facts I now communicate to you, supposing they would be useful to you before the meeting of the Legislature. Your communication of the 6th was received to-day by Mr. Maupin—its contents were duly noted and shall be attended to. I have, this evening, informed the prisoners of what is charged against them, and ordered the leaders to be bound, so as to be sure to save them.

I am, sir,

Your obedient servant,

JOHN B. CLARK,  
Maj. Gen. Commanding.

*General Lucas to the Governor.*

INDEPENDENCE, NOV. 7, 1838.

To His Excellency, L. W. BOGGS,

Commander-in-Chief Mo. Mi.

SIR:—I received from Gen. Clark last night, per the hands of Col. Price, a copy of your order of the 1st November, in which you stated that neither General Atchison or Lucas was called, or ordered into the field by you. If your orders had reached me before I got into the field, I would not have went; but I knew nothing of the call for men, or of the arrangements for giving the command to Gen. Clark, but acted as I have before informed you upon a call from Brig. Gen. Parks, then in the field, (which, according to military usage and etiquette, is equivalent to an order,) for assistance. He represented things in such a manner (which your Excellency has been apprised of by Col. Williams and Maj. Rees) that I believed I had no alternative, but to act as I did. I have no disposition to thwart either your designs or Gen. Clark's plans in going into the field; but after I got there with an army of twenty-five hundred men, I could not consistently lie idle or inactive. For the result of my proceedings I refer you to my report, sent herewith. I did not make any report to Gen. Clark, because I did not believe it proper to do so, consistent with my grade of office.

I am, very respectfully,

Your obedient servant,

S. D. LUCAS,  
Maj. Gen. 4 Div. Mo. Mi.



P. S. If your Excellency should deem it proper, you can cause Gen. Clark to be furnished with a copy of the above. S. D. L.

*The Governor to Gen. Clark.*

EXECUTIVE DEPARTMENT, City of Jefferson, Nov. 6, 1838.

To Maj. Gen. JOHN B. CLARK, Commanding the forces against the Mor-  
mons.

SIR:—I have the honor to acknowledge the receipt of your communication, under the date of the 3d inst., dated at Richmond, by the express, Mr. G. D. Maupin. I regret very much to hear that Gen. Lucas has been guilty of disobedience of orders. On this subject, however, I shall cause, in due time, an inquiry to be made. I thought I had been so very explicit in my orders, that it was not possible to misunderstand them. You have placed the proper construction upon them, which was that the whole force, to be employed in this service, was to be placed under your command. Gen. Lucas was not ordered out at all, except in the way I mentioned to you in my last communication; he was directed to cause four hundred men of his Division to be raised, and place them under the command of a Brig. General, with the privilege, if he thought proper, to waive his rank as a Major General, and take Brig. General's command.

Gen. Atchison was not ordered out in this last affair, for two reasons: one was, that I was aware as a member of the Legislature he would have other duties to attend to; and another was, that there was much dissatisfaction manifested towards him by the people opposed to the Mormons; he, though, under the Militia law, has a right within the limits of his command to order out his troops to quell insurrection, or repel invasion. Gen. Lucas, though, could not exercise any command within Gen. Atchison's division, only so far as he may have been directed by the Commander-in-Chief, and that only extended to the command of a Brigadier, in pursuance of the orders which I forwarded by Mr. Black, the express from Daviess county; whose companion, Mr. Dryden, bore my first orders to you. I therefore approve of the course you have taken in demanding the prisoners of Gen. Lucas, as well as the arms, and shall send to him instructions to deliver them over to your order in the way you have directed him. You will see that they are securely confined within the limits of some prison, and strongly guarded. The course you have proposed taking in relation to the other prisoners—that is, to hold an examining court, and cause all those deemed guilty to be confined and guarded, is the correct one.

You will proceed to Diahmon, and there disperse all the persons you may find embodied and under arms without authority of law; in the mean time a detachment from your command can, if it is deemed necessary, be employed to reinstate the people of Daviess in their

homes. It will also be necessary that you hold a military court of inquiry in Daviess county, and arrest the Mormons who have been guilty of the late outrages, committed towards the inhabitants of said county. My instructions to you are to settle this whole matter completely, if possible, before you disband your forces; if the Mormons are disposed voluntarily to leave the State, of course it would be advisable in you to promote that object, in any way deemed proper. The ringleaders of this rebellion, though, ought by no means be permitted to escape the punishment they merit. The troops from Cole, Gasconade, and Franklin are directed to report to you. You had better retain them in service, and discharge them, who, from fatigue or otherwise, may be disposed to return. I should be pleased to hear from you of the final result of this matter, previous to the meeting of the Legislature. I shall forward to Gen. Lucas, by express, the necessary orders and instructions to obey the order you have directed to him under date of the 3d inst., in relation to the arms and prisoners.

I have to request of you to embody all the facts you can collect, in relation to the commencement, progress, and termination of the recent difficulties with the Mormons, in order that I may communicate the same to the Legislature.

I am respectfully,

Your obedient servant,

L. W. BOGGS,  
Commander-in-Chief.

P. S. The prisoners will of course be delivered over to the civil authority, when you may deem it prudent to do so. L. W. B.

---

*General Lucas to the Governor.*

INDEPENDENCE, MO., Nov. 5, 1838.

*To His Excellency, L. W. BOGGS,*

*Commander-in-Chief of the Mo. Mi.*

SIR:—I returned yesterday with the troops of the 1st Brigade, 4th Division, Mo. Mi. We got to Goose Creek, in the vicinity of Far West, on the 30th ult., and the next day the town surrendered to us under the following conditions and stipulations, viz:

1st. To give up their leaders to be tried and punished.  
2d. To make an appropriation of their property, all who have taken up arms, to the payment of their debts and indemnify for damage done by them.

3d. That the balance should leave the State, and be protected out by the militia, but to be permitted to remain until further orders from the Commander-in-Chief.

4th. To give up their arms of every description to be receipted for.

We took about six hundred prisoners, and received something like that number of arms. In disbanding my command, I ordered General Wilson to take charge of the leaders who I had demanded for trial, viz: Jo Smith, jr. Sidney Rigdon, Lyman Wight, Amos Lyman, George W. Robinson, Parley Pratt and Hiram Smith, together with the arms, and march them to my head quarters at Independence, to await your further orders. On the 3d of November, when at Williams' Ferry, Missouri River, I received a letter from Maj. Gen. Clark by express, ordering me to march the prisoners and arms to Richmond, to disband my forces and repair myself with my staff to his camp, wherever I could find it between Richmond and Daviess county. This order I did not comply with, as I could not, under any circumstances, be commanded by a junior Major General. I was thrown into the field by a call from Brig. Gen. Parks, then in the field, which, according to military etiquette and usage, is equivalent to an order; and from your order to General Clark, he is only authorized to command Brigadier Generals, but can make a call on Major Generals for any force that he may think necessary. I received a copy of your orders to him, and I intend to start the prisoners and arms to Richmond in the morning, when the whole will be subject to his order. Your orders of the 26th and 27th ult., together with your letter to me of later date, was only received by express on the 30th ult., within six or seven miles of Far West; at this point Maj. Gen. Atchison left me and returned home to Liberty. I was then left in the sole command of about eighteen hundred men, which I marched that night to Goose Creek, within one mile of Far West, by sun down. The next day my forces were increased to twenty-five hundred men—with an army of this magnitude I could not think of lying idle and inactive. I will make out a fair report and send it to you by the next mail. We were looking for you every day for the last four or five days, or I would have sent an express to you from Far West. A communication I received from Gen. Clark, 1st November, stated, that he had learned that you was on your way up, and would arrive in a day or two. Learning that Gen. Clark was on his march with an army of two thousand men, I concluded that he would have force sufficient to operate in Daviess and Livingston counties, and to make a final close without the co-operation of my troops. I deemed it proper, in order to save the State an enormous expense, which each day was immensely heavy, to discharge my forces, which was accordingly done, with the exception of four companies left at Far West, and five companies under General Parks sent to Daviess county. I left Col. Williams, your aid, Col. Burch and Maj. Rees, of Reg't, at Far West, drawing up all the necessary papers; and Col. Hinkle and myself appointed five Com'ds, viz: Wm. Collins of Jackson, G. W. Woodward of Ray, Judge Cameron of Clay, John Corrill and M. Phelps of Far West. The Mormons are to convey their property in trust, to those Com'ds, for the benefit of creditors, and for indemnifying those that have been damaged by them.

This arrangement gave satisfaction to the whole army, and was the

means of saving a great many valuable lives, and the effusion of immense blood.

I have the honor to be,  
 With great respect,  
 SAMUEL D. LUCAS,  
 Maj. Gen. 4th Div. Mo. Mi.

P. S. I sent Gen. Clark a copy of my report to you as soon as I had it made out.

---

*General Lucas to the Governor.*

HEAD QUARTERS, Camp near Far West, }  
 November 2, 1838. }

*To His Excellency, L. W. BOGGS.*

*Commander-in-Chief Mo. Mi.*

SIR:—On Monday, October 29<sup>th</sup>, the troops ordered out by Major General Atchison and myself, (as per our report to you of said date,) took up their line of march from camp near Richmond for Far West. We encamped the night of the 29<sup>th</sup> at Linville's Creek, (a short distance from the road) about sixteen miles from Far West, at which point we received an express from Brig. Gen. Doniphan, informing us that he was then encamped on Log Creek with a force of five hundred men, and that he would join us at the crossing of said creek on the road from Richmond to Far West, by 10 o'clock, a. m., the next morning. On the 30<sup>th</sup> October, the troops got together at the last named point, when we mustered about eighteen hundred men. Whilst at this place we received your orders of the 26<sup>th</sup> ult., and I received an order of the 27<sup>th</sup> ult., and a letter from you of same date. At this point Maj. Gen. Atchison left me for Liberty, when I was left in sole command. Before leaving Log Creek, I received information that a body of Mormons, two hundred in number, called Danites, had been seen about two hours previous near the route that we had passed. Upon receiving this intelligence, I ordered a detachment of two companies from the respective commands of Brig. Genls. Wilson, Doniphan, Parks and Graham, to go in pursuit of said band, which I placed under the command of Gen. Wilson, with instructions to intercept, and if possible to cut off their retreat to Far West. I then took up my line of march for Goose Creek, one mile south of Far West, which point we reached about one hour by sun in the evening. Just as the troops were encamping, I received intelligence from Gen Doniphan, from his position on the right, that he had discovered a party of mounted Mormons approaching Far West from the east, and requested permission to intercept them if possible. Leave was granted, and his Brigade started off at nearly full speed to accomplish the order, but the Mormons succeeded in reaching

the fort. Gen. Doniphan approached within two hundred yards of their fortress, when they displayed a force of about eight hundred men. At this juncture, I ordered Gen. Graham's Brigade (holding Gen. Parks' and part of Gen. Wilson's mounted in reserve,) to march full speed to the relief of the 1st Brigade, 3d Division, but from the inequality of the force of the first detachment, (being only two hundred and fifty strong at that time, and the Mormons 800) it was considered prudent to withdraw the troops, and march against them in the morning, which was accordingly done, and they all returned, as dark set in, to camp. At this place I established my head quarters, and continued there during the expedition against the Mormons. The detachment under Gen. Wilson returned about 9 o'clock, p. m. The next morning, 31st of October, I received a message from Col. Hinkle, the commander of the Mormon forces, requesting an interview with me, on an eminence near Far West, which he would designate by hoisting a white flag. I sent him word I would meet him at 2 o'clock, p. m., being so much engaged in receiving and encamping fresh troops, who were hourly coming in, that I could not attend before. Accordingly, at that time, I started with my staff officers and Brig. Gens. Wilson, Doniphan and Graham, Gen. Parks being left in command. We met him and some other Mormons at the point before mentioned. He stated that his object in asking me to meet him there was to know if there could not be some compromise or settlement of the difficulty without a resort to arms. After giving him to understand the nature of your orders, I made him the following propositions, which I furnished him a copy of, also a copy of your order, viz:

- 1st. To give up their leaders to be tried and punished.
- 2d. To make an appropriation of their property, all who had taken up arms, to the payment of their debts, and indemnify for damage done by them.
- 3d. That the balance should leave the State, and be protected out by the militia, but to be permitted to remain under protection until further orders were received from the Commander-in-Chief.
- 4th. To give up the arms of every description to be receipted for.

Col. Hinkle agreed to the proposition readily, but wished to postpone the matter until morning. I then told him that I would require Jos. Smith, jr. Sidney Rigdon, Lyman Wight, Parley Pratt and George W. Robinson, as hostages for his faithful compliance with the terms, and would pledge myself and each one of the officers present, that in case he, after reflecting and consulting upon the proposition during the night, declined acceding to them, that the hostages should be returned to him in the morning, at the same point they were received, but it was understood, in case they did comply, they were to be held for trial as part of the leaders called for by the first stipulation; I then gave him until one hour by sun in the evening to produce and deliver them. We then returned to camp, and I directed the troops to make preparations to march to Far West by an hour and a half by sun, with a determina-

tion, in case the hostages were not produced, to make an attack upon the town forthwith. I directed Gen. Parks' Brigade to be mounted, and to form on the right of the Division, to act as flankers if necessary, and if required to pass entirely around the town, and form on the north side, with instructions to make the attack at the report of the cannon, which was to be the signal for the general attack. General Graham's Brigade was mounted and formed on the extreme left to act as flankers, and if required to form the line on the west side, with similar instructions as to the commencement of the attack. Gen. Doniphan's Brigade was ordered to parade on foot, and to form on the left of General Parks, with instructions to form on the east side, with similar orders relative to attack. Gen. Wilson's Brigade was ordered to parade on foot, and to form on the left of Gen. Doniphan, with instructions to form the line of battle on the south side, with same instructions as to commencement of attack. The artillery company with one piece of ordinance was placed at the head of Gen. Doniphan's and Gen. Wilson's Brigade, with instructions to occupy an eminence within three hundred yards of the town. The army being disposed of in this manner, at the appointed time I took up the line of march in the direction of Far West. When the troops got within about six hundred yards I discovered the flag and the hostages advancing. I immediately halted the army, and rode out and met them, received the hostages and placed a guard over them for their safety and protection, and ordered the forces back to our encampment. I cannot forbear, at this point, expressing my gratification and approbation of the good conduct and gallant bravery evinced by all the officers and men under my command. They marched up with as much determination, and deliberation as old veterans—not knowing but that the charge would be sounded every moment for surrounding the town. There was no noise or confusion, nothing but an eager anxiety upon the countenance of every man to get at the work. When the hostages were received, the troops, with some slight exceptions, marched back in profound silence. November 1st, I ordered the whole forces amounting to twenty-five hundred men to parade at 9 o'clock A. M., and to take up the line of march for Far West, at half past 9 o'clock, to receive the prisoners and their arms.

The troops marched out and formed in the prairie about 200 yards south-east of the town. Gen. Wilson's Brigade formed the West line, Gen. Doniphan's the East line, Gen. Graham's and Gen. Parks' the south line, with the Artillery Company and the Cannon in the centre of the two latter, leaving one side of the square open. The Mormon army, reduced to about 600 men by desertion and otherwise, under their Commander, Col. Hinkle, marched out of their town, through the space into our square, formed a hollow square, and grounded their arms. Col. Hinkle, then rode forward and delivered up to me his sword and pistols. I then directed a company from the respective Brigades, to form a front, rear, right and left, plank guards, and to march the prisoners back to Far West, and protect and take charge of them until the next morning. I then detailed a company from Gen. Doniphan's com-

mand, to take charge of the Arms. Then, in order to gratify the army and to let the Mormons see our forces, marched around the town, and through the principal streets. and back to head quarters. Considering the war at an end in this place, I issued orders for Gen. Doniphan's Brigade, with the exception of one Company and Gen. Graham's Brigade, to take up their line of March for their respective head quarters, and dismiss their men—and directed Gen. Wilson to take charge of the prisoners (demanded for trial) and arms, and to march them to my Head Quarters at Independence, to await further orders, and to dismiss all except a guard for the prisoners and arms. Nov. 2nd, I relieved the guard placed over the prisoners at Far West by 4 Companies of Gen. Parks' Brigade, and placed them under the command of Col. Thompson, 2 Brig. 3 Div. with instructions to report to Gen. Clark. The balance of Gen. Parks' Brigade with Capt. Gilliam's Company, of Gen. Doniphan's Brigade under the command of Gen. Parks, I ordered to Adam-on-diahmon, a Mormon town in Daviess county, with instructions to disarm the Mormon forces at that place, and to leave a guard of 50 men for the protection of prisoners, and to report to Gen. Clark. In order to carry the treaty and stipulation, into effect, I have required your Aid-de-Camp, Col. Williams, together with Col. Burch and Maj. A. Rees, of Ray, to attend to drawing up all the papers legally, and directed Col. Thompson to wait on them with a portion of his command, and to cause all their orders and requirements, consistent with the stipulations to be carried into effect. This day about 12 o'clock there was a Battalion of 100 men from Platte arrived at Far West, which I ordered back, having understood that Maj. Gen. Clark would be on in a day or two, with sufficient force to operate in Daviess and Livingston, and for any service that may be required.

I have the honor to be  
 Most respectfully,  
 SAMUEL D. LUCAS,  
 Major General,  
 Commanding.

---

*General Clark to the Governor.*

CHARITON, Oct. 30, 1838.

*His Excellency, Gov. Boggs.*

SIR:—I have ordered one thousand men from this Division, and now have five hundred this far under march, and five hundred from the 2nd Brigade will join me to day at Keytesville, from whence I will proceed to Richmond without delay. Your two orders were both received on day before yesterday, at the same time. On this moment I received, per Capt. Long, the enclosed express from Gen. Atchison and Lucas, then at Richmond—it was met by Col. Williams, your aid, and opened, and sent to me, supposing that the powers conferred on me were sufficient.

This may be so, but I would give your Excellency my decided opinion that it would be best for you to be there, and hope you will, if practicable. In the mean time I will endeavour to act out your orders in letter and spirit, however great the responsibility. I have this moment despatched to Gen. Atchison and Lucas, a copy of your two orders to me, with instructions to act for the best until I can arrive. All the additional information that I have from the scene of disturbances, is worse and worse.

I have the honor to be,  
Your obedient servant,  
JOHN B. CLARK,  
Maj. Gen. Commanding.

*Gens. Atchison & Lucas to the Governor.*

HEAD QUARTERS of the 3d and 4th Div. Mo. Mi. }  
RICHMOND, October 28, 1838. }

*To the Commander-in-Chief, Mo. Mi.*

SIR:—From late outrages committed by the *Mormons*, civil war is inevitable. They have set the laws of the country at defiance, and are in open rebellion. We have about two thousand men under arms, to keep them in check. The presence of the Commander-in-Chief is deemed absolutely necessary, and we most respectfully urge that your Excellency be at the seat of war, as soon as possible.

Your most ob't serv't,  
DAVID R. ATCHISON, M. G. 3d Div.  
SAM'L D. LUCAS, M. G. 4th Div.

*Governor to General Clark.*

EXECUTIVE DEPARTMENT, City of Jefferson, Nov. 1st, 1838.  
Maj. Gen. JOHN B. CLARK.

SIR:—Your communication, by express, of Oct. 30th, enclosing one from Maj. Gen. Atchison and Lucas, of the 28th Oct. has been received. It is impossible for me to leave here; the near approach of the meeting of the Legislature, renders it necessary that every moment of my time be employed in preparation to meet them. It was considered by me that full and ample powers were vested in you to carry into effect my former orders. The case is now a very plain one—the *Mormons* must be subdued and peace restored to the community. You will therefore proceed without delay to execute the former orders. Full confidence is reposed in your ability to do so; your force will be amply sufficient to accomplish the object. Should you need the aid of artillery, I would suggest that an application be made to the commanding officer of Fort Leavenworth, for such as you may need. You are au-



authorized to request the loan of it in the name of the State of Missouri. My presence then could effect nothing. I therefore again repeat that you are authorized, and full power is given you to take whatever steps you deem necessary and such as the circumstances of the case may seem to demand to subdue the insurgents and give peace and quiet to the country. The ringleaders of this rebellion should be made an example of; and, if it should become necessary for the public peace, the Mormons should be exterminated or expelled from the State. In order that no difficulty may arise in relation to the command, I must inform you that neither General Atchison or Lucas have been called into service under the late order (except Gen. Lucas was directed to raise four hundred men in his Division, and to place them under the command of a Brigadier General.) The privilege was offered him of commanding the troops from his own Division, though subject to your orders. All the troops now under arms, and those that may arrive at the seat of war are placed under your command.

You will report to me by express, and keep me regularly informed of any thing of importance which may occur. The near approach of winter requires that your operations should be hastened. After having restored quiet, you will cause the people of Daviess county, who have been driven from their homes, to be reinstated.

I am respectfully,  
Your ob't serv't,  
L. W. BOGGS, Commander-in-Chief.

---

*General Wilson to General Clark.*

HEAD QUARTERS, 2nd Brig. 1st Div. Mo. Mi. }  
Adam-on-diahmon, November 12th, 1838. }

Maj. Gen. CLARK.

SIR:—In pursuance of your order of the 7th, at Far West, I took up the line of march with my command, and arrived here on the 8th. We suffered much from the inclemency of the weather, which still continues. On my arrival here I found the troops had left. I met Col. Burges some two miles from this place. He being the last, I immediately placed a guard around the town, and ordered the Mormons to parade, which order was promptly obeyed, and about two hundred men entered their names. I then proceeded to the investigation, as you required by your order. Justice Black and other citizens being present, I caused such of the Mormons as were supposed to be guilty of crimes, arrested, and handed them over to the civil authorities for trial. It however appears that the most guilty had escaped, they having ample opportunity, as I am informed. The town had not been under guard up to the time of our arrival. The investigation is still progressing, but

with but little hope of effecting much, as the citizens seem to be unable to identify but few.

It is perfectly impossible for me to convey to you any thing like the awful state of things which exist here—language is inadequate to the task. The citizens of a whole county, first plundered, and then their houses and other buildings burnt to ashes, without houses, beds, furniture or even clothing in many instances, to meet the inclemency of the weather. I confess that my feelings have been shocked with the gross brutality of these Mormons, who have acted more like demons from the infernal regions than human beings. Under these circumstances you will readily perceive that it would be perfectly impossible for me to protect the Mormons against the just indignation of the citizens.

I therefore promptly informed the Mormons, in a short address, of all the facts that had then come to my knowledge—told them I should remain in Daviess county ten days, and would endeavor to protect them during that time—at the end of ten days I would leave and was not authorized to promise them further protection in Daviess county—that you had promised protection in Caldwell county—that such of them as wished to remove to Caldwell, or out of the State, I would give a permit to that purpose, and would guaranty their safety on the route. The Mormons themselves appeared pleased with the idea of getting away from their enemies and a justly insulted people, and I believe all have applied and received permits to leave the county, and I suppose about fifty families have left, and others are hourly leaving, and at the end of ten days, Mormonism will not be known in Daviess county. This appeared to me to be the only course left to prevent a general massacre, and I hope my course in this matter may meet your approbation, as it has been your pleasure to commit to my charge a most important command, without special instructions. I feel the more bound, not only to return you my sincere thanks for the honor thus done, but to give you a full account of all of my acts. Nothing has been left undone on my part to justify that confidence. The citizens of Daviess have co-operated heartily with me, and to their praise be it said, have shown a degree of compassion and charity unparalleled, under the circumstances, to their enemies, and have cheerfully obeyed every order I have found it proper to give in this matter, and I now confidently believe I shall be able to close this most shocking insurrection without further bloodshed.

I had previously to receiving your order discharged all the troops under my command, except one company under Capt. Newbold. This company will be retained until I close my business here. I expect, without otherwise ordered, to remain here until to morrow week, and then set out for home. If, therefore, it is your pleasure to give me further orders before leaving, I would suggest that they be forwarded in time to reach here before that time.

It would astonish you to see the immense piles of stolen property, which has been brought in, and deposited by the Mormons, consisting of almost every thing to be found at a farm house, and much remaining

yet concealed. Large quantities have been found buried in and near town. I have been making all possible exertions to collect and preserve this property for the owners, but I find it hard to do, as these dirty thieves are more skilful in the pilfering line, than any I have yet seen. The citizens inform me that much of their property has been taken to Far West. I suggest that you order them to return it here at their own expense.

I write in a miserable shanty, called "The Lord's Storehouse," late at night, after having been well soaked in the rain during the day, and much fatigued. I may have omitted some things, but when I am more comfortable, I will write you more fully.

I have the honor to be,  
 With unfeigned good will,  
 Your obedient servant,  
 R. WILSON, Brig. Gen.  
 Commanding 2d Brig. Mo. Mi.

---

*General Clark to the Governor.*

HEAD QUARTERS, Richmond, Nov. 12, 1838.

*His Excellency, Gov. Boggs.*

SIR:—In my last communication, I informed you of all the important incidents of the expedition, up to that time. On Tuesday last we commenced the examination of the alleged crimes, being *treason, murder, burglary, arson and larceny*, against Jo Smith and his co-leaders, and also forty-six others, who occupy less space amongst their people, but many of whom are equally guilty. The defendants have employed Messrs. Rees and Doniphan to defend them, who are both present. The inquiry, as you may well imagine, takes a very extensive range, and involves many important legal principles, not often adverted to in our practice, and being, as I consider, too important to be made out against the prisoners. I, at the suggestion of Mr. Burch, the Circuit Attorney, spoke to Col. W. T. Wood, to assist in the prosecution, promising him to lay the matter before your Excellency, not doubting but what some provision would be made by which he would have paid to him a reasonable fee.

This was not done because I doubted Mr. Burch's ability in the least, for he is a good lawyer, and enters into this matter with his whole energy, but there are so many points stirred, and so much labour to arrange the facts, so as to make them bear on the various defendants, that I did not wonder he should ask assistance, and for the good of the State I spoke to Col. Wood as above stated, and he very willingly engaged with Mr. Burch. We progress slowly, but thus far the disclosures indicate certain conviction of treason against Smith, Wight,

Pratt, Rigdon and some one or two more; and of murder against some five or six; burglary against several; arson against a number; and larceny against others. How it will all result, I cannot yet tell, but that the leaders will all be convicted of treason or murder, I think is reasonably certain, and many others of felony. You shall be informed as we progress.

I received this evening a communication from General Wilson, who had been despatched to Daviess county, a copy of which I enclose you, from which you will discover, that things are becoming as well settled there as can be under the circumstances, though they would have been much better settled if your orders had been complied with before my arrival. It seems to me if proper steps had been taken to save the active leaders, they could all have been captured. The protection Gen. Wilson alludes to my giving the Mormons in Caldwell, I explained to you in my last communication. I regret exceedingly to learn that any acts of yours should create any heart burnings, or collision with your Excellency and any general officer, and particularly to such an extent as I understand exists with Gen. Atchison. Your motives doubtless were good; your orders were undoubtedly right as to the Mormons and my command, and I have no doubt the whole country will sustain you. Business of a very urgent nature compels me to leave here on to-morrow for Fayette, where I will arrive on Sunday, leaving Lieut. Col. Price, a competent officer, here until my return. I will only remain in Fayette until Tuesday or Wednesday next, when I shall return here to remain until this whole prosecution is settled, or put in such a condition that a Military force is unnecessary. It is thought that the investigation will last for two or three weeks.

I am sir, your ob't. servant,  
 JOHN B. CLARK,  
 Maj. Gen'l, Com'd.

