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EARLY DAYS ON
GRAND RIVER AND
THE MORMON WAR

BY

ROLLIN J. BRITTON

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EARLY DAYS ON GRAND RIVER AND THE MORMON WAR.

ROLLIN J. BRITTON.*

FIRST ARTICLE.

*The following story of the Early Days on Grand River and the Mormon War is believed by the compiler to be authentic history. In its preparation free use has been made of public records and documents and of the writings of Joseph Smith, Jr., Major Joseph H. McGee, Lyman Wight, Major Reburn S. Holcombe, James H. Hunt, Heman C. Smith and others.

Much personal assistance has been rendered the compiler by Rev. Frank R. Gillihan, formerly of Gallatin, Mo.; W. O. Tague, Circuit Clerk of Daviess County, Mo.; Heman C. Smith, historian of the Re-Organized Church of Jesus Christ of Latter Day Saints; Herbert F. McDougal, litterateur; Col. Boyd Dudley, of Gallatin, Mo.; and Wm. R. Handy, of Gallatin, Mo.; while the task of putting the manuscript into shape for the printer has devolved upon Mrs. Mabel Andersen of Independence, Missouri, whose faithful labor in the interest of history has made this publication possible.—The Author.

The white man first entered that part of the Grand River Country in Missouri now known as Daviess county in 1830. The only semblance to towns that he found therein were certain Indian camps, the last one of which passed away in 1834, when the Indians allowed the embers to die out in the great camp fire at the head of Auberry Grove, north of the site of the present town of Jamesport.

In the autumn of 1831 Robert P. Peniston, Sr., moved his family and slaves, among the latter being Jacob and Henry Peniston, from Kentucky to Missouri; the family remained in lower Ray county that winter, while William P. Peniston, the eldest son, accompanied by the two slaves, Jacob and Henry, and the wife of Henry, pushed on to the Grand River Country and camped on Splawn's Ridge, where they builded cabins for the family that came on in the spring of 1832, bringing Theodore Peniston, as well, with them.

The Black Hawk war was then in progress, and at its close in 1832 many of those who had been ranging the country as soldiers, were so well pleased with the Grand River Country that they concluded to settle in what is now Daviess county.

Among these was Milford Donaho, who brought his family from Ray county and settled in or near Auberry Grove. Major Joseph H. McGee described Donaho as follows: "He was one of those rare geniuses seldom found except in a new country. As a mechanic he was confined to no one trade. He was a blacksmith, gunsmith, wagon-maker, house carpenter and millwright; and though he excelled in none, he was good in all; some of the best target rifles ever used in the Grand River Country were of his make."

FOUNDING OF MILL PORT AND GALLATIN.

Robert P. Peniston, Sr., being the most prosperous man in a financial way on Grand River was urged by the settlers to build a horse mill for the grinding of corn, to which the rest of the community would pay tribute and Mr. Peniston employed Milford Donaho to erect such a mill on the Peniston land. The mill was built of logs and timbers scored and hewed by Donaho and Jacob Peniston; the latter was famous as an ax man. The burs for the mill were made by Donaho from boulders found on the prairie and were fashioned with tools that Donaho made in his blacksmith shop.

That mill was a great success and it remained the center of the milling industry on Grand River for twelve or fifteen years. Many settlers were attracted by it and a town site was surveyed and platted and Mill Port thus became the first town in that part of the Grand River Country and was getting along famously when Daviess county was organized in 1836. Its business houses relieved the settlers from the need of going to Missouri River points for supplies. Its sign boards bore the names of John A. Williams, grocer; Milford Donaho, blacksmith; Jacobs and Lomax, merchants; Worthington & McKinney, merchants; Morin and Compton, merchants and Jesse Adamson, grocer.

Theodore Peniston became the first sailor to clear the port, when he took a dug-out load of honey, beeswax, skins, etc., down Grand River to its junction with the Missouri, where he disposed of his little cargo. William P. Peniston

built and took out the first flat boat. He sailed with his flat boat load all the way to St. Louis.

Mill Port was on the east side of Grand River, at what is still known, perhaps, as the Peniston Ford. In 1837 the town of Gallatin was platted just three miles west of Mill Port. The latter had been ambitious to become the county seat of Daviess county, but Gallatin was awarded the coveted honor and with the ascendancy of Gallatin, Mill Port rapidly faded away and few people now in Daviess county know that such a pioneer town ever existed.

FOUNDING OF ADAM-ONDI-AHMAN AND FAR WEST.

The same year that Gallatin was platted, 1837, there came to Daviess County a very remarkable man in the person of Lyman Wight, who settled upon Grand River and founded a town four miles south and one-half mile west of Gallatin, the town site being located on the West half ($\frac{1}{2}$) of the Southwest quarter ($\frac{1}{4}$) of Section Thirty (30), Township Sixty (60), Range Twenty-seven (27). Lyman Wight came originally from the City of New York, where he served in the War of 1812, but his remarkable career of sufferings and achievements for his religious faith commenced with his baptism into the Church of Jesus Christ of Latter Day Saints at Warrensville, Ohio, by Elder Parley P. Pratt on November 14, 1830. He was ordained an Elder on November 20, 1830, and in the June conference following was ordained a high priest and shortly afterward entered upon the ministry at Independence, Missouri. His experiences for the next seven or eight years are summed up in a petition filed by him in 1839 and which is still on file in the archives at Washington, D. C., which reads as follows:

“The petition of Lyman Wight most humbly showeth that petitioner removed from the State of Ohio to the State of Missouri, in the year 1832 (1831), where I hoped to live in peace, but after toiling and undergoing all the hardships of a new country for two years, and suffering many privations of the comforts of life, I was assailed by a lawless mob, and was driven from my house in Jackson County to Clay County; my crops and all other prop-

erty I possessed were taken from me, except a small part of household furniture. I stayed in Clay County for upwards of two years, when I was again assailed by a mob, who said I must deny my sentiments of religion or move from that County, but rather than deny my religion or be put to death, I disposed of my property at a low rate, and removed my family to Davis (Daviness) County, located myself on Grand River, made an improvement, gained to myself a preemption right, on which a small town was laid off; it was then worth to me at least ten thousand dollars. But sometime in the month of September last I was ordered to leave my possessions again, and this by a mob, which was got up by Sashel Wood (a presbyterian preacher), and Doctor Craven (who have since entered my lands) without any other consideration than to get me chained up in prison and drive my family from the State without food and raiment to make them comfortable; they kept me in prison for six months, until they succeeded in driving every man, women and child (who professed the same religion that I did) out of the State, except those whom they murdered in the State, although they have never been able to substantiate the first accusation against me, yet my sufferings for seven years have been more severe than tongue can tell, or pen write."

However, Lyman Wight was not the only party who had to do with the founding and naming of the town that was thus located upon his land and which town was to become historic in the annals of his faith. The religious organization in which Lyman Wight had membership, commonly known as the Mormon Church, located its administration headquarters in Caldwell county, Missouri, in 1837 at the town founded by it and named Far West. It was at this town of Far West that Joseph Smith, Jr., the prophet, declared a revelation on April 26, 1838, which revelation definitely fixed the name of the church and also directed the prophet to do certain things that resulted in making history for Lyman Wight's town. That revelation was as follows:

Revelation given at Far West, April 26, 1838, making Known the Will of God Concerning the Building up of this Place, and of The Lord's House, etc:

"Verily thus saith the Lord unto you, my servant, Joseph Smith, Jr., and also my servant Sidney Rigdon, and also my servant Hyrum Smith, and your counselors who are and shall be appointed hereafter; and also unto you my servant, Edward Partridge, and his counselors, and also unto my faithful servants

who are of the High Council of my church in Zion (for thus it shall be called), and unto all the Elders and people of my church of Jesus Christ of Latter Day Saints, scattered abroad in all the world; for this shall my church be called in the last days, even the church of Jesus Christ of Latter Day Saints. Verily I say unto you all, Arise and shine forth, that thy light may be a standard for the Nations, and that the gathering together upon the land of Zion and upon her stakes may be for a defense, and for a refuge from the storms, and from wrath when it shall be poured out without mixture upon the whole earth. Let the city, Far West, be a holy and consecrated land unto me, and it shall be called most holy, for the ground upon which thou standest is holy; therefore I command you to build an house unto me, for gathering together of my saints, that they may worship me; and let there be a beginning of this work, and a foundation, and a preparatory work, this following summer, and let the beginuing be made on the 4th day of July next and from that time forth let my people labor diligently to build an house unto my name, and in one year from this day let them recommence laying the foundation of my house; thus let them from that time forth labor diligently until it shall be finished from the corner stone thereof unto the top thereof, until there shall not anything remain that is not finished.

“Verily I say unto you, let not my servant Joseph, neither my servant Sidney, neither my servant Hyrum, get in debt any more for the building of an house unto my name; but let a house be built unto my name according to the pattern which I will show unto them. And if my people build it not according to the pattern which I will show unto their Presidency, I will not accept it at their hands; but if my people do build it according to the pattern which I shall show unto their Presidency, even my servant Joseph and his counselors, then I will accept it at the hands of my people. And, again, verily I say unto you. It is my will that the city of Far West should be built up speedily by the gathering of my saints, and also that other places should be appointed for stakes in the regions round about, as they shall be manifest unto my servant Joseph from time to time; for behold I will be with him, and I will sanctify him before the people, for unto him, have I given the keys of this kingdom and ministry. Even so. Amen.” (*Millennial Star*, vol. 16, p. 147, 148.)

Pursuant to this revelation, the prophet proceeded to the appointment of other places for stakes in the region round about. His exploring trip northwards from Far West as told by himself in *The History of the Church* is as follows:

"Friday, May 18th, 1838, I left Far West in company with Sidney Rigdon, T. B. Marsh, D. W. Patten, Bishop Partridge, E. Higbee, S. Carter, Alanson Ripley and many others for the purpose of visiting the north country, and laying off a stake of Zion, making locations, and laying claims to facilitate the gathering of the Saints, and for the benefit of the poor, in upbuilding the Church of God. We traveled to the mouth of Honey Creek, which is a tributary of Grand River, where we camped for the night. We passed a beautiful country of land, a majority of which is prairie (untimbered land), and thickly covered with grass and weeds, among which is plenty of game; such as deer, turkey, hen, elk, etc. We discovered a large black wolf, and my dog gave him chase, but he outran us.

We have nothing to fear in camping out, except the rattlesnake, which is natural to this country, though not very numerous. We turned our horses loose and let them feed on the prairie.

Saturday 19th. This morning we struck our tents and formed a line of march, crossing Grand River at the mouth of Honey Creek and Nelson's Ferry. Grand River is a large, beautiful, deep, and rapid stream during the high waters of spring, and will undoubtedly admit of steam boat navigation and other water craft; and at the mouth of Honey Creek are a splendid harbor and good landing. We pursued our course up the river, mostly in the timber, about eighteen miles, when we arrived at Colonel Lyman Wight's, who lives at the foot of Tower Hill (a name I gave it in consequence of the remains of an old Nephite altar or tower), where we camped for the Sabbath.

In the afternoon, I went up the river about half a mile to Wight's Ferry, accompanied by President Ridgon and my clerk, George W. Robinson, for the purpose of selecting and laying claim to a city plat near said ferry in Daviess County, Township 60, Ranges 27 and 28, and Sections 25, 36, 31 and 30, which the brethren called Spring Hill; *but by the mouth of the Lord it was named Adam-ondi-Ahman, because said he, it is the place where Adam shall come to visit his people, or the Ancient of Days shall sit, as spoken of by Daniel the Prophet.*"

Lyman Wight also wrote about this occasion as follows:

"About June, Joseph Smith, together with many others of the principal men of the church, came to my house, and taking a view of the large bottom in the bend of the river, and the beautiful prairies on the bluffs, came to the conclusion, that it would be a handsome situation for a town. We, therefore, commenced surveying and laying off town lots, and locating government lands for many miles north of this place. This beautiful country with

its flattering prospects drew in floods of emigrants. I had not less than thirty comers and goers through the day during the three summer months, and up to the last mentioned date (last of October) there were upwards of two hundred houses built in this town, and also about forty families living in their wagons."

On June 28, 1838 a stake was organized here of which the following minutes were published:

"Adam-ondi-Ahman, Missouri, Daviess county, June 28, 1838.

A conference of Elders and members of the Church of Jesus Christ of Latter Day Saints was held in this place this day, for the purpose of organizing this stake of Zion, called Adam-ondi-Ahman.

The meeting convened at ten o'clock A. M. in the grove near the house of Elder Lyman Wight.

President Joseph Smith, Jr., was called to the chair, who explained the object of the meeting which was to organize a Presidency and High Council, to preside over this stake of Zion, and attend to the affairs of the Church in Daviess County.

It was then motioned, seconded and carried by the unanimous voice of the assembly, that President John Smith should act as President of the Stake of Adam-ondi-Ahman.

Reynolds Cahoon was unanimously chosen first Counselor, and Lyman Wight second Counselor.

After prayer the President's ordained Elder Wight as second counselor.

Vinson Knight was chosen acting bishop pro tempore, by the unanimous voice of the assembly.

President John Smith then proceeded to organize the High Council.

The counselors were chosen according to the following order, by a unanimous vote; John Lemon, 1st; Daniel Stanton, 2nd; Mayhew Hillman, 3rd; Daniel Carter, 4th; Isaac Perry, 5th; Harrison Sagers, 6th; Alanson Brown, 7th; Thomas Gordon, 8th; Lorenzo D. Barnes, 9th; George A. Smith, 10th; Harvey Olmstead, 11th; Ezra Thayer, 12th.

After the ordination of the Counselors, who had not previously been ordained to the high priesthood, President Joseph Smith, Jr., made remarks by way of charge to the Presidents and Counselors, instructing them in the duties of their callings, and the responsibility of their stations, exhorting them to be cautious and deliberate in all their councils, and to be careful and act in righteousness in all things.

President John Smith, R. Cahoon, and L. Wight then made some remarks.

Lorenzo D. Barnes was unanimously chosen clerk of this council and stake, and after singing the well-known hymn, Adam-ondi-Ahman, the meeting closed by prayer by President Cahoon, and a benediction by President Joseph Smith, Jr.

Lorenzo D. Barnes,
Isaac Perry, Clerks.

The well known hymn above referred to was perhaps sung for the first time at the dedication of the temple at Kirtland, Ohio, in 1836. Its author is unknown, but the words are as follows:

"This Earth was once a garden place,
With all her glories common;
And men did live a holy race,
And worship Jesus face to face,
In Adam-ondi-Ahman.

We read that Enoch walked with God.
Above the pow'r of Mammon;
While Zion spread herself abroad,
And Saints and angels sang aloud
In Adam-ondi-Ahman.

Her land was good and greatly blest,
Beyond old Israel's Canaan;
Her fame was known from East to West;
Her peace was great, and pure the rest
Of Adam-ondi-Ahman.

Hosanna to such days to come—
The savior's second coming—
When all the Earth in glorious bloom,
Affords the saints a holy home,
Like Adam-ondi-Ahman."

MORMAN TROUBLE IN DAVIESS COUNTY.

So auspiciously did the career of Adam-ondi-Ahman begin that Joseph H. McGee informs us that it had over five hundred inhabitants when Gallatin had but four houses, and it threatened to rival Far West and probably would have done so had not a state of civil strife ensued that resulted in the expulsion of all of the members of the Church of Jesus Christ of Latter Day Saints from the State of Missouri.

This state of war had its inception in a fight at the general election held in Gallatin on August 6, 1838, on which occasion an attempt was made to keep the "Mormons" from voting. Major Joseph H. McGee witnessed that election fight and he tells the story in the following words:

"My first visit to Gallatin was in 1838, August 6th. My father and I came to town to attend the general election held on that day. This proved to be a historical day as the great knock down between the Mormons and the Missourians took place on that day. I had been with my father at many an election in Ohio, but I never saw him so peaceably inclined at an election before.

"There was a big pile of house logs piled up in front of the little cabin where they were voting. My father and I climbed to the very top of that pile of logs and witnessed the whole battle. I had witnessed many knock downs in my time, but none on so grand a scale. Pistols were not used. Rocks and clubs were in demand, and an occasional butcher knife slipped in. Men dropped on all sides.

"I saw one poor Mormon trying to make his escape from two Missourians who were pursuing him. He had a butcher knife sticking between his shoulders. They would no doubt have succeeded in capturing him had not another Mormon by the name of John L. Butler seized a big club and rushing in between them and their victim dealt them such blows that he felled them both to the earth and allowed the Mormon, whose name was Murphy, to escape. The Missourians proved victorious and the Mormons had to leave. After the fight was over my father and I got into our wagon and returned home. This was my first debut in Gallatin. All the Mormons who took part in this fight left the county that night and moved their families to Far West in Caldwell County—this being the stronghold of the Mormons."

A more complete story of this fight from the pen of Joseph Smith, Jr. (The Prophet,) has been preserved to us in the following words:

"Some two weeks previous to this Judge Morin, who lived at Millport, informed John D. Lee and Levi Stewart that it was determined by the mob to prevent the "Mormons" from voting at the election on the sixth day of August, and thereby elect Colonel William P. Peniston, who led the mob in Clay County. He also advised them to go prepared for an attack, to stand their ground and have their rights.

"The brethren hoping better things gave little heed to Judge Morin's friendly counsel, and repaired to the polls at Gallatin, the shire town of Daviess County, without weapons. About eleven o'clock A. M. William P. Peniston ascended the head of a barrel and harrangued the electors for the purpose of exciting them against the "Mormons," saying that the "Mormon" leaders were a set of horse thieves, liars, counterfeifers, etc., and you know they profess to heal the sick, cast out devils, etc.; and you know that is a d— lie; that the members of the church were dupes, and not too good to take a false oath on any common occasion; that they would steal, and he did not conceive property safe where they were; that he was opposed to their settling there; and if they suffered the "Mormons" to vote, the people would soon lose their suffrage; and said he, addressing the saints, I headed a mob to drive you out of Clay County, and would not prevent your being mobbed now; when Richard (called Dick) Welding, the mob bully, just drunk enough for the occasion, began a discussion with Brother Samuel Brown by saying; The Mormons were not allowed to vote in Clay County, no more than the d— negroes, and attempted to strike Brown, who gradually retreated, parrying the blow with his umbrella, while Welding continued to press upon him, calling him a ——— liar, etc., and attempting to repeat the blow on Brown.

"Perry Durphy attempted to suppress the difficulty by holding Dick's arm, when five or six of the mobbers seized Durphy and commenced beating him with clubs, boards, etc., and crying "Kill him, kill him, — — him, kill him." When a general scuffle commenced with fists and clubs, the mobbers being about ten to one of the saints. Abraham Nelson was knocked down and had his clothes torn off and while trying to get up was attacked again, when his brother Hiram Nelson, ran in amongst them and knocked the mobbers down with the butt of his whip. Riley Stewart struck Dick Welding on the head which brought him to the ground. The mob cried out, "Dick Welding's dead, by —; who killed Dick?" And they fell upon Riley, knocked him down, kicked him, and hallowed, "Kill him, — — him, kill him; shoot him, by —;" and would have killed him, had not John L. Butler sprung in amongst them and knocked them down. During about five minutes it was one continued knock down, when the mob dispersed to get firearms. Very few of the brethren voted. Riley, escaping across the river, had his wounds dressed and returned home. Butler called the brethren together and made a speech saying, "We are American Citizens; our fathers fought for their liberty, and we will maintain the same principles, etc." When the authorities of the county came to them and requested them to

withdraw, stating that it was a premeditated thing to prevent the "Mormons" voting.

"The brethren held a council about one fourth of a mile out of town where they saw mobbing recruits coming in, in small parties from five and to twenty-five in number, armed with clubs, pistols, dirks, knives, and some guns, cursing and swearing. The brethren not having arms, thought it wisdom to return to their farms, collect their families and hide them in a thicket of hazel bush, which they did, and stood sentry around them through the night, while the women and children lay on the ground in the rain.

"Tuesday morning, 7th. A report came to Far West, by way of those not belonging to the church, that at the election at Gallatin yesterday two or three of our brethren were killed by the Missourians, and left upon the ground, and not suffered to be interred; that the brethren were prevented from voting, and a majority of the inhabitants of Daviess County were determined to drive the saints from the county.

"On hearing this report I started for Gallatin to assist the brethren, accompanied by President Rigdon, Brother Hyrum Smith and fifteen or twenty others, who were armed for their own protection, and the command was given to George W. Robinson.

"On our way we were joined by the brethren from different parts of the country some of whom were attacked by the mob, but we found some of the brethren who had been mobbed at Gallatin, with others, waiting for our counsel. Here we received the cheering intelligence that none of the brethren were killed, although several were badly wounded.