---

*The Governor to Gen. Willock.*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, NOV. 12, 1838.

To Maj. Gen. D. WILLOCK, Commanding detachment at Huntsville.

SIR:—I have the honor to acknowledge the receipt of your communication of the 10th inst. from Huntsville. From information received from Gen. Clark, who was placed in command of all the troops raised in pursuance of the late orders of the Executive, there will not be any necessity for your proceeding any further; you will therefore return with your troops and discharge them. The Quarter Master of the Detachment will purchase, and grant certificates to the persons of whom he purchases, such provision as you may need. You will, however, endeavor to make out with as small a quantity as possible.

You will please present my thanks to the troops under your command, for their promptness in marching to the call of their country.

Respectfully,

L. W. BOGGS, Commander-in-Chief.

---

*Governor to General Clark.*

EXECUTIVE DEPARTMENT, City of Jefferson, Nov. 15, 1838.

Maj. Gen. JOHN B. CLARK.

SIR:—I have the honor to acknowledge the receipt of your communications of the 10th and 11th inst., by Mr. Maupin, the express.

Upon an examination of the law, I find I have no power to appoint a Commissary General, there being one already in commission. The duties you speak of as having been performed by A. W. Morrison, Esq., might have been performed by your Division Quarter Master. Your certificate of his appointment, however, to discharge certain duties, as for instance, as acting Commissary for the detachment under your command, I presume would be altogether sufficient. You will oblige me by sending at your earliest convenience, a copy of my second order to you, as forwarded by Mr. Rees. In the hurry of business, I neglected to retain a copy, and it is necessary to have one, as this whole matter will probably undergo an investigation by the Legislature. Your report will be expected at your earliest convenience. You will hasten your operations, and discharge all the troops as soon as the circumstances of the case will permit.

I have the honor to be,

Very respectfully,

Your obedient servant,

L. W. BOGGS.

---

*The Governor to Gen. Clark.*

EXECUTIVE DEPARTMENT, City of Jefferson, Nov. 19, 1838.

TO GEN. JOHN B. CLARK.

SIR:—You will take immediate steps to discharge all the troops you have retained in service as a guard, and deliver the prisoners over to the civil authorities. You will not attempt to try them by court martial, the civil law must govern. Should the Judge of the Circuit Court deem a guard necessary, he has the authority to call on the militia of the county for that purpose. In the absence of the Attorney General,

I am unable to furnish you with his opinion on the points requested. One thing, however, is certain, that so soon as an insurrection is quelled and peace restored, the military authority ceases; but the crime of treason, whether it can be tried out of the county where the act was committed, we have no precedent, only that of the case of Aaron Burr, who was charged with the commission of that offence against the United States, at Blannerhassett's Island, in the State of Virginia, and he was tried at Richmond, Va. This, however, is a matter which the Judiciary will have to determine. I wish you distinctly to understand, that if you have accomplished the object of the expedition, which was to restore peace to the community, and to cause the offenders to be brought to justice, that you will discharge all your forces, and report to me your proceedings in the manner heretofore requested. The officers retained to serve on court martial, will also be discharged. Should you have left Richmond before you receive this communication, you will forward by express to the officer you have left in command, orders to the foregoing effect.

I should be happy to see you at this place, as you would perhaps be able to explain many things in relation to this perplexing subject, which I cannot at present understand.

I am, very respectfully,

Your obedient servant,

LILBURN W. BOGGS, Commander-in-Chief.

---

*D. Ashby's statement of the Battle at the Mill.*

SENATE CHAMBER, NOV. 28, 1838.

Gen. J. B. CLARK.

DEAR SIR:—In answer to your note of this morning requesting me to give you such information as was in my knowledge relative to the battle fought on the 30th of October, at the Mills, on Shoal Creek, between the citizens and Mormons, I will state that the company I belonged to was stationed in the rear as a reserve, at a distance of about forty yards from the line of battle; as soon as the line of battle was formed, and before all the troops in the line had dismounted, the fire commenced, (by the Mormons as I was told by them in front.) The position I occupied prevented me from seeing the commencement; as soon as the firing commenced the company I belonged to dismounted and run in the line in front. When I got sight of the position of the Mormons, they were all in the house, or under the bank of the creek, and the smoke of their guns from both places, appeared to me to be continual. Our men took a few fires at a crack in the house, when I heard the order to charge the house, which order was promptly obeyed, —the men run to the house—as we approached it I saw one man have

out his gun in front of me, and I stepped to one side, and the man in front of me squatted down and pitched under the muzzle, lay still until the gun fired, he then rose and as the Mormon drew back his gun, our man shoved his gun in the house and fired. By this time our men got possession of all the port holes, cracks, &c., and kept up such a constant fire, that the Mormons could not get their guns out to shoot. They then broke out of the house and ran towards the creek, but many fell in their flight. About that time I heard the cry of quarters among our own men. I recollect distinctly of hearing one of our men say, "they called for quarters." I then hallooed "quarters," "quarters," as loud as I could, which was re-echoed by all around me. The firing then ceased on our part, at which time a volley came from the creek. I then thought they had heard us calling for quarters, and thought we were whipped—the firing then renewed on our part and continued as long as there was a Mormon in sight, except the wounded. After the battle was near a close, I saw some of the Mormons that had reached the base of the hill, south of the creek, about three hundred yards from us, stop, turn round, and shot back at us, and then ran on. After the battle had subsided, I saw some of our men carry our wounded man into a house, and laid him on a bed. The men, in counting the dead, found one man in the house not hurt, who had fallen down in the early part of the action, and was covered with the slain. I saw him and talked with him the moment he was taken prisoner. Those who counted said thirty-one was killed of the Mormons, and seven of our men was wounded. We then got a wagon and horses, and such of our wounded as was unable to ride, was put in the wagon and we left the place.

The above is an outline of that affair, as my recollection serves me.

I am, respectfully,

DANIEL ASHBY.

---

*Gen. Clark to Gens. Lucas & Atchison.*

CAMP AT CHARITON, October 30. 1838, }  
10 o'clock, A. M. }

Maj. Gens. LUCAS & ATCHISON.

GENTLEMEN:—I am now here with nearly one thousand men, under a force march to Richmond, in pursuance of an order from the Commander-in-Chief, copies of which are herewith enclosed to you for the use only of your confidants. You will discover by them the power vested in me, and for this purpose I enclose them to you.

Capt. Long this moment arrived with an express from you to the Governor, which had been met and opened by Col. Williams, one of the Governor's aids, and sent to me; I have forwarded it to the Governor. You will both act with your respective commands for the best,

according to circumstances, until I arrive, when some plan of action will be settled upon. If the Governor should not come, I will reach Richmond as soon as I can. Capt. Long returns with this to you, and Mr. Fristoe goes on to the Governor.

Respectfully, yours,

JOHN B. CLARK, Maj. Gen. &c.

*Gen. Clark to Gens. Lucas & Atchison.*

CAMP NEAR CARROLLTON, midnight, Nov. 1, 1838.

GENS. ATCHISON & LUCAS.

GENTLEMEN:—Understanding two days since, while at Chariton on my march, that you were at Richmond, and was only holding the Mormons in *check*, until further orders, which you sought from the Commander-in-Chief, and having before then received orders from the Commander-in-Chief with *plenary powers* to settle this whole difficulty and call to my aid such force as I might deem necessary, a copy of which I sent you by express, per Capt. Long; but learning at this place that you have proceeded to Far West, and hearing a report (not officially) that some of the Mormons have already surrendered to you; therefore, under my orders, and in pursuance of the power assigned me, I send you respectively the following orders, viz: You are to remain at some secure position in the vicinity of Far West, protecting the citizens and their property from the aggressions of the Mormons until I arrive with my force, which will be to-morrow night, amounting to two thousand men, but you are not to make any attack or operate offensively until I arrive, when the plan of adjustment suggested by the Commander-in-Chief and proposed by myself will be communicated. You must take steps, if you have not, and if it be necessary, to provision your forces by foraging or otherwise. If you have any prisoners, you will make no terms with them by which they are to be discharged until my arrival, but preserve them from injury as prisoners. The Governor, I have learned this evening, is on his way up, and will join us perhaps to-morrow.

I will be able reach Far West in three more days. If Gen. Willock has arrived at the place he was ordered, you will direct him, and also Gen. Doniphan, to remain there until my arrival, for further orders, observing their original orders, to prevent the retreat of the Mormons to the north.

The express leaves immediately, and I cannot be more specific. You will both report to me immediately your head quarters, strength and position, and such other matters as tend to further the service in which we are engaged. My express, Messrs. Scott, Turner and Engart, you



will furnish with such necessaries as they may need, and much oblige me.

I have the honor to be,

Your obedient servant,

JOHN B. CLARK.

Maj. Gen. 1st Div. Mo. Mi.

*General Clark to General Lucas.*

HEAD QUARTERS of the forces against the Mormons, }  
RICHMOND, November 3, 1838. }

Gen. SAMUEL D. LUCAS, Maj. Gen. 4th Div. Mo. Mi.

SIR:—I have heretofore directed you to report to me of your movements in your operations against the Mormons, but you have not done so, or even sent me a line, except a pencil scrawl, accidentally found in the bar-room of the tavern at Richmond. I know nothing officially of what has been done, and shall therefore move on to Far West. You are ordered to have all the prisoners and arms taken from the Mormons, to be brought forthwith to this place, and the prisoners put in the Richmond jail and guarded, and the arms put in some secure place and guarded also, and you are also ordered to discharge your forces, except a sufficient guard for the arms and prisoners as above. You will then repair in person to my camp between here and Daviess county, with your suit, and also communicate to me a complete report in detail of what you have done in this expedition. These orders I make under orders to me from the Governor.

I have the honor to be,

Your ob't serv't,

JOHN B. CLARK, Com'd. Gen.

*General Clark to General Parks.*

HEAD QUARTERS of all the forces against the Mormons, }  
Far West, November 4, 1838. }

Maj. Gen. PARKS.

SIR:—I received your communication of this day per express, and can only say, you did right in obeying the orders of Gen. Lucas, although they were without authority so far as he was concerned. You have, I suppose, taken the whole of the men of the Mormons prisoners; if not, you will do so, and place such a guard around them and the town as will protect the prisoners and secure them until they can

be dealt with properly; also the property must be protected from plunder and waste as far as practicable. In relation to the property of the citizens, you will give notice that as soon as I get things settled here, I will repair to that place with a sufficient force to place the citizens back on their homes, and that then all their property that can be found will be delivered up to them, and also the best means adopted to have them paid for the damages they have sustained, till which time (my arrival) all their property, as well as the Mormons, must be held in custody. This is done in order that justice may be done in its distribution. All the citizens who have moved can now move back with perfect safety, as my forces will not be discharged until they, who choose to, have moved. If you think sixty men or one company enough, without doubt, to leave at that place to secure the prisoners and afford protection, &c., you are at liberty to do as you have suggested, but you must select a company in whom you can confide to execute your orders, and charge them to be strict that no outrages are committed. The prisoners must be protected. If you move your forces here, all but one company, you had better do so immediately. I will wait here until you have time to come, before I make any further order about Adam-on-diahmon.

I am, sir, your obedient servant,  
JOHN B. CLARK, Maj. Gen. &c.

---

*General Clark to General Wilson.*

[GENERAL ORDER.]

HEAD QUARTERS, FAR WEST, NOV. 7, 1835.

Brig. Gen. Robert Wilson will take up the line of march with his Brigade on this morning, for Adam-on-diahmon, in Daviess county, and take possession of the prisoners at that place, and proceed to ascertain those who committed crimes, and when done to put them under close guard, and when he moves, take them to Keytesville, after having them recognized by the proper authority. He will then endeavor to restore the citizens of Daviess to their homes. After things have been restored as far as may be, he will march for home and discharge his force, and report to me. I send a copy of the order of the Governor to me, in which are transferred all things for that particular service; you will therefore do all things which you may deem necessary under said order.

JOHN B. CLARK, Maj. Gen. Com'd.

*Certificate of Mormons as to the conduct of Gen. Clark and his troops.*

RICHMOND, November 23, 1838.

Understanding that Maj. Gen. Clark is about to return with the whole of his command from the scene of difficulty, we avail ourselves of this occasion to state that we were present when the Mormons surrendered to Maj. Gen. Lucas at Far West, and remained there until Maj. Gen. Clark arrived; and we are happy to have an opportunity as well as the satisfaction of stating that the course of him and his troops while at Far West was of the most respectful kind and obliging character towards the said Mormons; and that the destitute among that people are much indebted to him for sustenance during his stay. The modification of the terms upon which the Mormons surrendered, by permitting them to remain until they could safely go in the spring, was also an act that gave general satisfaction to the Mormons. We have no hesitation in saying that the course taken by Gen. Clark with the Mormons was necessary for the public peace, and that the Mormons are generally satisfied with his course, and feel in duty bound to say that the conduct of the General, his staff officers and troops, was highly honorable as soldiers and citizens, so far as our knowledge extends; and we have heard of nothing derogatory to the dignity of the State in the treatment of the prisoners.

Respectfully, &amp;c.

W. W. PHELPS,  
GEO. WALTER,  
JOHN CLEMINSON.  
G. M. HINKLE.  
JOHN CORRILL.

*General Wilson to General Clark.*

Gen. CLARK.

SIR:—In pursuance of your order, dated at Far West, Nov. 7, I marched with the troops under my command for Adam-on-diahmon, in the county of Daviess, where I arrived on the 8th. Immediately after my arrival, I had called together all the Mormons then residing in Daviess county, and distinctly informed them of the nature of the order of the Commander-in-Chief, and that you had transferred the same to the undersigned to be executed in the county of Daviess. I also informed them that they would be permitted to remain in Daviess county during the winter, or that they, at their option, should be permitted peaceably to remove themselves and property to Caldwell county, if they desired so to do; that I would remain ten days with a sufficient force for their protection, and that I would give to such as desired it, a written permit to remove to Caldwell or out of the State. So soon as this was made known to them, they unanimously made application and received the permit above alluded to, and in the course of ten days all the Mormons residing at that point, with a few exceptions,

had removed in peace and safety. I would here give it as my opinion, that, owing to the hostility these people had produced against themselves by their excesses and depredations upon the property and lives of the citizens, they would not have been permitted to remain here in safety, and of this the Mormons seemed to be well satisfied. I found the greater portion of these people to be late emigrants to this place from Canada and the Northern part of the U. States, encamped mostly in tents, unprovided with provisions for the winter. I was told, upon inquiry, that the prisoners had not been guarded since their surrender, and that such as knew they could be identified by the citizens had mostly absconded. Such of the Mormons as could be identified were placed on trial before a justice of the peace. The Mormons have done immense injury to the citizens of this county, first by robbing them of all their moveable property, and then burning their houses. A part of this property was found at Adam-on-diahmon, but the greater portion is still missing. The people of Daviess county, during my stay among them, conducted themselves towards the Mormons with great propriety and even generosity. I am fully satisfied for myself that no people having any claims to honesty would permit such a band of robbers, as these Mormons have proved themselves to be, to reside among them. It is useless for me here to recapitulate the evidence upon which this opinion is founded, as you must be fully in possession of the same, from the inquiry now going forward at Richmond.

I have great pleasure in being able to certify to you of the good conduct of the troops under my command; both officers and privates discharged their duty to my entire satisfaction, and without a murmur. So far as I am informed, no Mormon was injured in person or property, by any person under my command.

Finding the civil authorities of Daviess county in a situation to discharge all the duties required of them by law, I referred to their decision, all matters in dispute in relation to property between citizens and Mormons under the belief that an exercise of military authority, under the circumstances, would have been improper. The extent of the injury sustained by the citizens could not be fully ascertained, but as far as my observation and information extended the whole county is laid waste, and I fear many will suffer during the winter. It is impossible to witness these scenes of distress, without feeling the deepest indignation against the leaders of these people, who under the sacred name of religion have caused their followers to commit the most horrid crimes ever perpetrated in any country, and that too, as they allege, for the advancement of the Kingdom of Christ.

The troops under my command have all returned home, and I am this far on the route, subject to your further orders.

I have the honor to be,

With great respect,

Your obedient servant,

ROBERT WILSON,

Brig. Gen. 2d Brig. 1st Div. Mo. Mi.

*Report of Gen. Clark.*

CITY OF JEFFERSON, Nov. 29, 1838.

*The Governor of the State of Missouri.*

SIR:—The whole of the forces placed under my command, for the purpose specified in your orders of the 26th and 27th of last month, (copies of which are here attached, marked A and B,) being discharged, I now, in pursuance of your orders, proceed to report to you my movements; as well as to submit to you such facts as I have been able to embody, showing the commencement, progress and termination of this perplexing difficulty. One or two days before I received your orders, above referred to, I had, upon information received from Messrs. Rees, Williams, Dickson, and Woods, in writing (copies of which are here attached, marked C,) issued orders to have raised in my division 1,000 mounted men, to be ready to march on Monday the 29th of last month, all of which I immediately communicated to you by express. The express, however, conveying my communication, met one from your Excellency, conveying to me your orders, and returned. On the 29th, according to my order, the first Brigade rendezvoned at Fayette, prepared to march and did on that evening take up the line of march and reach Chariton. On the next morning, the 30th, I received an express from Gens. Atchison & Lucas to you, but which had been sent to me by Col. Williams, your aid. After examining it I enclosed it to you. This letter stated war was inevitable, and that they would hold the enemy in check, until you could arrive. Supposing from previous information that the forces under the command of Gens. Atchison and Lucas would only be employed as stated, I wrote to them, telling them to act for the best, according to circumstances, until my arrival, in which letter I enclosed copies of your two orders to me, (this letter is here attached, marked D.) On this evening we reached Keytesville, when we met the second Brigade, commanded by Brig. Gen. Wilson, who had been ordered to join me at this place. Here I organized the division, giving Col. J. W. Redman the command of the first Brigade, in the absence of the Brig. Gen. The next day we took up the line of march for Richmond, making forced marches. On the day we reached Carrollton, Nov. 2., I heard that Gen. Lucas had invested Far West, and affected a capitulation, the terms of which was that the Mormons were, 1st, to give up their leaders to be tried and punished. 2nd, All who had taken up arms to make an appropriation of their property, to pay their debts, and the damages they had done. 3rd, The balance should leave the State forthwith, and be protected out of the State by the Militia. 4th, To give up all their arms. These propositions seem to have been proposed in writing by Gen. Lucas; and accepted to by the Mormons, as I afterwards learned. I here sent another express to Gen. Lucas, ordering him to hold to the prisoners, and make no final treaty until I arrived; when I would communicate to him my views,

&c. (A copy of this order is herewith attached, marked E.) This order, however, did not reach Gen. Lucas, as I am informed, until after he had left Far West with the prisoners. The next day I reached Crooked River. Learning here that Gen. Lucas had disbanded his forces, and marched the prisoners to Independence, I immediately sent an express to intercept him, with orders for him to march the prisoners and arms back to Richmond, (a copy of which order is here attached, marked F.) I continued my march to Far West, where the troops arrived on Sunday, the 4th of this month. Hearing at Richmond that some of the guard, left by Gen. Lucas at Far West, were killing prisoners and committing other excesses, I left my troops and went in advance, riding all night, in order to check such things, but when I reached there, on examination, I found the guard had been misrepresented greatly, and injustice done them in this matter, as well as Gen. Lucas' troops in many respects. When the troops reached Far West they were encamped in the vicinity of town, a guard placed around the army, to keep the men from going in on that evening. I went into town with all the field officers, and instituted a Military Court of Inquiry, to ascertain who were the most guilty and ought to be put on their trial in the Civil Courts. The business employed my time for two days and nights. I will here remark, but for the capture of Sampson Avard, a leading Mormon (by Col. Hall from the Platte, who is a fine officer,) I do not believe I could have obtained any useful facts. No one disclosed any useful matter until he was captured and brought in. I instructed every one who did disclose or give testimony, that they were not bound to criminate themselves, and that no steps would be taken to compel them. We progressed with this investigation until all had disclosed, who would willingly. I then caused the whole of the Mormons to be paraded, and selected such as I thought ought to be put on their trial before a committing Magistrate, and put them in a room until the next morning, when I took up the line of march for Richmond, with the whole forces and prisoners, 46 in number. I, however, the day before I left Far West, despatched Lieut. Col. Price with two companies from the 2nd Brigade to Richmond, to receive the prisoners and arms Gen. Lucas had been ordered to have there. On his arrival, not finding them there, he went to Independence, and informed the Gen. of the nature of his mission. They were then started and arrived the next day. The arms, however, I did not succeed in getting before my departure from Richmond, but suppose they could not be crossed for the ice. On the day I left Far West, I directed Brig. Gen. Robert Wilson, with his Brigade, except the two companies Col. Price had at Adam-on-diahnon, a town in Daviess county, to settle matters in that quarter. He had furnished him a copy of your several orders to me. Gen. Wilson is a good officer, and also Lawyer, and I thought therefore particularly fitted for that command. The manner in which he discharged his duty, will be seen by his final report to me, with my order to him, (a copy of which is here attached, marked G.) The Gen. and his troops suffered very much by the inclemency of the weather,

but they acted kindly and humanely to the prisoners, and deserve great credit. While at Far West, Brig. Gen. Parks reported to me his acts at 'Diahmon, under the order of Gen. Lucas, and I sent to him an order, to keep the prisoners guarded until my arrival, charging him not to permit the property or person of the prisoners to be injured in any way, (a copy of which order is attached, marked H.) Gen. Parks fulfilled my orders to my satisfaction. While in Far West, I was applied to by a considerable number, who informed me that they were out of provisions in town, but had plenty on their farms. Not wishing to release any until I had closed the inquiry, I caused provisions to be dealt out to such as were destitute until they were discharged. There was at Far West about 500 Mormons, (several hundred having run off with their arms before my arrival,) and at Adam-on-diahman about 150 or 200, making in all about 1,200 armed men, when all together, as well as I can ascertain. There is now collected in the hands of my Quarter Master, and I presume Gen. Lucas's, about 700 guns, a great many pistols, swords, and spears, but I have not now in my possession any means to ascertain the exact number, but they have been receipted for, and will be reported in due time by the proper officer. Before I left Far West, I had the Mormons called together and addressed them, in substance, that they had capitulated with Gen. Lucas, and made their own agreement, and they would be expected to comply, and must comply, deeming it necessary for the public peace, but that they would not be expected to go until their convenience in the spring. That no Military guard would go with them—that none was necessary, as I would pledge the honor of the State they should not be hurt; that their arms should be given up to them. I did not see what else I could do under the circumstances, without setting at naught what had been done by Gen. Lucas, which I thought would have produced another difficulty with these people, of perhaps more danger than the one that was then settled. This being done, I marched to Rickmond with the prisoners, and applied to the Hon. A. A. King to try them. He commenced the examination immediately after the defendants obtained counsel. Before their trial commenced, they were informed what was alleged against them. I spoke to Col. Wood to assist the Circuit Attorney in the prosecution, in the reasons given in my last communication. The inquiry, as you may well imagine, took a wide range, embracing the crimes of Treason, Murder, Burglary, Robbery, Arson, and Larceny. Gens. White, Grant, and Willock were directed to discharge their troops, as soon as I learned of the surrender, and that they were on their march; also the troops from the 5th Div. under the command of Gen. Woodward, except the Boonville guards, commanded by Capt. Chiles, and the company of Cavalry commanded by Capt. Parsons—both of those companies were kept to guard the prisoners—the guards to bring them to Richmond, and the Cavalry to guard them after they got there. The whole of the troops are now out of service, and were discharged as early as possible, according to your orders. Brig. Gen. Wilson, who was sent to Daviess county, to settle matters in that quarter, made a

report of his acts and opinions of the commencement of the difficulty, which is dated the 25th, and it is so replete with information that I have appended it to this report as heretofore stated. I can bear testimony to the good conduct of my whole immediate command, both officers and men. They all conducted themselves on the march, and while with the Mormons, as honorable citizen soldiers; and I state to you, sir, that none of my Division at any time, nor any of the forces after I arrived at Far West, committed any violence, either upon the property or persons of the Mormons, of either sex; any statement or insinuation to the contrary is false and a slander upon my command and our citizens. I am led to make this statement to your Excellency on account of strictures I have seen in some of the public Journals of the country, about the troops generally, and consequently embracing my command, I cannot vouch for the troops before my arrival, but I do afterwards, and in justice to the officers commanding before I will state, that I believe that great injustice has been done them also. I have the testimony of the most intelligent Mormons as to the subject, (which I attach, marked L.) It is humiliating to the Militia, who are citizens generally of a high order, to see the public Journals of the country publishing every report that is put out, without knowing whether it be true or false, for the purpose of casting reproach upon our arms and country. I make this statement to rescue my command from such unmerited censure, which I know to be false as far as they are concerned, and leave other general officers, having the command before my arrival, to act as they please in the premises. I have not been able to satisfy myself as well as I would desire of the causes of this difficulty, but enough is shown by the evidence I here attach, (marked J.) to enable the country to appreciate your prompt movement in ordering out the Militia to put down an insurrection of no ordinary character. It had for its object *Domnion*, the ultimate subjugation of this State and the Union to the laws of a few men called the Presidency. Their church was to be built up at any rate, peaceably if they could, forcibly if necessary. These people had banded themselves together in Societies, the object of which was to first drive from their Society such as refused to join them in their unholy purposes, and then to plunder the surrounding country, and ultimately to subject the State to their rule. They have committed great injury to the country by burning, robbing, &c. These things, however, their leaders say, was done to punish the citizens of our State, for past violence to them. How this is, you can determine from the evidence herewith sent. In their incursions they have robbed, murdered, stole and burnt, and committed many inhuman acts on helpless families. I have no doubt but what we have many citizens who have very much mistreated these people, but never to such an extent as to create the idea in a rational mind, who loved his country, that the Government ought to be subverted and the laws put at defiance. The whole number of the Mormons killed through the whole difficulty, as far as I can ascertain, are about 40, and several wounded. There has been one citizen killed, and about 15 badly



wounded. I give it as my decided opinion that much more blood would have been shed than was, if there had been only troops enough ordered out by your Excellency to conquer the insurgents in a battle, than by having a larger number. This influence awed them into submission to the first troops that appeared before their town. This I am authorized to say by intelligent Mormons. Much has been said to the prejudice of those engaged in the battle of Hann's Mills; not having received before my departure from Richmond, an official account of that battle from the officer commanding, since my arrival here, I addressed a note to Maj. Ashby, a Senator from Chariton, who was there, for information. His answer is here appended, and (marked K.) to which I refer you. I would inform your Excellency that I have been informed by the Mormons, that there are now about 100 females, the wives of those who were killed and run off, who are destitute and depend on their friends for support. I do not know how many of the prisoners will be committed, not having heard the evidence in defence. When I left Richmond, I obtained copies of all the evidence that had been given in, that I could procure, and engaged a gentleman to copy the balance on both sides, and forward it to me at this place by each mail. The evidence I have is not certified, but I heard it delivered, and know it is substantially copied. That part of S. Avard's evidence, giving a list of those persons engaged in crime, is by accident omitted. As fast as the balance arrives it shall be transmitted. Every facility was afforded the prisoners in getting their witnesses, &c. that could be, and as far as I could observe the investigation was conducted upon legal grounds. They have all counsel, who are vigilant in their defence. No pay rolls have yet been made to me, but they will be very soon, when I will forward them in due form. There is some public property which my Quarter Master was ordered to report to the Quarter Master General.