"From the best information about one hundred and fifty Missourians warred against from six to twelve of our brethren, who fought like lions. Several Missourians had their skulls cracked. Blessed be the memory of those few brethren who contended so strenuously for their constitutional rights and religious freedom, against such an overwhelming force of desperadoes.

"*Wednesday, 8th.* After spending the night in counsel at Colonel Wight's I rode out with some of the brethren to view the situation of affairs in the region, and, among others called on Adam Black, Justice of the Peace and Judge elect of Daviess County, who had some time previous sold his farm to Brother Vinson Knight, and received part pay according to agreement, and afterwards united himself with a band of mobbers to drive the saints from and prevent their settling in Daviess County. On interrogation he confessed what he had done, and in consequence of this violation of his oath as magistrate we asked him to give us some satisfaction so that we might know whether he was our friend or enemy, whether

he would administer the law in justice; and politely requested him to sign an agreement of peace. But being jealous, he would not sign it, but said he would write one himself to our satisfaction, and sign it, which he did, as follows:

'I, Adam Black, a Justice of the Peace of Daviess County, do hereby Certify to the people coled Mormin, that he is bound to support the constitution of this State, and of the United State, and he is not attached to any mob, nor will not attach himself to any such people, and so long as they will not molest me, I will not molest them. This the 8th day of August, 1838.

Adam Black, J. P.'

"Hoping he would abide his own decision and support the law, we left him in peace, and returned to Colonel Wight's at Adam-ondi-Ahman.

"In the evening some of the citizens from Millport called on us, and we agreed to meet some of the principal men of the county in council at Adam-ondi-Ahman the next day at twelve o'clock.

"The Committee assembled at Adam-ondi-Ahman at twelve according to previous appointment; viz: on the part of citizens, Joseph Morin, Senator Elect; John Williams, representative elect; James B. Turner, clerk of the Circuit Court, and others; on the part of the saints, Lyman Wight, Vinson Knight, John Smith, Reynolds Cahoon, and others. At this meeting both parties entered into a covenant of peace, to preserve each other's rights, and stand in their defense; that if men should do wrong, neither party should uphold them or endeavor to screen them from justice, but deliver up all offenders to be dealt with according to law and justice. The assembly dispersed on these friendly terms, myself and friends returning to Far West, where we arrived about midnight and found all quiet.

"The spirit of mobocracy continued to stalk abroad, notwithstanding all our treaties of peace, as will be seen by the following affidavit:

'State of Missouri, Ray County.

Personally appeared before me, the undersigned, Judge of the Fifth Judicial Circuit, William P. Peniston, and makes oath that he has good reason to believe and that he verily does believe, that there is now collected and embodied in the County of Daviess, a large body of armed men, whose movements and conduct are of a highly insurrectionary and unlawful character; that they consist of about five hundred men, and that they, or part of them, to the number of one hundred and twenty, have committed violence against Adam Black, by surrounding his house and taking him in a violent manner and subjecting him to great indignities, by forcing him under threats

of immediate death to sign a paper writing of a very disgraceful character, and by threatening to do the same to all the old settlers and citizens of Daviess County; and that they have, as a collected and armed body, threatened to put to instant death this affiant on sight; and that he verily believes they will accomplish that act without they are prevented; and also they have threatened the same to William Bowman and others; and this affiant states that he verily believes all the above facts to be true, and that the body of men now assembled do intend to commit great violence to many of the citizens of Daviess County, and that they have already done so to Adam Black; and this affiant verily believes, from information of others that Joseph Smith, Jr., and Lyman Wight are the leaders of this body of armed men, and the names of others there combined are not certainly known to the affiant and he further stated the fact to be that it is his opinion, and he verily believes that it is the object of this body of armed men to take vengeance for some injuries, or imaginary injuries done to some of their friends, and to intimidate and drive from the county all the old citizens, and possess themselves of their lands, or to force such as do not leave to come into their measures and submit to their dictation.

William P. Peniston.

Sworn to and subscribed, the 10 day of August 1838.

Austin A. King.

"The above was also sworn to by William Bowman, Wilson McKinney, and John Netherton, so it is that when Men's hearts become so hard and corrupt as to glory in devising, robbing, plundering, mobbing, and murdering innocent men, women, and children by wholesale, they will more readily swear to lies than speak the truth.

"At the time some of the brethren had removed with their families from the vicinity of Gallatin, to Diahman and Far West, for safety.

"*Saturday, 11th.* The morning I left Far West with my council and Elder Almon W. Babbitt, to visit the brethren on the forks of Grand River, who had come from Canada with Elder Babbitt, and settled at that place contrary to counsel.

"In the afternoon, after my departure, a committee from Ray County arrived at Far West to inquire into the proceedings of our society in going armed into Daviess County, complaint having been entered in Ray County by Adam Black, William P. Peniston, and others. The committee from Ray requested an interview with a committee of Caldwell, and a general meeting was called at the City Hall at six in the evening, when it was stated that they were assembled to take into consideration the doings of the citizens of

Ray County, wherein they have accused the 'Mormons' of this place of breaking the peace, in defending their rights and those of their brethren in the county of Daviess, and the meeting organized by appointing Bishop E. Partridge Chairman and George W. Robinson, Clerk.

'Resolved, 1st. That a Committee of seven be appointed to confer with the Committee from Ray.

Resolved, 2nd. That this Committee with their secretary be authorized to answer such questions as may be offered by the committee from Ray, and as are named in the document presented this meeting, purporting to be the preamble and resolutions of the citizen of Ray.

Resolved, 3rd. That whereas the document referred to has no date or signature, our Committee judge of the fact, and act accordingly.

Resolved, 4th. That our Committee report their proceedings to this meeting as soon as possible.

Edward Partridge, Chairman,
George W. Robinson, Clerk.'

"*Sunday, 12th.* I continued with the brethren at the forks of Grand River, offering such counsel as their situation required.

"*Monday, 13th.* I returned with my council to Far West. We were chased by some evil designing men, ten or twelve miles, but we eluded their grasp, when within about eight miles of home we met some brethren who had come to inform us that a writ had been issued by Judge King for my arrest and that of Lyman Wight, for attempting to defend our rights against the mob.

"*Thursday, 16th.* I spent principally at home. The Sheriff of Daviess, accompanied by Judge Morin, called and notified me that he had a writ for to take me to Daviess County on trial for visiting that county on the seventh instant.

"It had been currently reported that I would not be apprehended by legal process, and that I would not submit to the laws of the land; but I told the Sheriff that I calculated always to submit to the laws of our country, but I wished to be tried in my own county, as the citizens of Daviess County were highly exasperated at me, and that the laws of the country gave me this privilege. Upon hearing this the sheriff declined, serving the writ and said he would go to Richmond and see Judge King on the subject. I told him I would remain at home until his return.

"The sheriff returned from Richmond and found me at home (where I had remained during his absence) and informed me very gravely that I was out of his jurisdiction, and that he could not act in Caldwell, and retired." (*Millennial Star*, Vol. 16, pp. 222, 229-231.)

Shortly after the above occurred, Adam Black, Justice of the Peace above referred to, executed and filed with the State authorities the following affidavit:

“State of Missouri, }
County of Daviess } SS.

Before William Dryden, one of the Justices of the Peace in said county, personally came Adam Black, who being duly sworn according to law, deposeth and saith; That on or about the 8th day of August, 1838, in the County of Daviess, there came an armed force of men, said to be one hundred and fifty-four, 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 could not submit to the laws; and further saith; that from the best information and his own personal knowledge, that Andrew Ripley, George A. Smith, Ephriam Owens, Harvey Humstead, Hiram Nelson, A. Brown, John L. Butler, Cornelius Lott, John Wood, H. Redfield, Riley Stewart, James Whitaker, Andrew Thor, Amos Tubbs, Dr. Gourze and Abram Nelson, was guilty of aiding and abetting in committing and perpetrating the above offense.

Adam Black.

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

W. Dryden, Justice of the Peace of the
County aforesaid.”

On Sunday, September 2, 1838, Joseph Smith, Jr., sent for General David R. Atchison of Liberty, Missouri, who was in command of a division of the Missouri State Militia with the rank of Major General, and who was also one of the ablest lawyers in the state, in the hopes that his presence and advice at Far West would result in a cessation of the preparation for hostilities then going on in Daviess county. At the same time a letter was dispatched by Smith to Circuit Judge Austin A. King praying the latter to assist in putting down what “the prophet” termed “the mob” then collecting in Daviess county. General Atchison arrived in Far West

the next night and was employed, along with his partner Alexander W. Doniphan, as legal counsel by the Morimons.

The first Presidency of the Church at that time consisted of Joseph Smith, Jr., Sidney Rigdon and Hyrum Smith, and it is worthy of note that President Joseph Smith, Jr., and Sidney Rigdon commenced the study of law on Sept. 4, 1838, and that on the same date Joseph Smith, Jr., and Lyman Wight volunteered to surrender themselves for a preliminary hearing before Judge Austin A. King in Daviess county. Accordingly it was arranged that the preliminary hearing was to be conducted by Judge King at the farm residence of a Mr. Littlefield's in the Southern part of Daviess county, near the present site of Winston. On Wednesday, September 5, Joseph Smith executed the following affidavit:

"STATE OF MISSOURI, }
CALDWELL COUNTY, } SS.

"Before me, Elias Higbee, one of the Justices of the County Court, within and for the County of Caldwell aforesaid, personally came Joseph Smith, Jr., who, saith: That on the seventh day of August, 1838, being informed that an affray had taken place in Daviess County at the election in the town of Gallatin, in which two persons were killed and one person was badly wounded, and had fled to the woods to save his life; all of which were said to be persons belonging to the society of the Church of Latter Day Saints; and further, said informant stated that those persons who committed the outrage would not suffer the bodies of those who had been killed to be taken off the ground and buried.

"These reports, with others, one of which was that the saints had not the privilege of voting at the polls as other citizens; another was that those opposed to the saints were determined to drive them from Daviess County, and also that they were arming and strengthening their forces and preparing for battle; and that the saints were preparing and working ready to stand in self defense: these reports having excited the feelings of the citizens of Far West and vicinity, I was invited by Dr. Avar and some others to go out to Daviess County to the scene of these outrages; they having previously determined to go out and learn the facts concerning said reports.

"Accordingly some of the citizens, myself among the number went out, two, three and four in companies, as they got ready. The

reports and excitement continued until several of those small companies through the day were induced to follow the first, who were all eager to learn the facts concerning this matter. We arrived in the evening at the house of Lyman Wight about three miles from Gallatin, the scene of the reported outrages. Here we learned the truth concerning the said affray, which had been considerably exaggerated, yet there had been a serious outrage committed.

"We there learned that the mob was collected at Millport, to a considerable number; that Adam Black was at their head; and were to attack the Saints the next day, at the place we then were, called Adam-ondi-Ahman. This report we were still inclined to believe might be true, as this Adam Black, who was said to be their leader, had been, but a few months before engaged in endeavoring to drive those of the society, who had settled in that vicinity, from the county. This had become notorious from the fact that said Black had personally ordered several of said society to leave the county.

"The next morning we dispatched a committee to said Black's to ascertain the truth of these reports, and to know what his intentions were, and as we understood he was a peace officer, we wished to know what we might expect from him. They reported that Mr. Black instead of giving them any assurance of peace insulted them and gave them no satisfaction. Being desirous of knowing the feelings of Mr. Black for myself, and being in want of good water, and understanding that there was none nearer than Mr. Black's spring, myself with several others mounted our horses and rode off to Mr. Black's fence.

"Dr. Avard, with one or two others who had rode ahead, went into Mr. Black's house; myself and some others went to the spring for water. I was shortly after sent for by Mr. Black and invited into the house, being introduced to Mr. Black by Dr. Avard. Mr. Black wished me to be seated. We then commenced a conversation on the subject of the late difficulties and present excitement. I found Mr. Black quite hostile in his feelings toward the Saints, but he assured us he did not belong to the mob, neither would he take any part with them; but said he was bound by his oath to support the constitution of the United States and the laws of the State of Missouri. Deponent then asked him if he would make said statement in writing so as to refute the arguments of those who had affirmed that he (Black) was one of the leaders of the mob. Mr. Black answered in the affirmative. Accordingly he did so, which writing is in possession of the deponent.

"The deponent further said that no violence was offered to any individual in his presence or within his knowledge; and that no insulting language was given by either party, except on the part of

Mrs. Black, who, while Mr. Black was engaged in making out the above named writing (which he made with his own hand), gave to the deponent and others of this society highly insulting language and false accusations, which were calculated in their nature to greatly irritate, if possible, the feelings of the bystanders belonging to said society, in language like this: Being asked by the deponent if she knew anything in the "Mormon" people derogatory to the character of gentlemen, she answered in the negative, but said she did not know but that the object of their visit was to steal something from them. After Mr. Black had executed the writing deponent asked Mr. Black if he had any unfriendly feelings towards the deponent, and if he had not treated him genteelly. He answered in the affirmative. Deponent then took leave of said Black and repaired to the house of Lyman Wight. The next day we returned to Far West, and further this deponent saith not.

Joseph Smith, Jr.

Sworn to and subscribed this fifth day of September A. D. 1838.

Elias Higbee, J. C. C. C. C."

Judge King opened court for the preliminary hearing of Smith and Wight at the Littlefield home on September 6, but no testimony was taken and the causes were continued over till 10 o'clock the next morning. The hearings to be had at a Mr. Raglins some six or eight miles further south and within a half mile of the Caldwell county line. The court convened at Mr. Raglin's the next morning. William P. Peniston was the prosecutor, Adam Black was the sole witness for the State. The defense introduced the testimony of Dimick B. Huntington, Gideon Carter, Adam Lightner, and George W. Robinson. The result of the matter was that Joseph Smith, Jr., and Lyman Wight were bound over to court in a five hundred dollar bond.

A committee of inquiry from Chariton county arrived in Far West on September 8th and after listening to the statements made by General Atchison and the Presidency returned to their homes.

About this time it became known in Far West that a wagon-load of firearms was being transported from Richmond, Missouri, to Daviess county, and the Mormon Civil authorities in Far West concluded to intercept them, a writ was placed in the hands of William Allred, who with ten mounted men

surrounded the wagon and after placing John B. Comer, William L. McHaney and Allen Miller under arrest, brought the prisoners, with their wagon-load of guns, into Far West. These men were held as prisoners till Sept. 12th on which date they were given a preliminary hearing in Far West and bound over for their appearance at Circuit Court,—John B. Comer to answer to a charge of “attempting to smuggle arms to a mob;” the other men being held as his accomplices—at least that is the statement made in the *History of the Church*.

The arrest of these three men created great excitement. The Saints petitioned the Governor of Missouri at once for protection, while the Missourians petitioned the Governor to drive all Mormons from the state.

On September 11, General Atchison in his military capacity ordered the militia to march immediately to the scene of excitement and insurrection. This order being given by Major General Atchison to his law partner Brigadier General Doniphan. The latter acted with alacrity as evidenced by the following report:

“Headquarters 1st Brigade, 3rd Division, Missouri,
Military Camp at Grand River.
September 15, 1838.

Major General David R. Atchison,
Commanding 3rd Division Missouri Militia.

Sir:

“In pursuance to your order dated 11th inst. I issued orders to Colonel William A. Dunn, Commanding the 28th Regiment, to raise four companies of mounted riflemen, consisting of fifty men each, also to Colonel Boulware commanding 70th regiment, to raise two companies of mounted riflemen, consisting each of like numbers, to start forthwith for service in the counties of Caldwell and Daviess.

“On the same day Colonel Dunn obtained the four companies of volunteers required from the 28th regiment, and on the morning of the 12th I took 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 McHaney, the prisoners mentioned in your order. I demanded of the

guard who had them in confinement to deliver them over to me, which he 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 Colonel Dunn to march the regiment by daylight for that place, where he arrived about seven a. m., making forty miles since ten 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 eight o'clock a. m. we took up the line of march and proceeded through Millport in Daviess County, thirty-seven miles from our former encampment, and arrived at the camp of the citizens of Daviess and other adjoining Counties, which 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 defense, but they were marching and counter marching guards out; and myself and others who approached the camp were taken to task and 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 countermarching.

"I then proceeded with your aid, J. M. Hughes, and my aid Benjamin Holliday, to the Mormon encampment commanded by Colonel 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 hostile encampments, where I have remained since, within about two and a half miles of Wight's Encampment, and sometimes, the other camp is nearer, and sometimes farther from me. I intend to occupy this position until your arrival, and deem it best to

and preserve peace and prevent an engagement between the parties 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. General 1st. Brigade,

3rd Division Missouri Militia."

(*Millennial Star*, Vol. 16, pp. 268-9.)

Subsequently Major General Atchison arrived and his report to Governor Boggs, the Commander-in-Chief, will show his views of the situation:

"Headquarters 3rd Division, Missouri Militia,
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 instant, with the troops raised from the militia of Ray 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 protest 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 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-di-Ahman. 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 today 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 inclose to your Excellency the report of General Doniphan and I refer you for particulars to Major Rogers.

I have the honor to be your obedient servant,

D. R. Atchison,

Major-General 3rd Division
Missouri Militia."

(*Millennial Star*, Vol. 16, pp. 282-283.)

On the 18th, Governor Boggs, undoubtedly considering the force under Atchison too small, or considering the General too pacific in his measures, ordered the fourth division, under General S. D. Lucas, to the scene of trouble, there to co-operate with the forces under General Atchison. General Atchison again reported to the Governor as follows:

"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 instant, 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 three companies should remain there for a short period longer, say some twenty days, until confidence and tranquility should be restored.

"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. Thomas C. Berch 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 retired to their respective homes, and the Mormons have also returned to their homes; so that I consider the insurrection, for the present at least, at an end. 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. The Mormons of Daviess County, as I stated in a former report, were encamped in a town called Adam-ondi-Ahman, and are headed by Lyman Wight, a bold, brave, skillful, and, I may add, a

desperate man: they appear 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."

(*Millennial Star*, Vol. 16, p. 294.)

On September 25, General Parks, who was left in command wrote the Governor as follows:

"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. There has been so much prejudice and exaggeration concerned in this matter, that I found things entirely different from what I was prepared to expect. 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.

"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."

(*Millennial Star*, Vol. 16, p. 295.)

He wrote General Atchison on the same date, thus:

"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 tomorrow a committee from Daviess County meets a committee of the Mormons at Adam-on-di-Ahman, to propose to them to buy or sell, and I expect to be there."

(*Millennial Star*, Vol. 16, p. 275.)

EARLY DAYS ON GRAND RIVER AND THE MORMON WAR.

ROLLIN J. BRITTON.

SECOND ARTICLE.

THE MORMONS EXPELLED FROM CARROLL COUNTY.

The lull of hostilities in Daviess county was followed by an outbreak in Carroll county at DeWitt from whence the following petition issued:

“DeWitt, Carroll County, State of Missouri,
September 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 of certain inhabitants of this and other counties, to the injury of the good citizens of this and 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 then 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 chattels by throwing them in the river.

“We therefore pray you to take such steps as shall put a stop to all lawless proceeding, and we, your petitioners, will ever pray, etc.”

This petition was signed by Benj. Kendrick and forty-nine others, one of whom signed his name “D. Thomas” and then after his name wrote the words (no Mormon).

On October 2nd, General Parks sent the following letter to General 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 first of October there was collected in the vicinity of DeWitt an armed force, consisting of from thirty to fifty persons and on the morning of the second of October came into the town of DeWitt 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.

HENRY ROOT.

Subscribed and sworn to this 3rd 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 commands of Captains Bogart and Houston, to march for DeWitt, in Carroll County, by eight o'clock tomorrow morning, armed and equipped as the law directs, with six days' provisions and fifty rounds of powder and ball. I will proceed with these troops in person, leaving Colonel Thompson in command on Grand River. As soon as I reach DeWitt I will advise you of the state of affairs more fully. I will use all due precautions in the affair, and deeply regret the necessity of the recourse.

H. G. PARKS,

Brigadier General 2nd Brigade, 3rd Division."

General Lucas wrote a letter to Governor Boggs at this time as follows:

"Boonville, Missouri, October 4, 1838.

Dear Sir:

As we passed down the Missouri River on Monday last, we saw a large force of Mormons at DeWitt, in Carroll County, under arms. Their commander Colonel Hinkle, formerly of Carroll 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 reinforcement from Saline County. Hinkle said they had determined to fight. News had just been received at the 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 of upper Mis-

souri, 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 fourth division were only dismissed, subject to further orders, and can be called into the field at an hour's warning.

SAMUEL D. LUCAS."

General Parks arrived at DeWitt on the 6th of October and immediately sent the following letter to General 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 Colonel Jones to call out three companies, from this county to hold themselves in readiness to join me at Carrollton on the 5th instant, which order has not been carried into effect. None of Carroll regiment is with me.