Having now submitted to your Excellency the course taken by me under your several orders, in every material step, as well as such information as I possess, permit me to assure your Excellency that I entered on my duties with fearful apprehensions that my experience and ability to command had been overrated by you, and it would have given me pleasure if such an important trust, involving so much, had been committed to other more competent hands. But in the discharge of my duty I have endeavored to comply with your orders as I understood and construed them, making the restoration and preservation of the public peace the great object to be attained all—which I respectfully submit to your Excellency, hoping that my acts may be satisfactory to you, and yours to the country.

I am, sir, with consideration of high respect,

Your obedient servant,

JOHN B. CLARK,

Maj. Gen. Commanding.

*M. Arthur, Esq. to the Representatives from Clay County.*

LIBERTY, Nov. 29, 1838.

RESPECTED FRIENDS:—Humanity to an injured people prompts me at present to address you thus. You were aware of the treatment (to some extent before you left home,) received by that unfortunate race of beings called the Mormons, from Daviess, in the form of human beings inhabiting Daviess, Livingston, and a part of Ray county; not being satisfied with the relinquishments of all their rights as citizens and human beings, in the treaty forced upon them by General Lucas, by giving up their arms, and throwing themselves upon the mercy of the State, and their fellow-citizens generally, hoping thereby protection of their lives and property, are now receiving treatment from those demons, that makes humanity shudder, and the cold chills run over any man, not entirely destitute of any feeling of humanity. Those demons are now constantly strolling up and down Caldwell county, in small companies armed, insulting the women in any and every way, and plundering the poor devils of all the means of subsistence (scanty as it was) left them, and driving off their horses, cattle, hogs, &c., and rifling their houses and farms of every thing therein, taking beds, bedding, wardrobe and all such things as they see they want, leaving the poor Mormons in a starving and naked condition.

These are facts I have from authority that cannot be questioned, and can be maintained and substantiated at any time. There is now a petition afloat in our town, signed by the citizens of all parties and grades, which will be sent you in a few days, praying the Legislature to make some speedy enactment applicable to their case—they are entirely willing to leave our State, so soon as this inclement season is over, and a number have already left and are leaving daily, scattering themselves to the four winds of the earth.

Now, sirs, I do not want by any means to dictate to you the course to be pursued, but one fact I will merely suggest. I this day was conversing with Mr. George M. Pryer, who is just from Far West, relating the outrages there committed daily. I suggested to him the propriety of the Legislature's placing a guard to patrol on the lines of Caldwell county, say of about twenty five men, and give them, say, about one dollar or one and a half per day, each man, and find their provisions, &c., until, say, the first day of June next. Those men rendering that protection necessary to the Mormons, and allowing them to follow, and bring to justice any individual who has heretofore, or will hereafter be guilty of plundering or any violation of the laws.

I would suggest that George M. Pryer be appointed captain of said guard, and that he will be allowed to raise his own men—he is willing thus to act. He is a man of correct habits, and will do justice to all sides, and render due satisfaction.

Should this course not be approved of, I would recommend the restoration of their arms, for their own protection. One or the other of

these suggestions is certainly due the Mormons from the State. She has now their leaders prisoners to the number of fifty or sixty, and I apprehend no danger from the remainder in any way, until they will leave the State.

M. ARTHUR.

---

*Hon. A. A. King to the Governor.*

RICHMOND, Dec. 23, 1838.

DEAR SIR:—I have recently seen Col. Price, who made known to me the object of his mission to this part of the State. In reference to the lawless depredations said to be practised on the Mormons, I have no doubt that the charges are, to a certain extent, true, and I have as little doubt that the perpetrators of them can be effectually brought to justice by the civil authorities. If, instead of writing those inflammatory letters to members of the Legislature, these same men would come before me, and give such information as the law requires against these lawless characters, I should bring them to an immediate account, and I am satisfied there is virtue enough in this community to aid and sustain me in so laudable an undertaking. I have heard frequent complaints, and have uniformly invited them to institute a legal investigation, but no person has thought proper to do so.

In most of the cases of outrage against the property of the Mormons, it has been by persons who pretend, and perhaps truly, that the Mormons owe them, or by persons who say that the Mormons, in their late outrages upon them, have destroyed their property, and they take this means to indemnify themselves. This certainly is an unlawful, and highly objectionable course. But I think it is very ungracious in Mr. Arthur to charge it upon the citizens of the surrounding counties exempting his own county of Clay. If rumor be true, he himself has been extensively engaged in collecting his Mormon debts, in property chiefly, and at prices less than half what would be asked or given in ordinary cases. This with me is only rumor, but there are men who say so, who are equally respectable with Mr. Arthur. As it regards the military fine recommended by him, I should look upon it as a direct imputation upon the power and efficacy of the civil authorities to maintain the law in ordinary cases, and would, in effect, be reversing that salutary constitutional principle which renders the military subordinate to the civil authority.

I cannot but express a regret that the time, in my opinion, is not very distant when we shall have the same scene to go through with the Mormons that we have lately witnessed. If the Mormons would disperse, and not gather into exclusive communities of their own, I think, with the exception of a few of their leaders, the people might be reconciled to them, but this they utterly refuse to do. They tell me that it would amount to an abandonment of their creed and religion, for they

believe, you know, in the gathering together of the Saints, and that they shall come out from the world. Suggest the matter to them as I have done, for the sake of their peace and safety, and they will give you many scriptural reasons why they should not do so.

The Mormons appear lately to have taken new courage, and to be determined not to move. The citizens are equally determined they shall; for nothing but expulsion or the other alternative will satisfy this community, that is; if the Mormons hold out under their former principles and practices. This, I know, is strong doctrine for some of the members, and such as I have not encouraged, occupying the station I do, either by act or expression, yet I can easily find men in this community, noted for their good moral character and correct deportment, who are determined the Mormons shall not reside among them. The alternative is presented, the expulsion of the Mormons, or the virtual relinquishment of their own homes.

There have been, from parts of this State, as well as from other States, highly respectable gentlemen, who came among us, with all their sympathies and prejudices enlisted in favor of the Mormons, but after travelling through the country, hearing and seeing what they did, they undergo an entire change of opinion, such as has frequently astonished me.

I have written to you, in conformity with the request made by you through Col. Price, in reference to the necessity of a military force to sustain and uphold the laws.

I am, very respectfully,

AUSTIN A. KING.

---

EXECUTIVE DEPARTMENT. CITY OF JEFFERSON, Feb. 18, 1839.

*The Governor to Col. Wiley C. Williams.*

TO COL. WILEY C. WILLIAMS, aid to the Commander-in-Chief.

SIR:—You will take measures, as soon as practicable, to cause the arms, surrendered by the Mormons, to be delivered to the proper owners, upon their producing satisfactory evidence of their claims. If, in any case, you think an improper use would be made of them, you can retain such, using a sound discretion in the matter. You will call upon Capt. Pollard or any other person who may have arms in possession, and take charge of them, and this will be your authority for so doing.

I am, respectfully, your obedient servant,

LILBURN W. BOGGS.

## EVIDENCE

*Given before the Hon. Austin A. King, judge of the fifth judicial circuit in the State of Missouri, at the court-house in Richmond, in a criminal court of inquiry begun Nov. 12, 1838, on the trial of Joseph Smith, jr., and others, for high treason, and other crimes against the State.*

State vs. Joseph Smith, jr., Hiram Smith, Sidney Rigdon, Parley P. Pratt, Lyman Wight, Amasa Lyman, George W. Robinson, Caleb Baldwin, Alanson Ripley, Washington Voorhees, Sidney Turnur, John Buchanan, Jacob Gates, Chandler Haldbrook, George W. Harris, Jesse D. Hunter, Andrew Whitlock, Martin C. Alred, William Alred, George Grant, Darwin Chase, Elijah Newman, Alvin G. Tippetts, Zedekiah Owens, Isaac Morley, Thomas Beck, Moses Clawson, John J. Turnur, Daniel Shearer, Daniel S. Thomas, Alexander McRay, Elisha Edwards, John S. Higbey, Ebenezer Page, Benjamin Covey, Ebenezer Robinson, Lyman Gibbs, James M. Henderson, David Pettigrew, Edward Partridge, Francis Higbey, David Framp-ton, George Kimble, Joseph W. Younger, Henry Zabriski, Allen J. Stout, Sheffield Daniels, Silas Manard, Anthony Head, Benjamin Jones, Daniel Carn, John T. Earl, and Norman Shearer; who were charged with the several crimes of high treason against the State, murder, burglary, arson, robbery, and larceny.

*Sampson Averd*, a witness produced, sworn, and examined on behalf of the State, deposeth and saith: That about four months ago, a band, called the Daughters of Zion, (since called the Danite band,) was formed of the members of the Mormon church, the original object of which was to drive from the county of Caldwell all those who dissented from the Mormon church; in which they succeeded admirably and to the satisfaction of those concerned. I consider Joseph Smith, jr., as the prime mover and organizer of this Danite band. The officers of the band, according to their grades, were brought before him, at a school house, together with Hiram Smith and Sidney Rigdon: the three composing the first presidency of the whole church. Joseph Smith, jr., blessed them, and prophesied over them: declaring that they should be the means, in the hands of God, of bringing forth the millennial kingdom. It was stated by Joseph Smith, jr., that 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. The covenant taken by all the Danite band was as follows, to wit: They declared, holding up their right hands, "In the name of Jesus Christ, the Son of God, I do solemnly obligate myself ever to conceal, and never to reveal, the secret purposes of this society called the Daughters of Zion. Should I ever do the same, I hold my life as the forfeiture." The prophet, Joseph Smith, jr., together with his two counsellors, (Hiram Smith and Sidney Rigdon,) were considered as the supreme head of the church; and the Danite band felt themselves as much bound to

obey them, as to obey the Supreme God. Instruction was given by Joseph Smith, jr., that if any of them should get into a difficulty, the rest should help him out; and that they should stand by each other, right or wrong. This instruction was given at a Danite meeting in a public address. As for Joseph Smith, jr., and his two counsellors, the witness does not know that they ever took the Danite oath. He knows that all the rest are Danites, except Sidney Turner, Andrew Whitlock, Zedekiah Owens, Thomas Rich, John J. Turner, Daniel S. Thomas, David Pettigrew, George Kimble, Anthony Head, Benjamin Jones, and Norman Shearer.

At the election last August, a report came to Far West that some of the brethren in Daviess county were killed. I called for twenty volunteers to accompany me to Daviess to see into this matter. I went; and about one hundred and twenty Mormons accompanied me to *Adam-on-diahmon*—Mr. Joseph Smith, jr., in company. When I arrived there I found the report exaggerated. None were killed. We visited Mr. Adam Black—about 150 or 200 men of us armed. Joseph Smith was commander; and if Black had not signed the paper he did, it was the common understanding and belief that he would have shared the fate of the dissenters. Sidney Rigdon and Lyman Wight were at Adam when we went to Black's and advised the movement.

As regards the affair at DeWitt, I know little personally; but I heard Mr. S. Rigdon say they had gone down to De Witt, where it was said a mob had collected to wage war upon the Mormons residing in Carroll county; and that Joseph Smith, jr., with his friends, went down to De Witt to give aid and help to his brethren. The company, as I presume, were armed. They returned armed. Hiram Smith and George W. Robinson were in the company. Amasa Lyman went to see what was going on. I heard these persons say they were in Hinkle's camp (at De Witt) several days. When the Mormons returned from De Witt, it was rumored that a mob was collecting in Daviess county. Joseph Smith, jr., the Sunday before the late disturbances in Daviess, at a church meeting, gave notice that he wished the whole county collected on the next day (Monday) at Far West. He declared (on Sunday or Monday—I don't recollect which) that all who did not take up arms in defence of the Mormons of Daviess should be considered as Tories, and should take their exit from the county.

At the meeting on Monday, when persons met from all parts of the county of Caldwell, Joseph Smith, jr., took the pulpit, and delivered an address, in which he said that we had been an injured people, driven violently from Jackson county; that we had appealed to the Governor, magistrates, judges, and even to the President of the United States, and there had been no redress for us; and that now a mob was about to destroy the rights of our brethren of Daviess county, and that it was high time that we should take measures to defend our own rights. In the address, he related an anecdote about a captain who applied to a Dutchman to purchase potatoes, who refused to sell. The captain then charged his company several different times, not to touch the

Dutchman's potatoes. In the morning the Dutchman had not a potatoe left in his whole patch. This was in reference to touching no property in our expedition to Daviess county that did not belong to us, but he told us that the children of God did not go to war at their own expense. A vote was taken whether the brethren should embody and go down to Daviess to attack the mob. This question was put by the prophet, Joseph Smith, jr., and passed unanimously, with a few exceptions. Captains Patten and Brunson were appointed commanders of the Mormons, by Joseph Smith, jr., to go to Daviess. He frequently called these men generals. I once had a command as an officer, but Joseph Smith, jr., removed me from it, and I asked him the reason, and he assigned that he had another office for me. Afterwards Mr. Rigdon told me I was to fill the office of surgeon, to attend to the sick and wounded. After we arrived at 'Diahmon, in Daviess, a council was held at night, composed of Joseph Smith, jr., George W. Robinson, Hiram Smith, Captains Patten and Brunson, Lyman Wight, Preston R. Cahoon, P. P. Pratt, and myself, and perhaps Mr. Hinkle. President Rigdon was not present. He remained at Far West; a correspondence was kept up between him and Joseph Smith, jr. I heard Mr. Rigdon read one of the letters from Smith, which, as I remember, was about as follows: That he knew from prophecy and from the revelation of Jesus Christ, that the enemies of the kingdom were in their hands; and that they (the Mormon church) should succeed. Rigdon, on reading the letter, said it gave him great consolation to have such authority that the kingdom of God was rolling on. In the above referred to council, Mr. Smith spoke of the grievances we had suffered in Jackson, Clay, Kirtland, and other places; declaring that we must in future, stand up for our rights as citizens of the United States, and as saints of the most high God; and that it was the will of God we should do so; that we should be free and independent, and that as the State of Missouri and the United States, would not protect us, it was high time we should be up, as the saints of the most high God, and protect ourselves, and take the kingdom. Lyman Wight observed, that, before the winter was over, he thought we would be in St. Louis, and take it. Smith charged them that they should be united in supporting each other. Smith said, on some occasions, that one should chase a thousand, and two put ten thousand to flight; that he considered the United States rotten. He compared the Mormon church to the little stone spoken of by the Prophet Daniel; and the dissenters first, and the State next, was part of the image that should be destroyed by this little stone. The council was called on to vote the measures of Smith; which they did unanimously. On the next day Captain Patten (who was called by the prophet Captain Fearnaught) took command of about one hundred armed men, and told them that he had a job for them to do, and that the work of the Lord was rolling on, and they must be united. He then led the troops to Gallatin, saying he was going to attack the mob there. He made a rush into Gallatin, dispersing the few men there, and took the goods out of Stolling's store, and carried them to

'Diahmon, and I afterwards saw the storehouse on fire. When we returned to 'Diahmon, the goods were deposited in the Lord's storehouse, under the care of Bishop Vincent Knight. Orders were strictly given that all the goods should be deposited in the Lord's storehouse. No individuals were to appropriate any thing to themselves until a general distribution should be made. Joseph Smith, jr., was at Adam-on-diahmon, giving directions about things in general connected with the war. When Patten returned from Gallatin to Adam-no-diahmon, the goods were divided or apportioned out among those engaged; and these affairs were conducted under the superintendence of the first presidency. A part of the goods were brought to Far West. On their arrival, under the care of Capt. Fearnaught, President Rigdon and others shouted three hosannahs to the victors. On the day Patten went to Gallatin, Colonel Wight went to Millport, as I understood. I saw a great many cattle, furniture, &c., brought into our camp by the Mormons. After we returned to Far West, the troops were constantly kept in motion, and there was a council held at the house of President Rigdon to determine who should be chiefs. It was determined that Colonel Wight should be commander-in-chief at Adam-on-diahmon; Brunson, captain of the flying-horse of Daviess; Colonel Hinkle should be commander-in-chief of the Far West troops; Captain Patten, captain of the flying-horse, or cavalry; and that the prophet, Joseph Smith, jr., should be commander-in-chief of the whole kingdom. The council was composed of Joseph Smith, jr., Captain Fearnaught, alias Patten, Colonel Hinkle, Colonel Wight, and President Rigdon. The object of the council was in furtherance of the scheme proposed in council in Daviess, referred to above. After the council, Fearnaught disputed as to the chief command of the Far West troops, and had a smart altercation about it with Hinkle, but Smith proposed that they agree to disagree, and go on for the good of the kingdom. The troops were kept together until the militia came out lately. There were from 500 to 800 men, as I should suppose, under arms. It was about the time the militia came out lately to Far West, under General Lucas, that our prophet assembled the troops together at Far West, into a hollow square, and addressed them, and stated to them that the kingdom of God should be set up, and should never fall; and for every one we lacked in number of those who came against us, the Lord would send angels, who would fight for us; and that we should be victorious. After the militia had been near Far West awhile, in an address, Smith said that those troops were militia, and that we were militia too, and both sides clever fellows; and he advised them to know nothing of what had happened; to say nothing; and to keep dark: that he, Smith, had forgotten more than he had ever known. After it was ascertained that the militia had arrived, intelligence was immediately sent to 'Diahmon, to Colonel Wight. Next morning Colonel Wight arrived in Far West with about one hundred mounted and armed men. The troops were constantly kept prepared, and in a situation to repel attack. The evening the militia arrived near Far West, it was the general understand-



ing in the Mormon camp that they were militia legally called out; and indeed, previous to their arrival, it was ascertained there were militia on their way to Far West. Some months ago I received orders to destroy the paper concerning the Danite Society; which order was issued by the first presidency, and which paper, being the constitution for the government of the Danite Society, was in my custody, but which I did not destroy. It is now in General Clark's possession. I gave the paper up to General Clark after I was taken prisoner. I found it in my purse, where I had previously deposited it, and believe it never had been in any person's possession after I first received it. This paper was taken into President Rigdon's house, and read to the prophet and his councilors, and was unanimously adopted by them as their rule and guide in future. After it was thus adopted, I was instructed by the council to destroy it, as, if it should be discovered, it would be considered treasonable. This constitution, after it was approved by the first presidency, was read, article by article, to the Danite band, and unanimously adopted by them. This paper was drawn up about the time the Danite band was formed. Since the drawing up of the paper against the dissenters, it was that this constitution of the Danite band was draughted; but I have no minutes of the time, as we were directed not to keep written minutes; which constitution, above referred to, is as follows:

“Whereas, in all bodies laws are necessary for the permanency, safety, and well-being of society, we, the members of the Society of the Daughters of Zion, do agree to regulate ourselves under such laws as, in righteousness, shall be deemed necessary for the preservation of our holy religion, and of our most sacred rights and of the rights of our wives and children. But, to be explicit on the subject, it is especially our object to support and defend the rights conferred on us by our venerable sires, who purchased them with the pledges of their lives, their fortunes, and their sacred honors. And now, to prove ourselves worthy of the liberty conferred on us by them, in the providence of God, we do agree to be governed by such laws as shall perpetuate these high privileges, of which we know ourselves to be the rightful possessors, and of which privileges wicked and designing men have tried to deprive us, by all manner of evil, and that purely in consequence of the tenacity we have manifested in the discharge of our duty towards our God, who had given us those rights and privileges, and a right, in common with others, to dwell on this land. But we, not having the privileges of others allowed unto us, have determined, like unto our fathers, to resist tyranny, whether it be in kings or in the people. It is all alike unto us. Our rights we must have, and our rights we shall have, in the name of Israel's God.

“ART. 1st. All power belongs originally and legitimately to the people, and they have a right to dispose of it as they shall deem fit; but, as it is inconvenient and impossible to convene the people in all cases, the legislative powers have been given by them, from time to time, into the hands of a representation composed of delegates from the peo-

ple themselves. This is and has been the law, both in civil and religious bodies, and is the true principle.

“ART. 2d. The executive power shall be vested in the president of the whole church and his councilors.

“ART. 3d. The legislative powers shall reside in the president and his councilors together, and with the generals and colonels of the society. By them all laws shall be made regulating the society.

“ART. 4th. All offices shall be during life and good behaviour, or to be regulated by the law of God.

ART. 5th. The society reserves the power of electing its own officers, with the exception of the aids and clerks which the officers may need in their various stations. The nomination to go from the presidency to his second, and from the second to the third in rank, and so down through all the various grades. Each branch or department retains the power of electing its own particular officers.

“ART. 6th. Punishments shall be administered to the guilty in accordance to the offence; and no member shall be punished without law, or by any others than those appointed by law for that purpose. The Legislature shall have power to make laws regulating punishments, as, in their judgments, shall be wisdom and righteousness.

“ART. 7th. There shall be a secretary, whose business it shall be to keep all the legislative records of the society, also to keep a register of the names of every member of the society; also the rank of the officers. He shall also communicate the laws to the generals, as directed by laws made for the regulation of such business by the Legislature.

“ART. 8th. All officers shall be subject to the commands of the Captain General, given through the Secretary of War; and so all officers shall be subjects to their superiors in rank, according to laws made for that purpose.”

In connection with the grand scheme of the prophet, his preachers and apostles were instructed to preach to and instruct their followers, (who are estimated in Europe and America at about 40,000) that it was their duty to come up to the State called Far West, and to possess the kingdom; that it was the will of God they should do so; and that the Lord would give them power to possess the kingdom. There was another writing drawn up in June last, which had for its object to get rid of the dissenters, and which had the desired effect; (this is the paper drawn up against the dissenters, referred to by the witness.) Since that time, and since the introduction of the scheme of the prophet, made known in the above constitution, I have heard the prophet say that it was a fortunate thing that we got rid of the dissenters, as they would have endangered the rolling on of the kingdom of God as introduced, and to be carried into effect, by the Danite band; that they, the dissenters, were great obstacles in their way; and that, unless they were removed, the aforesaid kingdom could not roll on. This paper against the dissenters was draughted by Sidney Rigdon, and is as follows:

FAR WEST, June, 1838.

*"To Oliver Cowdrey, David Whitmer, John Whitmer, William W. Phelps and Lyman E. Johnson—Greeting:*

"Whereas, the citizens of Caldwell county have borne with the abuse received from you at different times, and on different occasions, until it is no longer to be endured; neither will they endure it any longer, having exhausted all the patience they have, and conceive that to bear any longer is a vice instead of a virtue. We have borne long, and suffered incredibly; but we will neither bear nor suffer any longer; and the decree has gone forth from our hearts, and shall not return to us void. Neither think, gentlemen, that, in so saying, we are trifling with either you or ourselves; for we are not. There are no threats from you—no fear of losing our lives by you, or by any thing you can say or do, will restrain us; for out of the county you shall go, and no power shall save you. And you shall have three days after you receive this communication *to you*, including twenty-four hours in each day, for you to depart with your families peaceably; which you may do undisturbed by any person; but in that time, if you do not depart, we will use the means in our power to cause you to depart; for go you shall. We will have no more promises to reform, as you have already done, and in every instance violated your promise, and regarded not the covenant which you had made, but put both it and us at defiance. We have solemnly warned you, and that in the most determined manner, that if you did not cease that course of wanton abuse of the citizens of this county, that vengeance would overtake you sooner or later, and that when it did come it would be as furious as the mountain torrent, and as terrible as the beating tempest; but you have affected to despise our warnings, and pass them off with a sneer, or a grin, or a threat, and pursued your former course; and vengeance sleepeth not, neither does it slumber; and unless you heed us this time, and attend to our request, it will overtake you at an hour when you do not expect, and at a day when you do not look for it; and for you there shall be no escape; for there is but one decree for you, which is depart, depart, or a more fatal calamity shall befall you.

"After Oliver Cowdrey had been taken by a State warrant for stealing, and the stolen property found in the house of William W. Phelps; in which nefarious transaction John Whitmer had also participated. Oliver Cowdrey stole the property, conveyed it to John Whitmer, and John Whitmer to William W. Phelps; and then the officers of law found it. While in the hands of an officer, and under an arrest for this vile transaction, and, if possible, to hide your shame from the world like criminals, (which, indeed, you were,) you appealed to our beloved brethren, Presidents Joseph Smith, jr., and Sidney Rigdon, men whose characters you had endeavored to destroy by every artifice you could invent, not even the basest lying excepted; and did you find them revengeful? No; but notwithstanding all your scandalous attacks, still,

such was the nobleness of their character, that even vile enemies could not appeal to them in vain. They enlisted, as you well know, to save you from your just fate; and they, by their influence, delivered you out of the hands of the officer. While you were pleading with them, you promised reformation; you bound yourselves by the most solemn promises that you would never be employed again in abusing any of the citizens of Caldwell; and by such condescensions did you attempt to escape the workhouse. But now for the sequel. Did you practise the promised reformation? You know you did not; but, by secret efforts, continued to practice your iniquity, and secretly to injure their character, notwithstanding their kindness to you. Are such things to be borne? You yourselves would answer that they are insufferable, if you were to answer according to the feelings of your own hearts. As we design this paper to be published to the world, we will give an epitome of your scandalous conduct and treachery for the last two years. We wish to remind you that Oliver Cowdrey and David Whitmer were among the principal of those who were the means of gathering us to this place by their testimony which they gave concerning the plates of the Book of Mormon; that they were shown to them by an angel; which testimony we believe now, as much as before you had so scandalously disgraced it. You commenced your wickedness by heading a party to disturb the worship of the saints in the first day of the week, and made the house of the Lord, in Kirtland, to be a scene of abuse and slander, to destroy the reputation of those whom the church had appointed to be their teachers, and for no other cause only that you were not the persons.

"The saints in Kirtland having elected Oliver Cowdrey to a justice of the peace, he used the power of that office to take their most sacred rights from them, and that contrary to law.

"He supported a parcel of blacklegs, and in disturbing the worship of the saints; and when the men whom the church had chosen to preside over their meetings endeavored to put the house to order, he helped (and by the authority of his justice's office too) these wretches to continue their confusion; and threatened the church with a prosecution for trying to put them out of the house; and issued writs against the saints for endeavoring to sustain their rights; and bound themselves under heavy bonds to appear before his honor; and required bonds which were both inhuman and unlawful; and one of these was the venerable father, who had been appointed by the church to preside—a man of upwards of seventy years of age, and notorious for his peaceable habits. Oliver Cowdrey, David Whitmer and Lyman E. Johnson, united with a gang of counterfeiters, thieves, liars and blacklegs of the deepest dye, to deceive, cheat and defraud the saints out of their property, by every art and stratagem which wickedness could invent; using the influence of the vilest persecutions to bring vexatious lawsuits, villainous prosecutions, and even stealing not excepted. In the midst of this career, for fear the saints would seek redress at their hands, they breathed out threatenings of mobs, and actually made at-

tempts with their gang to bring mobs upon them. Oliver Cowdrey and his gang (such of them as belonged to the church) were called to an account by the church for their iniquity. They confessed repentance and were again restored to the church; but the very first opportunity they were again practising their former course. While this wickedness was going on in Kirtland, Cowdrey and his company were writing letters to Far West, in order to destroy the character of every person that they thought was standing in their way; and John Whitmer and William W. Phelps were assisting to prepare the way to throw confusion among the saints of Far West. During the full career of Oliver Cowdrey and David Whitmer's bogus money business, it got abroad into the world that they were engaged in it, and several gentlemen were preparing to commence a prosecution against Cowdrey; he finding it out, took with him Lyman E. Johnson, and fled to Far West with their families; Cowdrey stealing property and bringing it with him, which has been, within a few weeks past, obtained by the owner, by means of a search-warrant; and he was saved from the penitentiary by the influence of two influential men of the place. He also brought notes with him, upon which he had received pay, and made an attempt to sell them to Mr. Arthur of Clay county. And Lyman E. Johnson, on his arrival, reported that he had a note of one thousand dollars against a principal man of this church, when it was a palpable falsehood, and he had no such thing; and he did it for the purpose of injuring his character. Shortly after Cowdrey and Johnson left Kirtland for Far West, they were followed by David Whitmer; on whose arrival a general system of slander and abuse was commenced by you all, for the purpose of destroying the characters of certain individuals, whose influence and strict regard for righteousness you dreaded; and not only yourselves, but your wives and children, led by yourselves, were busily engaged in it. Neither were you contented with slandering and vilifying here, but you kept up continual correspondence with your gang of marauders in Kirtland, encouraging them to go on with their iniquity; which they did to perfection, by swearing falsely to injure the characters and property of innocent men, stealing, cheating, lying, instituting vexatious lawsuits, selling bogus money, and also stones and sand for bogus; in which nefarious business Oliver Cowdrey, David Whitmer and Lyman E. Johnson were engaged while you were there. Since your arrival here, you have commenced a general system of that same kind of conduct in this place. You set up a nasty, dirty, pettifogger's office, pretending to be judges of the law, when it is a notorious fact that you are profoundly ignorant of it, and of every other thing which is calculated to do mankind good; or, if you know it, you take good care never to practise it. And in order to bring yourselves into notice, you began to interfere with all the business of the place, trying to destroy the character of our merchants, and bringing their creditors upon them, and break them up. In addition to this, you stirred up men of weak minds to prosecute one another, for the vile purpose of getting a fee for pettifogging from one of them. You have also been threatening con-

tinually to enter into a general system of prosecuting, determined, as you said, to pick a flaw in the titles of those who have bought city lots and built upon them—not that you do any thing but cause vexatious lawsuits.—And, amongst the most monstrous of all your abominations, we have evidence (which, when called upon, we can produce,) that letters sent to the post office in this place have been opened, read, and destroyed, and the persons to whom they were sent never obtained them; thus ruining the business of the place. We have evidence of a very strong character that you are at this very time engaged with a gang of counterfeiters, coiners, and blacklegs, as some of those characters have lately visited our city from Kirtland, and told what they had come for; and we know, assuredly, that if we suffer you to continue, we may expect, and that speedily, to find a general system of stealing, counterfeiting, cheating, and burning property, as in Kirtland—for so are your associates carrying on there at this time; and that, encouraged by you, by means of letters you send continually to them; and, to crown the whole, you have had the audacity to threaten us that, if we offered to disturb you, you would get up a mob from Clay and Ray counties. For the insult, if nothing else, and your threatening to shoot us if we offered to molest you, we will put you from the county of Caldwell: so help us God.” The above was signed by some 33 Mormons:

Sampson Avard,	George W. Voorhees,	George W. Pitkin,
John W. Clark,	Miles Andrews,	Harrison H. Hills,
Ralph Cox,	Cyrus Daniels,	Philo Dibble,
Jotham Maynard,	D. B. Huntingdon,	Benj. Bunson,
Geo. W. Robinson,	Squire Bogarth,	Daniel Carn,
Timothy B. Font,	Ebenezer Robinson,	Daniel Shearer,
Trueman Brace,	Sylvester Hewlete,	Amasa Lyman,
Solomon Daniels,	Daniel Carter,	Wm. Strongham,
S. D. Hunter,	Andrew Moore,	Erastes Bingham,
Newell Knight,	Alex. McKay,	James B. Prie,
Samuel Bent,	Dwight Hadding,	Israel Burlow,
Ezekiel Billington,	Elisha Averett,	John Fawcett,
Silas Maynard,	John Crush,	Owen Rockwell,
Rufus Allen,	Elijah Averett,	Noi vil M. Head,
Jos. Clark, jr.	Alfred Lee,	Lorenzo Barnes,
Joseph Rose,	Jos. Corlay,	Wm. Hewitt,
Levi W. Hancock,	Lewis Allen,	Stephen Winchester,
Hiram Clark,	John S. Higbey,	Jared Carter,
Isaac Higbey,	Henry Greene,	Chandler Haldbrook,
Seymour Brunson,	Gad Yale,	James Hendrix,
H. Johnson,	James S. Allen,	John Lomey,
Ethan Barrow,	Geo. P. Dukes,	Charles C. Rich,
Wm. C. Gallaher,	John Smith,	Anthony Head,
Harloe Redfield,	Richard Howard,	Joseph Coolridge,
Edward Leaky,	Joseph Holbrook,	Jackson Smith,
Nathan Tanner,	Jacob Gates,	Werner Carter,
Sydney Turnur,	Hiram Smith,	James Brashear,
Nelson Maynard,	Philo Allen.	

About the time the dissenters fled, President Rigdon preached a sermon from the text, "Ye are the salt of the earth; but if the salt hath lost its savor, wherewith shall it be salted? It is thenceforth good for nothing, but to be cast out, and be trodden under foot of men"—commonly called the salt sermon; in which the dissenters were called the salt that had lost its savor, and that they should be trampled upon and driven out by the saints; which was well understood by the Danites to be a part of their duty to do.

When General Lucas's men marched up to Far West, Smith told me, as I understood him, that he had said to one of the militia captains not to come any farther, as he might get into danger. Smith, after erecting his bulwarks, (the night after General Lucas arrived,) asked me if I did not think him pretty much of a general; and I answered in the affirmative. We were advised, all the time, to fight valiantly, and that the angels of the Lord would appear in our defence and fight our battles.

In reference to Bogart's battle, I know but little, personally, as to the start of the troops to fight Bogart. I was called upon to go along with the company (which was commanded by Patten) as surgeon. This was about midnight; but as I thought a little sleep would do me more good than fighting, I remained at home. In the morning of the fight, about 6 o'clock, I was called upon by a Mr. Emmett, who informed me that Captain Fearnought was wounded mortally. I went to Patten, about three miles from the battle-ground, where I found Jos. Smith, jr., present, laying hands on the wounds, and blessing them to heal them. A Mr. O'Bannon was also mortally wounded. I heard the following of the prisoners say he was present in the fight, to wit: Norman Shearer—

[The gap in the testimony is not supplied from the evidence on file.]

I never heard Hiram Smith make any inflammatory remarks; but I have looked upon him as one composing the first presidency; acting in concert with Joseph Smith, jr.; approving, by his presence, acts, and conversations, the unlawful schemes of the presidency.

I never saw Edward Partridge and Isaac Morley, two of the defendants, take any active part in the above measure testified to by me; and I have heard Joseph Smith, jr., say he considered Partridge a coward, and backward, and ought to be forced out \* \* \* or company.

I was continually in the society of the presidency, receiving instructions from them as to the teachings of the Danite band; and I continually informed them of my teachings; and they were well apprised of my course and teachings in the Danite society.

The following of the defendants were in the last expedition to Daviess county: Joseph Smith, jr., Hiram Smith, P. P. Pratt, Lyman Wight, George W. Robinson, Alanson Ripley, Washington Voorhees, Jacob Gates, George Grant, Darwin Chase, Moses Clawson, Alexander

McRay, John S. Higbey, Ebenezer Page, James M. Henderson, Edward Partridge, Francis Higbey, Joseph W. Younger, Henry Zabriski, (doubtful,) James H. Rawlings, Maurice Phelps, James Newbury, (doubtful.) And further this deponent saith not.

SAMPSON AVARD.

*Nehemiah Odle*, sen., a witness, produced, sworn, and examined for the State, deposes and saith: That he was in the battle between Capt. Bogart and the Mormons, on the 25th of October last, and says Parley P. Pratt was in the battle, commanding part of the Mormon forces, on that occasion—the officer who gave the command to the Mormons, after some kind of religious ceremony, to about this amount: “In the name of Lazarus, God, and the Lamb, fire, Danites;” and, after firing twice, they charged; but which party fired first, I don’t recollect. And further this deponent saith not.

NEHEMIAH ODLE.

*Captain Samuel Bogart*, a witness, produced, sworn, and examined for the State, deposes and saith: That, on the evening of the 24th October last, while ranging under the orders of General Atchison, as is below inserted, I met with several Mormons, and read it to them, supposing they would inform the Mormons of Caldwell of the character of my company. We had been informed, on that evening, by citizens of Ray, that we were in danger of being attacked by the Mormons that night; whereupon I fell back to an encampment on Crooked River, in Ray county. On the next morning, near daybreak, my picket guard gave information that they were coming; and, in a few moments, I saw the Mormon forces forming, and a few guns were fired out of the brush by the Mormons. When the fight commenced, the left wing of the Mormons was within about thirty steps of my right, and in number were about 150 or 200, as I supposed. And further this deponent saith not.

SAMUEL BOGART.

The order under which Captain Bogart was ranging the north part of Ray county, when attacked by the Mormons, was produced, and read in court as evidence, and is as follows:

HEAD QUARTERS, 3D DIVISION MISSOURI MILITIA; }  
Liberty, October 23, 1838. }

SIR: Your communication by express has been received. You are hereby ordered to range the line between Caldwell and Ray counties, with your company of volunteers, and prevent, if possible, any invasion of Ray county by any persons in arms whatever. You will also take care to inquire into the state of things in Daviess county, and make report thereof to me, from time to time. I will endeavor to be with you in a few days, &c.

DAVID R. ATCHISON,  
Maj-Gen. 3d Div. Mo. Mi.

Captain S. BOGART.



*Wyatt Cravens*, a witness, produced, sworn, and examined for the State, deposeth and saith: He was one in Captain Bogart's company, and was present in the fight with the Mormons on the 25th October last, about daybreak, in Ray county. Parley P. Pratt and Captain Pattee appeared in command of the company that made an attack upon us. We were lying in camp when we heard them coming. We got up, and prepared for battle. The Mormons came within about sixty yards of us, and formed the line of battle. They approached in a body, numbering, as near as I could guess, about 150, armed with guns, swords, and pistols, to within about forty yards of us, when the firing commenced by both parties, about the same time: I can't say which side fired first. I was taken prisoner by the Mormons. I saw Joseph Smith, jr., come up to the Mormons at a house in Log Creek timber, a few miles from the battle-ground. The wounded were taken out of the wagon there, and we started on towards Far West. J. Smith, jr., passed on by me to the head of the company, where Pratt and Wight were riding. After getting into the prairie, Wight halted the company. He, Pratt, and four others, rode off a piece, and conferred together, and then returned to the company, and called out some captain, and ordered him to call out ten of his braves. Seven men came out, and I was placed under their guard, and told by Wight that they would escort me off, and let me go about my business. We started back, and, after getting near a field, the captain of the guard and one of them, rode off ahead, saying they saw some one. Shortly after, the captain returned alone. He declared that I should be guarded no farther, and pointed out the path I should take; which led around the fence. I then thought the man who had not returned had been placed round the fence to kill me; but I was determined to do the best I could to make my escape. In passing on, I discovered my direction would lead me to where I thought the man was placed, and I took off to the right, and immediately I was ordered to stop by some person, whom I recognised to be the man of the guard who left with the captain of the guard, and did not return. I fled, and turned my head to look, and saw the man with his gun in a shooting position; and shortly after, while running, I was shot by him; and I made my way to Ray county. Parley P. Pratt was in the battle. Moses Rowland, one of Captain Bogart's men, and several of the Mormons, *was* killed in that battle. Five of Bogart's company, including myself, were wounded. And further this deponent saith not.

#### WYATT CRAVENS.

*Maurice Phelps*, a witness, produced, sworn and examined for the State, deposeth and saith: That Parley P. Pratt was in the battle with Bogart. Darwin Chase was one of the expedition, but not in the battle. Lyman Gibbs was in the battle; thinks Benjamin Jones was in the battle. Norman Shearer was, also, and wounded. I was called upon, by Charles C. Rich, to go down to Crooked River, to help relieve some Mormon prisoners, who, it was said, had been taken by a mob.

I first refused to go; but, being threatened with force, I consented to go. We proceeded to McDaniel's field, in Ray county, where we were commanded to hitch our horses; and we proceeded down to where Captain Bogart was encamped—myself in the extreme rear. The fight was brought on, but I was not in it. On our return from the battle-ground, near Log Creek timber, in Caldwell county, we met Joseph Smith, jr., Lyman Wight and others, who went to the wounded and pronounced blessings on them, and prayed for them to be healed and saved. When we started from McDaniel's field fence, the only command given, that I heard, was, Boys, follow me! given by the commander. I have been in two Danite meetings. The first, I did not make any exception to; and, in the second, the following exceptional doctrine was inculcated: "that we should take spoil, or plunder, in some cases;" but it was objected to, and I have never attended a Danite meeting since. The day before the Mormons went to *Adam-on-diahmon*, J. Smith, jr., in an address, told an anecdote of a Dutchman, who had been applied to by a captain to purchase potatoes, &c. Rigdon, in speaking of the dissenters, who were unwilling to fight mobs, said that they ought to be pitched upon their horses with pitchforks and bayonets, and forced into the front of the battle, and their property confiscated to the use of the army. The anecdote spoken of above, about the Dutchman, was told by Smith, after Rigdon's address, and without any application of it by him. And further this deponent saith not.

#### MAURICE PHELPS.

*John Cornill* a witness produced, sworn and examined in behalf of the State, deposes and saith: That about last June I was invited to a private meeting, in which an effort was made to adopt some plan to get rid of the dissenters. There were some things I did not like, and opposed it with others, and failed. After that, I met President Rigdon, and he told me I ought not to have any thing to do with it; that they would do as they pleased. I took his advice. I learned afterwards that they had secret meetings; but I was never invited. None of the first presidency was present at the meeting above referred to. We have a rule in the church, authorizing any member to consecrate or give voluntarily his surplus property to the church, for charitable purposes. President Rigdon last summer preached a sermon, commonly called the Salt sermon, which seemed to have for its object to produce a feeling among the people to get rid of the dissenters, for crimes alleged, and because they disagreed with them. In a few days there seemed considerable excitement among the people, and the dissenters left, as I advised them they were in danger. I was afterwards invited to one of these meetings, where an oath, in substance the same as testified to by Dr. Avard, was administered. The society was ultimately organized into companies, and captains of tens and fifties were appointed. I took exceptions only to the teachings as to the duties of that society, wherein it was said, if one brother got into any kind of a difficulty, it was the duty of the rest,

to help him out, right or wrong. At the second, or at least the last meeting I attended, the presidency, (to-wit: Joseph Smith, jr., Hiram Smith and Sidney Rigdon,) and also George W. Robinson, was there. There was at this meeting a ceremony of introducing the officers of the society to the presidency, who pronounced blessings on each of them, as introduced, exhorting to faithfulness in their calling, and they should have blessings. After this, President Smith got up and made general remarks, about, in substance, as follows: relating the oppressions the society had suffered, and they wanted to be prepared for further events; but said he wished to do nothing unlawful and, if the people would let him alone, they would preach the gospel and live in peace. Towards the close, he observed to the people that they should obey the presidency, and, if the presidency led them astray, they might destroy them. In the last, or in some public meeting, Joseph Smith, jr., said: if the people would let us alone, we would preach the gospel to them in peace; but, if they came on us to molest us, we would establish our religion by the sword; and that he would become to this generation a second Mahomet.

About April last, I heard Joseph Smith, jr. and President Rigdon (who appeared to be vexed, on account of troubles and lawsuits they had had) say, that they would suffer vexatious lawsuits no longer, and that they would resist even an officer in the discharge of his duty. Smith said he had been before courts some twenty odd times; they had never found any thing against him, and that made him of age; and he would submit to it no longer. I heard S. Rigdon's fourth of July speech. I heard him say he would not suffer people to come into their streets and abuse them, nor would they suffer vexatious law suits. In substance, he further remarked, that "neither will we permit any man or set of men to institute vexatious law-suits against us, to cheat us out of our just rights; if they do, wo be unto them."

This Mormon church has been represented as being the little stone spoken of by Daniel, which should roll on and crush all opposition to it, and ultimately should be established as a temporal as well as a spiritual kingdom. These things were to be carried on through the instrumentality of the Danite band, as far as force was necessary; if necessary, they being organized into bands of tens, fifties, &c. ready for war. The teachings of that society led them to prohibit the talkings of any persons against the presidency; so much so, that it was dangerous for any man to set up opposition to any thing that might be set on foot, and I became afraid to speak my own mind. I objected to the course of Dr. Avard, in reference to the Danite band. I rather thought Joseph Smith, jr. upheld him, and would not allow any objections to him. After the return of the Mormons from De Witt, I heard Joseph Smith, jr., in the presence of Hiram Smith, in a conversation, say that an application had been made to the Governor, and that they understood that he would give them no assistance, and they were determined to withstand the mob. They were greatly incensed against certain persons in Caldwell and Daviess; and said they intended to rid

the counties of them and of the mob, in the course of that week. This was on Sunday morning, and in the course of that day instructions were given to meet the next day, (Monday.) On Monday, Joseph Smith, jr. made a speech; and some resolutions were passed, purporting that those persons who would not engage in their undertaking, their property should be consecrated [confiscated] to the use of those who did engage in their undertaking. On Sunday, Joseph Smith, jr., in his discourse, spoke of persons taking, at some times, what, at other times, it would be wrong to take; and gave as an example the case of David eating the shewbread, and also of the Saviour and his Apostles plucking the ears of corn and eating, as they passed through the cornfield. He supposed the prejudices of the Jews and Pharisees were so great against the Saviour, that they would give them nothing to eat, and they took that method to get it. On the Monday when the resolutions above referred to were introduced, President Rigdon, in a speech, said that those who were unwilling to go into the war ought to be put upon their horses with guns and bayonets, and forced into the front of the war—having reference to those who heretofore had been backward in defending themselves and families. No persons were suffered to leave the county in this extreme time, and I met with Phelps to consult as to what we ought to do.

After the troops got to 'Diahmon, in all about four or five hundred men, I heard Lyman Wight addressing a portion of the men, who were there, (perhaps eight or ten:) "that the earth was the Lord's, and the fullness thereof, with the cattle upon a thousand hills; and if I was an hungry, I would not tell you;" that the Saints of the Lord had the same privilege or rights. After that, or perhaps the next day, I saw a drove of some four or five cattle pass along, and asked what cattle these were; and was answered that they were a drove of buffalo; others observed, they were cattle a Methodist priest had consecrated. Joseph Smith, jr., Hiram Smith, Parley P. Pratt, Lyman Wight, George W. Robinson, Caleb Baldwin, Alanson Ripley, George W. Harris, George Grant, Darwin Chase, Alexander McRay, Edward Partridge, Joseph W. Younger, and probably James W. Rawlins, were in the expedition that went to Daviess county, at the time Gallatin was burnt. On the same day that the company went to Gallatin, Lyman Wight went with a company to Millport, as I understood. He returned, and made a report (as I understood it to be) to Joseph Smith, jr., in which he said he found nothing to fight but fences and empty houses. I understood him to say the people had not taken away all their property. Smith, the prophet, here asked him if they had taken the negroes. He said, yes. Some one then laughingly observed, Smith, you have lost your negro; to which, I think, he made no reply.

Joseph Smith, jr. asked Wight if he had done any thing with the property remaining in Millport? Wight said not; they would leave that matter for a private council.

Lyman Gibbs told me he went down with the expedition that fought Bogart, and he remained behind three quarters of a mile from the battle-

ground, holding horses. I feel confident Isaac Morley was not in the fight with Bogart. I think the original object of the Danite band was to operate on the dissenters; but afterwards it grew into a system to carry out the designs of the presidency; and, if necessary to use physical force to upbuild the kingdom of God; it was to be done by them. This is my opinion as to their object, and I learned it from various sources connected with that band. It was my understanding that Dr. Avard's teaching in the Danite society proceeded from the presidency. I never heard that constitution, spoken of by Dr. A., read in the society when I was present; nor did I ever hear of it until lately. And further this deponent saith not.

JOHN CORRILL.

*James C. Owens*, a witness produced, sworn, and examined on behalf of the State, deposes and saith: In the morning of the day that the militia arrived at Far West, I heard Joseph Smith, jr., in a speech to the Mormon troops, say that he did not care any thing about the coming of the troops, nor about the laws; that he had tried to please them. If they lived together, it would'nt please them; if they scattered, it would'nt please them; and that he did not intend to try to keep the laws or please them any longer;—that they were a damned set, and God should damn them, so help him Jesus Christ: that he meant to go on then, as he had begun, and take his own course, and kill and destroy, and told the men to fight like angels; that heretofore he told them to fight like devils, but now he told them to fight like angels—that angels could whip devils. I think in this speech it was that he said what they lacked in number, the Lord would make up by sending angels, and send two angels where they lacked one man. He swore considerably, and observed that they might think that he was swearing; but that God Almighty would not take notice of him in cursing such a damn set as they were. He further stated that they pretended to come out as militia, but that they were all a damned set of mobs. He stated, at that, or some other time, that as they had commenced consecrating in Daviess county, that he intended to have the surrounding counties consecrated to him; that the time had come when the riches of the Gentiles should be consecrated to the Saints.

While the last expedition was in progress in Daviess county, a portion of the troops returned to Far West, to whom, and to the people assembled, I understood Sidney Rigdon had read a letter from Joseph Smith, jr. I asked him to read it to me; which he did, and it was, as near as I can recollect, as follows: That the enemy was delivered into their hands, and that they need not fear; that this had been given to him by the spirit of prophesy, in the name of Jesus Christ. Sidney Rigdon appeared to rejoice at the information, and give into the thing. A few days before the militia got to Far West, Joseph Smith, jr., observed that he didn't intend to obey the laws any longer, that he had a great many writs served on him, and that he was of age, and did not intend to have another served on him. And further this deponent saith not.

JAMES C. OWENS.

*Nathaniel Carr*, a witness, produced, sworn, and examined in behalf of the State, deposes and saith: While the last expedition was going on in Daviess county, a portion of the troops returned to Far West, and was paraded before Mr. Rigdon's door; a letter was produced by him, received, as he said, from Joseph Smith, jr. and Lyman Wight, and perhaps Hiram Smith, and, I think, Elias Higbee. The letter was read, which stated something like this: that all things were going on well in Daviess, that they had nothing to fear, and that the enemy was in their hands. I understood, from what was said in the letter, that they knew this from revelation. The letter was read to about two hundred men, most of them under arms. The town appeared under military rule: picket-guards were sent out morning and evening. This state of things was continued for three or four weeks, and until the Mormons surrendered their arms. When the forces that went out to attack Boggart were collecting, about midnight, I heard them say that a mob was collecting near Field's, who had taken some of the brethren prisoners; and that they were collecting a company to release them. And further this deponent saith not.

NATHANIEL CARR.

*John Cleminson*, a witness, produced, sworn, and examined, in behalf of the State, deposes and saith: Some time in June, I attended two or three Danite meetings; and it was taught there, as a part of the duty of the band, that they should support the presidency in all their designs, right or wrong; that whatever they said was to be obeyed, and whoever opposed the presidency in what they said, or desired done, should be expelled from the county, or have their lives taken. The three composing the presidency was at one of those meetings; and to satisfy the people, Dr. Avard called on Joseph Smith, jr., who gave them a pledge, that if they led them into difficulty he would give them his head for a foot-ball, and that it was the will of God these things should be so. The teacher and active agent of the society was Dr. Avard, and his teachings were approved of by the presidency. Dr. Avard further taught as a part of their obligation, that if any one betrayed the secret designs of the society, they should be killed and laid aside, and nothing said about it.

I heard Sidney Rigdon's sermon, commonly called the "Salt Sermon," and its purport and design was about the same as other witnesses have stated before me. When process was filed against Joseph Smith and others, in my office as clerk of Caldwell circuit court, for trespass, Joseph Smith, jr., told me not to issue that writ; that he did not intend to submit to it; that it was a vexatious thing, and I had a right to judge whether a suit was vexatious or not, and that he would see me out in it. Hiram Smith (who was not a defendant in that suit) also joined him in this promise, if I would not issue the writ. This was previous to the last term of the Caldwell circuit court. I considered myself not as a proper judge as to whether it was a vexatious suit or not. Joseph Smith, jr., said it was a vexatious thing, and that he

would not suffer it to be issued; and I felt myself intimidated and in danger, if I issued it, knowing the regulation of the Danite band.

On the Monday prior to the last Daviess expedition, I heard Mr. Rigdon say that those who had heretofore been backward in taking up arms in defending themselves ought to, or should, be put upon their horses with bayonets and pitchforks; and Smith said, forced into the front of the battle; and that the property of those who would not go into the war should be consecrated to the use of those who did. Mr. Smith said their beef, corn, and potatoes they would take.

I went in the expedition to Daviess in which Gallatin was burnt, as I felt myself compelled to go from the regulations which had been made.

It was generally understood that every movement made in Daviess was under the direction and supervision of the first presidency—of whom, Joseph Smith, jr., and Hiram Smith were in Daviess. The following of the defendants were in the expedition to Daviess, viz: Joseph Smith, jr., Hiram Smith, P. P. Pratt, Lyman Wight, Caleb Baldwin, and Alanson Ripley. John Buchannan was not there; George W. Harris was there; Darwin Chase was there; Elijah Newman was not there; Isaac Morley was not there; Moses Clawson, I think was there; Alexander McRay was there; John S. Higbey, I think, was there; Ebenezer Robinson and Daniel Petigrew were there; Edward Partridge was there; David Frampton was not there; Sheffield Daniels, I think, was not there; Daniel Carr was there; James H. Rawlins was there; Maurice Phelps, I think, was there.

Of the troops at 'Diahmon, in this expedition, some were sent on one expedition, and some on another; but all were there mutually to aid and assist each other in all that they undertook or did on that occasion.

When we first went to Daviess, I understood the object to be to drive out the mob, if one should be collected there; but when we got there, we found none. I then learned the object was, from those who were actively engaged in the matter, to drive out all the citizens of Daviess and get possession of their property. It was understood that they burnt Mormon houses, as well as the houses of the citizens. The burning of the Mormon houses was to bring the Mormons into 'Diahmon, as I understood it. It was said by some that the Mormons were burning their own houses, and by others, that the mob were burning them; and so much was said about it, that I did not know when I got the truth. I heard Demick B. Huntingdon, one of the Mormon troops, say that the Missourians at Gallatin had taken the goods out of Stolling's store, and piled them up and set fire to the storehouse, and had gone off for wagons to haul off the goods; but that our wagons had got there first, and had hauled them off. I understood that the goods were deposited with the bishop of the church at 'Diahmon, as consecrated property to the church. A great deal of other property was brought into the Mormon camps; but I do not know where it came from, but understood it to be consecrated property. It was frequently observed among the troops, that the time had come when the riches of the Gentiles should be consecrated to the Saints.

From the time of the return of the troops from 'Diahmon, the town of Far West was kept under military rule; troops paraded and disciplined every day. It was a generally prevailing understanding among the troops—and seemed to be so much so towards the last, that no other impressions prevailed—"that they would oppose either militia or mob, should they come out against them; for they considered them all mob at heart." This was about the time the militia arrived there. As to Hiram Smith, personally, I have thought him to be a good-meaning man; but, in connexion with others, under the order of the Danite Society, I thought I had as much to fear from him as from others. As to the constitution, testified to by Dr. Avard, I never heard of it until he disclosed it when he was taken prisoner. I did not attend the first meeting in which the Danite band was formed. I did not see Hiram Smith, in the last expedition to Daviess, have arms upon his person; but he constituted one of the counsellors of Joseph Smith, jr.; and it was not usual for any of the presidency, composed of President Smith and his counsellors, to take arms and go into the ranks.