"On arriving in the vicinity of DeWitt I found a body of armed men under command of Dr. Austin, encamped near DeWitt, besieging that place, to the number of two or three hundred, with a piece of artillery ready to attack the town of DeWitt. 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 instant 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 DeWitt, 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 on the 5th inst., by Mr. Warden, authorizing me to call on General 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 billig-rents.

"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 Carrol County men talk) as Mormon scalps; as yet they are scarce. I believe Hinkle with the 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, etc. 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.

H. C. PARKS."

The besieging force was augmented by the arrival of bodies of armed men from Ray, Saline, Howard, Livingston, Clinton, Clay and Platte counties, and Congrieve Jackson from Howard county was chosen by them as commander in chief.

The Saints were forbidden to leave DeWitt under pain of death and were shot at whenever they were seen.

The supply of food in DeWitt was soon exhausted and in the meantime Henry Root and David Thomas worked out a settlement. Thomas advised the Mormons that they would be permitted to leave the town and not be hurt and that their property would be appraised and paid for.

Joseph Smith, Jr., had arrived in DeWitt prior to this, and he with the resident Mormons conceded this was the best settlement that could be made. Appraisers came in and appraised the real estate, but it is not probable that anything was ever paid to the Mormons for any of their property. The most of the personal property of the Mormons, including much of their live stock, had already been taken possession of by the Missourians and they never returned any of it.

About seventy wagons were gathered together, and loaded with such remnants of their property as could be found, and the Mormons then started from DeWitt on the afternoon of Thursday, October 11, 1838, bound for Caldwell county. They traveled about twelve miles that day and encamped in a grove of timber near the road. That night a woman, weakened by childbirth and exposure, died in their camp and was buried in the grove without a coffin. Far West was reached the next day.

At Far West on the morning of October 15, the Mormons assembled on the public square and formed a company of about one hundred men. This company was placed under the com-

mand of Lieutenant Colonel Hinkle, a Mormon, who held a commission in the Missouri State Militia, and who acted, we are told, under the order of General Doniphan.

MORMON TROUBLES IN DAVIESS COUNTY.

This company started at once for the protection of Adam-ondi-Ahman, and Joseph Smith, Jr., went along, and he states that many depredations, such as driving off horses, sheep, cattle and hogs belonging to his brethren took place at this time.

Major Joseph H. McGee tells us in his memoirs, "that on the morning of October 18, 1838, one hundred and fifty Mormons came to Gallatin and finding but seventeen men in the place they run them out and took possession of the town. They removed the goods out of Stolling's Store house and burned the house. They then took the goods to Di-Ammon. They burned my tailor shop after taking all there was in it, leaving me only the suit of clothes I had on my back. They took me prisoner and after keeping me about two hours they turned me loose and told me to 'get.' My father was living about three miles south of where Winston now is and the road we traveled then made it about fifteen miles from Gallatin. The snow on the ground was about six inches deep. When they turned me loose and told me to go, I made tracks for home, reaching there late in the evening. Not knowing at what time we would be visited by the Mormons, father boxed all our feather beds and table ware and hid them out in the woods. There they remained until the war was over. We could stand in our door yard and see houses burning every night for over two weeks. The Mormons completely gutted Daviess county. There was scarcely a Missourian's house left standing in the county. Nearly every one was burned. Their flight from the county had been so precipitate that they left all they had behind, taking only their families and teams. The Mormons secured all their property and took it to De Ammon and there placed it in what was termed the Lord's Store house, to be issued out to Saints as they might need."

It was during this period of trouble that General Parks arrived in Daviess county and went at once to the house of Lyman Wight in Adam-ondi-Ahman, arriving there on the 18th. On this date, Joseph Smith, Jr., tells us intelligence was brought in that the mob (he always designated the opposition as "the mob") was burning houses, and that the women and children were fleeing to town for safety, among these being Agnes M. Smith, wife of Don Carlos Smith (a brother of Joseph's), who was absent on a mission in Tennessee, her house having been plundered and burned by the mob, she having traveled three miles carrying her two helpless babes, and having had to wade Grand River.

Continuing in the language of Joseph Smith, Jr.:

"Colonel Wight, who held a commission in the 59th Regiment under his (General Parks) command, asked what was to be done. He told him that he must immediately call out his men and go and put them down. Accordingly a force was immediately raised for the purpose of quelling the mob, and in a short time was on its march with a determination to drive the mob or die in the attempt; as they could bear such treatment no longer.

"The mob having learned the order of General Parks, and likewise being aware of the determination of the oppressed, broke up their encampment and fled. The mob seeing that they could not succeed by force now resorted to stratagem; and after removing their property out of their houses, which were nothing but log cabins, they fired them, and then reported to the authorities of the State that the Mormons were burning and destroying all before them.

"On Wednesday, October 24, 1838, Captain Bogart with some thirty or forty men called on Brother Thoret Parsons, where he lived at the head of the East branch of Log Creek and warned him to be gone before next day at ten in the morning, declaring also that he would give Far West thunder and lightning before next day at noon if he had good luck in meeting Neil Gillium, who would camp about six miles west of Far West that night, and that he should camp on Crooked Creek, and departed towards Crooked Creek.

"Brother Parsons dispatched a messenger with this news to Far West, and followed after Bogart to watch his movements. Brother Joseph Holbrook and ————— Judith, who went out this morning to watch the movements of the enemy, saw eight armed mobbers call at the house of Brother Pinkham, where they

took three prisoners (Nathan Pinkham, Brothers William Seely and Addison Green) and four horses, arms, etc., and departed threatening Father Pinkham if he did not leave the State immediately they would have his damned old scalp; and having learned of Bogart's movements returned to Far West near midnight and reported their proceedings and those of the mob.

"On hearing the report, Judge Higbee, the first Judge of the County, ordered Lieutenant Colonel Hinkle, the highest officer in command in Far West, to send out a company to disperse the mob and retake their prisoners, whom it was reported, they intended to murder that night. The trumpet sounded and the brethren were assembled on the public square about midnight, when the facts were stated and about seventy-five volunteered to obey the Judge's order, under command of David W. Patten, who immediately commenced their march on horseback, hoping to surprise and scatter the camp, retake the prisoners and prevent the attack threatened upon Far West without the loss of blood.

"Thursday, 25th, fifteen of the company were detached from the main body, while sixty continued their march until they arrived near the ford of Crooked River (or Creek) where they dismounted, tied their horses, and leaving four or five men to guard them, proceeded towards the ford not knowing the location of the encampment. It was just at the dawning of light in the East when they were marching quietly along the road, and near the top of the hill, which descends to the river, when the report of a gun was heard, and young O'Banion reeled out of the ranks and fell mortally wounded. Thus the work of death commenced, when Captain Patten ordered a charge and rushed down the hill on a fast trot, and when within about fifty yards of the camp formed a line. The mob formed a line under the bank of the river, below their tents. It was yet so dark that little could be seen by looking at the West, while the mob, looking towards the dawning light, could see Patten and his men, when they fired a broadside, and three or four of the brethren fell. Captain Patten ordered the fire returned, which was instantly obeyed, to great disadvantage in the darkness, which yet continued. The fire was repeated by the mob, and returned by Captain Patten's company, and gave the watchword, 'God and Liberty' when Captain Patten ordered a charge, which was instantly obeyed. The parties immediately came in contact with their swords, and the mob were soon put to flight, crossing the river at the ford and such places as they could get a chance. In the pursuit one of the mob fled behind a tree, wheeled, and shot Captain Patten, who instantly fell mortally wounded, having received a large ball in his bowels. The ground was soon cleared, and the brethren gathered up a wagon or two and making beds therein of tents, etc., took their wounded and

retreated towards Far West. Three brethren were wounded in the bowels, one in the neck, one in the shoulder, one through the hips, and one through both thighs, one the arms, all by musket shot. One had his arm broken by a sword.

"Brother Gideon Carter was shot in the head and left dead on the ground, so defaced that the brethren did not know him. Bogart reported that he had lost one man. The three prisoners were released and returned with the brethren to Far West. Captain Patten was carried some of the way in a litter, but it caused so much distress he begged to be left, and was carried into Brother Winchester's, three miles from the city, where he died that night. O'Banion died soon after, and Brother Carter's body was also brought from Crooked River, when it was discovered who he was.

"I went with my Brother Hyrum and Amasa Lyman to meet the brethren on their return, near Log Creek, where I saw Captain Patten in a most distressing condition. His wound was incurable.

"Brother David W. Patten was a very worthy man, beloved by all good men who knew him. He was one of the twelve Apostles, and died as he lived, a man of God and strong in the faith of a glorious resurrection in a world where mobs will have no power or place. One of his last expressions to his wife was, 'Whatever you do Else, O, do not deny the faith.'

"How different his faith from that of the Apostate, Thomas B. Marsh, who this day vented all the lying spleen and malice of his heart toward the work of God, in a letter to Brother and Sister Abbot, to which was annexed an addenda by Orson Hyde." (*Mil-lennial Star*, Vol. 16, pp. 395, 405, 408.)

On October the 26th, 1838, the following order was issued by Governor Boggs:

"Friday, Headquarters of the Militia,
City of Jefferson. October 26, 1838.

General John B. Clark,
1st Division, Missouri Militia.

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 burn their dwellings, driven off their stock, and were destroying their crops; that they (the Mormons) have burnt to ashes the towns of Gallatin and Millport in said county; the former being the county seat of said county, and 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 riflemen, each man to furnish himself with at least fifty rounds of ammunition and at least fifteen days' provisions. The troops from the 1st, 5th, 6th and 12th will rendezvous at Fayette, in Howard County, on Saturday, the 3rd 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 volunteer or drafts, and rendezvous, at Fayette, in Howard County on Saturday, the 3rd 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 proceed 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. General."

—(*Millennial Star*, Vol. 16, p. 445.)

THE EXTERMINATING ORDER.

On the following day the famous "Exterminating Order" was issued, which is as follows:

Headquarters Militia, City of Jefferson,

October 27, 1838.

Sir:

Since the order of the morning to you, directing you to cause four hundred mounted men to be raised within your division, I have received by Amos Reese, Esq., and Wiley E. Williams, Esq., one of my aids, information of the most appalling character, which changes the whole face of things, and places the Mormons in the attitude of open and avowed defiance of the laws and of having made open war upon the people of this State. Your orders are therefore, to hasten your operations and endeavor to reach Richmond, in Ray County, with all possible speed. The Mor-

mons must be treated as enemies, and *must be exterminated*, or driven from the State, if necessary, for the public good. Their outrages are beyond all description. If you can increase your force you are authorized to do so, to any extent you may think necessary. I have just issued orders to Major General Wallock, of Monroe County, to raise five hundred men and to march them to the northern part of Daviess and there to unite with General 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 there operate against the Mormons. Brigadier General Parks, of Ray, has been ordered to have four hundred men of his brigade in readiness to join you at Richmond. The whole force will be placed under your command.

L. W. BOGGS,
Governor and Commander in Chief.

To General Clark.

—(*Milleniall Sar*, Vol. 16, p. 446.)

The author of the *History of Caldwell and Livingston Counties, Missouri* (published by National Historical Co., St. Louis, 1886, p. 133), writes:

“General Doniphan states to the writer hereof that he also received an order and a letter from Governor Boggs. The order, General Doniphan says, commanded him to obey the orders of Gen. John B. Clark, when he should arrive and assume command, as he had been ordered to do, and the letter was very denunciatory of the Mormons and declared among other things, that they must all be driven from the state or exterminated.

“It is asserted that General Atchison’s orders or directions from the Governor were to the same purport as Doniphan’s letter from the Governor, and that thereupon General Atchison withdrew from the military force, declaring that he would be no party to the enforcement of such inhuman commands. On the other hand, it is asserted that the Governor’s orders to Atchison relieved him from command, directing him to turn over his command to General Lucas.

“At any rate, General Atchison left the militia at Log Creek on receipt of the Governor’s orders and returned to his house at Liberty, and General Lucas was left in sole command.”

FOUNDING OF THE DANITES.

The *History of the Church* declares that it was at this time that the organization known as the *Danites* was formed by one Doctor Sampson Avard, who formed his adherents into a secret organization composed of companies of tens and fifteens, appointing a captain over each company. To the captains, Avard is quoted as saying:

“My brethern, as you have been chosen to be our leading men, our captains to rule over this last kingdom of Jesus Christ, who have been organized after the ancient order, I have called upon you here today to teach you and instruct you in the things that pertain to your duty, and to show you what your privileges are and what they soon will be. Know ye not brethern, that it soon will be your privileges to take your respective companies and go out on a scout on the borders of the settlements, and take to yourselves spoils of the goods of the ungodly Gentiles? For it is written, the riches of the Gentiles shall be consecrated to my people, the house of Israel: and thus waste away the Gentiles by robbing and plundering them of their property; and in this way we will build up the kingdom of God, and roll forth the little stone that Daniel saw cut out of the mountain without hands, until it shall fill the whole earth.

“For this is the very way that God destined to build up his kingdom in the last days.

“If any of us should be recognized, who can harm us? for we will stand by each other and depend one another in all things. If our enemies swear against us, we can swear also. (The captains were confounded at this, but Avard continued): Why do you startle at this brethern? As the Lord liveth, I would swear a lie to clear any of you; and if this would not do, I would put them or him under the sand as Moses did the Egyptian, and in this way we will consecrate much unto the Lord, and build up his kingdom, and who can stand against us? And if any of us transgress, we will deal with him amongst ourselves. And if any one of the Danite Society reveals any of these things, I will put him where the dogs *cannot bite him.*’

“At this juncture all of the officers revolted and said it would not do, they should not go into any such measures, and it would not do to name any such things, such proceedings would be in open violation to the laws of our country, and would be robbing our fellow citizens of their rights and are not according to the language and doctrine of Christ of the Church of Latter Day Saints.”

"This modern Sampson replied and said there were no laws that were executed in justice, and he cared not for them, this being a different dispensation, a dispensation of the fullness of times; in this dispensation I learn from the Scriptures that the kingdom of God was to put down all other kingdoms, and he himself was to reign and his laws alone were the only laws that would exist.

"Avard's teachings were still manfully rejected by all, Avard then said that they had better drop the subject; although he had received his authority from Sidney Rigdon the evening before.

"When a knowledge of Avard's rascality came to the Presidency of the Church, he was cut off from the church, and every means proper used to destroy his influence, at which he was highly incensed, and went about whispering his evil insinuations but finding every effort unavailing, he again turned conspirator, and sought to make friends with the mob."

THE HAUN'S MILL MASSACRE.

"The mob began to encamp at Richmond on the 26th and by this time amounted to about two thousand five hundred, all ready to join the standard of the Governor. They took up a line of March for Far West, traveling but part way where they encamped for the night.

"Tuesday, 30th, their advance guard were patrolling the country and taking many prisoners, among whom were Brother Winchester and Brother Carey, whose skull they laid open by a blow from a rifle barrel. In this mangled condition the mob laid him in their wagon and went on their way denying him every comfort and there he remained that afternoon and night.

"General Clark was in camp at Chariton under a forced march to Richmond, with about a thousand men and the Governor's exterminating order." (*Millennial Star*, Vol. 15, pp. 458, 560, 507.)

Just at this time occurred the worst battle of the war. It has always been denominated Haun's Mill Massacre.

Perhaps the best account of this massacre ever written came from the pen of Major Reburn S. Holcombe, one of the most prolific of Missouri historical writers, and the author of the best of Missouri county histories. He moved to St. Paul prior to 1890, where he died in November, 1916. He wrote over the name of "Burr Joyce," and his account of the massacre appeared in the *St. Louis Globe-Democrat* for October 6, 1887, and is as follows:

"Breckenridge, Mo., Sept. 27, 1887.

"In the afternoon of Tuesday, October 30, 1838, during the Mormon War in Missouri, there occurred in Caldwell county a dreadful incident, generally termed 'The Haun's Mill Massacre.' From official documents and other records, from affidavits of witnesses, and from statements made by actual participants, I have prepared the following account. If any newspaper publication of the affair has ever before been made, I am not aware of the fact. The Mormons made their first settlement in Missouri, in Jackson county, in the year 1832, under the leadership of their prophet, Joseph Smith. I have not the space here to describe their experiences in that county, their expulsion therefrom, their sojourn in Clay and Ray, their treaty by which they were given Caldwell county as a sort of reservation, their founding of the city of Far West, nor can I narrate the circumstances leading to the Mormon War (so called), and finally the banishment of these unhappy people from the state. All these incidents may form the subject of a future paper. I may state, however, that the massacre was perpetrated on the very day that the militia, under Generals Lucas and Doniphan arrived at Far West, with orders from Governor Boggs to expel the Mormons from the state or exterminate them.

"At Jacob Haun's mill on Shoal creek, in the eastern part of Caldwell county, about eight miles South of Breckenridge, there had collected about twenty Mormon families, Haun himself was a Mormon and had come to the site from Wisconsin a few years before. He had a very good mill, and clustered around it were a blacksmith shop and half a dozen small houses.

"The alarm that the troops were moving against them had driven nearly all the Mormon families in the county to Far West for safety. A dozen or more living in the vicinity repaired to Haun's Mill, which was twenty miles to the eastward of Far West. As there were not enough houses to accommodate all of the fugitives, a number were living in tents and temporary shelters. A few families, perhaps four, had come in on the evening of the 29th, from Ohio, and were occupying their emigrant wagons. Not one member of the little community had ever been in arms against the Gentiles or taken any part whatever in the preceding disturbances. Word that the militia of the state had been ordered to expel them from the country had reached the Mormons of the Haun's Mill settlement, and following this intelligence came a report that a considerable number of men in Livingston county, together with some from Daviess, had organized in the forks of Grand River, near Spring Hill in Livingston and were preparing to attack them. Whereupon, a company of about twenty-five men and boys indifferently armed with shotguns and squirrel rifles, were organized at the mill, and David Evans was chosen Captain.

"It was resolved to defend the place against the threatened assault. Some of the older men urged that no resistance should be made, but that all should retreat to Far West. The day after the skirmish on Crooked River (October 25), Haun himself, went to Far West to take Counsel of Joe Smith, 'move here by all means, if you wish to save your lives,' said the prophet. Haun replied that if the settlers should abandon their homes, the Gentiles would burn their houses and other buildings and destroy all of the property left behind. 'Better lose your property than your lives,' rejoined Smith. Haun represented that he and his neighbors were willing to defend themselves against what he called the mob, and Smith finally gave them permission to remain. Others at the mill opposed a retreat and when an old man named Myers reminded them how few they were and how many the Gentiles numbered, they declared that the Almighty would send his angels to their help when the day of battle should come. Some of the women, too, urged the men to stand firm and offered to mould bullets and prepare patching for the rifles if necessary. North of the mill was a timber half a mile in width, skirting Shoal Creek; beyond was a stretch of prairie. For a day or two Capt. Evans kept a picket post in the northern border of the timber, but on the 28th he entered into a sort of truce with Capt. Nehemiah Comstock, commanding a Company of Livingston "Gentiles" from the settlements near Mooresville and Utica, and the post was withdrawn. By the terms of this truce which was effected by a messenger who rode between Evans and Comstock, the Gentiles were to let the Mormons alone as long as the latter were peaceable and vice versa. Each party, too, was to disband its military organization. But on the morning of the 29th the Mormons learned that a company of Livingston militia, a few miles to the eastward, were menacing them, and so they maintained their organization and that night set watches. The latter company was commanded by Captain William Mann, and for some days had been operating at and in the vicinity of Whitney's mill, on the lower Shoal Creek (where the village of Dawn now stands), stopping Mormon emigrants on their way from the East to Caldwell county, turning them back in some instances, taking their arms from them in others, etc.

"On the 29th at Woolsey's, northeast of Breckenridge, an agreement was reached by the Gentiles for an attack upon Haun's mill. There companies numbering in the aggregate about two hundred men were organized. They were commanded by Captain Nehemiah Comstock, William O. Jennings and William Gee. The command of the battalion was given to Col. Thomas Jennings, an old militia officer, then living in the Forks, nearly all of the men were citizens of Livingston county. Perhaps twenty were from Daviess from whence they had been driven by the Mormons, and vowed

the direct vengeance on the entire sect. It did not matter whether or not the Mormons at the mill had taken any part in the disturbances which had occurred; it was enough they were Mormons. The Livingston men became thoroughly imbued with the same spirit, and all were eager for the raid.

"The Livingston men had no wrongs to complain of themselves, for the Mormons had never invaded their county, or injured them in any way; but they seemed to feel an extraordinary sympathy for the outrages suffered by their neighbors.

"Setting out from Woolsey's after noon on the 30th, Col. Jennings marched swiftly out of the timber northwest of the present village of Mooresville, and out on the prairie stretching down southwards towards the doomed hamlet at Haun's Mill. The word was passed along the column, 'Shoot at every thing wearing breeches, and shoot to kill.'

"All the Gentiles were mounted, and they had with them a wagon and two Mormon prisoners. Within two miles of the mill the wagon and prisoners were left in charge of a squad, and the remainder of the force passed rapidly on. Entering the timber north of the Mill, Colonel Jennings forced through it, unobserved right up to the borders of the settlement and speedily formed his line for the attack. Capt. W. O. Jennings' Company had the center, Capt. Comstock's the left, and Capt. Gee's the right. The Mormon leader had somehow become apprehensive of trouble. He communicated his fears to some of the men, and was about sending out scouts and pickets. It had been previously agreed that in case of attack the men should repair to the blacksmith shop and occupy it as a fort or blockhouse. This structure was built of logs, with wide cracks between them; was about eighteen feet square and had a large, wide door. The greater part of the Mormons were, however, unsuspecting of any imminent peril. Children were playing on the banks of the creek, women were engaged in their ordinary domestic duties, the newly arrived immigrants were resting under the trees, which were clad in the scarlet crimson and golden leaves of autumn. The scene was peaceful and Acadian. It was now about four o'clock in the afternoon and the sun hung low and red in a beautiful Indian summer sky.

"Suddenly, from out the timber north and west of the mill, the Gentiles burst upon the hamlet. The air was filled with shouts and shots, and the fight was on. It cannot be fairly called a fight. Taken wholly by surprise, the Mormons were thrown into extreme confusion. The women and children cried and screamed in excitement and terror, and the greater number, directed by some of the men, ran across the mill dam to the south bank of the creek and sought shelter in the woods.

"Perhaps twenty men, Captain Evans among them, ran with their guns to the blacksmith shop and began to return the fire. Some were shot down in their attempts to reach the shop.

"The fire of the Mormons was wild and ineffective; that of the militia was accurate and deadly. The cracks between the logs of the shop were so large that it was easy to shoot through them, and so thickly were the Mormons huddled together on the inside that nearly every bullet which entered the shop killed or wounded a man. Firing was kept up all the while on the fleeing fugitives, and many were shot down as they ran.

"Realizing very soon that he was placed at a decided disadvantage, Captain Evans gave orders to retreat, directing every man to take care of himself. The door of the shop was thrown open and all of the able bodied survivors ran out, endeavoring to reach the woods. Some were shot before reaching shelter. Captain Evans was much excited and ran all the way to Mud Creek, seven miles south, with his gun loaded, not having discharged it during the fight. The Gentiles advanced, and began to use their rough, home-made swords, or corn knives, with which some of them were armed. The fugitives were fired on until they were out of range, but not pursued, as the few who escaped scattered in almost every direction.

"Coming upon the field after it had been abandoned, the Gentiles perpetrated some terrible deeds. At least three of the wounded were hacked to death with the corn knives or finished with a rifle bullet. William Reynolds, a Livingston County man, entered the blacksmith shop and found a little boy, only ten years of age, named Sardnis Smith, hiding under the bellows. Without even demanding his surrender the cruel wretch drew up his rifle and shot the little fellow as he lay cowering and trembling. Reynolds afterward boasted of his exploit to persons yet living. He described with fiendish glee how the poor child kicked and squealed in his dying agonies, and justified his inhuman act by the old Indian aphorism, 'Nits will make lice.'

"Charley Merrick, another little boy only nine years old, had hid under the bellows. He ran out but did not get very far until he received a load of buckshot and a rifle ball, in all three wounds. He did not die, however, for nearly five weeks. Esquire Thomas McBride was seventy-eight years of age and had been a soldier under Gates and Washington in the Revolution. He had started for the blacksmith shop, but was shot down on the way, and lay wounded and helpless, but still alive. A Daviess County man named Rogers, who kept a ferry across Grand River, near Gallatin, came upon him and demanded his gun. 'Take it,' said McBride. Rogers picked up the weapon and finding that it was loaded deliberately discharged it into the old veteran's breast. He then

cut and hacked the body with his corn knife until it was frightfully gashed and mangled.

"After the Mormons had all been either killed, wounded or driven away, the Gentiles began to loot the place. Considerable property was taken, much of the spoil consisting of household articles and personal effects. At least three wagons and perhaps ten horses were taken. Two emigrant wagons were driven off with all their contents. The Mormons claim that there was a general pillage, and that even the bodies of the slain were robbed. The Gentiles deny this and say that the wagons were needed to haul off their three wounded men, and the bedding was taken to make them comfortable, while the articles taken did not amount to much. Two of the survivors have stated to me that the place was pretty well cleaned out.

"Colonel Jennings did not remain at the mill more than two hours. Twilight approaching, he set out on his return to his former encampment. He feared a rally and return of the Mormons with a large reinforcement, and doubtless he desired to reflect leisurely on his course of future operations. Reaching Woolsey's, he halted his battalion and prepared to pass the night. But a few hours later he imagined he heard cannon and a great tumult in the direction of Haun's Mill; betokening, as he thought, the advance of a large Mormon force upon him. Rousing his men from their sweet dreams of the victory, he broke camp, moved rapidly eastward, and never halted until he had put the West Fork of Grand River between him and his annoying pursuers. He and his men had won glory enough for one day and how! They had not lost a man killed and only three wounded. John Renfrow had his thumb shot off. Allen England was shot in the thigh, and —— Hart in the arm. The Mormon killed and mortally wounded numbered seventeen. Here are the names:

Thomas McBride	Augustine Harmer
Levi N. Merrick	Simon Cox
Elias Benner	Hiram Abbott
Josiah Fuller	John York
Benjamin Lewis	John Lee
Alexander Campbell	John Byers
George S. Richards	Warren Smith
William Napier	Charles Merriek, aged 9
	Sardnis Smith, aged 10.

"The severely wounded numbered eleven men, one boy (Alma Smith, aged 7), and one woman, a Miss Mary Stedwell. The latter was shot through the hand and arm as she was running to the woods. Dies irae! Bloody work and woeful. What a scene did Colonel Jennings and his men turn their backs upon as they rode

away in the gloaming from the little valley once all green and peaceful! The wounded men had been given no attention and the bodies of the slain had been left to fester and putrefy in the Indian Summer temperature, warm and mellowing. A large red moon rose, and a fog came up from the streams and lay like a face cloth upon the pallid countenances of the dead.

"Timidly and warily came forth the widows and orphans from their hiding places, and as they recognized one a husband and one a father, another a son, and another a brother among the slain, the wailings of grief and terror were most pitiful. All that night were they alone with their dead and wounded. There were no physicians, but if there had been, many of the wounded were past all surgery. Dreadful sights in the moonlight, and dreadful sounds on the night winds. In the hamlet the groans of the wounded, the moans and sobs of the grief stricken, the bellowing of cattle, and the howling of dogs, and from the black woods the dismal hooting of owls.

"By and by, when the wounded had been made as comfortable as possible, the few men who had returned gathered the women and children together, and all sought consolation in prayer. Then they sang from the Mormon hymn book a selection entitled "Moroni's Lamentation," a dirge-like composition lacking in poesy and deficient in rhythm, but giving something of comfort, let us hope, to the Choristers. And so in prayer and song and ministration the remainder of the night was passed.

"The next morning the corpses had changed, and were changing fast. They must be buried. There were not enough men left to make coffins or even dig graves. It could not be determined when relief would come or when the Gentiles would return. There was a large unfinished well near the mill, which it was decided should be used as a common sepulcher. Four men, one of whom was Joseph W. Young, a brother of Brigham Young, gathered up the bodies, the women assisting, and bore them, one at a time, on a large plank to the well, and slid them in. Some hay was strewn upon the gasty pile and then a thin layer of dirt thrown upon the hay.

"The next day Captain Comstock's company returned to the Mill, as they said, to bury the dead. Finding that duty had been attended to, they expressed considerable satisfaction at having been relieved of the job, and, after notifying the people that they must leave the state or they would all be killed, they rode away. The pit was subsequently filled by Mr. C. R. Ross, now a resident of Black Oak, Cladwell County.

"A day or two after the massacre, Colonel Jennings started with his battalion to join the state forces at Far West. He had not

proceeded far when he met a messenger who informed him that the Mormons at Far West had surrendered, and gave him an order to move to Daviess County and join the forces under General Robert Wilson, then operating against the Mormons at Adam-ondi-Ahman. The battalion was present at the surrender at Diamon as it is generally called, and a day or two thereafter Captain Comstock's company was ordered to Haun's Mill, where it remained in camp for some weeks. Herewith I give an extract from an affidavit made by Mrs. Amanda Smith, whose husband and little son were killed in the massacre, and who resided at the Mill during the stay of Comstock's company:

'The next day the mob came back. They told us we must leave the state forthwith or be killed. It was bad weather, and they had taken our teams and clothes; our men were all dead or wounded. I told them they might kill me and my children and welcome. They said to us, from time to time, if we did not leave the state they would come and kill us. We could not leave then. We had little prayer meetings; they said if we did not stop them they would kill every man, woman and child. We had spelling schools for our little children; they pretended they were "Mormon Meetings" and said if we did not stop them they would kill every man, woman, and child. * * * * I started the 1st of February, very cold weather, for Illinois, with five small children and no money. It was mob all the way. I drove the team, and we slept out of doors. We suffered greatly from hunger, cold and fatigue; and for what? For our religion. In this boasted land of liberty. "Deny your faith or die" was the cry.'

"While in camp at the Mill, according to statements to me of two of its members, Comstock's company lived off the country, as did the state troops at Far West. The Mormon cattle and hogs had been turned into the fields and were fine and fat. The mill furnished flour and meal, and other articles of provision were to be had for the taking. The Mormon men were either prisoners or had been driven from the country. By the 1st of April following all had left the state. Many of them had been killed, their houses burned, their property taken, their fields laid waste, and the result was called peace.—*Burr Joyce.*"

SURRENDER OF THE MORMONS AT FAR WEST.

The state militia ordered out by Governor Lilburn W. Boggs under Generals Lucas, Wilson and Doniphan arrived in the vicinity of Far West on the afternoon of October 30, 1838. This army, with the reinforcements that arrived on the following day, constituted a force of perhaps twenty-two hundred to three thousand men. This army went into camp about a mile from Far West on the night of October 30. The Mormons designated their own armed men as the militia of Far West and this local force was busy all that night, building temporary fortifications, while the women busied themselves getting their valuables together. A battle was expected in the morning. Colonel Lyman Wight was at Adam-ondi-Ahman and he was sent for. He arrived with one hundred and twenty men on the morning of October 31. A flag of truce was either sent from the militia camp to Far West or else was sent under the advice of Colonel Wight from Far West to the militia camp, it is not very clear as to which thing really happened. But it is clear that under a flag of truce at some point outside the city of Far West at about eight o'clock on that morning Colonel George M. Hinkle and John Corryll, representing the Mormons, met certain officers of the militia forces and Colonel Hinkle, who was presumed to be in command of the Mormon armed force, secretly entered into an agreement to surrender under stipulations as follows:

1st. To give up the leaders of the Church of Jesus Christ of Latter Day Saints to be tried and punished.

2nd. To make an appropriation of the property of all who had taken up arms, for the payment of their debts and to indemnify for damages done by them.

3rd. That the rest of the membership of the church should leave the state under the protection of the militia, but should 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, the same to be receipted for.

Colonel Hinkle then returned to Far West and reported

that the chief officers of the enemy army desired an interview with Joseph Smith, Jr., Sidney Rigdon, Parley P. Pratt, George W. Robinson and Lyman Wight, all of whom accompanied Colonel Hinkle back to the militia camp, where they were met by Generals Lucas, Wilson and Doniphan, to whom Colonel Hinkle delivered the aforesaid leaders of the church as prisoners of war, much to their surprise. These prisoners were placed under a strong guard and taken into camp where they found a number of prisoners already, including Stephen Winchester and the Brother Carey, whose skull had been crushed. Winchester, with eleven other prisoners volunteered, with permission of the officers, to take Carey to his home in Far West. This was granted and Carey died shortly after reaching his family.

On Thursday, November 1, Hyrum Smith and Amasa Lyman were brought into the militia camp as additional Mormon prisoners, and placed under the guard with the other church leaders. On this morning General Lucas ordered Colonel Hinkle to march out his Mormon troops and cause them to deliver up their arms. This was done at once. The arms thus surrendered were the private property of the men who marched out under Colonel Hinkle's orders. After which the militia troops marched into Far West and took possession of the town—made a thorough search for fire arms, tore up floors, overturned haystacks, carried away some valuable property and compelled the real estate owners to sign deeds of trust to cover the expenses of the so-called war, as provided for in the second stipulation of the treaty made for the church by Col. Hinkle.

About eighty additional men were made prisoners. All the remaining Mormons were ordered to leave the state of Missouri.

While this was going on, a court martial was convened at the militia camp and all of the aforesaid church leaders were given some sort of a hearing before it, despite the fact that none of them except Lyman Wight, was in any sense connected with the military, and that military court sentenced every man of them to be shot.

General Doniphan was selected as the officer to execute the findings of the court, and the following order was delivered to him:

“Brigadier General Doniphan: Sir: You will take Joseph Smith and the other prisoners into the public square of Far West, and shoot them at nine o’clock tomorrow morning.

SAMUEL D. LUCAS,
Major General Commanding.”

To this command General Doniphan made immediate reply as per the following communication:

“It is cold-blooded murder, I will not obey your order. My brigade will march for Liberty tomorrow morning at eight o’clock; and if you execute those men, I will hold you responsible before an earthly tribunal, so help me God!

A. W. DONIPHAN,
Brigadier General.”

None of the prisoners was executed nor was General Doniphan ever called to account for his insubordination.

On Friday, November 2, Dr. Sampson Avard was found by the militia, hidden in some hazel brush, and brought into camp. Later he offered much testimony against his brethren in the church. On this day the church leaders were taken into Far West, and were permitted under a strong guard to see their respective families. Much feeling had become manifest in the church by this time against Colonel George M. Hinkle, because of his action in delivering his brethren into the hands of the enemy. He was expelled from the church and was ever after held in contempt by his brethren, who have always looked upon him as a traitor. He removed to Iowa where he afterward died afar from any members of his former church. Though his action no doubt saved many lives, for the militia forces outnumbered his little army perhaps five to one, his conduct in telling the designated Mormon leaders that General Lucas wanted to confer with them, whereas he had agreed to surrender them up for punishment, was never forgotten by the Church membership, nor did the Church membership ever approve of article 2 of the contract between Hinkle and Lucas,

which was afterward interpreted to hold the Church membership liable for the payment of the debts of the war waged against them, and which stripped them of their property. That treaty put the Mormons in the light of being a foreign nation, or of being a people in rebellion with belligerent rights and therefore with power to contract a treaty whereas they were certainly citizens of Missouri, subject to the laws of the state, and if they violated the law should have been tried in civil courts. They were expelled from the state, however, without a hearing.

At this time General John B. Clark was on his way to assume supreme command at Far West. He was armed with a letter from Governor Boggs, that in part said:

"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 at Fort Leavenworth for such as you may need. You are authorized to request the loan of it in the name of the State of Missouri.

"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."

On November the 4th General Clark arrived in Far West and assumed command. On the 6th he gathered the people of Far West on the public square and said to them:

"Gentlemen: You, whose names are not attached to this list of names will now have the privilege of going to your fields and providing corn, wood, etc., for your families. Those who are now taken, will go from this to prison, be tried and receive the due merit of their crimes. But you (except such as charges may hereafter be preferred against) are now at liberty as soon as the troops are removed that now guard the place, which I shall cause to be done immediately. It now devolves upon you to fulfill the treaty that you have entered into, the leading items of which I shall now lay before you:

"The first requires that your leading men be given up to be tried according to law; this you have already complied with.

"The second is that you deliver up your arms; this has been attended to.

"The third stipulation is, that you sign over your properties to defray the expenses of the war; this you have also done.

"Another article yet remains for you to comply with, and that is, that you leave the state forthwith; and whatever may be your feelings concerning this, or whatever your innocence, it is nothing to me. General Lucas, who is equal in authority with me, has made this treaty with you. I approve of it. I should have done the same, had I been here, I am therefore determined to see it fulfilled. The character of this state has suffered almost beyond redemption from the character, conduct, and influence that you have exerted; and we deem it an act of justice to restore her character to its former standing among the states, by every proper means.

"The orders of the Governor to me were, that you should be exterminated, and not allowed to remain in the state; and had your leaders not been given up, and the terms of the treaty complied with before this, you and your families would have been destroyed and your houses in ashes. There is a discretionary power vested in my hands which I shall exercise in your favor for a season! For this lenity you are indebted to my clemency. I do not say that you shall go now, but you must not think of staying here another season; or of putting in crops, for the moment you do this the citizens will be upon you. If I am called here again, in case of a non-compliance of a treaty made, do not think that I shall act any more as I have done—you need not expect any mercy but extermination, for I am determined that the Governor's order shall be executed. As for your leaders, do not once think—do not imagine for a moment—do not let it enter your mind, that they will be delivered, or that you will see their faces again, for their fate is fixed, their die is cast—their doom is sealed!

"I am sorry gentlemen, to see so great a number of apparently intelligent men found in the situation that you are; and oh! that I could invoke that Great Spirit, the Unknown God, to rest upon you, and make you sufficiently intelligent to break that chain of superstition, and liberate you from those fetters of fanaticism, with which you are bound—that you no longer worship a man.

"I would advise you to scatter abroad, and never again organize yourselves with Bishops, Presidents, etc., lest you excite the jealousies of the people and subject yourselves to the same calamities that have now come upon you.

"You have always been the aggressors—you have brought upon yourselves these difficulties by being disaffected and not being subject to rule—and my advice is, that you become as other citizens, lest by a recurrence of these events you bring upon yourselves irretrievable ruin."—(*Millennial Star*, Vol. 16, p. 555.)

EARLY DAYS ON GRAND RIVER AND THE
MORMON WAR.

ROLLIN J. BRITTON.

THIRD ARTICLE.

THE MORMONS EXPELLED FROM DAVIESS COUNTY.

On November 6, 1838, the Governor wrote General Clark, authorizing and directing him to hold a Military Court of inquiry in Daviess county. The order read as follows:

"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 their rebellion, though ought by no means to be permitted to escape the punishment they merit." (*Millennial Star* Vol. 16, pp. 555-556.)

General Clark ordered Brigadier General Robert Wilson to Adam-ondi-Ahman for the purpose of this inquiry.

General Wilson arrived at Adam-ondi-Ahman November 8, 1838, and immediately put a guard around the town, with instructions to allow no person to pass in or out without permission. He then put every man in town under guard and instituted a court of inquiry with Adam Black, before mentioned, on the bench, and a soldier of General Clark's command acting as Prosecuting Attorney. After three days investigation every man was by this court "honorably acquitted".

After this acquittal General Wilson issued an order that every family must be out of town within ten days, with permission to go to Caldwell county for the winter, then to leave the State under pain of extermination. Here is a specimen of the permits granted to men against whom a charge had been sustained.

"I permit David Holman to remove from Daviess to Caldwell County, there to remain during the winter, or to pass out of the State.

R. Wilson, Brigadier General,
By F. G. C., Aid."

November 10, 1838.

There was an agreement made between the mob and the saints by which the latter could obtain their stock with the consent of their opponents. The agreement was as follows:

1. That the Mormon Committee be allowed to employ, say twenty teamsters for the purpose of hauling of their property.
2. That the Mormon Committee collect whatever stock they may have in Daviess County at some point, and some two or three of the Daviess County Committee be notified to attend for the purpose of examining said stock, and convey or attend the Mormon Committee out of the limits of the county, and it is further understood that the Mormon Committee is not to drive or take from this county any stock of any description at any other time nor under any other circumstances than these mentioned.

As witness our hands:

William P. Peniston,
Dr. K. Kerr,
Adam Black,
Committee.

The above propositions were made and agreed to by the undersigned committee on the part of the Mormons.

William Hunnington,
B. S. Wilber,
J. H. Hale,
Henry, Herriman, Z. Wilson.

(*Millennial Star*, Vol. 16, pp. 566, 567.)

At this time a citizen of Clay county, wrote the following letter to members of the legislature:

"M. Arthur, Esq., to the Representatives from Clay County:

Liberty, November 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 relinquishment 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.

"The 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, etc., and rifling their houses and farms of everything 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 as 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 the lines of Caldwell County, say about twenty-five men, and give them, say about a dollar or one and a half per day, each man, and find their provisions, etc., until say the first day of June next; these men rendering that protection necessary to the Mormons and allowing them to follow and bring to justice any individuals who have 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, if 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 the 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."

On December 10, 1838, a committee appointed by the Mormons petitioned the Legislature as follows:

"To the Honorable Legislature of the State of Missouri, in Senate and House of Representatives convened:

"We the undersigned, petitioners and inhabitants of Caldwell county, Missouri, in consequence of the late calamity that has come upon us, taken in connection with former afflictions, feel it a duty we owe to ourselves and our country to lay our case before your honorable body for consideration. It is a well known fact that a society of our people commenced settling in Jackson County, Missouri, in the summer of 1831, where they, according to their ability, purchased lands and settled upon them, with the intention and expectation of becoming permanent citizens in common with others.