When I arrived at 'Diahmon, I staid the first night at Lyman Wight's house, and informed Wight that General Parks was coming out with the militia. Wight answered, that he did not wish Parks to come, and sent an express to him not to come. He remarked, they could settle the difficulties themselves. And further this deponent saith not.

JOHN CLEMINSON.

*Reed Peck*, a witness produced, sworn, and examined, on behalf of the State, deposeth and saith:

A short time after Cowdrey and the Whitmers left Far West, (some time in June,) George W. Robinson and Philo Dibble invited me to a Danite meeting. I went; and the only speaker was Dr. Avard, who explained the object of the meeting, and said that its object was, that we might be perfectly organized to defend ourselves against mobs; that we were all to be governed by the presidency, and do whatever they required, and uphold them; that we were not to judge for ourselves whether it were right or wrong; that God had raised up a prophet who would judge for us; and that it was proper we should stand by each other in all cases—and he gave us an example: If we found one of the Danites in a difficulty, in Ray or Clay for instance, we should rescue him, if we had to do with his adversary as Moses did with the Egyptian—put him in the sand. It made no difference whether the Danite was to blame, or not; they would pack to Far West, and there be taken care of. The question was asked, whether it would extend to a legal process? Avard answered, not. The Danite oath was administered to about 30 or 40 persons at this meeting. Philo Dibble told me who the head officers of the Danite band were: that George W. Robinson was colonel, that he (Dibble) was lieutenant colonel, and Seymour Brunson major, and that I was chosen adjutant. After that I had a talk with George W. Robinson and Philo Dibble together, in which I was informed who the officers were, as above; and further, that



Jared Carter was captain general of the band, Cornelius P. Lott, major general, and Sampson Avard brig. general. This is as I now recollect it. Dr. Avard, in speaking to the society, remarked, that it would be impossible for the presidency to explain the object of the society to every member, but that the presidency would explain their views or wishes to the head officers, and they to the members of the society. I was present at one meeting when the officers of the society were presented and introduced to the presidency, each officer receiving a blessing from them. Avard stated that he had procured the presidency to come there, to show the society that what he had been doing was according to their direction or will; and while there, the presidency approved of Avard's course in the society. Dr. Avard, however, did not explain to the presidency what his teaching had been in the society.

I heard Avard, on one occasion, say that the Danites were to consecrate their surplus property, and to come in by tens to do so; and if they lied about it—he said Peter killed Annanias and Sapphira, and that would be an example for us. When appointed adjutant of the Danite band, as referred to above, I did not think proper to object openly, though I determined within myself not to act; and the lists and other papers brought to me for recording, I threw aside and made no record of.

On the day before the last expedition to Daviess, I heard Joseph Smith, jr., in a speech, say, in reference to stealing, that in a general way he did not approve of it; but that, on one occasion, our Saviour and his disciples stole corn in passing through the cornfields, for the reason that they could not otherwise procure any thing to eat. He told an anecdote of a Dutchman's potatoes, and said, in substance, that a colonel or captain was quartered 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 caught stealing the Dutchman's potatoes; but next morning he found his potatoes all dug. I think it was in reference to the expedition to Daviess, and they had been compelled to go out so often that the people there ought to bear the expense.

Such men as would oppose things undertaken as being unlawful, and such as they feared was a violation of the law, I have heard Smith and Rigdon, in their public addresses, denominate "O, don't men." These I understood to be those who were denominated also dissenters; and in reference to men who were hanging back, and did not wish to engage in their expeditions, they were called traitors; and referring to such, as I understood, Rigdon proposed that blood should first begin to flow in the streets of Far West; but his proposition did not carry. The proposition was then made, and carried unanimously, that those who thus hung back should be pitched upon their horses and made to go, and placed in the front of the army. All the above occurred in Far West, the day before the last expedition to Daviess. The following of the defendants were in the last expedition to Daviess county: Joseph Smith, jr., Henry Smith, P. P. Pratt, Lyman Wight; Amasa Lyman, I

am certain was not there; George W. Robinson, Caleb Baldwin, Alanson Ripley were there; John Buckannan was not there; George W. Harris, George Grant, and Darwin Chase were out; Isaac Morley was not out; Alexander McRay was there; Ebenezer Robinson was there, and John S. Higbee, I think; James M. Henderson was there; Edward Partaidge was there; Francis Higbee, I think, was there; George Kimble was there; James W. Younger was there; James H. Rawlins and Maurice Phelps were there.

When the troops arrived at 'Diahmon, they were divided into companies of twenty, forty, fifty, &c., just as they might be called for. Those companies were sent out in different parts of the country, as I saw them thus occasionally going out and coming in. I saw a company of about fifty, called a Fur Company come once. Some had one thing and some another: one I saw with a feather bed; another had some spun yarn. I understood from some of those who were bringing property that they were to take it to the bishop's store, and deposite it; and if they failed to do so, it would be considered stealing.

As the property was brought in, there was a general shout of hurrah, and waving of hats, by those in camp. I heard Demick Huntingdon, one of the troops, tell in camp that the mob had burnt the storehouse in Gallatin, but that the Mormons had hauled off the goods; and, also, that the mob were burning some Mormon houses. I looked at him as though I did not believe it, and he stooped down to me (being on his horse) and whispered to me that it was Captain Brunson who had gone with twenty men to the Grindstone fork, who was burning those houses. The goods taken in Gallatin were generally understood in camp to have been deposited with the bishop, as consecrated property. When the companies would return from their expeditions, they would make their reports to the presidency who were there. As this company, above referred to as the Fur Company, passed with their plunder, I heard Mahlon Johnson, who lived in the lower part of Caldwell, ask Joseph Smith, jr., if these proceedings would not endanger the families living in that part of Caldwell county, and excite the people to come on them; and Smith asked him what he was talking about—that this was the first step they had ever taken to quell the mob.

I heard Perry Keyes, one who was engaged in the depredations in Daviess say that Joseph Smith, jr., remarked, in his presence, that it was his intention, after they got through in Daviess, to go down and take the store in Carrollton. This remark Smith made while in Daviess. After the Mormon troops returned to Far West from Daviess, I saw several of the captains of tens, who had been in that expedition making out a list of their men, for the purpose, as they said, of being handed in, that they might receive their portion of the spoils.

I heard Darwin Chase say that he was in the expedition against Bogart.

Several days before the militia came to Far West, I learned through Mr. Arthur, of Clay county, that they were raising the militia. On Monday, before the militia arrived, I went out towards Crooked River

to see if I could meet them. I met a young man, who informed me that General Doniphan was on Crooked river with the militia. I returned to Far West, and informed Mr. Rigdon and Joseph Smith, jr., as well as giving general information of the fact. I proposed to Mr. Smith to go next morning and try to find them; to which he assented. I was disappointed in my effort, and returned late in the evening to Far West. Just as I arrived, I saw the militia, and I went down to them with a flag. I met with General Doniphan, who received me and told me they were about 1,300 in number, and that they were militia.

On my return to town, I met with Joseph Smith, jr., and informed him that the troops were militia, under General Doniphan's command, (as I then supposed was the case.) Mr. Smith asked me their number, and I told him. He replied, "Keep up good courage; we can whip that number, if they make an attack upon us." Some other person came up at the time, and inquired of me their number; and Mr. Smith answered that Mr. Phelps (who was a judge of numbers, having seen troops before) said that there were about 250, as he would suppose. Mr. George Robinson then whispered to me not to tell the men the number of the militia—that it would frighten them, or damp their courage.

[At this stage of the examination of Reed Peck, the following named defendants, viz: King Follet, Samuel Bent, Ebberry Brown, William Whitman, and Jonathan Dunham, were brought to the bar of the court, and put upon their trial for the offences alleged against the other defendants; and, time being allowed them to employ counsel, they retired, and again returned to the bar, appearing by their counsel, Messrs. Rees and Doniphan. The examination of Reed Peck was then continued.]

Reed Peck deposeth and further saith: That Jonathan Dunham was in the last expedition to Daviess, and was captain of a company of 50, which I have spoken of as called the Fur Company. He went under the fictitious name of Captain Black Hawk. When the men were paraded, they were called out as all belonging to Captain Black Hawk's company. My impression is, that King Follet was not in that expedition; but he was captain of 12 men in Far West, under the Danite order, as I understand, as he was neither an officer nor private of militia, and was known and called under the fictitious name of Captain Bull, and his company was called the Regulators. I saw William Whitman in the expedition to Daviess, and seemed to be one of the troops engaged with others. Some time previous to the difficulties in Daviess, the first time when the militia went out there for the purpose of keeping the peace, I heard Joseph Smith, jr., in a public address, say that he had a reverence for the constitution of the United States and of this State; but, as for the laws of this State, he did not intend to regard them, nor care any thing about them, as they were made by lawyers and blacklegs. The above things were said some time in last July or August. On the eve of the last expedition to Daviess, I heard Jo-

seph Smith, jr. say that they (meaning the heads of the church) had appealed to the Governor for protection, and he had sent us back word that we must fight our own battles. He further stated, that the law was unequally administered—all against us, and none for us—and spoke of the prosecutions set on foot in Daviess as an instance; and he then said we must take our own cause in our own hands, and defend ourselves; that he did not calculate to regard the laws any longer. I think it was the last of June, or first of July last, that I heard Dr. Avard say that he had just returned from a council with the presidency, in which council Jared Carter was broken of his office of Captain General of the Danite band, for having spoken against Sidney Rigdon, one of the presidency; it being a regulation of that society that no one should speak against them, or hear any one else do it, with impunity. In that council, Avard said, an arrangement was made to dispose of the dissenters, to wit: that all the head officers of the Danite band should have a list of the dissenters, both here and in Kirtland; "And," said he, "I will tell you how I will do them: when I meet one damning the presidency, I can damn them as well as he; and, if he wanted to drink, he would get a bowl of brandy, and get him half drunk, and, taking him by the arm, he would take him to the woods or brush, and said he would be into their guts in a minute, and put them under the sod." He gave this as an example of the way they should be disposed of. The only motive for getting rid of the dissenters in this way, as far as I ever learned, was, that, if they remained among the Mormons, they would introduce a class there that would ultimately endanger their lives, and destroy the church; and if they were suffered to go out from among them, they would be telling lies on them in the surrounding country.

These reasons I gathered from Mr. Rigdon's salt sermon. And Mr. Rigdon said, in the same sermon, that he would assist to erect a gallows on the square, and hang them all. Joseph Smith, jr., was present, and followed Mr. Rigdon, after he had made the above declaration, and said he did not wish to do any thing unlawful. He then spoke of the fate of Judas, and said that Peter had hung him, (Judas;) and said that he approved of Mr. Rigdon's sermon, and called it a good sermon.

And further this deponent saith not.

REED PECK.

*James C. Owens*, a witness who was produced on a former day, and testified, being called back, further deposes and saith: He does not think that William Whitman was in the last expedition to Daviess; I think he was left at Far West, as captain of the town guard: though he may have been in Daviess for aught I know. And further this deponent saith not.

JAMES C. OWENS.

*William W. Phelps*, a witness on the part of the State, pro-

duced, sworn and examined, deposeth and saith: That, as early as April last, at a meeting in Far West of eight or twelve persons, Mr. Rigdon arose, and made address to them, in which he spoke of having borne persecutions and law-suits, and 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. George W. Harris, who was present, observed, You mean the head of their influence, I suppose? Rigdon answered, he meant that lump of flesh and bones called the skull, or scalp. Joseph Smith, jr., followed Mr. Rigdon, approving his sentiments, and said, that was what they intended to do. Both, in their remarks, observed, that they meant to have the words of the presidency to be as good and undisputed as the words of God; and that no one should speak against what they said. Hiram Smith was not in Far West at this time, and I think he was not in the country. Some time in June, steps were taken to get myself and others out of the county of Caldwell, and efforts were made to get the post office from me, (being postmaster,) by a demand for it. I explained the law, which seemed satisfactory, and it was given up. I then informed the second presidency of the church, by letter, that I was willing to do any thing that was right, and, if I had wronged any man, I would make satisfaction. I was then notified to attend a meeting. Sidney Rigdon, in an address, again brought up the subject of the post office. I told them if public opinion said I should give it up, I would do so; but they would have to await the decision of the Postmaster General; which they agreed to do, with the understanding that a committee of three should inspect the letters written and sent by me, as well as those received by me. This committee, however, never made their appearance. After my case was disposed of, another man's was taken up; he attempted to speak in his defence, and said he was a republican. Several rushed up towards him, and stopped him, telling him if he had any thing to say in favor of the presidency, he might say it, and that was their republicanism. Joseph Smith, jr., Sidney Rigdon and Hiram Smith, who compose the first presidency, were there. It was observed in the meeting, that, if any person spoke against the presidency, they would hand him over to the hands of the Brother of Gideon. I knew not, at the time, who or what it meant. Shortly after that, I was at another meeting, where they were trying several—the first presidency being present; Sidney Rigdon was chief spokesman. The object of the meeting seemed to be, to make persons confess, and repent of their sins to God and the presidency; and arraigned them for giving false accounts of their money and effects they had on hand; and they said, whenever they found one guilty of these things, they were to be handed over to the Brother of Gideon. Several were found guilty, and handed over as they said. I yet did not know what was meant by this expression, "the Brother of Gideon." Not a great while after this, secret or private meetings were held; I endeavored to find out what they were; and I learned, from John Corrill and others,

they were forming a secret society called Danites, formerly called the Brother of Gideon. In the meeting above referred to, in which I was present, one man arose to defend himself: and he was ordered to leave the house, but commenced to speak; Avarad then said, "Where are my ten men?" Thirty or more men arose up; whereupon the man said he would leave the house. At this meeting, I agreed to conform to the rules of the church in all things, knowing I had a good deal of property in the county, and, if I went off, I should be obliged to leave it. For some time before and after this meeting, an armed guard was kept in town and one of them at my house, during the night, as I supposed, to watch my person. I the fore part of July, I being one of the justices of the county court, was forbid by Joseph Smith, jr., from issuing any process against him. I learned from the clerk of the circuit court that declarations had been filed against Smith, Rigdon and others, by Johnson, and, in reference to that case, Smith told Cleminson, the clerk, that he should not issue a writ against him. I observed to Mr. Smith, that there was a legal objection to issuing it; that the cost (meaning the clerk's fee) had not been paid. Smith replied, he did not care for that; he did not intend to have any writ issued against him in the county. These things, together with many others, alarmed me for the situation of our county; and, at our next circuit courts; I mentioned these things to the judge and several members of the bar.

A few days before the 4th day of July last, I heard D. W. Patten (known by the fictitious name of Captain Fearnought) say that Rigdon was writing a declaration, to declare the church independent. I remarked to him, I thought such a thing treasonable—to set up a government within a Government. He answered, it would not be treasonable if they would maintain it, or fight till they died. Demick Huntington, and some others, made about the same remark. Sidney Rigdon's 4th of July oration was the declaration referred to. Along through the summer and fall, a storm appeared to be gathering; and, from time to time, I went out into Ray and Clay counties; saw and conversed with many gentlemen on the subject, who always assured me that they would use every exertion, that the law should be enforced; and I repeatedly made these things known in Caldwell county, and that there was no disposition among the people to raise mobs against them from these counties. I never was invited, nor did I attend any of their secret meetings. I was at the meeting on Monday before the last expedition to Daviess, having learned that steps would be taken there which might affect me. At this meeting, the presidency, together with many others, were there, to the number of perhaps 200 or 300, or more. Joseph Smith, jr., I think it was, who addressed the meeting, and said, in substance, that they were then about to go to war in Daviess county; that those persons who had not turned out, their property should be taken to maintain the war. This was by way of formal resolution, and was not objected to by any present. A motion was then made, by Sidney Rigdon, that the blood of those who were

thus backward should first be spilled in the streets of Far West; a few said, Amen to this. But immediately Mr. Joseph Smith, jr., before Rigdon's motion was put, rose, and moved that they be taken to Daviess county, and, if they came to battle, they should be put on their horses with bayonets and pitchforks, and put in front: this passed without a dissenting voice. There was a short speech made then, by Joseph Smith, jr., about carrying on the war; in which he said it was necessary to have something to live on; and, when they went out to war, it was necessary to take spoils to live on. This was in reference to the dissenters, as well as to the people of Daviess, where they were going. In this speech, he told the anecdote of the Dutchman's potatoes.

Finding I should have to go out, and not wishing to be put in front of the battle, I sought a situation, and went out with my wagon. This was the expedition in which Gallatin and Millport were burnt. I went on to 'Diahmon a few days after the Mormon troops had gone out. I went to the tavern, late at night, where I found Joseph Smith, jr., Hiram Smith and others. I informed J. Smith that the Clay troops had returned home, some 40 or 50 in number; but told him that General Parks was in Far West, and his troops just behind.

There was a conversation among them as to what they would do; and they came to the conclusion to send down to Lyman Wight, at his house, for him to send an express to General Parks that his troops were not needed. Some time before day I awoke, and found Lyman Wight and Captain Fearnought in the house; he said he had sent the express to General Parks, informing him that his militia was not needed. Wight asked J. Smith, twice, if he had come to the point now to resist the law; that he wanted this matter now distinctly understood. He said he had succeeded in smoothing the matter over with Judge King, when he was out, and that he defied the United States to take him, but that he had submitted to be taken because he (Smith) had done so. This was in reference to the examination for the offence for which he and Smith had been brought before Judge King in Daviess. Smith replied, the time had come when he should resist all law. In the fore part of the night, after my arrival, I heard a good deal of conversation about drawing out the mob from Daviess. I heard J. Smith remark, there was a store at Gallatin, and a grocery at Millport; and in the morning after the conversation between Smith and Wight about resisting the law, a plan of operations was agreed on, which was: that Captain Fearnought, who was present, should take a company of 100 men, or more, and go to Gallatin, and take it that day; to take the goods out of the store in Gallatin, bring them to 'Diahmon, and burn the store. Lyman Wight was to take a company, and go to Millport on the same day; and Seymour Brunson was to take a company, and go to the Grinestone fork on the same day. This arrangement was made in the house, before day, while I was lying on the floor. When I arose in the morning, some of the companies were gone; but I saw Lyman Wight parade a horse company, and start off with it towards Millport. I also saw a foot company the same day go off.

On the same day, in the evening, I saw both these companies return; the foot company had some plunder, which appeared to be beds and bedclothes, &c. They passed on towards the bishop's store, but I know not what they did with the plunder. I remained in the camps one day and two nights at 'Diahmon, when I returned to Far West. The night before I started to Far West, an express was sent from Joseph Smith and Lyman Wight to Rigdon, at Far West; but what was the contents of the express I know not. When I returned to Far West I had a message in reference to having wood and provisions provided for the families of those persons living in Far West, who were in Daviess; and, for the purpose of giving that information, I was invited to a school-house, where it was said the people had assembled. I went there, and was admitted. The men being paraded before the door when I arrived, in number about 40 or 50: it was remarked that these were true men; and we all marched into the house. A guard was placed around the house, and one at the door.

Mr. Rigdon then commenced making covenants, with uplifted hands. The first was, that, if any man attempted to move out of the county, or pack their things for that purpose, that any man then in the house, seeing this, without saying any thing to any other person, should kill him, and haul him aside into the brush, and that all the burial he should have should be in a turkey buzzard's guts, so that nothing of him should be left but his bones. The measure was carried in form of a covenant with uplifted hands. After the vote had passed, he said, Now see if any one dare vote against it, and called for the negative vote; and there was none. The next covenant, that, if any persons from the surrounding country came into their town, walking about—no odds who he might be—any one of that meeting should kill him, and throw him aside into the brush. This passed in a manner as the above had passed. The third covenant was, "conceal all these things." Mr. Rigdon then observed, that the kingdom of heaven had no secrets; that yesterday a man had slipped his wind, and was dragged into the hazel brush; and, said he, "the man who lisps it shall die." There were several companies organized at this meeting, and volunteers called for; and I, having been assigned the command of the express company, called for volunteers—wanting to be doing something to make a show. Amasa Lyman, a defendant, was in that meeting, and was appointed by Mr. Rigdon captain of a company, whose duty it was to watch the movements of the enemy, or mob, in Buncombe; and if they hurt one house in Caldwell, his company was to burn four of theirs; and men were selected who were strangers in the community where they were, to act towards the latter part of the instructions. To Lyman's company, Rigdon observed, that if the inhabitants in the surrounding country commenced burning houses in Caldwell, if they could not get clear of them in any other way, they would poison them off. This last remark I did not understand as being particularly addressed to Lyman as a part of the duties of his company, but seemed to be addressed to the meeting generally. This meeting was on Saturday, and on the next



Monday I returned to 'Dialmon, with seven or eight wagons, three or four of which were moving some families, that I had been directed to take to 'Dialmon for use there. I arrived at 'Dialmon that evening, and, next morning four of the wagons were loaded and sent back to Far West. Joseph Smith, jr., and Hiram Smith, perhaps, informed me they wanted four wagons—a part of which was to haul beef and pork to Far West; and what the balance of the loading was, I did not know; but these wagons, brought out by me, were pointed out, and taken back to Far West. I remained in the camps in 'Dialmon that day; my wagon and another went down to Millport, and brought up Slade's goods, which were there. Slade is not a Mormon, but has three brothers residing in or about Far West, who are Mormons.

The following of the defendants were in the last expedition to Daviess:

Joseph Smith, jr.,

P. P. Pratt,

Lyman Wight,

George W. Robinson,

Alanson Ripley,

George W. Harris,

Elijah Newman was one of my men.

Isaac Morley was not there.

Alexander McRay was there.

Ebenezer Robinson was there.

Edward Partridge was there.

James H. Rawlins was there.

Sheffield Daniels, I think, was not there.

Samuel Bent was there, and he was called Captain Black Hawk.

While in Ad in-on dialmon, I saw George W. Robinson, with a clock under his arm, which I afterwards saw in Far West, and which was claimed by a Mr. McLaney, of Daviess county, as his property, after the arrival of General Clark at Far West.

And further this deponent saith not.

W. W. PHELPS.

*George M. Hinkle*, a witness for the State, produced, sworn, and examined, deposeth and saith: I was in Far West when the last Mormon expedition went to Daviess county. We heard of a great number of men gathering in Daviess, [mob:] I went down without being attached to any company, or without having any command; I found there were no troops [mob] gathered there. The Mormon forces consisted of about three hundred, as I suppose; they were engaged in scouting parties; some, it is said, went to Gallatin, and much mysterious conversation was had in camp about goods, and that they were much cheaper than in New York. This last remark was made by Parley P. Pratt. I saw goods of various kinds; but knew not from whence they came. It was a common talk in camps that the mob were burning their own houses and fleeing off.

There was much mysterious conversation in camps, as to plundering and house-burning; so much so, that I had my own notions about it; and, on one occasion, I spoke to Mr. Smith, jr., in the house, and told him that this course of burning houses and 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, and stolen property found. Smith replied to me, in a pretty rough manner to keep still; that I should say nothing about it; that it would discourage the men; and he would not suffer me to say any thing about it. Again, in a private conversation, I said to him I would not raise a mutiny by saying any thing publicly; but I wished to talk to him privately, not wishing, however, to set myself up above him in the matter; but that I wished to do it for the good of the church. I knew this was the way I could get to talk with him. I explained myself more fully than when in the house; and told him I thought things were running to a dangerous extreme, and he ought to exercise his influence to stop it, as this course of things would ruin his people. He answered that I was mistaken, and that I was scared, and that this was the only way to gain our liberty and our point; that the mob had begun it with us in Jackson county, and had been kept up to this day, and told me to be cheered up, and not to oppose him; and he pledged himself in some way that it would go on right. I replied, I hoped for the better, and that it would be better than I anticipated. Both of the above conversations occurred in 'Dialmon, at the time the Mormon troops were assembled there.

There was a council held the evening after I arrived at 'Diahmon, as I learned from Hiram Smith and others, in which some officers were appointed. I do not recollect precisely how made; but I think Lyman Wight was commander-in-chief of all the Mormon forces in Daviess county.

Neither of the Mr. Smiths seemed to have any command as officers in the field, but seemed to give general directions.

I saw a great deal of plunder and bee-stands brought into camp; and I saw many persons, for many days, taking the honey out of them; I understood this property and plunder were placed into the hands of the bishop at 'Diahmon, named Vincent Knight, to be divided out among them, as their wants might require.

There were a number of horses and cattle drove in; also, hogs hauled in dead with the hair on; but whose they were, I know not. They were generally called consecrated property. I think it was the day Gallatin was attacked. I saw Colonel Wight start off with troops, as was said, to Millport; all this seemed to be done under the inspection of Joseph Smith, jr. I saw Wight when he returned; the troops from Gallatin returned about the same time; and I heard Smith find fault with Wight for not being as resolute as to serve Millport as they had served Gallatin; this was remarked to me alone.

The following named defendants were in the last expedition to Daviess county: Joseph Smith, jr., Hiram Smith, Lyman Wight, Parley

P. Pratt, George W. Robinson, (I think,) Washington Voorhees, (I think,) George W. Harris, Martin C. Alred, William Alred, (I think,) Darwin Chase, Alexander McRay, Ebenezer Robinson, (I believe,) Edward Partridge, (for a few days,) Joseph W. Younger, James W. Rollins, (for a few days,) and Maurice Phelps.

I returned into Caldwell county, and received an order from Judge Higbey to order out the militia of Caldwell, to defend the citizens against mobs. I issued that order to the different officers; but I found them very much disorganized, and I inquired the reason why. They answered, they cared nothing for their commissions; that the organization of the Danite band had taken all power out of their hands. Under the order, considerable men turned out, but were not regularly enrolled.

On the day before the battle with Captain Bogart, there was a council held in Far West, in which Patten was appointed commander-in-chief of all the horse he could raise in Caldwell county. I inquired (inasmuch as I was commanding colonel of the militia of the county) how this was to be. President Smith told me that, if it reduced my command to ten men, I must be satisfied with it. So I went home, and retired to bed early. Next morning, about sunrise, I heard of the battle. Joseph Smith, jr., Lyman Wight, and perhaps some others, (who, I think, were not in the battle,) went to meet those with the wounded. The following named defendants I saw in the troop, return from the fight with Bogart: Parley P. Pratt, Caleb Baldwin, (I think,) and Norman Shearer.

On the evening that the militia arrived near Far West, I got into town, having been to hunt them that day to confer with them. When I arrived into town, with about one hundred men, I found them on foot. I saw other Mormon forces, formed in single line, in the brush, in a position to receive militia, who were marching up. I went down, and learned from Mr. Pomeroy, of Ray county, that they were militia; and I told him they need not come up to fight, we wanted to settle the matter without fighting. And, for fear of a collision between the two forces, I ordered the Mormons, formed in the brush, to retreat. At this time, Joseph Smith, jr., rode up and upbraided me for such an order, and told me it should not be done. He then ordered the men to stand, and talked harshly to me, charging me with cowardice. I knew it would not do to oppose his wishes, and returned home. He went and took command of the forces which I had with me that day, and which I had dismounted and formed as above stated; and he marched them down to the other line of Mormons, who were formed to receive the militia. It was generally believed by all in Far West, for several days previous to their arrival, that the militia were coming out, and that the forces, when they arrived, were militia.