"Soon after the settlement began, persecution began, and as the society increased, persecution also increased, until the society at last was compelled to leave the county, and although an account of these persecutions has been published to the world, yet we feel that it will not be improper to notice a few of the most prominent items in this memorial.

"On the 20th of July, 1833, a mob convened at Independence, a committee of which called upon a few of the men of our church there and stated to them that the store, printing office, and indeed all other mechanic shops must be closed forthwith, and the society leave the county immediately. These propositions were so unexpected that a certain time was asked for to consider on the subject before an answer should be returned, which was refused, and our men being individually interrogated each one answered that he could not consent to comply with their proposition. One of the mob replied that he was sorry, for the work of destruction would commence immediately.

"In a short time the printing office, which was a two story building, was assailed by the mob and soon thrown down, and with it much valuable property destroyed. Next they went to the store for the same purpose, but Mr. Gilbert, one of the owners, agreeing to close it, they abandoned their design. Their next move was their dragging of Bishop Partridge from his house and family to the public square, where, surrounded by hundreds, they partially stripped him of his clothes and tarred and feathered him from head to foot. A man by the name of Allen was also tarred at the same time. This was Saturday and the mob agreed to meet the following Tuesday to accomplish their purpose of driving or massacring the society.

"Tuesday came, and the mob came also, bearing with them a red flag in token of blood. Some two or three of the principal men

of the society offered their lives if that would appease the wrath of the mob, so that the rest of the society might dwell in peace upon their lands. The answer was, that unless the society would leave enmasse, every man should die for himself. Being in a defenseless situation, to save a general massacre, it was agreed that one-half of the society should leave the county by the first of the next January, and the remainder by the first of the following April.

"A treaty was entered into and ratified, and all things went on smoothly for awhile. But sometime in October the wrath of the mob began again to be kindled, insomuch that they shot at some of our people, whipped others, and threw down their houses, and committed many other depredations. Indeed the society of saints were harrassed for some time, both day and night; their houses were brikbatted and broken open—women and children insulted, etc. The store house of A. S. Gilbert and Co. was broken open, ransacked, and some of the goods strewed in the streets.

"These abuses, with many others of a very aggravated nature, so stirred up the indignant feelings of our people that when a party of them, say about thirty, met a company of the mob of about double their number, a skirmish took place in which some two or three of the mob and one of our people were killed. This raised as it were the whole country in arms—and nothing would satisfy them but an immediate surrender of the arms of our people and they forthwith to leave the county.

"Fifty-one guns were given up, which have never been returned or paid for to this day. The next day parties of the mob from fifty to seventy, headed by priests, went from house to house threatening women and children with death if they were not off before they returned. This so alarmed them that they fled in different directions; some took shelter in the woods, while others wandered in the prairies till their feet bled. In the meantime, the weather being very cold, their sufferings in other respects were very great.

"The society made their escape to Clay County, where the people received them kindly and administered to their wants. After the society had left Jackson county, their buildings, amounting to about two hundred, were either burned or otherwise destroyed; and much of their crops, as well as furniture, stock, etc., which, if properly estimated, would make a large sum, for which they have not as yet received any remuneration.

"The Society remained in Clay County nearly three years; when at the suggestion of the people there, they removed to that section of the country now known as Caldwell County. Here the people purchased out most of the former inhabitants, and also entered much of the wild land. Many soon owned a number of

eighties, while there was scarcely a man that did not secure to himself at least a forty. Here we were permitted to enjoy peace for a season; but as our society increased in numbers and settlements were made in Daviess and Carroll Counties, the mob spirit spread itself again.

"For months previous to our giving up our arms to General Lucas' army, we heard little else than rumors of mobs collecting in different places and threatening our people.

"It is well known that the people of our church, who had located themselves at DeWitt, had to give up to a mob and leave the place, notwithstanding the militia were called out for their protection.

"From DeWitt the mob went towards Daviess County, and while on their way there they took two of our men prisoners, and made them ride upon the cannon, and told them that they would drive the Mormons from Daviess to Caldwell, and from Caldwell to hell; and that they would give them no quarter, only at the Cannon's mouth.

"The threats of the mob induced some of our people to go to Daviess to help to protect their brethren who had settled at Diahman on Grand River. The mob soon fled from Daviess County; and after they were dispersed and the cannon taken, during which times no blood was shed, the people of Caldwell retired to their homes in hopes of enjoying peace and quiet; but in this they were disappointed, for a large mob was soon found to be collecting on the Grindstone (fork of Grand River), from ten to fifteen miles off, under the command of Cornelius Gillium, a scouting party of which came within four miles of Far West and drove off stock belonging to our people, in open daylight.

"About this time word came to Far West that a party of the mob had come to Caldwell County, to the South of Far West that they were taking horses and cattle, burning houses, and ordering the inhabitants to leave their homes immediately; and that they had then actually in their possession three men prisoners.

"This report reached Far West in the evening and was confirmed about midnight. A company of about sixty men went forth under the command of David W. Patten, to disperse the mob, as they supposed. A battle was the result in which Captain Patten and two of his men were killed and others wounded. Bogart, it appears, had but one killed and others wounded. Notwithstanding the unlawful acts committed by Captain Bogart's men previous to the battle, it is now asserted and claimed that he was regularly ordered out as a Militia Captain to preserve the peace along the line of Ray and Caldwell Counties.

"That battle was fought four or five days previous to the arrival of General Lucas and his army about the time of the battle with Captain Bogart a number of our people who were living near Haun's Mill, on Shoal Creek, about twenty miles below Far West, together with a number of emigrants who had been stopped there in consequence of the excitement, made an agreement with the mob which was about there, that neither party should molest the other, but dwell in peace. Shortly after this agreement was made a mob party of from two to three hundred, many of whom are supposed to be from Chariton County, some from Daviess, and also those who had agreed to dwell in peace, came upon our people there, whose number in men was about forty, at a time they little expected any such thing, and without any ceremony, notwithstanding they begged for quarter, shot them down as they would tigers or panthers. Some few made their escape by fleeing. Eighteen were killed and a number more were severely wounded.

"This tragedy was conducted in the most brutal and savage manner. An old man, after the massacre was partially over threw himself into their hands and begged for quarter, when he was instantly shot down; that not killing him, they took an old corn-cutter and literally mangled him to pieces. A lad of ten years of age, after being shot down, also begged to be spared, when one of them placed the muzzle of his gun to his head and blew out his brains. The slaughter of these not satisfying the mob, they proceeded to rob and plunder. The scene that presented itself after the massacre to the widows and orphans of the killed, is beyond description. It was truly a time of weeping, of mourning, and of lamentation. As yet we have not heard of any being arrested for these murders, notwithstanding there are men boasting about the country that they did kill on that occasion more than one "Mormon," whereas all our people who were in the battle with Captain Patton against Bogart, that can be found, have been arrested, and are now confined in jail to await their trial for murder.

"When General Lucas arrived near Far West and presented the Governor's order, we were greatly surprised; yet we felt willing to submit to the authorities of the State. We gave up our arms without reluctance. We were then made prisoners and confined to the limits of the town for about a week, during which time the men from the country were not permitted to go to their families, many of whom were in a suffering condition for the want of food and firewood, the weather being very cold and stormy.

"Much property was destroyed by the troops in town during their stay there, such as burning house logs, rails, corn cribs, boards, etc., the using of corn and hay, the plundering of houses, the killing of cattle, sheep and hogs, and also the taking of horses, not their

own; and all this without regard to owners, or asking leave of anyone. In the meantime, men were abused, women insulted, and abused by the troops; and all this while we were kept prisoners.

"Whilst the town was guarded we were called together by the order of General Lucas and a guard placed close around us, and in that situation were compelled to sign a deed of trust for the purpose of making our individual property all holden as they said, to pay all the debts of every individual belonging to the church, and also to pay for all damages the inhabitants of Daviess County may have sustained in consequence of the late difficulties in that county.

"General Clark had now arrived and the first important move made by him was the collecting of our men together on the square, and selected out about fifty of them, whom he immediately marched into a house and confined close. This was done without the aid of the sheriff or any legal process. The next day forty-six of those taken were driven like a parcel of menial slaves, off to Richmond, not knowing why they were taken or what they were taken for. After being confined in Richmond more than two weeks, about one-half were liberated; the rest, after another week's confinement, were most of them required to appear at court, and have since been let to bail. Since General Clark withdrew his troops from Far West, parties of armed men have gone through the country driving off horses, sheep and cattle, and also plundering houses: the barbarity of General Lucas' troops ought not to be passed over in silence. They shot our cattle and hogs merely for the sake of destroying them, leaving them for the ravens to eat. They took prisoner an aged man by the name of Tanner, and without any reason for it, he was struck over the head with a gun, which laid his skull bare. Another man by the name of Carey was also taken prisoner by them, and without any provocation had his brains dashed out by a gun. He was laid in a wagon and there permitted to remain, for the space of twenty-four hours, during which time no one was permitted to administer to him, comfort or consolation; and after he was removed from that situation he lived but a few hours.

"The destruction of property at and about Far West is very great, many are stripped bare, as it were, and others partially so; indeed, take us as a body, at this time we are a poor and afflicted people; and if we are compelled to leave the State in the Spring, many, yes, a large portion of our Society will have to be removed at the expense of the State, as those who might have helped them are now debarred that privilege in consequence of the deed of trust we were compelled to sign; which deed so operated upon our real estate that it will sell for little or nothing at this time.

"We have now made a brief statement of some of the most prominent features of the troubles that have befallen our people

since our first settlement in the State; and we believe that these persecutions have come in consequence of our religious faith, and not for any immorality on our part.

“That instances have been of late, where individuals have trespassed upon the rights of others, and thereby broken the laws of the land, we will not pretend to deny; but yet we do believe that no crime can be substantiated against any of the people who have a standing in our church of an earlier date than the difficulties in Daviess County. And when it is considered that the rights of this people have been trampled upon from time to time with impunity, and abuses heaped upon them almost innumerable, it ought in some degree to palliate for any infraction of the law which may have been made on the part of our people.

“The late order of Governor Boggs to drive us from this State or exterminate us is a thing so novel, unlawful, tyrannical and oppressive that we have been induced to draw up this memorial and present this statement of our case to your honorable body, praying that a law may be passed rescinding the order of the Governor to drive us from the State and also giving the sanction of the legislature to inherit our lands in peace. We ask an expression of the legislature disapproving of the conduct of those who compelled us to sign a deed of trust and also disapproving of any man or set of men taking our property in consequence of that deed of trust and appropriating it to the payment of damage sustained in consequence of trespasses committed by others.

“We have no common stock; our property is individual property, and we feel willing to pay our debts as other individuals do; but we are not willing to be bound for other people’s debts also. The arms which were taken from us here, which we understand to be about six hundred and thirty, besides swords and pistols, we care not so much about as we do the pay for them, only we are bound to do military duty, which we are willing to do; and which we think was sufficiently manifested by the raising of a voluntary company last fall at Far West, when called upon by General Parks to raise troops for the frontier.

“The arms given up by us we consider were worth between twelve and fifteen thousand dollars; but we understand they have been greatly damaged since taken, and at this time probably would not bring near their former value. And as they were, both here and in Jackson County, taken by the militia, and consequently by the authority of the State, we therefore ask your honorable body to cause an appropriation to be made by law whereby we may be paid for them, or otherwise have them returned to us and the damages made good.

“The losses sustained by our people in leaving Jackson County are so situated that it is impossible to obtain any compensation for

them by law, because those who have sustained them are unable to prove those trespasses upon individuals. That the facts do exist that the buildings, crops, stock, furniture, rails, timber, etc., of the society have been destroyed in Jackson County, is not doubted by those who are acquainted in this upper country; and since these trespasses cannot be proven upon individuals, we ask your honorable body to consider this case; and if in your liberality and wisdom you can conceive it to be proper to make an appropriation by law to these sufferers, many of whom are still pressed down with poverty in consequence of their losses, would be able to pay their debts, and also in some degree be relieved from poverty and woe; whilst the widow's heart would be made to rejoice, and the orphan's tear measurably dried up, and the prayers of a grateful people ascend on high with thanksgiving and praise to the Author of our existence for that beneficent act.

"In laying our case before your honorable body, we say that we are willing and ever have been to conform to the Constitution and laws of the United States and of this State. We ask in common with others the protection of the laws. We ask for the privilege guaranteed to all free citizens of the United States and of this State to be extended to us, that we may be permitted to settle and live where we please, and worship God according to the dictates of our conscience without molestation. And while we ask for ourselves the privilege we are willing all others should enjoy the same.

"We now lay our case at the feet of your legislature and ask your honorable body to consider it, and do for us, after mature deliberation, that which your wisdom, patriotism and philanthropy may dictate.

"And we, as in duty bound, will ever pray, etc.,

Edward Partridge,	Herbert C. Kimball,	John Taylor,
Theodore Turley,	Brigham Young,	Isaac Morley,
George W. Harris,	John Murdock,	John M. Burk.

"A committee appointed by the citizens of Caldwell County, to draft the memorial and sign it in their behalf.

Far West, Caldwell County, Missouri,

December 10, 1838."—(*Millennial Star*, Vol. 16, pp. 58-589.)

By an act of the Legislature approved December 11, 1838, the sum of \$2,000.00 was appropriated for the purpose of relieving the indigent and suffering families in Caldwell and Daviess counties, and the following commissioners were appointed to expend the sum, and distribute food, raiment and other necessaries among the deserving:

Anderson Martin,
William Thornton and

John C. Richardson of Ray County;
Elisha Cameron,
John Thornton and
Eli Casey of Clay County;
Henry McHenry of Caldwell County and
M. T. Green of Daviess County.

It is asserted by the Mormons that none of the appropriation was expended for the benefit of Mormons, although the act itself did not especially exclude them.

The same legislature prohibited the publication of the orders, letters, evidences and other documents relating to the Mormon disturbances, and enjoined the Secretary of State from furnishing or permitting to be taken copies of the same for any purpose whatsoever. Two years later, however, the prohibition was rescinded. (See *Acts 11th General Assembly*, page 334.)

EARLY DAYS ON GRAND RIVER AND THE
MORMON WAR.

ROLLIN J. BRITTON.

FOURTH ARTICLE.

THE MORMON LEADERS AS PRISONERS.

Returning to the Mormon leaders, who were prisoners, we quote Joseph Smith, Jr., when we say that on November 2, 1838, he, along with Sidney Rigdon, Hyrum Smith, Parley P. Pratt, Lyman Wight, Amasa Lyman and George W. Robinson, were started for Independence, Jackson county, Missouri, and encamped at night on Crooked River, under a strong guard commanded by Generals Lucas and Wilson. (*Millennial Star*, Vol. 16, pp. 510, 523, 525.)

Continuing he says:

“Saturday, November 3, 1838, we continued our march and arrived at the Missouri River, which separated us from Jackson County, where we were hurried across the ferry when but few troops had passed. The truth was General Clark had sent an express from Richmond to General Lucas to have the prisoners sent to him and thus prevent our going to Jackson County, both armies being competitors for the honor of possessing ‘the royal prisoners.’ Clark wanted the privilege of putting us to death himself, and Lucas and his troops were desirous of exhibiting us in the streets of Independence.

“Sunday, 4th. We were visited by some ladies and gentlemen. One of the women came up and very candidly inquired of the troops which of the prisoners was the Lord whom the Mormons worshiped. One of the guards pointed to me with a significant smile and said, ‘This is he.’ The woman then turning to me inquired whether I professed to be the Lord and Savior. I replied that I professed to be nothing but a man and a minister of salvation, sent by Jesus Christ to preach the Gospel. This answer so surprised the woman that she began to inquire into our doctrine, and I preached a discourse both to her and her companions and to the wondering soldiers, who listened with almost breathless attention while I set forth the doctrine of faith in Jesus Christ,

and repentance, and baptism for remission of sins, with the promise of the Holy Ghost, as recorded in the second chapter of the Acts of the Apostles.

"The woman was satisfied and praised God in the hearing of the soldiers, and went away praying that God would protect and deliver us. Thus was fulfilled a prophecy which had been spoken publicly by me a few months previous—that a sermon should be preached in Jackson County by one of our elders before the close of 1838.

"The troops having crossed the river about ten o'clock we proceeded on and arrived at Independence, past noon, in the midst of great rain and a multitude of spectators, who had assembled to see us and hear the bugles sound a blast of triumphant joy, which echoed through the camp as we were ushered into a vacant house prepared for our reception, with a floor for our beds and blocks of wood for our pillows."

PERSONAL LETTER OF JOSEPH SMITH, JR., TO HIS WIFE.

The following letter written at this date by Joseph Smith, Jr., the original of which is now in possession of Apostle Heman C. Smith of Lamoni, Ia., conflicts slightly with this account as regards their treatment:

"Independence, Jackson Co., Missouri,
November 4, 1838.

"My dear and beloved companion of my bosom, in tribulation and affliction: I would inform you that I am well and that we are all of us in good spirits as regards our own fate. We have been protected by the Jackson County boys in the most genteel manner, and arrived here in the midst of a splendid parade, a little after noon. Instead of going to gaol we have a good house provided for us and the kindest treatment. I have great anxiety about you and my lovely children. My heart mourns and bleeds for the brethren and sisters, and for the slain of the people of God. Colonel Hinkle proved to be a traitor to the Church. He is worse than a Hull who betrayed the army at Detroit. He deceived us unawares. God reward him. John Corrill told General Wilson that he was going to leave the Church. General Wilson says he thinks much less of him now than before. Why I mention this is to have you careful not to trust them. If we are permitted to stay any time here we have obtained a promise that we may have our families brought to us. What God may do for us I do not know, but I hope for the best always in all circumstances. Although I go into death I will

trust in God. What outrages may be committed by the mob I know not, but expect there will be but little or no restraint.

“Oh! May God have mercy on us.

“When we arrived at the river last night an express came to General Wilson from General Clark, of Howard County, claiming the right of command, ordering us back, where or what place, God only knows; and there are some feelings between the officers. I do not know where it will end. It is said by some that General Clark is determined to exterminate. God has spared some of us thus far, perhaps he will extend mercy in some degree toward us yet. Some of the people of this place have told me that some of the Mormons may settle in this county as other men do. I have some hopes that something may turn out for good to the afflicted saints. I want you to stay where you are until you hear from me again. I may send for you to bring you to me. I cannot learn much for certainty in the situation that I am in, and can only pray for deliverance until it is meted out, and take everything as it comes with patience and fortitude. I hope you will be faithful and true to every trust. I can't write much in my situation. Conduct all matters as your circumstances and necessities require. May God give you wisdom and prudence and sobriety, which I have every reason to believe you will. Those little children are subjects of my mediation continually. Tell them that Father is yet alive. God grant that he may see them again. Oh! Emma, for God's sake do not forsake me nor the truth, but remember me. If I do not meet you again in this life, may God grant that we may—may we meet in heaven. I cannot express my feelings; my heart is full. Farewell, O my kind and affectionate Emma. I am yours forever, Your husband and true friend.

JOSEPH SMITH, JR.”

CONTINUATION OF DIARY OF JOSEPH SMITH, JR.

“General Clark arrived at Far West with one thousand six hundred men, and five hundred more were within eight miles of the city. Thus Far West has been visited by six thousand men in one week. When the Militia of the city (before any were taken prisoners) amounted only to about five hundred, whose arms having been secured, the mob continued to hunt the brethren like wild beasts, and shot several, ravished the women, and killed one near the city; no saint was permitted to go in or out of the city, and they lived on parched corn.

“General Clark ordered General Lucas, who had previously gone to Adam-ondi-Ahman with his troops, to take the whole of

the men of the Mormons prisoners 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, and secure all their property, till the best means could be adopted for paying the damages the citizens had sustained.

"Monday, 5th. We were kept under a small guard and were treated with some degree of hospitality and politeness, while many flocked to see us. We spent most of our time in preaching and conversation, explanatory of our doctrines and practice, which removed mountains of prejudice and enlisted the populace in our favor, notwithstanding their old hatred and wickedness towards our society.

"The brethren at Far West were ordered by General Clark to form a line, when the names of fifty-six present were called and made prisoners to await their trial for something they knew not. They were kept under a close guard.

"Shortly after our arrival in Jackson County, Colonel Sterling Price, (afterward General Price of Confederate fame) from the army of General Clark, came with orders from General Clark, who was Commander-in-Chief of the expedition, to have us forwarded forthwith to Richmond. Accordingly on Thursday morning we started with three guards only, and they had been obtained with great difficulty, after laboring all the previous day to get them. Between Independence and Roy's Ferry, on the Missouri River, they all got drunk, and we got possession of their arms and horses. It was late in the afternoon, near the setting of the sun. We traveled about half a mile after we crossed the river and put up for the night.

"Friday, 9th. This morning there came a number of men, some of them armed. Their threatenings and savage appearance were such as to make us afraid to proceed without more guards. A messenger was therefore dispatched to Richmond to obtain them. We started before their arrival, but had not gone far before we met Colonel Price with a guard of about seventy-four men, and were conducted by them to Richmond and put into an old vacant house, and a guard set.

"Some time through the course of that day General Clark came and we were introduced to him. We inquired of him the reason why we had been thus carried from our homes, and what were the charges against us. He said that he was not then able to determine, but would be in a short time; and with very little more conversation, withdrew.

"Sometime after he had withdrawn Colonel Price came in with two chains in his hands and a number of padlocks. The two

chains he fastened together. He had with him ten men, armed, who stood at the time of these operations with a thumb upon the cock of their guns.

"They first nailed down the windows, then came and ordered a man by the name of John Fulkinson, whom he had with him, to chain us together with chains and padlocks, being seven in number.

"After that he searched us, examining our pockets to see if we had any arms. Finding nothing but pocket knives, he took them and conveyed them off.

"Saturday, 10th. General Clark had spent his time since our arrival in Richmond in searching the laws to find authority for trying us by court martial. Had he not been a lawyer of eminence I should have supposed it no very difficult task to decide that quiet, peaceful, unoffending, and private citizens too, except as ministers of the gospel, were not amenable to military tribunal, in a country governed by civil laws. But be this as it may, General Clark wrote the Governor in part as follows:

"'Detained General 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 charge 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 are no civil officers in Caldwell. I have to use the military to get witnesses from there, which I do without reserve. 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 this latter view is taken by the civil courts, I suggest the propriety of trying Jo Smith and those leaders taken by General 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 mutinied in time of war—and I would here ask you to forward to me the Attorney-General's opinion on this point. It will not do to allow these leaders to return to their treasonable work again, on account of their not being indicted in Caldwell. They have committed treason, murder, arson, burglary, robbery, larceny and perjury.'

"Sunday, 11th. While in Richmond we were under the charge of Colonel Price from Chariton County, who suffered all manner of abuse to be heaped upon us. During this time my afflictions were great and our situation was truly painful.

“General Clark informed us that he would turn us over to the civil authorities for trial, and so

Joseph Smith, Jr.,

Hyrum Smith,

Sidney Rigdon,

Parley P. Pratt,

Lyman Wight,

Amasa Lyman,

George W. Robinson,

Caleb Baldwin,

Alanson Ripley,

Washington Voorhees,

Sidney Turner,

John Buchanan,

Jacob Gates,

Chandler Holbrook,

George W. Harris,

Jesse D. Hunter,

Andrew Whitlock,

Martin C. Allred,

William Allred,

George D. Grant,

Darwin Chase,

Elijah Newman,

Alvin G. Tippets,

Zedekiah Owens,

Isaac Morley,

Thomas Beek,

Moses, Clawson,

John T. Tanner,

Daniel Shearer,

Alexander McRae,

Elisha Edwards,

John S. Higbee,

Ebenezer Page

Benjamin Covey,

Ebenezer Robinson,

Luman Gibbs,

Joseph W. Younger,

Henry Zabraki,

Allen J. Stout,

Sheffield Daniels,

Silas Maynard

Anthony Head,

Benjamin Jones,

Daniel Carn,

John T. Earl,

Norman Shearer,

James M. Henderson,

David Pettegrew,

Edward Partridge,

Francis Higbee,

David Frampton,

George Kimball and

Daniel S. Thomas.

were brought before Austin A. King, at Richmond, for trial, charged with the several crimes of high treason against the State, murder, burglary, arson, robbery and larceny.

“Monday, 12th. The first act of this court was to send out a body of armed men without a civil process, to obtain witnesses.”

PERSONAL LETTER OF JOSEPH SMITH, JR., TO HIS WIFE.

At this time Joseph Smith, Jr., wrote his wife as follows:

“Richmond, Missouri, November 12, 1838.

My dear Emma:

We are prisoners in chains and under strong guard for Christ's sake, and for no other cause, although there have been things that were unbeknown to us and altogether beyond our control that might

seem to the mob to be a pretext for them to prosecute us; but on examination I think that the authorities will discover our innocence and set us free; but if this blessing cannot be obtained, I have this consolation, that I am an innocent man, let what will befall me. I received your letter, which I read over and over again; it was a sweet morsel to me. O God, grant that I may have the privilege of seeing once more my lovely family in the enjoyment of the sweets of liberty and social life; to press them to my bosom and kiss their lovely cheeks would fill my heart with unspeakable gratitude. Tell the children that I am alive, and trust I shall come and see them before long. Comfort their hearts all you can, and try to be comforted yourself all you can. There is no possible danger but what we shall be set at liberty if justice can be done, and that you know as well as myself. The trial will begin today for some of us. Lawyer Reese, and we expect Doniphan, will plead our cause. We could get no others in time for the trial. They are able men and will do well no doubt.

Brother Robinson is chained next to me, he has a true heart and a firm hand. Brother Wight is next, Brother Rigdon next, Hyrum next, Parley next, Amasa next, and thus we are bound together in chains, as well as cords of everlasting love. We are in good spirits and rejoice that we are counted worthy to be persecuted for Christ's sake. Tell little Joseph he must be a good boy. Father loves him with a perfect love; he is the eldest—must not hurt those that are smaller than he, but care for them. Tell little Frederick father loves him with all his heart; he is a lovely boy. Julia is a lovely little girl; I love her also. She is a promising child; tell her father wants her to remember him and be a good girl. Tell all the rest that I think of them and pray for them all. Bro. Babbit is waiting to carry our letters for us. Colonel Price is inspecting them, therefore my time is short. Little Alexander is on my mind continually. Oh, my affectionate Emma, I want you to remember that I am a true and faithful friend to you and the children forever. My heart is entwined around yours forever and ever. Oh, my God, bless you all. Amen. I am your husband, and am in bonds and tribulation, etc.,

JOSEPH SMITH, JR.

To Emma Smith:

P. S.—Write as often as you can, and if possible come and see me, and bring the children if possible. Act according to your own feelings and best judgment, and endeavor to be comforted if possible, and I trust that all will turn out for the best. Yours, J. S."

CONTINUATION OF DIARY OF JOSEPH SMITH, JR.

"Tuesday, 13. We were placed at bar, Austin A. King presiding and Thomas C. Burch, State's Attorney. Witnesses were called and sworn at the point of the bayonet.

"Dr. Sampson Avard was the first brought before the court. He had previously told Mr. Oliver Olney that if he (Olney) wished to save himself, he must swear hard against the heads of the Church as they were the ones this court wanted to criminate; and if he could swear hard against them, they would not (that is, neither court nor mob) disturb him. 'I intend to do it' said he, 'in order to escape, for if I do not, they will take my life.'

"This introduction is sufficient to show the character of his testimony, and he swore just according to the statement he had made, doubtless thinking it a wise course to ingratiate himself into the good graces of the mob."

TESTIMONY OF SAMPSON AVARD, INCLUDING THE CONSTITUTION
OF THE DANITE SOCIETY AND SIDNEY RIGDON'S
PAPER AGAINST THE DISSENTERS.

The record shows that the testimony taken was in the form of depositions. The following is the testimony of Sampson Avard, a witness produced, sworn and examined on behalf of the State, who deposeth, and saith:

"That about four months ago, a band called the Daughters of Zion, since called 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, Jun., 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, Jun., 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, Jun., 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, Jun., 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 to the Danite band by Joseph Smith, Jun., that if any of them should get into difficulty, the rest should help him out, and that they should stand by each other, right or wrong; and that this instruction was given at a public address delivered at a Danite meeting. As for Joseph Smith, Junior, and his two counsellors, the witness does not know that they ever took the Danite oath. He knows all the rest of the defendants to be Danites, except Sidney Tanner, Andrew Whitlock, Zedekiah Owens, Thomas Rich, John J. Tanner, Daniel S. Thomas, David Pettigrew, George Kemble, 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 were killed. I called for twenty volunteers to accompany me to Daviess to see into the matter. I went, and about one hundred and twenty Mormons accompanied me to Adam-on-di-ahman. Mr. Joseph Smith, Jun., in company. When we arrived there I found the report exaggerated; none were killed. We visited Mr. Adam Black; about one hundred and fifty or two hundred of us armed. Joseph Smith, Jun., 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 of the prisoners. I do not recollect that Parley P. Pratt, Caleb Baldwin, Washington Vories, Sidney Tanner, John Buchanan, Jacob Gates, Chandler Holbrook, Geo. W. Harris, Jesse D. Hunter, Andrew Whitlock, Martin C. Alred, Wm. Alred, George Grant, Elizah Newman, Oliver L. Tiffets, Zedekiah Owens, Isaac Morley, Thos. Rich, Moses Clawson, John J. Tanner, Daniel Shearer, Daniel S. Thomas, Elisha Edwards, John S. Higby, Ebenezer Page, Benjamin Covey, Luman Gibbs, James M. Henderson, David Pettigrew, Edward Partridge, David Frampton, George Kemble, Jos. W. Younger, Henry Zabrisky, Allen J. Stout, Sheffield Daniels,

Silas Manard, Anthony Head, Benjamin Jones, Daniel Carn, John T. Eare and Norman Shearer, were with us on the Expedition to Daviess County.

"As regards the affair at DeWitt, I know little personally; but I heard Mr. Sidney Rigdon say they had gone down to DeWitt, where it was said a mob had collected to wage war upon the Mormons residing in Carroll County, and that Joseph Smith, Junior, with his friends, went down to DeWitt, to give aid and help to his brethren. The Company was armed, as I presume. Hiram Smith was one in the Company, and Geo. W. Robertson also. Amaza Lyman went to see what was going on. I heard the above named persons say they were in Henkle's Camp at DeWitt several days, except Amaza Lyman. I know not that he was at DeWitt. When the Mormons returned from DeWitt, it was rumored that a mob was collecting in Daviess. Joseph Smith, Jun., the Sunday before the late affair in Daviess, at a church meeting, gave notice that he wished the whole county collected on the next Monday at Far West, where he said (or the Sunday before, I don't recollect which,) that all who did not take up arms in defense of the Mormons of Daviess should be considered as Tories, and should take their exit from the county. At the meeting on Monday, where persons met from all parts of Caldwell County, Joseph Smith, Jun., 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 that there had been no redress for us; and that now a mob was about to destroy the rights of our brethren in Daviess County; and that it was high time that we should take measures to defend our rights. In this address he related an anecdote about a captain who applied to a Dutchman to purchase potatoes, who refused to sell. The Captain charged his company several different times, not to touch the Dutchman's potatoes. In the morning the Dutchman had not a potato left in his patch. This was in referenee to our touching no property on our expedition to Daviess 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 then embody and go out to Daviess to attack the mob. This question was put by the Prophet, Joe Smith, and passed unanimously, with a few exceptions.

"Captains Patton and Branson were appointed Commanders of the Mormons, by Joseph Smith, Jun., to go to Daviess. He frequently called these men Generals. I once had a Command as an officer, but he, Joseph Smith, Jun., 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 Diahmond, in Daviess, a council was held at night, composed of Joseph Smith, Jun., Geo. W. Robertson, Hiram Smith, Captains Patton and Branson, Lyman Wight, Present R. Cahoon, P. P. Pratt and myself, and perhaps Mr. Kenble. President Rigdon was not present; a correspondence was kept up between him and Joseph Smith, Jun. I heard 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 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; declared that, in future, we must 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, and that we should do so; and that we should be free and independent; and that, as the State of Missouri and the United States would not protect us, it was time that we should rise, as the Saints of the Most High God, and protect ourselves, and take the kingdom; and 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 occasion, 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 that the dissenters, first, was part of the image, and the State next, that should be destroyed by this little stone. The council was called on to vote the above measures, and were unanimous in favor of them.

"On the next day, Captain Patton, who was called by the Prophet, Captain Fearnought, took command of a body of armed men, about one hundred, and told them he had a job for them to do, and that the work of the Lord was rolling on, and that they must be united. He then led his troops to Gallatin, saying, he was going to attack the mob there. He made a rush into Gallatin, dispersed the few men there, and took the goods out of Stollings store, and took them to Diahmond; and I afterwards saw the store-house on fire, when we returned to Diahmond, the goods were deposited in the Lord's store house, under the care of Bishop

Vincent Knight. Orders were given that all the goods should be put in the Lord's store house. Joseph Smith, Junior, was at Diahmond, giving directions about things in general connected with the war. When Patton returned from Gallatin, to Adam-ondi-Ahmond, the goods were divided, or apportioned out amongst those engaged; and these affairs were conducted under the superintendency of the First Presidency. A part of the goods was brought to Far West, under the care of Captain Fearnaught. On their arrival, President Rigdon and others shouted the hosannas to the victory. On the day Patton went to Gallatin, Col. Wight went to Mill Port, as I understood. I saw a great many cattle, beds, furniture, etc., brought into our camps. After we returned to Far West, the troops were constantly kept in motion, and there was a council held at President Rigdon's house to determine who should be chiefs. It was determined that Col. Wight should be commander-in-chief at Diahmond; Branson, Captain of the flying horse of Daviess; Col. Henckle should be commander-in-chief of the Far West troops; Captain Patton, of the Cavalry of the flying horse; and that the Prophet, Joseph Smith, Jun., should be commander-in-chief of the whole kingdom. The council was composed of Joseph Smith, Jun., Captain Fearnaught, alias Patton, Henckle, and Col. Wight and President Rigdon.

"The object of that council was, in furtherance of the scheme proposed in Council in Daviess county, referred to above.

"After the Council, Fearnaught disputed as to the Chief Command of the Far West troops, and had a small altercation about it with Henckle; 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 about from five to eight hundred men, as I suppose, under arms. It was about the time the militia came out lately to Far West under Gen. 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 that we lacked in number in amount of those who came against us, the Lord would send angels who would fight for us, and we should be victorious. After the militia had been near Far West a while, in an address Smith said that those troops were militia, and that we were militia too, and both sides clever fellows; and that he advised them to know nothing of what had passed; to say nothing, and to keep dark; that he, Smith, had forgotten more than he then knew. After it was ascertained that the militia had arrived, intelligence was immediately sent to Diahmond, to Col. Wight. Next morning, Col. 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 understanding in the Mormon camp that they were militia legally called out; and, indeed, previous to the arrival of the militia, it was ascertained that there were militia on their way to Far West. Some months ago, I received orders to destroy the papers 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 Gen. Clark's possession. I gave the paper up to Gen. Clark after I was taken prisoner. I found it in my house, where I had previously deposited it, and I believe it had never been in any person's possession after I first received it. This paper was taken into President Rigdon's house, and read to the first presidency, Hiram Smith being absent, 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 of 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 that the Danite band was formed. Since the drawing of the paper against the dissenters, it was, that this constitution of the Danite band was drafted; 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 the society. We, the members of the Society of the Daughters of Zion, do agree to regulate themselves under such laws as, in righteousness, shall be deemed necessary for the preservation of our holy religion and of our most sacred rights and 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 sacred honors; and now, to prove ourselves worthy of 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 privi-

leges, 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 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.

'Article 1. 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 people themselves. This is, and has been the law, both in civil and religious bodies, and is the true principal.

'Article 2. The Executive power shall be vested in the President of the whole church, and his counsellors.

'Article 3. The legislative powers shall reside in the President and his counsellors, together, and with the generals and colonels of the society. By them, all laws shall be made, regulating the society.

'Article 4. All officers shall be, during life and good behavior, or to be regulated by the law of God.

"Article 5. The society reserves the power of electing all its officers, with the exception of the aids and clerks, which the officers may need, in their various stations. The nominations 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.

'Article 6. Punishments shall be administered to the guilty, in accordance to the offense, 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 such laws, regulating punishments, as in their judgments shall be wisdom and righteousness.

'Article 7. There shall be a secretary, whose business it shall be to keep all the legislative records of the society, and also to keep a register of the name 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.

"Article 8. All officers shall be subject to the commands of the Captain-General, given through the Secretary of War; and so, all officers shall be subject 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, and to instruct their followers (who are estimated in Europe and America, at about 40,000) that it was their duty to come up to the stake, called Far West, and to possess the kingdom; that it was the will of God that 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. Since that time, and since the introduction of this 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 the way; and that, unless they were removed, the aforesaid kingdom of God could not roll on. This paper against the dissenters was drafted by Sidney Rigdon, and is as follows:

'Far West, June —, 1838.

To Oliver Cowdery, 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 anything you can say or do, will restrain us; for out of the country you shall go, and no power shall save you; and you shall have three days, after you receive this, our 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 passed them off with a sneer, or a grin, or a threat, and pursued your former course and vengeance sleeps 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 else a more fatal calamity shall befall you.

After Oliver Cowdery had been taken by a States warrant for stealing, and the stolen property found concealed in the house of William W. Phelps, in which nefarious transaction John Whitmer had also participation, Oliver Cowdery stole the property, conveyed it to John Whitmer, and John Whitmer to William W. Phelps, and there the officers of the law found it. While in the hands of the 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 President, Joseph Smith, Jun., 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, their influence to save you from your just fate, and they, by their influence, delivered you out of the hand 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 practice the promised reformation? You know you did not! but, by secret efforts continued to practice your iniquity, and secretly to injure their characters, 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 Cowdery 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 Cowdery to be a justice of the peace, he used the power of his office to take their most sacred rights from them, and that contrary to law. He supported a parcel of black-legs, 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 Justices office too—those 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 them, under heavy bonds, to appear before his honor, and required bonds which were both inhuman and unlawful; and one of those 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 Cowdery, David Whitmer and Lyman E. Johnson, united with a gang of counterfeiters, thieves, liars and black-legs of the deepest dye, to deceive, cheat and defraud the Saints of their property, by every act and stratagem which wickedness could invent; using the influence of the vilest persecutors, to bring vexatious law suits, villianous prosecutions, and even stealing not excepted. In the midst of this career, for fear that the Saints would seek redress at their hands, they breathed out threatenings of mobs, and actually made attempts with their gang to bring mobs upon them. Oliver Cowdery 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 practicing their former course. While this wickedness was going on in Kirtland, Cowdery and his company were writing letters to Far West, in order to destroy the character of every person that they thought were 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 Cowdery and David Whitmer's bogus money business, information got abroad into the world that they were engaged in it, and several gentlemen were preparing to commence a prosecution against Cowdery. He finding it out, took with him, Lyman E. Johnson and fled to Far West with their families, Cowdery

stealing a property, and bringing it with him, which has, within a few weeks past, been 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 had promised to destroy them, 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 in this church, when it is a fact that it was a palpable falsehood, and he had no such thing, and he did it for the purpose of injuring his character. Shortly after Cowdery 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 content 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, but swearing false, 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 Cowdery, David Whitmer, and Lyman E. Johnson were engaged while you were there. Since you arrived here, you have commenced a general system of the same kind of conduct in this place. You set up a nasty, dirty, pettifoggers 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 practice 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 bring their creditors upon them and break them up. In addition to this, you stirred up men of a weak mind to prosecute one another, for the vile purpose of getting a fee for a pettifogger from them.

“You have also been threatening, continually, 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 can do anything but cause vexatious law suits. And amongst the most monstrous of all your abominations, we have evidence, which when called upon we can produce, that letters sent to the postoffice, in this place, have been opened, read and destroyed, and the persons to whom they were sent never ob-

tained 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 and coiners, and black-legs, 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 of property, as in Kirtland, for so are your associates carrying on there at this time, and that encouraged by you, by means of the 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 this 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 eighty-four Mormons.)

“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 have lost its savor, wherewithal shall it be salted, etc.’ commonly called ‘The Salt Sermon,’ in which the dissenters were called the salt which had lost its savor, and that they should be trampled upon and driven out by the Saints, which was well understood by the Danites as 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 bulwark, asked me if I did not think him pretty much of a general? 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 defense, and fight our battles.

“In reference to Bogart’s battle, I know but little personally. As to the start of troops to fight Bogart, I was called upon to go along with the company, which was commanded by Patton as surgeon; this was about midnight, but as I thought a little sleep would do me more good than fighting, I remained at home. On the morning of the fight, about six o’clock, I was called upon by a Mr. Emmet, who informed me that Captain Fearnought was wounded mortally, I went to Patton, about three miles, as I understood, from the battle ground, where I found Joseph Smith, Jun., present, laying hands on the wounded, and blessing them, to heal them. A Mr. O. Bannion was also there, mortally wounded. I heard the following of the prisoners say he was in the fight, to wit, Norman Shearer.