Along through the week that the fight was had with Bogart, it was a general understanding, given out by Joseph Smith, jr., that he calculated to fight any forces who should come against them, whether militia or mob; and, if they pushed them too tight, they would march

through Jefferson city; or the calculation was, that they would push the war to that effect.

I have heard Joseph Smith, jr. say that he believed Mahomet was a good man; that the Koran was not a true thing, but the world belied Mahomet, as they had belied him, and that Mahomet was a true prophet.

The general teachings of the presidency were, that the kingdom they were setting up was a *temporal* as well as a spiritual kingdom; that it was the little stone spoken of by Daniel. Until lately, the teachings of the church appeared to be peaceable, and that the kingdom was to be set up peaceably; but lately a different idea has been advanced—that the time had come when this kingdom was to be set up by forcible means, if necessary.

It was taught, that the time had come when the riches of the Gentiles were to be consecrated to the true Israel. This thing of taking property was considered a fulfillment of the above prophecy. The preachers who were sent out to preach their doctrines were instructed to direct their converts to come up to Zion—meaning the upper part of Missouri.

I think the evening the militia arrived, Smith had a disposition not to fight them—from what I could understand, more on account of their *numbers* than their characters.

I heard it said, (but whether it was in the council, where Patten was chosen commander-in-chief, or where I do not recollect,) but I heard it stated, I think by Joseph Smith, jr., that the militia was a mob, and that the State of Missouri was a mob—or words to that effect.

When opposing President Smith, at 'Dishmon, above referred to, about the plundering of property, he remarked, it was impossible so many people could subsist there, without resorting to something of that kind.

After we came in from 'Dishmon to Far West, from the last expedition to Daviess, Joseph Smith, jr., said he intended to hoist a new flag, or standard, on the square in Far West, on which he intended to write "Religion aside, and free toleration to all religions, and to all people that would flock to it;" and that he believed thousands in the surrounding country would flock to it, and give him force sufficient to accomplish his designs in maintaining his flag and in carrying on the war.

The morning that I marched to Far West, to meet the militia to confer with them, as above referred to, Joseph Smith, jr., made a speech to the troops who were called together, in which he said: That the troops which were gathering through the country were a damned mob; that he had tried to please them long enough; that we had tried to keep the law long enough; but, as to keeping the law of Missouri any longer, he did not intend to try to do so. That the whole State was a mob set; and that, if they came to fight him, he would play hell with their applesarts. He told his people that they heretofore had the character of fighting like devils; but they should now fight like angels, for angels could whip devils.

While in Daviess, on the last expedition, I mentioned the great difficulties the course they were pursuing would likely get them into; the reply was, by a number of them, that, as the citizens had all fled, there would be none to prove it by but themselves, and they could swear as they pleased in the matter. These, I believe were of the Danite order. And I understood from them that they could swear each other clear, if it should become necessary. While at 'Diahmon, I heard a conversation about having commenced the war, and I expressed doubts as to their being able to get along with it in the community. In that conversation, while many were present, I heard Lyman Wight say, that the sword had now been drawn, and should not be sheathed until he had marched to De Witt, in Carroil county, into Jackson county, and into many other places in the State, and swore that he was able to accomplish it. While the last expedition was in progress in Daviess county, a portion of the troops returned to Far West, and was paraded in the square before Sidney Rigdon's house. Rigdon addressed them in a cheering and encouraging manner in the course they were pursuing. He held in his hand a letter from Joseph Smith, jr., in Daviess county, in which, he said, there was a profound secret, and the boys who were present were sent away. The letter, as near as I recollect it, was as follows: That our enemies were now delivered into our hands, and that we should have victory over them in every instance. The letter stated that, in the name of Jesus Christ, he knew this by the spirit of prophecy.

Since the return from Daviess, Joseph Smith, jr., told me, in reference to his plans, that if the citizens of Richmond and surrounding country rose and went out there to fight them, that he intended to have men to slip in behind them, and lay waste the county, and burn their houses. In the council in Far West, a few days before the militia came out, I recollect, in making arrangements for the war, the presidency was to have the supreme rule, and that their war office, or head-quarters, was to be at 'Diahmon, where, Joseph Smith, jr., said they could have all necessary preparations to carry on the war in a warlike manner; and they were to have gone in a day or two to take their seats.

At the time Joseph Smith, jr., and myself, were under guard at Far West, he manifested a great disposition to converse about our difficulties, and said he heard I had turned against him; and proposed to me the idea of hanging together, and not testifying against each other; and if we suffer, all suffer together. I felt myself awkwardly situated, as I had heard there was a combination of the Danites against me. I told him I would testify to nothing but the truth, let it fall on whom it would.

And further this deponent saith not.

G. M. HINKLE.

*William Splawn*, a witness produced, sworn and examined for the State, deposeth and saith, (he is a citizen of Daviess county:) I was at

Eli Bagley's, in Daviess county, when an armed company of men, about ten or twelve in number, came there. James H. Rollins and Jesse D. Hunter, two of the defendants, were of the company that came to Bagley's. They inquired who I was, and if I was of a mob character; and learned that I was not, and let me alone. They inquired for John Raglin, and said they heard he was a mob character, and had gone for men to fight them; and that if they got their eyes on him, they would take his life, and that he had better keep out of their way.

To be *positive* that Hunter was of the company, I will not; but I have little or no doubt of it, from his appearance. This was on Saturday, after I learned that Gallatin was burnt the Thursday before, and during the time that the Mormon troops were in Daviess county.

And further this deponent saith not.

WILLIAM SPLAWN.

*Thomas M. Odle*, a witness for the State, produced, sworn and examined, deposeth and saith: On the Saturday after Gallatin was burnt, an armed company of twelve men rode up to Mr. Raglin's house, in Daviess county, where I resided. They inquired for John Raglin. I told them where he had gone. They said their object was to drive the mob from the county, and that I must go. I replied that I could not; that I had no way to get off, and that my family were barefooted. They replied, that made no difference; I must go; and said if I was not gone by next morning's sun-rising they would take my life. They told Mrs. Raglin she must put out; that there she could not stay, and that Raglin had better never show himself there; that they would take his life if they ever set their eyes on him. Next morning, by the assistance of friends, we did start; leaving most of our property there. Since then I have returned, and found the houses burnt, and the property gone, consisting of household stuff, and twenty-nine bee-gums. The company above mentioned inquired for gums, and got down and took one gum from the house, belonging to one Josiah Littlefield. They further said, that they had been driven as long as they were a going to; that they had got strong enough now to defend themselves; that they intended to do it by the sword; that they were at the defiance of any set of men that could come against them; and that they now intended to make it a war of extermination.

The following of the defendants were in that company, viz: James H. Rollins, Jesse D. Hunter, Darwin Chase; and I think from his appearance, that Maurice Phelps was there, but may be mistaken. Hunter appeared to be captain, or commander, of the company, as he did most of the talking; but most all of them had something to say.

And further this deponent saith not.

his  
 THOMAS M. X ODLE.  
 mark.

*John Raglin*, a witness for the State, produced, sworn and examined, deposeth and saith: I was in Gallatin when the Mormons made an attack upon it, which took place one Thursday in October. All the persons that were there left the town; and the Mormons, as I believe, they were to the number of of about 150 or 200, all armed, took possession of the town; and the store and other houses were burnt, as I learned, that evening.

And further this deponent saith not.

his  
JOHN X RAGLIN.  
mark.

*Allen Rathbun*, a witness for the State, produced, sworn and examined, deposeth and saith: On the day before the battle with Bogart, I was in Far West; and early in the morning Daniel Carn, one of the defendants here, asked me to help him grease his wagon. I did so, and asked him where he was going. He said he was going out to Mr. Raglin's, in Daviess county; that there were about forty bee-stands there, that they were going for. Directly after, I was at Morrison's store, in Far West. There was a company of ten or a dozen men there, with two or three wagons. I heard Mr. Huntingdon ask for brimstone. Some of the company said they had two pounds. Huntingdon answered that would do. Mr. Hunter, of the defendants, here gave the word of command, and they marched off—Mr. Daniel Carn, with his wagon with them. Late that evening, I saw Mr. Carn's wagon at his grocery door, in Far West. I saw Carn and Huntingdon unloading it. It was loaded with one bee-gum, and household stuff, consisting of beds, or bed clothes, *kindler* tied up; also there were onions in the wagon. Mr. Carn, that evening, remarked, that there would be in, that night, a considerable number of sheep and cattle; and further remarked, that it looked to him sometimes that it was not right to take plunder, but that it was according to the directions of Joseph Smith, jr., and that was the reason why he did it. The next morning I saw a considerable number of sheep on the square in Far West—near about one hundred. I then left Far West, and returned home, (in the east part of Caldwell county,) having been summoned to Far West by my militia captain, but performed nomilitary duties while there.

And further this deponent saith not.

ALLEN RATHBUN.

*Jeremiah Myers*, a witness for the State, produced, sworn and examined, deposeth and saith: I was in the last expedition to Daviess county; being summoned from my home, (in the east part of Caldwell county,) by my militia officer, to go to Far West, where I was told we had to march to Daviess; and did so. I think it was the third day after our arrival at 'Diahmon that Captain Fearnaught's company, of about one hundred men, started out; and not until we got near to Gallatin did I learn where they were going. I was then told there was a

mob in Gallatin, and that we were going to disperse them. When in about half a mile of Gallatin, we formed, and rushed into town with a huzzah. I saw only two men running; others said there were about fifteen. We gathered up around the store, and some went in, hallooing to "bring them out here;" supposing there were men in the house. About this time, myself and another man returned to camp at 'Diahmon. That evening I saw store goods at the bishop's store; and was informed by Mahlon Johnson, one of the company to Gallatin, that the goods taken from the store in Gallatin were the goods I saw deposited at the bishop's store; they were called and considered consecrated property; and that they were to be dealt out by the bishop to those who stood in need.

I saw parties going out and coming in while in camp, but saw no property come into our camp; but I saw a pen of cattle, which were called buffalo.

The following of the defendants were in the last expedition to Daviess: Joseph Smith, jr., Lyman Wight, (who resides in 'Diahmon,) Washington Voorhees, Ebenezer Page, Francis Higbey, Daniel Carn, James H. Rollins, and Maurice Phelps, I think was there.

I never saw Lyman Wight in command during this expedition. My camp was half a mile from Wight's; and I staid pretty constantly about my own camp. I do not recollect that I was in any other expedition than the one to Gallatin.

There was some property brought into 'Diahmon by the Mormons as their own: this was not deposited with the bishop, but they took it themselves.

And further this deponent saith not.

JEREMIAH MYERS.

[At this stage of the examination, the following named defendants, James Newberry and Sylvester Hewlett, were brought to the bar of the court, and put upon their trial for the offences alleged against the other defendants; and time being allowed them to procure counsel, they informed the court that they were ready to appear by themselves and their counsel, John R. Williams, Esq. The examination then progressed:]

*Andrew J. Job*, a witness for the State, produced, sworn, and examined, deposes and saith: While the Mormon troops were in Daviess county, in the last expedition, I was taken prisoner by Captain Fearnaught, (as he was called,) who, I have since learned, was a Mr. Patten. While they were getting me into 'Diahmon about midnight, I passed on between Millport and that place, and counted ten houses on fire. James H. Rollins, Ebenezer Page, James M. Henderson, Alanson Ripley, and Sidney Tanner, were of the company that took me prisoner.

When the houses were burning, I heard Ebenezer Page say that the mob were burning their own houses, and would lay it on the Mormons.



I observed it was curious they should burn their own houses: he replied, it was, but they were doing so.

I arrived at 'Diahmon that night a prisoner, and was detained there until next morning about daybreak, when I, Ira Glaze, and William Bone, who were also taken prisoners, were turned loose by Lyman Wight, and told, that he would give us four hours to leave the county; and if they caught us after that time, we should not live any longer. Before we left, I heard Lyman Wight say—Come, boys, feed your horses, and get your breakfast; we must try and scatter the mob.

After I left 'Diahmon, I went to my step-mother's, and made efforts to get out of the county. After the Mormons surrendered at 'Diahmon to the militia, I went with my step-mother to 'Diahmon, to hunt for her property, which had been left at the house when she moved, and which was missing on her return—such as beds, bed-clothing, knives and forks, a trunk, &c. On examination, we found at the house of Lyman Wight, and upon his bedstead, a feather bed, which I knew to be the one left by her at the time she fled from the Mormons. I knew the bed from its appearance; the tick was striped and pieced at the end, and the stripes of the piece turned crosswise; also, we found in Wight's house a set of knives and forks, which I knew were the same left at her house as above stated. My step-mother left her residence, (in two miles of 'Diahmon,) where she left the above articles, on Wednesday before I was taken prisoner, which was on the Sunday night after; and when at 'Diahmon, the night I was a prisoner, I slept on that same bed, as I believed it to be, at one Sloan's, as I understood his name to be. When my step-mother left her home near 'Diahmon, where the above articles were left, she went into the lower part of Daviess; to which place I went when turned loose as a prisoner. My father's name is Robert Job.

And further this deponent saith not.

his  
ANDREW J. JOB.  
mark.

*Freeburn H. Gardner*, a witness on behalf of the State, produced, sworn, and examined, deposeth and saith: I was pressed to go in the expedition against Captain Bogart, and went part of the way, as far as to Bragg's place, about seven miles from Bogart's camp. While there, I heard D. Patten, who was called Captain Fearnought, lecturing the troops; heard him direct his men how to shoot—to bring their guns up on a rise to their object, and hold their breath, and fire; and generally they would make a deadly shoot; and that those they were a going to fight should not be able to hurt them; that their pieces should be elevated too high, or held too low.

When called on that night to go, I was informed by the man who came for me that the object was to disperse a mob down at Crooked River. I proceeded no further than to Bragg's place. I left, and returned home.

The following named defendants were in the expedition against Bogaert, viz: Darwin Chase, as he told me. Washington Voorhees was not in the expedition; he stated he had no horse to ride; and that if I would not go, he wished to get my horse to ride, that he might go. I replied, if the horse went, I must go with it; he answered, I might have his gun, (as I had none,) but that he would rather go himself. I took his gun, and joined the company as above.

And further this deponent saith not.

his  
FREEBURN H. X GARDNER.  
mark.

*Burr Riggs*, a witness for the State, produced, sworn, and examined, deposed and saith: In the latter part of June last, immediately after the witness and Cowdrey left Far West, I fell into company with Joseph Smith, jr., and Geo. W. Robinson. Jos. Smith, jr., said there were certain men using their influence against the proceedings of the presidency, and if they were suffered to go on they would do great injury. And Smith told Robinson, the first man he heard speaking against the presidency, and against their proceedings, he must tie him up and give him thirty-nine lashes; and if that would not do, give him thirty-nine more, until he was sorry for what he had said; and Robinson said he would do it.

About the latter part of July, I heard Sidney Rigdon say, Wm. W. Phelps and Dr. Williams, and he strongly suspected John Corrill, were using their influence against the presidency of the church; and further said, Corrill and Phelps were men of great influence in the country, and their influence must be put down.

I did not go out (with the troops) in the late expedition to Daviess; but my team was pressed. Four or five days after the Mormon troops had gone out, I learned that one of my horses was sick, and that I had better go out and attend to him. I went out to 'Diahmon, and got there in the evening; remained there that night, and returned to Far West next morning. While in 'Diahmon I saw a great deal of plunder brought in, consisting of beds and bed-clothes; I also saw one clock, and I saw 36 head of cattle drove in, and put into a pen. All the above property was called consecrated property; and I heard John L. Butler, one of the Mormons who was engaged in assisting to drive the cattle in, say that they had taken the cattle from the citizens of the Grindstone Fork; and said he had made a valuable expedition. I saw Ebenezer Robinson there, who had a gun-barrel in his hand. I asked him where he got it, and he told me that the evening before he had set a barn on fire, and that he heard the gun go off while the house was burning, and he went back and got the barrel out of the ruins of the barn.

The following of the defendants were in the last expedition to Daviess: Joseph Smith, jr., Hiram Smith, Lyman Wight; I think Amasa Lyman was not there; George W. Robinson was there, Alanson

Riply was there; John Buchanan was not there; Jacob Gates, I think, was there; Geo. W. Harris was there; Jesse D. Hunter and Geo. Grant were there; Elijah Newman went out when I did, and, I think, returned next morning. There were some families going to 'Diahmon, and Newman went as one of a guard, to guard them out. Isaac Morley was not there; Thomas Rich was there and returned while the Mormon troops were in Daviess, with an express from Captain Fearnought to Sidney Rigdon, for some wagons, to move off families. Alex. McRay was there; John S. Higbey, I think was there; Ebenezer Robinson was there; Edward Partridge was there, and returned in a few days; I think Silas Manard was not there, Daniel Carn was there, I think; Wm. Whitmore was not out; Sylvester Hulett, I think, was in Far West during the expedition. Two or three days before the surrender of the Mormons to the militia at Far West, I heard Jos. Smith, jr., say that the sword was now unsheathed, and should not again be sheathed until he could go through these United States, and live in any county he pleased, peaceably. I heard this from him, also, before the last expedition to Daviess, when Gallatin and Millport were burnt as well as afterwards, and I heard it on several occasions. I never heard Jos. Smith, jr. say that he would disobey the laws of the country. The following of the defendants were in the expedition against Bogart: P. P. Pratt, Darwin Chase, and Norman Shearer; Isaac Morley, I think, was not there; Joseph W. Younger was not there.

While the last expedition was going on in Daviess, there was a meeting in Far West, in which Mr. Sidney Rigdon presided. There were present about 60 or 100 men; a guard was put around the house, and one was placed at the door. Mr. Rigdon said that the last man had run away from Far West that was a going to; that the next man who started, he should be pursued and brought back, dead or alive. This was put to vote, and agreed to, without any one objecting to it. He further said, that one man had slipped his wind yesterday, and had been thrown aside into the brush for the buzzards to pick, and the first man who lisped it should die.

At this meeting companies were chosen, some to procure wood for the town, and some to procure meal for the army at Far West, and, also, for the families of those who were in the expedition to Daviess; and one company for spies. Sidney Rigdon said that these companies were necessary, and appointed men as heads of the companies, to make them up. Rigdon further stated, at this meeting, that the enemy were in their hands, and that they should prevail. He gave instructions to the spy company that they should go out to Richmond and surrounding country, to learn the movements of mobs; and that if they found any mob burning houses in Caldwell, be sure, said he, that you do the same thing to them. Amasa Lyman was the captain of this spy company. It was stated in this meeting, that the object in organizing a spy company was to be able to guard against mobs, which they said were coming on them from all quarters. When Mr. Rigdon was instructing the spy company, or apparently in conversation with them, above refer-

red to, I heard it said that if they could not get rid of the mob in any other way, they could poison them to death. At the time of this last remark I was engaged in other conversation, and did not hear all that conversation. When Patten was raising his company to go against Bogart, he remarked that it (Bogart's company) was said to be militia; but it was nothing but a cursed mob, and that, in the name of the Lord, he would go and disperse them.

And further this deponent saith not.

BURR RIGGS.

*Elisha Camron*, a witness for the State, produced, sworn, and examined, deposeth and saith: The day before the battle with Bogart I was in Far West, and was taken prisoner. I saw Lyman Wight, and informed him that they were raising militia in Clay county, and that there was no mob out. He appeared to be very angry, and said he would fight any body that might come against them—that he did not care what came.

My oxen that I drove with me were taken and put to work, as I was told; and I did not recover them until after the Mormons surrendered to the militia. Wight, when conversing with me as above, appeared to be friendly with me as he had been before.

And further this deponent saith not.

ELISHA CAMRON.

*Charles Bleckley*, a witness produced, sworn, and examined for the State, deposeth and saith: That, at the time when one of the houses at Millport was burning, I saw Joseph Smith, jr., Lyman Wight, Geo. W. Robinson, and two others, sitting on their horses looking at the burning. I also saw Mr. Turner, and a young Mr. Morin (both of whom lived in about half a mile of the place) there also.

Some of the company on horseback said the citizens had commenced it with them, and they intended to take satisfaction. Most of the houses at Millport had the appearance of having been burnt several days before. Wight told us we might get our families out of the county in peace; that he, nor any person he could control, should hurt them; nor would they interrupt any unarmed persons. He said he had no desire they should leave the county, if they could live in peace.

And further this deponent saith not.

CHARLES BLECKLEY.

*James Cobb*, a witness for the State, produced, sworn, and examined, deposeth and saith: That at the time when one of the houses at Millport was burning, I was there, and saw Joseph Smith, jr., Lyman Wight, Geo. W. Robinson, and two others, all on horseback, and Mr. Turner, and a son of Mr. Josiah Morin. The house (which was a stable) had just got in a way of burning.

And further this deponent saith not.

JAMES COBB.

*Jesse Kelly*, a witness produced, sworn, and examined for the State, deposeth and saith: That he is a citizen of Daviess county; that about four days after the burning of Gallatin and Millport, myself and Addison Price were surrounded in a house in Daviess county, and taken prisoners by a company of Mormons; they took from me three guns and a butcher-knife. Alexander McKay, the defendant, was captain of the company; Caleb Baldwin, another defendant, was in the company. The captain asked us if we belonged to the mob, and we replied not; he then said we had better join them, and come into 'Diahmon for protection; I replied, that I would consider of that; Mr. Price said to them, that he had moved his family into Livingston; the captain then said, if we did not wish to fight them, we must leave the State; for we intend, said he, after we get possession of Daviess, to take Livingston; and after that, keep on, till we take possession of the whole State.

The captain then asked Mr. Price if he knew whether the Governor would be up or not; Price answered, he did not know; the captain then remarked he wished he would come up, that his scalp he would rather have than any other man's. There were thirty or forty armed men in this company, and, after carrying us about four miles on towards 'Diahmon, they released us, telling us we must leave the county immediately; and if we did not want to fight them, we must leave the State immediately, for the State they intended to have. They said it was the mob who had plundered and burnt their own houses in Daviess, and then laid it on the Mormons; a number of the company had something to say, pretty much to the same import with what was said by the captain.

And further this deponent saith not.

JESSE KELLY.

*Addison Price*, a witness in behalf of the State, produced, sworn, and examined, deposeth and saith: I am a citizen of Daviess county; that about four days after Millport was burnt, I was taken prisoner, together with Mr. Kelly, by a company of armed Mormons, near forty in number; they took from me a butcher-knife, bullet-moulds, and a bar of lead; and a butcher-knife, and three guns (one a shot gun, and two rifles) from Mr. Kelly, as he has himself stated. The guns were taken from Mr. Kelly, after they had taken us back to Mr. Kelly's house, where they found them; we having been taken prisoners about two miles from there. Alexander McKay, one of the defendants here, was captain of that company, and they sometimes called him general; and Caleb Baldwin was also of the company. The captain, on finding that I had removed my family and plunder into Livingston, asked me why I did so? I informed him that, as I had understood that when they came to a house they would take the beds, bedding, &c. off, I moved mine in time to save them. He advised me to go to them for protection, as there was obliged to be war there, and I would have to fight on one side or the other. I replied, I did not think there would be war; he said there would oblige to be, and, if I did not wish to fight,

I must leave the State. He frequently, in making these remarks, raised up his right hand, and warned me in the name of the Great God, to leave the county, and that I had better leave the State. It was said by several of the company, that, as soon as they had rid Daviess county, they would have Livingston, and before they stopped, they intended to have the State.

They asked me if I knew whether any one had gone for the Governor. I answered, I did not know; they said they understood he had been sent for, and was coming up into the Grand river country, to see what was going on; they said they only hoped he would, that they intended to scalp him the first man, as soon as he did come, for he was nothing but an infernal mob himself. There was a great deal more said in the way of threats. They inquired of me if I knew there were any mobs coming against them; I answered, that I knew of none; they said that the whole State was a mob. I asked them what they called themselves; they answered, they were militia. After carrying us on towards 'Diahmon (where they said they intended to take us) about four miles, they released us. This company bore a white flag with them.

And further this deponent saith not.

ADDISON PRICE.

*Samuel Kimbel*, a witness on behalf of the State, produced, sworn and examined, deposeth and saith: That I reside near Far West, and was repeatedly warned, and my life threatened, if I did not go to Far West, and take up arms. About a week before the surrender of the Mormons to the militia, I went to Far West; my name was enrolled, and I was forbid to leave the town, and was paraded twice a day, and the roll called. While there, I heard Joseph Smith, jr., in a speech to the company of perhaps two hundred under arms, say it was impossible to please a mob; that he had applied to the Governor, and he understood the 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, and if he came upon them, he would make war upon him; he cursed the State as a damned mob, and said 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.

And further this deponent saith not.

SAMUEL KIMBEL.

*John Whitmer*, a witness for the State, produced, sworn and examined, deposeth and saith: About the 17th of April last, at a meeting of perhaps fifteen or twenty-five, in Far West, Joseph Smith, jr., spoke in reference to difficulties they had, and their persecutions, &c., in and out of the church. Mr. Smith said he did not intend in future to have any process served on him, and the officer who attempted it should die; that any person who spoke or acted against the presidency or the church should leave the country or die; that he would suffer no such to remain there; that they should lose their head. George W. Harris,

who was there present, observed, "the head of their influence, I suppose." Smith replied, Yes, he would so modify it. Mr. Rigdon then got up, and spoke in connection with what Mr. Smith had been saying; and in speaking of the head of their influence, he said that he meant that ball on their shoulders, called the head, and that they should be followed to the ends of the earth. Mr. Rigdon further remarked, that he would suffer no process of law to be served on him hereafter.

Some time in June, after Mr. Rigdon had preached his "salt sermon," I held conversations with several Mormons on the subject of that sermon, and the excitement produced by the course and conduct of the presidency. Among others, I conversed with Alanson Ripley. I spoke of the supremacy of the laws of the land, and the necessity of, at all times, being governed by them. He replied, that as to the technical niceties of the law of the land, he did not intend to regard them; that the kingdom spoken of by the prophet Daniel had been set up, and that it was necessary every kingdom should be governed by its own laws. I also conversed with George W. Robinson, on the same subject, who answered, (when I spoke of being governed by the laws and their supremacy,) "when God spoke he must be obeyed," whether his word came in contact with the laws of the land or not; and that, as the kingdom spoken of by Daniel had been set up, its laws must be obeyed. I told him I thought it was contrary to the laws of the land to drive men from their homes; to which he replied, such things had been done of old, and that the gathering of the saints must continue, and that dissenters could not live among them in peace.

I also conversed with Mr. J. Smith, jr., on this subject. I told him I wished to allay the (then) excitement, as far as I could do it. He said the excitement was very high, and he did not know what would allay it; but remarked, he would give me his opinion, which was, that if I would put my property into the hands of the bishop and high council, to be disposed of according to the laws of the church, he thought that would allay it, and that the church after a while might have confidence in me. I replied to him, I wished to control my own property. In telling Mr. Smith that I wished to be governed by the laws of the land, he answered, "Now, you wish to pin me down to the law."

And further this deponent saith not.

JOHN WHITMER.