“I never heard Hiram Smith make any inflammatory remarks, but I have looked on him as one composing the first presidency;

acting in concert with Joseph Smith, Jun.; 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 massacres testified to by me; and I have heard Joseph Smith, Junior, say he considered Partridge a coward, and backward, and ought to be forced out. I was continually in the society or company 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, Jun.,	Moses Clawson,
Hiram Smith,	Alexander McKay,
P. P. Pratt,	John S. Higby,
Lyman Wight,	Ebenezer Page,
George W. Robertson,	James M. Henderson,
Alison Ripley,	Edward Partridge,
Washington Vories,	Francis Higbey,
Jacob Gates,	Joseph W. Younger,
George Grant,	Henry Sabriskey (doubtful),
Darwen Chase,	James H. Rawlins,
Maurice Phelps,	James Newberry (doubtful).

And further this deponent saith not.

(Signed) SAMUEL AVARD.”

CONTINUATION OF DIARY OF JOSEPH SMITH, JR.

“The following witnesses were examined in behalf of the State, many of whom, if we may judge from their testimony, sworn upon the same principle as Avard, namely:

Wyatt Cravens,	Nehemiah Sale,
Captain Samuel Bogart,	Morris 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,
Wilborn Splawn,	Thomas M. Odle,
John Raglin,	Allen Rathburn,
Jeremiah Myers,	Andrew F. Job,
Freeborn H. Gardner,	Burr Riggs,
Elisha Camron,	Charles Bleakley,

James Cobb,
 Addison Price,
 William W. Phelps,
 James B. Turner,
 Joseph H. McGee,
 Porter Yale,
 Eyra Williams,
 John Taylor,
 Patrick Lynch,

Jesse Kelly,
 Samuel Kimball,
 John Whitmer,
 George W. Worthington,
 John Lockhart,
 Benjamin Slade,
 Addison Green,
 Timothy Lewis.

"We were called upon for our witnesses, and we gave the names of some forty or fifty. Captain Bogart was dispatched with a company of militia to procure them. Arrested all he could find, thrust them into prison, and we were not allowed to see them.

"We were again called upon most tauntingly for witnesses. We gave the names of some others, and they were also thrust into prison, so many as were to be found.

"In the meantime, Malinda Porter, Delia F. Pine, Nancy Rigdon, Jonathan W. Barlow, Thoret Parsons, Ezra Chipman and Arza Judd, Jr., volunteered and were sworn on the defense, but were prevented by threats from telling the truth as much as possible.

"We saw a man at the window by the name of Allen, and beckoned him to come in and had him sworn; but when he did not testify to please the court, several rushed upon him with their bayonets and he fled the place, and three men took after him with loaded guns, and he barely escaped with his life. It was of no use to get any more witnesses if we could have done it. Thus the mock investigation continued from day to day, till Saturday, when several of the brethren were discharged by Judge King, as follows:

"Defendants against whom nothing is proven, viz.:

Amasa Lyman,
 Andrew Whitlock,
 Jedediah Owens,
 John T. Tanner,
 Elisha Edwards,
 David Frampton,
 Allen J. Stout,
 Silas Maynard,
 John T. Earl,
 James Newberry,
 Chandler Holbrook,
 William Allred,

John Buchanan,
 Alvah L. Tippets,
 Isaac Morley,
 Daniel S. Thomas,
 Benjamin Covey,
 Henry Zabriski,
 Sheffield Daniels,
 Anthony Head,
 Ebenezer Brown,
 Sylvester Hulet,
 Martin Allred.

"The above defendants were discharged by me, there being no evidence against them.

AUSTIN A. KING, Judge, etc."

November 24, 1838.

"Our church organization was converted by the testimony of the appostates into a temporal kingdom which was to fill the whole earth and subdue all other kingdoms.

"Much was inquired by the Judge (who by the by, was a Methodist) concerning the prophecy of Daniel, 'In the days of these kings shall the God of heaven set up a kingdom which shall break in pieces all other kingdoms, and stand forever.' etc.; 'and the kingdom and the greatness of the kingdom, under the whole heavens, shall be given to the saints of the Most High,' etc., just as though it was treason to believe the Bible.

"The remaining prisoners were all released, or admitted to bail, except:

Lyman Wight,

Caleb Baldwin,

Hyrum Smith,

Alexander McRae,

Sidney Rigdon and myself,

(Joseph Smith, Jr.),

who were sent to Liberty, Clay county, to jail, to stand our trial for treason and murder—the treason for having whipped the mob out of Daviess county and taking their cannon from them; and the murder for the man killed in the Bogart battle; also

Parley P. Pratt,

Morris Phelps,

Laman Gibbs,

Darwin Chase,

Norman Shearer,

who were put into Richmond jail to stand their trial for the same crimes.

"During the investigation, we were mostly confined in chains and received much abuse.

"The matter of driving away witnesses, or casting them into prison, or chasing them out of the country, was carried to such a length that our lawyers, General Doniphan and Amos Reese told us not to bring our witnesses there at all; for if we did there would not be one of them left for final trial; for no sooner would Bogart and his men know who they were than they would put them out of the country.

"As to making any impression on King, if a cohort of angels were to come down and declare we were clear, Doniphan said it would be all the same; for he (King) had determined from the beginning to cast us into prison.

"We never got the privilege of introducing our witnesses at all; if we had, we could have disproved all they swore." (*Millennial Star*, Vol. 16, pp. 539, 556, 558, 565).

EARLY DAYS ON GRAND RIVER AND THE
MORMON WAR.

ROLLIN J. BRITTON.

FIFTH ARTICLE.

On November 30th the prisoners were started from Richmond for Liberty, as ordered in the following mittimus:

"State of Missouri, Ray County.

To the Keeper of the Jail of Clay County, Greeting:

Whereas, Joseph Smith, Jr., Hyrum Smith, Lyman Wight, Alexander McRae, and Caleb Baldwin, as also Sidney Rigdon have been brought before me, Austin A. King, judge of the fifth judicial circuit in the State of Missouri, and charged with the offense of treason against the State of Missouri, and the said defendants, on their examination before me, being held to answer further to said charge, the said Joseph Smith, Jr., Hyrum Smith, Lyman Wight, Alexander McRae and Caleb Baldwin to answer in the County of Daviess, and the said Sydney Rigdon to answer further in the county of Caldwell, for said charge of treason, and there being no jail in said counties: These are therefore to command that you receive the said Joseph Smith, Jr., Hyrum Smith, Lyman Wight, Alexander McRae, Caleb Baldwin, and Sidney Rigdon into your custody in the jail of the said county of Clay, there to remain until they be delivered therefrom by due course of law.

Given under my hand and seal the 29th day of November, 1838,

Austin A. King.

State of Missouri, County of Clay,

I, Samuel Hadley, Sheriff of Clay County, do hereby certify that the above is a true copy of the mittimus to me, directed in the cases therein named.

Samuel Hadley, Jailer,

By, Samuel Tillery, Deputy Jailer,
Clay County, Missouri." (*Millennial Star*, vol. 16, p. 566.)

LYMAN WIGHT'S JOURNAL.

Lyman Wight's account as recorded in his journal is as follows:

"November 1st. This morning we were ordered by General Wilson to make ready to go to Jackson County, and informed by him that we were delivered into his charge, that he had three hundred good soldiers, and that he would guarantee that we should be well treated; which promise he fulfilled to the very letter. We were then placed in a wagon, marched seventeen miles to Crooked River, and camped for the night.

"2nd. Today we marched on and crossed the Missouri River at William's Ferry and camped on the other side for the night.

"3rd. We now found ourselves in Jackson County, from which we were driven in 1833, about thirteen miles from Independence. Several times in the course of the day we were exhibited as a public show, having been carried in a covered wagon. But I have it to say that with one exception we were treated in the most genteel manner. We landed at Independence about three o'clock P. M. and were placed in a huge log house on the north side of the public square, with a small guard about us. We had many respectable visitors this evening, together with some few of the offscouring of the earth. We had food prepared for and brought to us. We rested very comfortably through the night.

"4th. This day we were at liberty to go where we pleased about through the town. We walked down to the Temple Lot, in company with a gentleman by the name of Collins. He said he presumed the place did not look as it would had we been permitted to have remained in this County. We spent (the day) in walking about, retired in the evening to the same place and tarried for night.

"5th. This day we were invited to dine with General Wilson, by the request of his wife and family, where we were treated in the most genteel style. When the blessing was asked at the table, his wife shed tears freely. We retired after dinner to our place of residence for the night.

"November 6th. This morning General Wilson ordered us to be moved to Knowlton's Hotel, where we were treated in a genteel manner. We spent the day walking about through town, and traded some and returned to Knowlton's for the night.

7th. On this day we were invited to dine at a hotel in the lower part of the town. We returned to Knowlton's in the evening, and were introduced to Colonel Price, who gave us to understand that he had been sent by General Clark, who had just arrived in

Richmond with five thousand troops, and who, by the order of the Governor, was Commander in Chief of all the mob militia in the State, ordered us forthwith to Richmond for a new trial, as he claims the highest authority of martial law on the occasion. He also informed us that General Clark had with him an express order from the Governor, to either exterminate or drive from the State every Mormon within its borders. We now returned to rest and to wait the result of another day.

8th. This morning we made every necessary preparation to repair to Richmond as quick as possible. Colonel Arnat and two other men attended us as guards. We started and crossed the Missouri River fifteen miles from this place about the setting of the sun, and camped in an old house on the opposite bank.

"9th. This morning, about ten miles from Richmond, we were met by about fifty men, who guarded us into Richmond, where we were thrust into an old log house. Some little provisions were brought in, which we took in our hands and ate. We were strongly guarded through the night. This evening we were informed that General Clark had been to Far West and had disarmed every Mormon that he could find, and had taken about sixty prisoners and brought them to this place, and placed them in the court house about twenty rods from where we now are, which has neither floor nor door-shutter, and the weather is very inclement. The remainder of the Mormons he said could remain until the opening of the spring season; but if they should then be found attempting to put in a crop or stay longer, they should most assuredly be exterminated without mercy.

"General Clark came in between the hours of seven and eight o'clock this evening, who, on being interrogated, what our crimes were, said he would inform us in the morning, and with a frown passed out of the room. After receiving many insults and much abuse from the people, we were left to await the result of the morning.

"10th. This morning General Clark came and with a look of awe and disdain said: Gentlemen, you are charged with having committed treason, murder, arson, burglary, larceny, and stealing, and various other crimes, too numerous to mention, and in great haste left the room. He had not more than passed the door when Colonel Price with sixteen men stepped in at the door, each having his gun presented with his thumb on the cock. They were quickly followed by a Mr. Fulkerson, the overseer of the penitentiary, with three trace chains and seven padlocks in his hands, and commenced chaining us by our legs, one by one, until we were all chained together about two feet apart. We were then informed that we were delivered over to the civil law, and that General Clark, after arriving at this place, had held a court martial and sentenced

us to be shot, but fearing this might not be correct he had sent to Fort Leavenworth to the United States officer, whose answer, on the subject was that it would be nothing more nor nothing less than cold-blooded murder (Colonel Richard B. Mason, First Dragoon, made this reply).

"During this whole time there had not been a process served on us, neither civil or uncivil. We spent this day in chains for the first time, ruminating from present prospects to what the future might be. You may well calculate the day passed off with gloomy aspect.

"11th. A. King, Circuit Judge of the Fifth Judicial Circuit, called for us at the court house (at Richmond) today, and informed us that we were put on trial for the above mentioned charges, stated by General Clark. (This was of course merely a preliminary hearing.) Court was called and adjourned for want of testimony. We retired to our chains and couches of straw and spent the night.

"November 12th. Court opened this morning and Samson Avard was sworn. He was a man whose character was perfectly run down in all classes of society, and he being a stranger palmed himself upon the Mormon Church, and in order to raise himself in the estimation of the church invented schemes and plans to go against mobocracy, which were perfectly derogatory to the laws of this State and of the United States, and frequently endeavored to enforce them upon members of the church, and when repulsed by Joseph Smith he would frequently become chagrined. At one time he told me that the reason why he could not carry his plans into effect was that the First Presidency of the Church feared that he would have too much influence, and gain the honor which the First Presidency desired for themselves. At one time he said to me that he would be damned if he did not carry his plans through. More than once did he raise a conspiracy against them (the Presidency) in order to take their lives, thinking that he might then rule the church. Now when he was brought before the court he swore, that all these treasonable purposes (which he had sworn in his heart to perform) originated with us."

P. P. PRATT'S ACCOUNT.

P. P. Pratt writes concerning their treatment at Independence:

"We were soon at liberty to walk the streets without a guard; and soon we were removed from our house of confinement to a hotel, where we were entertained in the best style of which the place was capable, which was lodging on the floor and a block of wood for a pillow. We had no longer any guard—we went out

and came in when we pleased. A certain keeper being appointed merely to look to us; with him we walked out of town and visited the desolate lands which belonged to our society, and the place which seven years before, we had dedicated and consecrated for the building of a temple, it being a beautiful rise of ground about half a mile west of Independence. When we saw it last it was a wilderness, but now our enemies had robbed it of every stick of timber and it presented a beautiful rolling field of pasture being covered with grass.

"Oh, how many feelings did this spot awaken in our bosoms! Here we had often bowed the knee in prayer to Jehovah in bygone years; and here we had assembled with hundreds of happy saints, in the solemn meeting, and offered our prayers, and songs, and sacraments, in our humble dwellings; but now all was solemn and lonely desolation; not a vestige remained to mark the place where stood our former dwellings; they had long since been consumed by fire, or removed to the village and converted to the use of our enemies. While at Independence we were once or twice invited to dine with General Wilson, and others, which we did with much apparent politeness and attention on their part, and much cheerfulness on our own.

"After about a week spent in this way, during which I was at one time alone in the wilderness more than a mile from town, we were at length (after repeated demands) sent to General Clark, at Richmond. This place was on the same side of Missouri that Far West was, and about thirty miles distant.

"Generals Lucas and Wilson had tried in vain to get a guard to accompany us; none would volunteer, and when drafted they would not obey orders; for in truth, they wished us to go at liberty.

"At last a Colonel and two or three officers started with us, with their swords and pistols, which was more to protect us than to keep us from escaping. On this journey some of us rode in carriages and some on horseback. Sometimes we were sixty or eighty rods in front or rear of our guard, who, by the by, were three sheets in the wind in the whiskey line, having a bottle in their pockets; but knowing we were not guilty of any crime we did not wish to escape by flight. At night having crossed the ferry, we put up at a private house. Here our guards all went to bed and to sleep, leaving us their pistols to defend ourselves in case of any attack from without, as we were in a very hostile neighborhood." (*Persecutions of the Saints*, pp. 92-95.)

One touching incident we relate here as given by Mr. Pratt, as occurring at the preliminary at Richmond:

"The Court of inquiry now commenced before Judge A. A.

King. This continued from the 11th to the 28th of November, during which we were kept most of the time in chains, and our brethren, some fifty in number, were penned up in the open, unfinished court house.

"It was a very severe spell of snow and winter weather, and we suffered much. During this time Elder Rigdon was taken very sick from hardship and exposure, and finally lost his reason; but still he was kept in a miserable, noisy, and cold room, and compelled to sleep on the floor with a chain and padlock round his ankle, and fastened to six others; and here he endured the constant noise and confusion of an unruly guard who were changed every few hours, and who were frequently composed of the most noisy, foul-mouthed, vulgar, disgraceful, indecent rabble that ever defiled the earth. While we lay in this situation, his son-in-law, George Robinson, the only male member of his numerous family, was chained by his side; and thus Mrs. Rigdon and her daughters were left entirely destitute and unprotected. One of his daughters, Mrs. Robinson, a young and delicate female, with her little infant, came down to see her husband and to comfort and take care of her father in his sickness. When she first entered the room, amid the clank of chains and the bristle of weapons, and cast her eyes on her sick and dejected parent and sorrow-worn husband, she was speechless, and only gave vent to her feelings in a flood of tears. This faithful lady with her little infant continued by the bed of her father till he recovered from his sickness and till his fevered and disordered mind assumed its wonted powers of intellect.

"In this mock court of inquiry the judge could not be prevailed on to examine the conduct of the murderers, robbers, and plunderers, who had desolated our society. Nor would he receive testimony except against us. And by the dissenters and apostates who wished to save their own lives and secure their property at the expense of others; and by those who had murdered and plundered us from time to time, he obtained abundance of testimony, much of which was entirely false." (*Persecution of the Saints*, pp. 102-104.)

FOUR OF THE MORMON LEADERS SENT AS PRISONERS TO BOONE COUNTY.

Of the prisoners left at Richmond when Joseph and his companions were taken to Liberty, all were finally released but four, and they were sent to Columbia, in Boone County. Of this, Mr. Pratt writes as follows:

"On the 24th day of April our cases were laid before the grand

jury of the County of Ray; and Darwin Chase and Norman Shearer were dismissed after being imprisoned near six months. This release happened just as Mr. Shearer came to visit his son for the last time before he left the country. He came into the prison to see us, and not knowing of the intended release, he took an affectionate leave of us and of his son, who seemed to weep with heartbroken anguish. But while he yet lingered in town, his son was called before the court, and with Mr. Chase was told that they might go at liberty. The father and son then embraced each other almost overcome with joy, and departed. At the same time, my brother Orson Pratt, whom I had not before seen for a year, came from Illinois to see me, but was only permitted to visit me for a few moments, and then was ordered to depart. Mrs. Phelps, who had waited in prison for some days in hopes that the court would release her husband, now parted without him, overwhelmed with sorrow and tears, and with her infant moved slowly away to remove to Illinois and leave her husband behind. Thus our families wander in a strange land, without our protection, being robbed of house and home. Oh, God, who can endure the thought! Come out in justice, O, Lord, and restore us to our mourning families!

"Our number in prison were reduced to four, one having been added about the middle of April. His name was King Follet; he was dragged from his distressed family just as they were leaving the state. Thus of all the prisoners which were taken at an expense of two hundred thousand dollars, only two of the original ones, who belonged to the church, now remained. Mr. Gibbs, having denied the faith, to try to save his life. These were Morris Phelps and myself. ~~At~~ who were let to bail were banished from the State, together with those who bailed them. Thus none are like to have a trial by law except ourselves, and we are without friends or witnesses in the State. After the grand jury had found a bill against us for defending ourselves in the battle with Bogart's Company, we were kept in prison at Richmond for about a month. We then took a change of venue and were ordered to be sent to Columbia, Boone County, for trial.

"On the 22nd day of May we were handcuffed together, two and two with irons round the wrist of each and in this fix we were taken from prison and placed in a carriage.

"The people of Richmond gathered around to see us depart; but none seemed to feel for us except two persons. One of these (General Park's lady) bowed to us through the window, and looked as if touched with pity.

"The other was a Mr. Huggins, merchant of Richmond, who bowed with some feeling as we passed. We now took leave of

Richmond, accompanied by Sheriff Brown, and four guards with drawn pistols, and moved on towards Columbia. No tongue can describe our sensations as we came forth from a most filthy dungeon, where we had been confined for near seven months, and began to breathe the free air, and to change the scenery and look abroad upon the face of the earth. There was a sweetness in the air and a perfume from the earth which none could fully realize except such as have been for a long time confined in tainted air. It had been thundering and raining for some days and the thunderstorm lasted with but short cessations from the time we started till we arrived at the place of destination, which was five days.

"The small streams were swollen so as to be very difficult crossing them. On the second day we came to a creek which was several rods over, with a strong current, and very deep. It was towards evening and far from any house, and we had received no refreshment through the day. Here we halted, and knew not what to do. We waited awhile for the water to fall but it fell slowly. All hands were hungry and impatient, and a lowery night seemed to threaten that the creek would rise before morning by the falling of additional rains. In this dilemma some counseled one thing and some another. Some said, go back some miles to a house and tarry till morning. Others said, camp here for the night. Others said, swim the river and leave the carriage and baggage till morning; and some advised to attempt to drive some miles around the head of the stream. At last I proposed to the Sheriff that if he would take off my irons I would go into the water to bathe and by that means ascertain the depth and bottom; this he consented to do, after some hesitation. I then plunged into the stream and swam across, and attempted to wade back; I found it to be a hard bottom, and the water about up to my chin; but a very stiff current. After this, Mr. Brown, the sheriff, undertook to cross on his horse; but just as his horse neared the opposite shore he sprang sidewise to gain a bank, and Mr. Brown was thrown off his horse and buried in the stream. He could not swim, but sprang out, hollowing and flouncing in a manner that caused much merriment to the company. This accident decided the fate of the day. Being now completely wet, he resolved to effect the crossing of the whole company, bag and baggage. Accordingly, several stripped off their clothes and mounted on the barebacks of the horses; and, taking their clothing, saddles, and arms, together with our trunk and bedding upon their shoulders, they bore them across in safety, without wetting.