*James B. Turnur*, a witness for the State, produced, sworn and examined, deposeth and saith: The day after Millport was burnt, in the evening I went up to Millport in company with young Mr. Morin: directly after our arrival, I saw Joseph Smith, jr., Hiram Smith, Lyman Wight and two others, ride up. Mr. Cobb, the mail rider, and several of the Bleckleys, came up also. Cobb observed, "See what the damned Mormons have done!" speaking of the burning. Hiram Smith asked how he knew it was the Mormons? He said they had burnt Gallatin. Some of the Mormons replied, that Gallatin was burnt by the mob

from Platte. Cobb then remarked, that all Clay and Ray were turning out to come against them. Wight or Smith, observed he did not believe that was true. Lyman Wight said their cause was just; he considered they were acting on the defensive, and he would as soon 50,000 should come as 500.

And further this deponent saith not.

JAMES B. TURNUR.

[At this stage of the examination, Clark Hallett and Joel S. Miles were arraigned, and having time allowed them to procure counsel, they informed the court they did not wish counsel, and knew of no witnesses that they desired; and that they were ready to progress in any trial that might affect them; whereupon the trial progressed.]

*George W. Worthington*, a witness on behalf of the State, produced, sworn and examined deposed and saith: It was on Thursday, about the 18th day of October last, that Gallatin was taken by the Mormons. I reside in about a quarter of a mile of town. About one hundred Mormons, commanded by Captain Patten, as I have since learned, rushed into town; seven or eight of the citizens were there, who immediately fled. A portion of the Mormons (about fifty) surrounded my house. They took a horse, saddle, and bridle out of my yard, belonging to John A. Williams of Daviess county. They attempted to take my mare also, but ultimately agreed to let me have her; but they took my gun. I wished to know the name of the man who got it, so that I might get it at some future day. The Captain told me I need not ask for names; for they would not be given; they then all went up into town, as they said, to attend to that store; shortly after, three or four of them returned to my house again; and one of them was Joel S. Miles, one of the defendants here; they came after a Mormon girl, who was at my house; and they told me that, if I belonged to neither party, I had better put off, and take the best of my property with me. After they left, I went up into town to see after some books, notes and accounts, I had up in town; but could not get hold of them, as they had been taken. I met with one of the company, some distance from Stolling's store, who told me if I would go to 'Diahmon I could get them, as well as a coat-pattern, which had also been taken. This person advised me to go to 'Diahmon or Far West, for protection. I turned off from him to return home. I looked towards the storehouse, and saw the smoke in the roof; and in a short time the flames burst out of the top of the house. I thought it best then for me to put out, seeing they were burning. It alarmed me, and I fixed, and did start, that evening, leaving something like \$700 worth of property in my house. After I left, my house was burnt, and the property gone. Since then, I have seen some of my property in a vacant house in 'Diahmon; some in a storehouse; some in a house said to be bishop Knight's; all in 'Diahmon. These articles consisted of a clock, two glass jars, a box-coat, a paper of screws, some paints, a canister of turpentine, and some planes,



chisels, squares, &c. These were found since the surrender of arms in 'Diahmon, by the Mormons. I saw a number of articles also in 'Diahmon, at the time I was seeking after my property, which, I believe, were taken from Stolling's store, consisting of a leghorn bonnet, a castor, screw and hinges or butts, which I knew belonged to Stollings. I saw a number of articles which had been concealed under ground, consisting of pots, ovens, and skillets; among them a pot belonging to myself. And further this deponent saith not.

GEO. W. WORTHINGTON.

*Joseph H. McGee*, a witness for the State, produced, sworn, and examined, deposed and saith: On Thursday, the 18th day of October, I was at Mr. Worthington's, in Daviess county, when the Mormons made an attack upon Gallatin. Mr. Worthington had a pair of saddle-bags in my shop, (in Gallatin,) with notes and accounts in them; and he requested me to go up to the shop, and try to secure them. When I went up, the Mormons had broken open my shop, and taken them out; one of them had put the saddle-bags on his horse, and I asked him for them. He answered, that he had authority from Captain Still to take them, and would not let me have them. He then told me I must go up to the store. I went along; and when I arrived there, Clark Hallett, one of the defendants, told him that he knew little Joe McGee; that there was no harm in him, and to let him go. I was then turned loose. While at the store, I saw the Mormons taking the goods out of the store house, and packing many of the articles off on their horses; a number of barrels and boxes were rolled out before the door. When these men who had goods packed before them, rode off, I heard a man, who remained at the store, halloo to one of them to send four wagons. I went down to Mr. Worthington's; and, in returning towards the store again, a short time after, I saw the smoke and flames bursting from the roof of the store house, and three men coming out of the house, who immediately rode off. The balance of the company had just previously left, except two, who were at Mr. Yales's, a citizen there, guarding him. I heard Parley Pratt order the men to take out the goods before the house was set on fire. I also saw Joel S. Miles there in the Mormon company. The following articles were taken out of my shop, in addition to Mr. Worthington's saddle-bags: two bed-quilts, a black broadcloth coat, three pair of pantaloons, two vests, a roundabout, two shirts, a pair of socks, a looking-glass, a pair of shoes, and some trimmings—such as thread, buttons, &c., all belonging to myself; 5½ yards of broadcloth, with trimmings; also a vest pattern and trimmings, belonging to Mr. Worthington, and 2½ yards of cloth, and the trimmings, belonging to James Handley; also, 3½ yards of cloth, and a vest pattern and trimmings, belonging to Mabery Splawn; 7 yards of jeans and trimmings belonging to Enoch Riggs; also, 4 yards of jeans and trimmings belonging to Thomas Gilbrath; also, 4 yards of jeans and trimmings belonging to Mr. Creekmore, and 3½ yards of jeans and trimmings belonging to James Bleckley.

And further this deponent saith not.

J. H. MCGEE.

*John Lockhart*, a witness for the State, produced, sworn, and examined, deposes and saith: That he was in Bogart's company, and was one of the picket guard on the morning of the attack. Myself and the other guards were standing at the same tree, near the road, about a quarter of a mile from the camp; and about day-break we discovered men approaching us in the road. When the front of them got within about 15 or 20 steps of us, the other guard raised his gun. I told him not to shoot, but to hail them. He hailed them, and asked "Who comes there?" They replied, "a friend;" but still moved on. I hailed the second time, and bade them to stand. I asked who was there; they answered, a friend. I asked them if they had any arms; they replied, a few. I told them to lay down their arms, and go off, and leave them; they told me to come and get them. I again told them to lay them down, and leave them; they made a noise with their guns, as if they were laying them down, and again called to us to come and get them. I could see clear enough to perceive that they had not laid down their guns, as they said they had done; but had them on their shoulders. At that time I discovered one of the men strike the ground with his sword, and immediately I heard a percussion cap burst without the gun's firing. I told the other guard to shoot; that they had bursted a cap at us; and immediately I raised my gun and fired—the other did not shoot. We then ran to the camp, where, in a few moments, the Mormons arrived, and the action commenced.

When we were placed on guard, we had express orders to hail before we shot at any one. The company we hailed in the road was the same who attacked us.

And further this deponent saith not.

his  
JOHN X LOCKHART.  
mark.

*Porter Yale*, a witness for the State, produced, sworn, and examined, deposes and saith: I was at Gallatin, at my father's, when the Mormons made an attack upon it and burnt it. When they surrounded my father's house, they took two guns—one a shot gun, and one rifle. In going to the door, I saw one of them taking my mare out of the stable. I went over to see what he was doing; who observed "that it was a pretty good mare," and was about putting a bridle upon her. I told him, if she went, I would go along, (as I was determined to stick to my nag.) He replied, that he wanted me to go. I then caught my mare, and went with the company to 'Diahmon, where they kept me two or three days. There appeared to be about 100 Mormons (at Gallatin;) and a portion of them left with me for 'Diahmon, others were behind, coming on. Most of them had goods packed before them, on their horses, which had been taken from Stollings' store.

Two men went on ahead for wagons; and on my way to 'Diahmon we met two or three wagons, which they said were going after the goods. I left before the store was set on fire; but I heard some of the

company command to take all the goods out before setting the house on fire.

The following of the defendants were in this expedition to Gallatin: Ebenezer Page, Morris Phelps, and Joel S. Miles. And the following of the defendants I saw at 'Diahmon, while I was there: Joseph Smith, jr., Lyman Wight, and James H. Rollins.

I was in 'Diahmon three days, and during that time saw a great deal of plunder brought in. Companies went out every day. A great deal of honey was also brought in, also cattle and hogs—all which was called consecrated property. I was a stranger to most of the men I saw.

And further this deponent saith not.

PORTER YALE.

*Benjamin Slade*, a witness for the State, produced, sworn, and examined, deposes and saith: I was at a meeting in the school-house in Far West, while the Mormon troops were in 'Diahmon, in the last expedition. After the assembly had got into the house, a guard was placed at the door. Mr. Rigdon got up, and, in a speech, said that the time had now come in which every man must take his part in this war, and that they had been running away, and leaving Caldwell county, and that the last man had now left the county that should be allowed to do so. A formal vote, by way of resolution, or covenant, was put—that, if any man attempted to leave the county, any one of the company then present was to kill him, and say nothing about it, and throw him into the brush. When this was put to the vote, I heard no one vote against it. Rigdon then called for the negative vote, and said he wanted to see if any one dare vote against it. There was no negative vote. There was other questions put and voted on; but I sat at the back part of the house, and did not distinctly hear what they were. I heard Mr. Rigdon say that "yesterday a man had slipped his wind, and was thrown in the brush;" and, said he, "the man that slips it shall die." Several companies were called for, and made up at this meeting—a spy, provision, and wood company, &c.

And further this deponent saith not.

BENJAMIN SLADE.

[At this stage of the examination the following defendants, on motion of the attorneys prosecuting on behalf of the State, were discharged, there being no evidence produced against them, viz: Amasa Lyman, John Buchannan, Andrew Whitlock, Alvin G. Tippetts, Jedediah Owens, Isaac Morley, John J. Tanner, Daniel S. Thomas, Elisha Edwards, Benjamin Covey, David Frampton, Henry Zabriski, Allen J. Stout, Sheffield Daniels, Silas Manard, Anthony Head, John T. Earl, Ebenezer Brown, James Newberry, Sylvester Hewlett, Chandler Halbrook, Martin C. Alred, and William Alred.]

*Ezra Williams*, a witness on behalf of the State, produced, sworn, and examined, deposes and saith: I was in the last expedition to Da-

viess county, and saw the following of the defendants there, to wit: Joseph Smith jr., Lyman Wight, Hiram Smith, George W. Robinson, Parley P. Pratt, Jacob Gates, Jesse D. Hunter, George Grant, Francis Higbey, Geo. Kimbel, Morris Phelps, Norman Shearer, and Lyman Gibbs. And the following named defendant was in the fight with Bogart, viz: Norman Shearer.

I was in Captain Patten's company when he took Gallatin and robbed 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.

And further this deponent saith not.

EZRA WILLIAMS.

*Addison F. Green*, a witness for the State, produced, sworn, and examined, deposeth and saith: The following of the defendants were in the expedition against Bogart, to wit: Lyman Gibbs, Norman Shearer, and Darwin Chase. I saw Joseph Smith, jr., Sidney Rigdon, Lyman Wight, and Francis Higbey, come riding up from towards Far West, meeting the company who had that morning fought with Bogart. They met the company near the timber of Log creek in Caldwell county. I was one of the spy company from Far West; and the evening before the fight Captain Bogart had taken me prisoner in Ray county, but released me the same evening, and told me I could go home; but I thought proper to remain with them in camp that night. I was at a meeting in Far West, the Saturday before the fight with Bogart, in which a spy and other companies were organized. I heard Sidney Rigdon (speaking of those who would attempt to leave the county at that time) say, "it was the duty of any present, if they saw such movements, to stop the men;" and if they persisted in going, he said something about sending them to the other world to tell their hellish news, or something like this.

The evening that I and one Pinckun were taken prisoners (who was liberated when I was,) our two horses were also. I knew of nobody about, who could have taken the news to Far West.

And further this deponent saith not.

A. F. GREEN.

*John Taylor*, a witness on behalf of the State, produced, sworn and examined, deposeth and saith: In the morning of the battle with Bogart, I was on the prairie a short time after the battle, and saw the Mormon company on their return. I saw Lyman Gibbs one of the defendants, in the company. This was about one and a half mile from the battle ground. Gibbs had arms, and charged me with being a mob; said he knew I was, &c.

And further this deponent saith not.

JOHN ~~X~~ TAYLOR.  
his  
mark.

[John Taylor lives in Ray county, near the Caldwell line.]

*Timothy Lewis*, a witness for the State, propuced, sworn, and examined, deposeth and saith: I was at 'Diahmon during the last expedition to Daviess county. I remained in the place during the time the Mormon troops were there. I was out on none of their scouting parties, but saw a great deal of property and plunder brought in, which was said to be consecrated property by those who brought it in, as well as by others. Those who were active in plundering, said they intended to consecrate all the property in Daviess county, and take the county to themselves. They said there was no law in this State, but that a law was about to be established by a higher Power, to be given by revelation.

The following of the defendants were in the expedition to Daviess county: Alanson Ripley, David Pettigrew, and Joseph W. Younger. Alanson Ripley resides in 'Diahmon, and is a surveyor. I saw him surveying, but did not see him take up arms.

And further this deponent saith not.

his  
TIMOTHY  $\bowtie$  LEWIS.  
mark.

[Clark Hallett, one of the defendants, at this stage of the examination asked the court to assign him counsel, he not being able to employ counsel: whereupon the court assigned Messrs. Rees, Doniphan, and Williams, as counsel.]

*Patrick Lynch*, a witness for the State, produced, sworn and examined, deposeth and saith: I was living in Gallatin, a clerk in Stolling's store, when the Mormons took that place, which was about the middle of October last. When the Mormons had approached to within fifty or one hundred yards of the storehouse, I left, having first locked the door, and deposited the key in my pocket. I ran into the brush, between one hundred and two hundred yards of the storehouse, where I saw them taking the goods from the house; some were packed off on horses; and after that, when near half a mile off, I saw wagons, apparently loaded, which I believed to be goods from the store. I have found a number of articles taken from the store in 'Diahmon, since the surrender of arms there by the Mormons—such as tin-ware, painted muslin, a piece of bleached domestic, a piece of brown cloth, a lady's cloak, three pair of scales, and a part of two sets of weights, a ledger and three day-books, and the notes of hand to the amount of perhaps \$300, were taken from the store. The books have not been recovered, but the notes I found in the house of Bishop Knight, at 'Diahmon, in the possession of his wife, except such notes as were on Mormons; these we have not recovered. In about three hours after the Mormons took Gallatin, I returned, and found the store-house burnt. The post office and treasurer's office were kept in the store-house, and the records, papers &c., belonging to each were either taken off by the Mormons or consumed by the fire.

And further this deponent saith not.

PATRICK LYNCH.

[At this point, the attorneys for the State informed the court that they had closed the testimony on behalf of the State with the understanding (which was agreed to by the defendants' counsel) that after the testimony on behalf of the defendants is closed, the State shall be at liberty to introduce John Riggs, Perry Keyes, John Grigg, and Joseph Free, witnesses on behalf of the State, if they should make their appearance at or before that time.

The court informed the prisoners that it would now proceed to take their examination without oath in relation to the offence charged; and the said defendants declined making any statement. The court then proceeded to the examination of witnesses for the defendants, to wit:]

*Malinda Porter*, a witness for the defendants, produced, sworn, and examined deposes and saith: I have been living in the family of Lyman Wight for the last two years, as an inmate of the family. On Monday night of the arrival of the Mormon troops at 'Diahmon, in the last expedition to Daviess, I was at Lyman Wight's house; he was not absent from the house that night; his wife was sick, and a guard was placed around his house that night. Lyman Wight has two feather-beds, and one of them was taken away by an old lady, who, I was told, was a Mrs. Morgan, and who claimed it as hers. Of the bed taken away, the tick was striped, and pieced at one end; the stripes of the piece were crosswise. This bed has been in the family ever since I have lived in it. There were also some knives and forks taken from the house at the same time, and by the same person, which were the property of Lyman Wight; and three glass tumblers were also taken from his house, which was his property. During all the time that the Mormon troops were in 'Diahmon, Colonel Wight remained in 'Diahmon, and was not out in any scouting party.

And further this deponent saith not.

MALINDA PORTER.

*Delia F. Pine*, a witness for the defendants, produced, sworn, and examined, deposes and saith: I have been living in Lyman Wight's family since the 5th of July last, and was at his house when the Mormon troops arrived at 'Diahmon, in the last expedition to Daviess. That night Lyman Wight remained at home all night. There was a bed in Wight's house, belonging to him, which was pieced at the end, and which has, since the surrender of the Mormons, been claimed and taken off by a woman, said to be a widow Morgan; also, she claimed and took some spoons, knives, and forks, which I knew were the property of Wight. I at no time have seen property at his house which did not belong to him. Lyman Wight never left 'Diahmon during the stay of the Mormon troops there, in the last expedition, which was during the whole time troops were in Daviess. And during the time they were in Daviess, I do not think Mr. Wight was out of my sight, at any time, more than an hour. It was Wednesday, before the snow fell, I think, that the Mormon troops arrived in 'Diahmon, and they

staid in Daviess about a week. From the time the Mormon troops returned from 'Diahmon to Far West, (who had been in Daviess during the snow-storm, and among whom I saw Joseph and Hiram Smith,) Lyman Wight never was out of 'Diahmon, until he went with the 'Diahnon troops to Far West, the day before the Mormon troops, as I understood, surrendered to the militia; this last fact I am certain of. Mr. Wight's stable was in sight of his dwelling-house, and he kept his horse there, and his saddle in the house; and during the stay of the Far West troops, as above, I am sure he did not saddle his horse, or ride, for I should have seen him had he done so.

And further this deponent saith not.

DELIA F. PINE.

*Nancy Rigdon*, a witness on behalf of the defendants, produced, sworn, and examined, deposeth and saith: I have heard Sampson Avarard say that he would swear to a lie to accomplish an object; that he had told many a lie, and would do so again. When George W. Robinson went to Daviess, during the last expedition, he went after the troops had left Far West, and returned after some and before others had returned. I saw Mr. Robinson when he returned, and he had no clock with him, nor have I seen any clock about the house, which was brought from Daviess county. In the morning of the fight with Bogart, I heard my father, Sidney Rigdon, say that Captain Patten's company had gone down the night before to see about a mob. He was apprized of their going at the time of their going; but I knew nothing of it till that morning, when a messenger came to my father's, and informed him that there had been a fight. My father then started to meet the company, and to see those who were wounded.

And further this deponent saith not.

NANCY RIGDON.

*Jonathan W. Barlow*, a witness for the defendants, produced, sworn, and examined, deposeth and saith: I was at Joseph Smith, jr's. house the morning after the battle with Captain Bogart. A messenger, (named, I think, Mr. Emmett,) came early in the morning after Smith, from Captain Patten, saying that Patten was wounded, and wished to see Smith. I caught Joseph Smith and Lyman Wight's horses, who started off together. (On cross-examination.) I did the feeding, watering of horses, cutting of wood, &c., about the place of Joseph Smith, jr.; and on that evening (the evening before Bogart's battle) I was absent from the house on that business perhaps half an hour, and finished about dark. I was in the house from that time through the night, and was not out, that I remember of—at least not longer than to go a few paces for a pail of water. Joseph Smith, jr., and Lyman Wight, were both in the house all the time, and were not absent that night, that I know of; and had they been absent before bed-time long enough to have gone to the square up in town, I should most likely have known it; and I don't believe they were. They went to bed be-

fore I did; and when I went to bed, I passed through their room, where they were; and this was about 9 o'clock, or perhaps a little later. I heard no talking nor passing through the house that night; had there been any, I should most likely have heard it.

And further this deponent saith not.

JONATHAN W. BARLOW.

*Thorit Parsons*, a witness on behalf of the defendants, produced, sworn, and examined, deposeth and saith: I was living in Caldwell county at the time of the battle with Captain Bogart, on the head of the east fork of Log creek, and about five or six miles from the battleground. On the day before the fight, between 1 and 3 o'clock in the evening, a company of twenty-three, mostly armed men, came to my house; they inquired my name, and told me I must go away—that I must leave that place. I asked them where I should go; they answered that was my own lookout, and that I must leave there by next day night. They were strangers, all to me; but I have seen the man since who had the command of them, and now think that it was Captain Bogart, as he looks like the man, having learned his name since. They further stated to me, that if they got the forces from Clinton county expected, they would give Far West thunder and lightning before the next day night. All that was said to me, was sent immediately to Far West. I think that Lieut. Cook was also of the company, and was ordered by the captain to go in and look for guns. I told him I had none, and he said he would take my word for it.

And further this deponent saith not.

THORIT PARSONS.

*Ezra Chipman*, a witness for the defendants, produced, sworn, and examined, deposeth and saith: I was at Lyman Wight's house, sick, during the late expedition to Daviess county. Lyman Wight was not out of 'Diahmon on any expedition, nor did he command any company during the stay of the Mormons at 'Diahmon, nor was he out of the town, to my recollection, during that time; had he been, I think I should most likely have known it. I saw a bed taken from Lyman Wight's house, after the surrender of arms by the Mormons at 'Diahmon, and claimed by the old lady who took it; the same bed I saw at Wight's, before the coming of the Mormons to 'Diahmon. During the stay of the Mormon troops at 'Diahmon, in the last expedition to Daviess, I am certain that Wight was not out of 'Diahmon half an hour at one time. For I think I saw him within every half hour at one time.

And further this deponent saith not.

EZRA CHIPMAN.

*Arza Judd, jr.*, a witness on behalf of the defendants, produced, sworn and examined, deposeth and saith: I was at the house of Thorit Parsons, in Caldwell county, on the day before the battle with Bogart; and a company of armed men (about twenty or upwards) came there



and, after asking me something about my faith, they ordered me to leave. Mr. Parsons asked where should we go; and they answered that was our lookout. I do not know any of this company; they talked something of giving Far West thunder and lightning before the next day night; they inquired for guns; and one, who seemed to command the company, said, "we must make haste to go—Gilliam is to camp west of Far West to-night, and we must join him."

And further deponent saith not.

ARZA JUDD, Jr.

[At this stage of the examination, the defendants by their counsel, informed the court that they had closed the examination of their witnesses. The following witness was then produced as rebutting testimony on behalf of the State, to-wit:]

*Asa Cook*, a witness for the State, produced, sworn and examined, deposeseth and saith: That, on the day before the battle with Bogart, I was in the edge of Caldwell; but heard no man, nor did I myself, order Thorit Parsons, or any other man, away from his home; I met with a man, in the road in Caldwell county, going towards Far West, who said he was a Mormon. I told him to tell his leaders when he arrived at Far West, that we were no mob, but militia, acting under General Atchison's order. After this man left us, myself and two others, who constituted my company, turned across the prairie to the timber on the head waters of Log creek, and, at a house in the edge of the timber, I met with a number of Capt. Bogart's company, to which I belonged; and I heard Mr. Lockhart, one of the company, inquire (I think,) where Parsons lived; and I understood the answer to be, from the man of the house, that he lived lower down the creek. I never heard Capt. Bogart say any thing to this man, like ordering him off. Capt. Bogart had learned that he might probably be attacked that night, and he was out on the edge of Caldwell, to discover if the Mormons were making any movements indicating an intention to attack him.

There was a conversation (at the house, above referred to,) between John Lockhart and the man of the house, of a rough character, in relation to Parsons, as I understood it, but did not distinctly learn any thing said. I am Lieutenant of the company, and there were no orders given, nor was it understood that any member of the company was authorized, to order any citizens to leave their homes.

And further this deponent saith not.

ASA COOK.

At this point, the testimony on both sides closed, and the court being satisfied that there is no probable cause for charging a portion of said prisoners, with the offences alleged against them, to wit: King Follet, Benj. Jones, Geo. W. Morris, Elijah Newman, Moses Clawson and Daniel Shearer, they are accordingly discharged.

On motion of the circuit attorney, and it appearing to the satisfac-

tion of the court, that the offences herein before named have been committed, and that there is probable cause to believe that said prisoners are guilty thereof: that is to say there is probable cause to believe that Joseph Smith, jr., Lyman Wight, Hiram Smith, Alex. McRay and Caleb Baldwin, are guilty of overt acts of Treason in Daviess county, (and for want of a jail in Daviess county,) said prisoners are committed to the jail in Clay county to answer the charge aforesaid, in the county of Daviess, on the first Thursday in March next. It further appearing that overt acts of Treason have been committed in Caldwell county, and there being probable cause to believe Sidney Rigdon guilty thereof, the said Sidney Rigdon (for want of a sufficient jail in Caldwell county) is committed to the jail in Clay county to answer said charge in Caldwell county, on the first Monday after the fourth Monday in March next. It further appearing that the murder of Moses Rowland, has been perpetrated in the county of Ray, and that there is probable cause to believe that Parley P. Pratt, Norman Shearer, Darwin Chase, Lyman Gibbs and Maurice Phelps, are guilty thereof. They are therefore committed to the Ray county jail, to answer said charge, on the second Monday in March next. It further appearing that the offences of Arson, Burglary, Robbery, and Larceny, have been committed in Daviess county, and there being probable cause to believe George W. Robinson, Alanson Ripley, Washington Voorhees, Sidney Tanner, Jacob Gates, Jos. Hunter, Geo. Grant, Thos. Rich, John S. Higbey, Ebenezer Page, Ebenezer Robinson, James M. Henderson, David Petugrew, Edward Partridge, Francis Higbey, Geo. Kemble, Jos. W. Younger, Daniel Carn, James H. Rawlins, Lemuel Bent, Jonathan Dunham, Joel S. Miles and Clark Hallett, are guilty thereof, and the last mentioned offences bailable, it is ordered that said defendants severally enter into a recognizance for their appearance on the first day of the next term of the Daviess circuit court, to be holden on the first Thursday after the fourth Monday in March next, each in the sum of \$500, with security for the like amount, except George W. Robinson and Edward Partridge, who are required to give bail in the sum of \$1,000 each, with good security for the like amount; and also Daniel Carn, who is required to give bail in the sum of \$750, with good security for the like amount. Whereupon Edward Partridge, George W. Robinson, Jacob Gates, Sidney Tanner, Washington Voorhees, James H. Rawlins, William Whitman and Joseph W. Younger, severally entered into recognizance as requested. The other defendants being unable to give sufficient bail, are committed to the jail in Ray county—there being no sufficient jail in Daviess county.

AUSTIN A. KING.

Judge 5th Judicial Circuit.

As Judge of the fifth Judicial Circuit, in the State of Missouri, and sitting as a court of inquiry against the above named defendants for the several offences of Treason against the State, Murder, Burglary, Arson, Robbery and Larceny, I certify 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, and that said examination was commenced by me on the 12th day of November A. D. 1838, and ended, and the prisoners disposed of by me, as herein before stated, on the 29th of the same month.

AUSTIN A. KING, Judge &c.

NOTE.—By the Statute of Missouri, if the examining court should be of opinion from the evidence, that an offence, as charged, had been committed, and that there was probable ground to charge the prisoner therewith, it is the duty of the court to commit or bind the prisoner over to the next court, at which time the charge is to be investigated by a grand jury.

The above prisoners were subsequently indicted as charged above.

*O. H. Searcy to General Clark.*

GEN. CLARK:—I think you have now all the testimony. Col. Price informed me, that your aid and himself transcribed the testimony of W. W. Phelps and Reed Peck. If any is wanting, it is John Cleminson's, but I think I transcribed that in the book you took down with you. Below I give you a list of the witnesses, in the order they were examined—if the testimony of any are lacking, I will transcribe it for you.

I remain, respectfully,

Yours, &c.,

O. H. SEARCY.

*List of witnesses for the State.*

Sampson Avard, Wyatt Cravens, Gen. Atchison's order, Nehemiah Odle, Capt. Samuel Bogart, Maurice Phelps, John Corrill, Robert Snodgrass, George Walton, George M. Hinkle, James C. Owens, Nathaniel Carr, Abner Scovell, John Cleminson, Reed Peck, James C. Owens, re-examined, William Splawn, Thomas M. Odle, John Raglin, Allen Rathbun, Jeremiah Myers, Andrew J. Job, Freeburn H. Gardner, Burr Riggs, Elisha Camron, Charles Bleckley, James Cobb, Jesse Kelly, Addison Price, Samuel Kimbel, Wm. W. Phelps, John Whitmer, James B. Turnur, George W. Worthington, Joseph H. McGee, John Lockhart, Porter Yale, Benjamin Slade, Ezra Williams, Addison F. Green, John Taylor, Timothy Lewis and Patrick Lynch.

*Witnesses for the Defendants.*

Malinda Porter, Delia F. Pine, Nancy Rigdon, Jonathan W. Barlow, Thorit Parsons, Ezra Chipman and Arza Judd, jr.

*Rebutting testimony for the State.*

Asa Cook.

## CERTIFICATES.

In compliance with the instruction of the joint committee, the Secretary of State addressed to the clerks of the circuit courts of the counties of Boone, Caldwell, Daviess and Ray, the following letter:

OFFICE OF SECRETARY OF STATE, City of Jefferson, }  
February 23, 1841. }

*To the clerk of the circuit court of Boone county.*

SIR:—By a resolution of the last General Assembly, the Secretary of State was required to have published, in pamphlet form, a number of copies of the evidence taken before the Examining Court, at Richmond, in relation to the Mormon difficulties, and such of the letters, orders and correspondence on that subject, on file in this office, as might be selected by a joint committee of the two Houses of the General Assembly.

In the report of that committee, which has been made to me, they express the opinion that the Secretary of State should procure from the clerks of the circuit courts of Boone and other counties, a general certificate, as to

1st. Who of the Mormons were indicted.

2d. For what crime.

3d. What was the final disposition of said indictments.

First. Whether they (the indictments) were disposed of by trial or dismissed; or,

Second. In any case was a trial prevented by the escape of the prisoner, or the forfeiture of his recognizance, or from any other cause.

In order to carry this opinion into full effect, let me request you to transmit to me, at your earliest convenience, a certificate embracing in full the above particulars.

As such information will serve to render more clear and striking many of the facts, detailed in the testimony, (which is on file in this office,) and will thereby assist in clearing the aspersions which are now so industriously circulated against our State, in consequence of these disturbances, I trust that you will loose no time in preparing your certificate for publication, which, it is desirable, should be made at a period as early as possible.

I am, very respectfully,

Your obedient servant,

JAMES L. MINOR,  
Secretary of State.

STATE OF MISSOURI, }  
 County of Boone. } SS.

I, Roger N. Todd, Clerk of the Boone Circuit Court, in obedience to a request from the Secretary of State, do hereby certify, that the following persons were indicted in the Daviess Circuit Court, for the following crimes, and that a change of venue was granted them to the county of Boone, as appears from the records, certified from the Daviess Circuit Court:

State of Missouri,  
 vs.  
 Lyman Wight and Wm. Osburn, } Indictment for obstructing process.

Who were ordered by the Daviess Circuit Court, to be taken by the sheriff of said county, to the jail in the county of Boone, there to await their trial, which said defendants were not delivered, and this cause was dismissed, after remaining on the docket for some time, the defendants not appearing.

State of Missouri,  
 vs.  
 Jacob Gates, Hiram Smith, Thomas Rich, Joseph Smith, jr., Lyman Wight, E. Robinson, Wm. Whiteman, Lemuel Bent, Joseph W. Younger, David Pettigrew, Edward Partridge, Geo. W. Robinson, Washington Voorhees, Jesse D. Hunter, Jas. H. Rawlins, Sidney Tanner, David Carn, Alanson Ripley, Jas. Worthington, George W. Harris, Alex. McRay, Ebenezer Brunson, Thos. D. March, James Durphey, Perry Durphey, Geo. Hinkie, Arthur Morrison, Elias Higbey, Parley P. Pratt, Reynolds Calhoun, Vincent Knight, Geo. Morey, Daniel Carn, Caleb Baldwin, Ebenezer Page, Finley Page, Rosewell Stephens, Jabez Durphey, Moses Dailey, Benj. Durphey and James Whittaker. } Indictment for treason

From the records sent to this court, it appears that Jos. Smith, jr., Lyman Wight, Hiram Smith, Caleb Baldwin and Alex. McRay, were ordered to be taken by the sheriff of Daviess county to the jail in the county of Boone, there to await their trial, on a change of venue from Daviess to Boone county, which was not done, and there being no recognizance or file, in my office, against the other defendants, and this cause, having been continued some time on the docket, and no defendant appearing, was dismissed.

*State of Missouri,*

vs.

*Caleb Baldwin, Arthur Morrison, Elias Higbey,  
Thos. D. March, Lyman Wight, Ebenezer  
Brunson, Jos. Smith, jr., Jesse D. Hunter and  
Parley P. Pratt.*

} Indictment for arson

In this cause, the defendants, Jos. Smith, jr., Lyman Wight and Caleb Baldwin, were ordered to be removed to the jail in Boone county for trial, which order, however, was not complied with, and there being no recognizance on file, in my office, against the other defendants, and the cause, after being continued for some time on the docket, was dismissed.

*State of Missouri,*

vs.

*Jacob Gates, Hiram Smith, Thomas Rich, Joseph  
Smith, jr., Lyman Wight, E. Robinson,  
Wm. Whiteman, Lemuel Bent, Jos. Younger,  
David Pettigrew, Edward Partridge, Geo.  
W. Robinson, Washington Voorhees, James  
H. Rawlins, Sidney Tanner, David Cran,  
Alanson Ripley, Jas. Worthington, Geo. W.  
Harris, Alex. McRay, Ebenezer Brunson,  
Thos. D. March, Jas. Durphey, Parley P.  
Pratt, Reynolds Calhoun and Jesse D. Hunter.*

} Indictment for arson.

In this cause, the defendants Joseph Smith, jr., Lyman Wight, Hiram Smith and Alex. McRay, were ordered to be removed to the jail in Boone county for trial, and there being no recognizance on file, in my office, against the other defendants, and the order for removing them, however, was not complied with, the cause after being continued for some time on the docket, was dismissed.

*State of Missouri,*

vs.

*Jos. Smith, jr., Lyman Wight, Moses Dailey,  
Joseph Younger, Perry Durphey, Ephraim  
Owens, John Lemmon, James Whittaker,  
Alanson Brown, James Bingham Amos  
Tubbs, Absalom Sentsfield, William Ald-  
ridge, George Smith and Caleb Bald-  
win.*

} Indictment for riot.

The defendants, Joseph Smith, jr., Caleb Baldwin and Lyman Wight, were ordered by the court in Daviess county, to be removed to the county jail in Boone for trial, and there being no recognizance on file,

in my office, against the other defendants, this cause was dismissed, after being continued on the docket for some time, there being no appearance of the defendants.

*State of Missouri,*  
vs.  
*Joseph Smith, jr.,* } Indictment for receiving goods.

Which said defendant was ordered by the court, to be removed to the county of Boone for his trial, which order, however, was not complied with, and after having this cause continued for some time on the docket, was dismissed, the defendant not appearing.

*State of Missouri,*  
vs.  
*James Worthington, Cornelius D. Lott, Joseph Smith, jr., and Lyman Wight.* } Indictment for larceny.

The said Lyman Wight and Joseph Smith, jr., were ordered to be removed to the jail in the county of Boone, from the county of Daviess, which order was not complied with, and there being no recognizance on file, in my office, against the other defendants, the cause was dismissed, after having been continued on the docket for some time, there being no appearance of the defendants.

*State of Missouri,*  
vs.  
*Parley P. Pratt, Maurice Phelps and Lyman Gibbs.* } Indictment for murder.

This cause was removed from the county of Ray to the county of Boone, by a change of venue, and the said defendants were removed to the jail in the county of Boone, from which said jail, the said Parley P. Pratt and Maurice Phelps made their escape, and this cause was dismissed.

As to the other defendant, Lyman Gibbs, he was discharged from custody, and after continuing this cause on the docket for some time, it was dismissed.

*State of Missouri,*  
vs.  
*King Follett.* } Indictment for robbery.

This cause was also removed to Boone county, by a change of venue, and the defendant removed to the jail in Boone county, and having had a trial, was acquitted and discharged from custody.

*State of Missouri,*

vs.

*Caleb Baldwin, Washington Voorhees, Jas. Worthington, George A. Smith, Moses Dailey, Wm. Aldridge, Absalom Sentschfield, Amos Tubbs, Perry Durphey, Jas. Bingham, Ephraim Owens, John Lemmons, James Whittaker, Alanson Brown, Jas. Wilson, Jno. Wood and A. McRay.* } Indictment for burglary.

Which said suit was continued for some time, and dismissed, the defendants not appearing, and no recognizance on file, in my office, against them.

I do further certify, that the above and foregoing, contains a list of all the Mormons who were indicted, and their cause removed to Boone county for trial, by a change of venue, as appears from the records of the Boone Circuit Court, and the disposition of each of the causes, aboveset forth.



In witness whereof. I have hereunto set my hand, and affixed the seal of the Boone Circuit Court, at office, in Columbia, on this 6th day of March, 1841.

ROGER N. TODD, Clerk.

GALLATIN, Daviess County, Mo., March 18th, 1841.

To JAMES L. MINOR, Secretary of State.

SIR:—In compliance with your request of the 23d February, I hasten to lay before you a statement of, 1st., who of the Mormons were indicted in our Daviess circuit court, 2nd., for what crimes, 3rd., what was the final disposition of said indictments, &c.

1st. Jacob Gates, Hiram Smith, Thos. Rich, Joseph Smith, jr., Lyman Wight, E. Robinson, Wm. Whiteman, Lemuel Bent, Joseph W. Younger, David Pettigrew, Edward Partridge, Geo. W. Robinson, Washington Voorhees, Jesse D. Hunter, Jas. H. Rawlins, Sidney Tanner, David Carn, Alanson Ripley, Jas. Worthington, George W. Hains, Alex. McRay, Zeno Brunson, Thos. D. March, Jas. Durphey, Perry Durphey, Geo. Hinkle, Arthur Morrison, Elias Higbey, Parley P. Pratt, Reynolds Calhoun, Vincent Knight, Geo. Morey, Daniel Carn, Caleb Baldwin, Ebenezer Page, Finley Page, Roswell Stephens, Jabez Durphey, Moses Dailey, Benjamin Durphey and James Whittaker, were



all indicted in our court at April term, 1839, for treason, and Jacob Gates, Hiram Smith, Thos. Rich, Jos. Smith, jr., Lyman Wight, E. Robinson, Wm. Whiteman, Lemuel Bent, Jos. W. Younger, David Pettigrew, Edward Partridge, Geo. W. Robinson, Washington Voorhees, Jesse D. Hunter, James H. Rawlins, Sidney Tanner, David Carn, Alanson Ripley, James Worthington, Geo. W. Harris, Alex. McRay, Zeno Brunson, Thos. D. March, James Durphey, Parley P. Pratt, Geo. Hinkle, and Reynolds Calhoun were all indicted at the same term of said court, for arson.

And Caleb Baldwin, Washington Voorhees, James Worthington, George A. Smith, Moses Dailey, William Alridge, Absalom Sentschfield, Amos Tubbs, Perry Durphey, James Bingham, Ephraim Owens, John Lemmon, James Whittaker, Alanson Brown, James Wilson, John Wood, and Alexander McRay, were all indicted for burglary at the same term of said court.

And Jesse D. Hunter, Alfred Brunson, James H. Rawlins, Maurice Phelps, and Darwin Chase, were all indicted for burglary at the same term of our said court.

And Cornelius P. Lott, James Worthington, Joseph Smith, jr., and Lyman Wight, were all indicted for larceny at our said court, at same term.

And Arthur Morrison, Caleb Baldwin, Elias Higbey, Thomas D. March, Lyman Wight, Zeno Brunson, Joseph Smith, jr., Jesse D. Hunter and Parley P. Pratt, were all indicted for arson at the same term of our said court.

And Cornelius P. Lott, was indicted at the same term of our said court, for horse stealing; and Jos. Smith, jr., was indicted at the same term of our said court for receiving stolen goods.

And Joseph Smith, jr., Lyman Wight, Moses Dailey, Joseph W. Younger, Perry Durphey, Ephraim Owens, John Lemmon, James Whittaker, Alanson Brown, James Bingham, Amos Tubbs, Absalom Sentschfield, William Alridge, George Smith, and Caleb Baldwin, were indicted for riot, at the same term of our said court.

And Lyman Wight and William Osburn, were indicted at the same term of said court for obstructing execution of process.

A change of venue was granted by our said court at said April term, to Jos. Smith, jr., Lyman Wight, Hiram Smith, Caleb Baldwin and Alex. McRay, in all the foregoing cases in which they are parties, to the circuit court of Boone county, in this State, the said last named defendants being in the custody of the sheriff of Daviess county, who was commanded by our said court to convey the said defendants to the jail of said county of Boone, and the said sheriff returned the several orders of commitment into our said court, at the next ensuing term thereof, with a certificate of the escape of said Joseph Smith, jr., Lyman Wight, Hiram Smith, Caleb Baldwin and Alex. McRay, endorsed thereon. And writs of *habeas corpus* were issued against all the other defendants in the foregoing indictments, immediately after the finding of the same, and they were all returned at the next succeeding term of our

said court without any service, none of the aforesaid defendants being found in the county of Daviess, and the said causes were all continued until the next succeeding December term, 1839, at which time a nolle prosequi was entered in each of the above causes, except those in which a change of venue as aforesaid were taken.

The following defendants were recognized by the Hon. Austin A. King, sitting as a committing court, in the town of Richmond in Ray county, in November and December, 1838, for their appearance at the April term, 1839, of the Daviess circuit court, to answer charges of arson, burglary, robbery and larceny, which recognizances were all forfeited, at said April term, of Daviess circuit court, to wit: William Whiteman, Sidney Tanner, Alanson Riply, Daniel Carn, Thomas Rich, James H. Rawlins, Edward Partridge, Jesse D. Hunter, Washington Voorhees, David Pettigrew, Ebenezer Robinson, Lemuel Bent, Jacob Gates, Geo. W. Robinson and Jos. W. Younger.

The following defendants were recognized before John Wright and Elijah Foley, two justices of the peace in and for Daviess county on the 18th September, 1838, for their appearance at the circuit court of said county, next to be holden, then and there to answer to a charge of riot, which recognizances were all forfeited at April term, of Daviess circuit court, 1839, to wit: Alanson Riply, Geo. A. Smith, Moses Dailey, Wm. Alridge, Absalom Sentsfield, Amos Tubbs, Perry Durphey, James Bingham, Joseph W. Younger, Ephraim Owens, John Lemmon, James Whittaker and Alanson Brown.

The following defendants, Henry H. Belt, Henry Johnson, Ali Bagly, Jas. Wilson, John Wood, and Henry Almstead, were recognized by Philip Covington, a Justice of the Peace, within and for Daviess county, on the 29th September, 1838, for their appearance at the next term of our Daviess Circuit Court, to answer a charge for misdemeanors, which recognizances were all forfeited at the April term, 1839, of our said court.

Lyman Wight was recognized by John Wright and Elisha Foley, two Justices of the Peace as aforesaid, on the 18th day of Sept. 1838, for his appearance at the next Circuit Court of the county of Daviess, to answer to two several indictments to be preferred to the Grand Jury against him, said Wight, who appeared in discharge of said recognizance, he being in custody of the sheriff, and brought into Court under a charge of Treason, as before stated.

Jos. Smith, jr. and Lyman Wight were recognized, in the county of Daviess on the 7th day of September, 1838, by the Hon. Austin A. King, for their appearance at the next succeeding term of Daviess Circuit Court, to answer to an indictment to be preferred to the Grand Jury against them for a misdemeanor, who both appeared in discharge of this recognizance, they being in custody of the sheriff, on a charge of Treason as above stated.

All of the above forfeited recognizance, were prosecuted to final judgment at the December, term, 1839, of our said Daviess court, and executions issued on the same, and they were returned at April term

1840, with neither the defendants, nor any property of theirs found in Daviess county.

STATE OF MISSOURI, }  
 County of Daviess. } SS.

I, Robert Wilson, Clerk of the Circuit Court, within and for the County and State aforesaid, do hereby certify that all the statements made on the foregoing pages are true, and have been carefully collected from the records of our said Court.



In testimony whereof, I have hereunto set my hand, with my private seal affixed, there being no official seal yet provided, at Gallatin, the 18th day of March, A. D., 1841.

ROBERT WILSON, Clerk.

I here append certain testimony, which is on file in this office, taken before John Wright, and Elijah Foley, Justices of the peace, setting as a Committing Court on the 18th of September, 1838, in Daviess county, and said testimony committed to writing by the late Hon. Th. C. Burch, then Circuit Attorney in this Judicial Circuit, which is as follows, to wit:

Examination of Alanson Ripley, George A. Smith, Moses Dailey, William Alridge, Absalom Sentschfield, Amos Tubbs, Perry Durphey, James Bingham, Joseph W. Younger, Ephraim Owens, John Lemmon, James Whittaker and Alanson Brown, taken before us, John Wright and Elijah Foley, two justices of the peace, within and for the county of Daviess, in the State of Missouri, on the 18th day of September, 1838, upon a charge of having upon the 8th day of August, 1838, at said county of Daviess, with others unlawfully assembled, and surrounded the house of Adam Black, and blocked up the doors of the dwelling house of said Black, and threatened the life of said Black, and other citizens of said county of Daviess.

*Adam Black*, of lawful age, being produced sworn and examined as a witness on the part of the State, deposes and saith: that in the morning between nine and ten o'clock, Lyman Wight and some of the above named gentlemen and others, amounting to about 17, well armed, came in about ten steps of his door, and called him to come out to the fence. He refused going out, and invited them to get down, and come to the house. They refused alighting, saying they had not time. Lyman Wight said he had come to see the witness, that he had some talk for him; he then went out to him, and he said they had come to see the witness, to get him to sign an obligation, binding him, said witness, to do them justice as justice of the peace; witness refused to do so, and told him that if his oath and the laws of the country did not bind him, a written obligation would be no more binding, and told

him if he or his company had been injured in any way, he, the witness, would issue process, and bring the offenders to justice. Something may have passed between witness and said Wight, before witness made the last mentioned remark, but if any thing was said witness does not remember what it was, at present; said Wight replied that they had been mobbed away from the poll books on Monday before, and prevented from using their republican privileges of voting, and that his life had been threatened, and he did not intend standing it any longer, he intended having satisfaction for the manner in which his people had been treated. Here something passed that is not particularly recollected by the witness, and said Wight said that William Bowman had threatened to cut his throat from ear to ear. The witness asked him for his author, and he refused to give it, but said it was a respectable man. Witness then told him if he was afraid of his life, and would make oath of it, he would have Mr. Bowman brought forward, and dealt with according to law. He replied he was afraid of no man, and would not make oath that he was afraid of any man; witness told him if he would not, he could do nothing for him in that case. At some time in the conversation, when said Wight was complaining of the treatment of his people at the election, witness told him that his people were the first to raise a deadly weapon, and that he considered them as much to blame as others. He disputed it and called on some of his men that were present and proved the reverse—he thinks Hervey Olmstead, and is confident that John L. Butler stated that it was not as witness stated.

Witness then stated that Esquire Covington and himself had been consulted, and had concluded to bring up all the offenders at the election, and have them tried, but thought it advisable to defer it for a few days, until the excitement was allayed. At that time, or about then, said Wight replied, that he did not intend to be tried by the civil authority, he intended having satisfaction for the way they had been treated by the force of arms—he intended having blood for the blood his people had spilled at the election—that he had once tried the civil authority in Jackson county, and that they had lost about \$100,000, and that he did not intend to try the civil authority any more: that Gov. Dunklin had issued his Proclamation very favorably towards them, but had not complied with it, and he did not intend to try the Government any longer: that they were able to defend themselves, and intended to have their rights. Before this, witness had told said Wight, that the Governor was bound to protect them. Said Wight said he could not put confidence in our Governor at this time, and referred to him as being at the head of the mob in Jackson county; he also said he would love to have a pull at the Governor, or disregarded him. Witness thinks, the first he took, as the expression of a threat. Some time in the conversation, witness asked said Wight why he wanted him more than any one else in the county to sign an obligation? He said he intended to go to all the civil and military officers in the county, and they all should sign a similar obligation, and that those who did not do it should be shot down or cut off.

About this time a writing was drawn from some of their pockets, and some of them remarked it was not worth while to be losing time, about it, and handed it to witness, who refused to take it, saying he would not sign their obligation, but then said he would take it and read it, if it would be any satisfaction to them, and took it and went into the house and handed it to Mr. Ripley, who read it over, and witness said he could not sign any such obligation. Some words then passed, not recollected at this time, and they left the witness's house, saying they were going to see Captain Bowman, Col. Peniston, and others, and that they should sign that obligation. When they got on their horses, witness said, gentlemen, I don't want you to go off and say that I refused to issue you civil process. Cornelius Lott turned on his horse, and one or two of the others saying, "You black son of a bitch, don't you impeach us with lying." Witness replied he was not impeaching them with lying, but only requesting them not to lie. He replied, "you mob, you black son of a bitch, shut your head, or I'll cut it off, or take your head." Witness then told them to put off, that he did not believe in being insulted in his own house in that manner, and they went off muttering something that witness did not understand. They said the cause of their coming was that they had heard that two or three of their men had been killed at the election, and that they had heard that a mob of about 30 men were to be at witness's house that day. Witness replied to Mr. Wight, that he knew better, that he was at the election himself late in the evening after the affray was over. Witness asked him who told him there was to be a mob at his house, and he replied he did not know, but it was a respectable man. They remained absent about half an hour, and returned with about 154 men, from the best information witness could obtain, and approached witness's house, and surrounded it, and blocked up his doors. A Mr. Avard, who came in foremost, asked if witness was at home. Witness replied he was. Avard then stepped obliquely to witness, drew a piece of paper out of his pocket, and said, we have come to be plain with you, the only alternative is for you to sign this obligation; and witness refused to do it. He then said if witness refused to do it, he would cut him down, or shoot him down. Witness told him it was an unlawful and unjust request. He then said, we believe, from words that have dropped from your lips heretofore, that you are in a mob against us. At that time, Mr. Wight or Mr. Avard, or some other one asked him, if he knew Mr. Smith? He replied that he did not, but would like to know the gentlemen, and if he was there he would like to see him. Smith was then introduced to him. He said to him, Smith, that he would like for him to take a seat and have a conversation with him, he would like to know his object in surrounding his house with an armed force of men in that manner. Smith said they had come merely for the purpose of getting witness to sign an obligation, and a considerable argument ensued between them about the propriety of witness signing the obligation. Witness told him he could sign no such obligation, that it was an unjust and unlawful act of theirs to attempt to com-

pel him to do so; that he was at their service, they could sacrifice him, or do as they thought proper, but he would sign no such obligation; that they had him surrounded with an armed force, and he was destitute of arms. At that time Mr. Smith, Mr. Avard, and he thinks Lyman Wight, put their hands to their swords, and said, witness could have their swords. He replied he had no use for them, that they could keep them. They still urged him to sign their obligation. He still refused, and called on them as christians, and said if they were the latter day saints they must be christians, and said their making of him an unjust request, and that they were not bound in any manner to interrupt the citizens of Daviess county, and requested a list of all their names. They then said they were willing for witness to draw an instrument of his own, and they would then come into an obligation with him, and witness seeing the situation of his family, told them he would give them an obligation under his hand, if it would be of any satisfaction to them, and told them he would give them a certificate to about the following effect:

"I, Adam Black a justice of the peace, within and for Daviess county, do hereby certify that I will support the constitution of this State, and of the U. States, and will support no mob, that I am not attached to any mob, and will not attach myself to any such people." Some of the company seemed to think it was sufficient, but it was objected to by others, and witness said, if it would be more satisfactory, he would add another sentence to it, as follows: "That I will not molest the people called Mormons, and they will not molest me" or, "if they will not molest me." He signed, and handed it to them and they appeared to be satisfied with it; they then said, Dr. Avard speaking: Now we are going down to see the Col. of your county, Col. Peniston and Capt. Bowman, and will soon settle the business with them, and said a common excuse would not let them off, they must make some great acknowledgment for their threats, and if they did not, they would take their lives or shoot them down, or could shoot them down. Dr. Avard said he could shoot a man who would not sign that obligation, or that would oppose him, or be in a mob against him, and drink his heart's blood. Witness said to Avard, you must be of a savage nature; and he replied he was, that he was an old Virginian, that it was his disposition and he could not help it. Witness then asked Mr. Smith, if he protected Dr. Avard in his savage disposition, or if he possessed such a heart? he replied no. When they were at his house the second time they repeated that they would go through the county, and compel every officer, civil and military; to sign a similar paper, or that they should sign that paper.

Questioned by Moses Dailey, one of the defendants. Do you recollect seeing me at your house that day, or at any other time?

Answer. I do not.

Question, by same. Do you recollect ever to have seen me on the north side of the Grand River?

Answer. I do not.

The examination then adjourned till ten o'clock tomorrow morning. P. S. The defendants appeared before said Court, on the following morning, and voluntarily proposed to enter into recognizance, and were recognized accordingly, without prosecuting the examination any further.

The writer of this was present during the whole proceedings.

STATE OF MISSOURI, }  
County of Daviess. } SS.

I, Robert Wilson, Clerk of the Circuit Court, of the County aforesaid, do hereby certify that the above and foregoing is a true copy of the testimony, which it purports to be, now on file in my office.

L. S.

In testimony whereof, I have hereunto set my hand, with my private seal affixed, there being no official seal yet provided, at Gallatin, the 18th day of March, A. D., 1841.

ROBERT WILSON, Clerk.

STATE OF MISSOURI, }  
County of Caldwell, } SS.

Be it remembered, that from the records and papers on file in the Caldwell Circuit Court, it appears, that Sidney Rigdon was committed to jail, on a charge of treason against the State—committed in Caldwell county—for want of a jail in Caldwell county, he was sent to the jail in Clay county. It further appears, from the recognizance on file, that he was admitted to bail on *habeas corpus*, by a Justice of the Clay county Court. That afterwards, at the Caldwell Circuit Court, March term, 1839, said Rigdon was indicted for treason—he failed to appear, and his recognizance was forfeited. Said Rigdon, and his bail left the State, and no other steps have been taken, as appears from the record.

L. S.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said Court, at office, this, the 19th day of March, A. D., 1841,

ELLIOTT ROBERTS, Clerk.

NOTE.—No certificate has been received from Ray county.

OFFICE OF SECRETARY OF STATE, }  
City of Jefferson, }

I, James L. Minor, Secretary of State, of the State of Missouri, do hereby certify that the foregoing sheets contain true and correct copies of the evidence, orders, letters, &c., from the papers filed in this office.

JAS. L. MINOR, Secretary of State.