"This was done by riding backwards and forwards across the stream several times. In this sport and labor, prisoners, guards, and all mingled in mutual exertion. All was now safe but the carriage. Mr. Phelps then proposed to swim that across by hitching

two horses before it; and he mounted on one of their backs, while myself and one of the guards swam by the side of the carriage to keep it from upsetting by the force of the current. And thus, Paul like, we all got safe to land. Everything was soon replaced and ourselves in the carriage, and the suite on horseback, we moved swiftly on, and at dark arrived at a house of entertainment, amid a terrible thunderstorm. Next morning we proceeded on and in a few miles came to another swimming stream; but after some consultation it was thought best to go around the head of the stream. We accordingly took our back track for a half mile, and then striking to the north in the open prairie, without any track, we rode some seven miles around, crossed the head of the stream, and returned to the road which we had left; this day we crossed the Missouri at a place called Arrow Rock, being named from the circumstance of the natives coming there from all quarters to get a kind of hard rock from the bluff to make arrow points. In this journey we had slept each night on our backs on the floor, being all four of us bound together, with hand and ankle irons made for the purpose.

"This being done, the windows and doors were all fastened, and then five guards with their loaded pistols *staid* in the room, and one at a time sat up and watched during the night. This cruelty was inflicted on us more to gratify a wicked disposition than anything else; for it was in vain for us to have tried to escape, without any irons being put on us; and had we wished to escape, we had a tolerable good opportunity at the creek.

"When we arrived within four miles of Columbia, the bridge had been destroyed from over a large and rapid river; and here we were some hours in crossing over in a tottlish canoe, having to leave our carriage together with our bedding, clothing, our trunk of clothing, books, papers, etc., but all came to us in safety after two days.

"After we had crossed the river, our guards having swam their horses, mounted them, and we proceeded toward Columbia, the prisoners walking on foot, two being fastened together two and two by the wrists.

"After walking two or three miles, Mr. Brown hired a carriage, and we rode into Columbia. It was about sunset on Sunday evening, and as the carriage and our armed attendants drove through the streets we were gazed upon with astonishment by hundreds of spectators, who thronged the streets and looked out at the windows, doors, etc., anxious to get a glimpse of the strange beings called Mormons. On our arrival we were immediately hurried to the prison without going to a tavern for refreshment, although we had traveled a long distance without anything to eat.

When unloosened from our fetters we were ushered immediately from the carriage into the jail, and the next moment a huge trap door was opened, and down we went into a most dismal dungeon, which was full of cobwebs and filth above, below, and all around the walls, having stood empty for near two years. Here was neither beds, nor chairs, nor water, nor food, nor friends, nor anyone whom we might call, even for a drink of cold water; for Brown and all others had withdrawn to go where they could refresh themselves. When thrust into this dungeon, we were nearly ready to faint with hunger, and thirst, and weariness. We walked the room for a few moments, and then sank down upon the floor in despondency, and wished to die, for, like Elijah of old, if the Lord had inquired, 'What dost thou here?' we could have replied, 'Lord, they have killed the prophets, and thrown down thine altars, and have driven out all thy saints from the land, and we only are left to tell thee; and they seek our lives, to take them away; and now, therefore, let us die.'

"Our feelings were the more melancholy because here we had hoped to see our families from Illinois or some kind friend from thence, as we had not heard from them for some time and were now within one hundred miles of them: but we neither saw nor heard of any one who knew us or cared for us. We now sent to the post office, but got no letters. Our families and friends, it seemed, had even neglected to write us—this seemed the more unaccountable, as they had long expected us at Columbia. When we had been in the dungeon for some time, our new jailer handed down some provisions, but by this time I was too faint to eat; I tasted a few mouthfuls, and then suddenly the trap door opened, and some chairs were handed to us, and the new sheriff, Mr. Martin, and his deputy, Mr. Hamilton, entered our dungeon and talked so kindly to us that our spirits again revived in some measure. This night we slept cold and uncomfortable; having but little bedding. Next morning, we were suffered to come out of the dungeon, and the liberty of the upper room was given us through the day ever afterwards." (*Persecution of the Saints*, pp. 114-124.)

ESCAPE OF THE MORMONS FROM THE BOONE COUNTY JAIL.

P. P. Pratt and Morris Phelps escaped from the Boone County jail on July 4, 1839, and finally made their way to their families in Illinois. Mr. Follet broke jail with them, but was recaptured. Mr. Luman Gibbs, the other one of the four, apostatized, and was acquitted on trial. Mr. Follet was retained several months and dismissed.

The following is Mr. Pratt's account of their thrilling escape:

"The author of the foregoing narrative is now at liberty and some account of his narrow escape from prison and from the State of Missouri is due to the public. On the 1st of July the special term of the court was held at Columbia for our trials but was adjourned for nearly three months because all our witnesses were banished from the state. Under these circumstances we were unwilling to be tried in a state where all law and justice were at an end. We accordingly thought it justifiable to make our escape. In the meantime we were visited by Mrs. Phelps, the wife of one of the prisoners, and also by my brother, Orson Pratt, and Mrs. Phelps' brother.

"These all came from Illinois or Iowa on horseback, and visited with us for several days. On the 4th of July we felt desirous as usual to celebrate an anniversary of American liberty. We accordingly manufactured a white flag consisting of the half of a shirt, on which we inscribed the word 'Liberty' in large letters, and also a large American eagle was put on in red. We then obtained a pole from our jailer, and on the morning of the 4th this flag was suspended from the front window of our prison, overhanging the public square, and floating triumphantly in the air to the full view of the citizens who assembled by hundreds to celebrate the National jubilee. With this the citizens seemed highly pleased, and sent a portion of the public dinner to us and our friends, who partook with us in prison with merry hearts, as we intended to gain our liberties or be in paradise before the close of that eventful day. While we were thus employed in prison, the town was alive with troops parading, guns firing, and shouts of joy, resounding on every side. In the meantime we wrote the following toast, which was read at their public dinner, with many and long cheers:

'The patriotic and hospitable citizens of Boone County; opposed to tyranny and oppression, and firm to the original principles of republican liberty—may they in common with every part of our wide-spreading country, long enjoy the blessings which flow from the fountain of American Independence.'

"Our dinner being ended, our two brethren took leave of us and started for Illinois (leaving Mrs. Phelps to still visit with her husband). They had proceeded a mile or two on the road and then took into the woods, and finally placed their three horses in a thicket within one-third of a mile of the prison, and there they waited in anxious suspense till sundown. In the meantime

we put on our coats and hats and waited for the setting sun, with prayer and supplication for deliverance from this long and tedious bondage; and for a restoration to the society of our friends and families, we then sang the following lines:

‘Lord cause their foolish plans to fail,
 And let them faint or die,
 Our souls would quit this loathsome jail,
 And fly to Illinois,
 ‘To join with the embodied saints,
 Who are with freedom blessed,
 That only bliss for which we pant,
 With them awhile to rest.
 ‘Give joy for grief—give ease for pain,
 Take all our foes away,
 But let us find our friends again,
 In this eventful day.’

“This ended the celebration of our National liberty, but the gaining of our own was the grand achievement now before us.

“In the meantime the sun was setting. The moment arrived, the footsteps of the jailer were heard on the stairs. Every man flew to his feet, and stood near the door. The great door was opened, and our supper handed in through a small hole in the inner door, which still remained locked; but at length the key was turned in order to hand in the pot of coffee. No sooner was the key turned than the door was jerked open, and in a moment all three of us were out and rushing down the stairs. The foremost, Mr. Phelps, was clinched by the jailer; both tumbled down the stairs, through the entry and out into the dooryard, when Phelps cleared himself without injuring the jailer, and all of us leaped several fences, ran through the fields towards the thicket, where we expected to find our friends and horses. In the meantime the town was alarmed and many were seen rushing after us, some on horseback and some on foot, prepared with dogs, guns, and whatever came to hand. But the flag of liberty with its eagle still floated on high in the distance and under its banner our nerves seemed to strengthen at every step. We gained the horses, mounted, and dashed into the wilderness, each his own way. After a few jumps of my horse I was hailed by an armed man at pistol shot distance, crying, ‘D——n you, stop, or I’ll shoot you.’

“I rushed onward deeper in the forest, while the cry was repeated in close pursuit, crying, ‘D——n you, stop, or I’ll shoot you,’ at every step, till at length it died away in the distance.

“I plunged a mile into the forest, came to a halt, tied my horse in a thicket, went a distance and climbed a tree to await

the approaching darkness. Being so little used to exercise, I fainted through over-exertion, and remained so faint for nearly an hour that I could not get down from the tree. But, calling on the Lord, he strengthened me, and I came down from the tree. But, my horse had got loose and gone. I then made my way on foot for several days and nights, principally without food, and scarcely suffering myself to be seen. After five days of dreadful suffering with fatigue and hunger, I crossed the Mississippi and found myself once more in a land of freedom. Hundreds of my friends crowded around me, and many of the citizens of Illinois, although strangers to me, received and welcomed me as one who had escaped from a persecution almost unparalleled in modern history.

"I was everywhere invited to preach the Gospel and gave many public addresses, but no attempt has been made to retake myself and fellow prisoners." (*Persecution of the Saints*, pp. 164-169.)

Early Days on Grand River and the Mormon War

ROLLIN J. BRITTON

SIXTH ARTICLE.

Returning to Joseph Smith, Jun, and his companions, we find that they reached Liberty jail on December 1, 1838, where they were visited by their families and numerous friends, including General Doniphan, during the month of December.

On January 16, 1839, Mr. Turner from the joint select committee, introduced a bill in the Missouri Senate to provide for the investigation of the late disturbances in this State. This bill provided for a joint committee to investigate the causes of the disturbances between the people called Mormons and other inhabitants of this State, and conduct of the military operations in repressing them, which committee shall consist of two senators to be elected by the Senate and of three representatives to be elected by the House of Representatives. The bill further provided that the committee should meet at Richmond, Ray County, on the first Monday in May and thereafter at such times and places as they should appoint, and made provision for organization and clothed the committee with the power of a court. This bill was passed by the Senate on January 31; but on February 4, the House laid it on the table until July 4, 1839, which made it too late to benefit the Mormons.

On Thursday, January 24, 1839, Joseph Smith wrote a letter as follows:

"To the Honorable the Legislature of Missouri:

Your memorialists, having a few days since solicited your attention to the same subject, would now respectfully submit to your honorable body a few additional facts in support of their prayer.

They are now imprisoned under a charge of treason against the State of Missouri and their lives and fortunes and characters being

suspended upon the result of the criminal charges preferred against them.

Your honorable body will excuse them for manifesting the deep concern they feel in relation to their trials for a crime so enormous as that of treason.

It is not our object to complain—to asperse anyone. All we ask is a fair and impartial trial. We ask the sympathies of no one. We ask sheer justice; 'tis all we expect, and all we merit, but we merit that. We know the people of no county in this state to which we would ask our final trials to be sent are prejudiced in our favor. But they believe that the state of excitement existing in most of the upper counties is such that a jury would be improperly influenced by it. But that excitement and the prejudice against us in the counties comprising the fifth judicial Circuit are not the only obstacles we are compelled to meet. We know that much of that prejudice against us is not so much to be attributed to a want of honest motives amongst the citizens as it is to wrong information.

But it is a difficult task to change opinions once formed. The other obstacle which we candidly consider one of the most weighty is the feeling which we believe is entertained by the Hon. A. A. King against us, and the consequent incapacity to do us impartial justice. It is from no disposition to speak disrespectfully of that high officer that we lay before your honorable body the facts we do; but simply that the legislature may be apprised of our real conditions. We look upon Judge King as like all other mere men, liable to be influenced by his feelings, his prejudices, and his previously formed opinions. We consider his reputation as being partially if not entirely committed against us. He has written much upon the subject of our late difficulties, in which he has placed us in the wrong. These letters have been published to the world.

He has also presided at an excited public meeting, as chairman, and no doubt sanctioned all the proceedings. We do not complain of the citizens who held that meeting, they were entitled to that privilege. But for the judge before whom the very men were to be tried for a capital offense to participate in an expression of condemnation of these same individuals is to us at least apparently wrong; and we cannot think that we should after such a course on the part of the Judge, have the same chance of a fair and impartial trial as all admit we ought to have.

We believe that the foundation of the feeling against us which we have reason to think Judge King entertains may be traced to the unfortunate troubles which occurred in Jackson County some few years ago. In a battle between the "Mormons" and a portion

of the citizens of that county, Mr. Brazeale, the brother-in-law of Judge King, was killed.

It is natural that the Judge should have some feeling against us, whether we were right or wrong in that controversy.

We mention these facts, not to disparage Judge King; we believe that from the relations he bears to us he would himself prefer that our trials should be had in a different circuit and before a different court. Many other reasons we might mention, but we forbear."

The letter was directed to James M. Hughes, Esq., Member of the House of Representatives, Jefferson City.

(*Millennial Star*, Vol. 16, pp. 7709-11.)

On Saturday, January 26, 1839, the Mormon citizens of Caldwell County met at Far West and appointed a committee of seven, to-wit: John Taylor, Alanson Ripley, Brigham Young, Theodore Turley, H. C. Kimball, John Smith, and D. C. Smith to draft resolutions respecting their removal from the State according to the Governor's order, and to devise means for removing the destitute. This Committee reported to the reassembled meeting on the 29th, when John Taylor, as chairman, read the following covenant which was adopted, to-wit:

"We, whose names are hereunder written, do for ourselves, individually, hereby covenant to stand by and assist each other to the utmost of our abilities in removing from the State in compliance with the authority of the State, and we do hereby acknowledge ourselves firmly bound to the extent of all our available property, to be disposed of by a committee who shall be appointed for that purpose, for providing means for the removing of the poor and destitute who shall be considered worthy from this county till there shall not be one left who desires to remove from the State; with this proviso, that no individual shall be deprived of the right of the disposal of his own property for the above purpose, or of having the control of it, or so much of it as shall be necessary for the removing of his own family, and to be entitled to the overplus, after the work is effected; and furthermore, said committee shall give receipts for all property, and an account of the expenditure of the same." (*Millennial Star*, Vol. 16, p. 730.)

The committee on removal provided for were: William Huntington, Charles Bird, Alanson Ripley, Theodore Turley, Daniel Shearer, Shadrach Roundy, and J. H. Hale, the first named being chairman. The above covenant was then signed

by two hundred and fourteen persons—later on February 1st, the Committee on removal was increased to eleven by adding the names of: Elias Smith, Erastus Bingham, Stephen Markham, and James Newberry; Daniel Shearer became treasurer, and Elias Smith, clerk of this Committee.

On January 31, 1839, the bill of Mr. Turner, heretofore referred to, passed the State Senate but it was laid on the table of the House on February 4th, till July 4th, by a majority of seven and therefore availed the Mormons nothing.

Charles Bird was sent in advance to buy and store corn on the way, and to make contracts for ferriage across the Mississippi River.

On January 22nd a writ was served on the prisoners and they were taken to the Clay County Court House and their preliminary trial set for the 25th. The court convened on this latter date but this cause was continued till the 26th, and then adjourned until Monday, January 28th, 1839; by noon of that date the evidence was all in. This hearing was before Judge Turnham. A day and a half was devoted to the argument, the State being represented by a lawyer by the name of Wood, while speeches for the defense were made by Alexander W. Doniphan, Sidney Rigdon, Joseph Smith, Hyrum Smith, Lyman Wight and Calib Baldwin. The result of it all was that Sidney Rigdon was admitted to bail and the others were all remanded to jail without bail. Rigdon gave bail and was released from jail on February 5th.

On February 7th, Alanson Ripley, David Holman, Watson Barlow, William Huntington, Jr., Erastus Snow and Cyrus Daniels were visitors at the jail and they remained till supper time. As Cyrus Daniels was being let out by the jailer Hyrum Smith made an effort to slip out behind Daniels but the jailer caught him and returned him to the jail, where the five remaining visitors were also locked in with the prisoners, and charged with being accessory to an attempted jail break. Erastus Snow was acquitted of the charge but the other four were held to bail in the sum of one hundred and fifty dollars each. They were kept in jail till the 13th on which day they gave bail and were permitted to go home.

On March 1st the prisoners made an ineffectual attempt to bore holes through the walls of the log jail—just how they obtained augers for the purpose does not appear, but the logs were too hard for them and this effort to make a breach failed. On March 15th the prisoners prepared petitions to the Supreme Court praying writs of habeas corpus. These petitions were carried to Jefferson City, but it does not appear that any action was taken on them.

On April 6, 1839, Judge Austin A. King ordered the prisoners taken to Daviess County and they left jail at Liberty under a guard of about ten men commanded by Samuel Tillery, deputy jailer of Clay County. On Monday, April 8th, the party reached a point in Daviess County about a mile from Gallatin, where the prisoners were delivered into the hands of William Morgan, sheriff of Daviess County. The grand jury was in session in Daviess County at that time, it being the regular April term of Circuit Court and that day the said grand jury returned a true bill for treason against all of the prisoners along with many others. The text of the indictment being as follows:

“In Daviess Circuit Court, April Term,
Eighteen hundred and thirty-nine.

State of Missouri,
County of Daviess.

Daviess County, to wit:

The Grand Jurors, for the State of Missouri, for the body of the County of Daviess, aforesaid, upon their oath. present that Jacob Gales, Hiram Smith, Thomas Rich, Joseph Smith, Jr., Lyman Wight, E. Robertson, William Whiteman, Lemuel Bent, Joseph W. Younger, David Petigrew, Edward Patridge, George W. Robertson, Washington Voorhies, Jesse D. Hunter, James H. Rollins, Sidney Tanner, David Carns, Alonson Ripley, James Worthington, George W. Harris, Alexander McCrary, Tenor Brunston, Thomas D. March, James Durphy, Perry Durhpy, George Hinkle, Arthur Morrison, Chas. Higby, Parley P. Pratt, Reynolds Calhoon, Vincent Knight, George Morry, Daniel Carns, Caleb Baldwin, Ebenezer Page, Parley Page, Roswell Stephens, Jabes Durphy, Moses Daily, Benj. Durphee, James Whitaker, late of the County of ——— being citizens of our said state, not having the fear of God in their hearts nor weighing their allegiance, but being moved and seduced by the instigation of the devil as false

traitors against the laws of our said state, and wholly withdrawing the cordial love and true and due obedience which every true and faithful citizen of our said state should and of right ought to bear towards the laws of our said state and contriving with all their strength intending traitorously, to break and disturb the peace and common tranquility of this said State of Missouri, and to stir and move and excite insurrection, rebellion and war against our said State within this State and to subvert and alter the legislature, rule, and government now duly and happily established in this state on the ——— day of ——— in the year of our Lord, eighteen hundred and thirty-eight, and on divers other days and times as well as before as after at the county of Daviess, aforesaid. Maliciously, with force and arms and of their malice and aforethought did amongst themselves and with divers other false traitors whose names are to the said Jurors unknown, conspire, compass, imagine, and intend to stir up and excite insurrection, rebellion and war against our said state within this state of Missouri to subvert and alter the legislature, rule and government now duly and happily established within this state, and to fulfil, perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid the said defendants as such false traitors as aforesaid with force and arms on the said ——— day of ——— in the year of our Lord, eighteen hundred and thirty-eight, and on divers and other days and times as well before as after, at the County of Daviess, aforesaid, maliciously and traitorously did meet, conspire, consult and agree among themselves and together with divers other false traitors whose names are to the said Jurors unknown, to cause and procure a convention and meeting of divers citizens of this state to be assembled and held within this state with intent and in order that the persons to be assembled at such meeting should and might wickedly and traitorously without authority and in defiance of the laws of this state, levy war against our said state and subvert and cause to be subverted and altered the legislature, rule and government of this state now duly and happily established in this state. And further, to fulfil, perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid and in order the more readily and effectually to assemble such convention and meeting as aforesaid for the traitorous purposes aforesaid and thereby to accomplish the said purposes, the said defendants as such false traitors as aforesaid, together with divers false traitors whose names are to the Jurors aforesaid unknown, the said defendants as such false traitors as aforesaid with force and arms on the—— day of ——— in the year of our Lord, eighteen hundred and thirty-eight, and on divers other days and times as well before as after at the County of Daviess, aforesaid, maliciously and traitorously did

compose and write and did then and there, maliciously and traitorously cause to be composed and written, divers pamphlets, letters, instructions, resolutions, orders, declarations, addresses and writings and did there and then, maliciously and traitorously publish and did there and then maliciously and traitorously cause to be published, divers other pamphlets, letters, instructions, resolutions, orders, declarations, addresses and writings, the said pamphlets, letters, instructions, resolutions, orders, declarations, addresses and writings so respectively composed, written, published and caused to be composed, written and published, purporting and containing therein among other things, incitements, encouragements and exhortations, to move, induce and persuade the citizens of our said state to levy war against our said state and to adhere, to the enemies of our said state and to give them aid and comfort in time of war and further fulfil, perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid and in order the more readily and effectually to assemble such convention and meeting as aforesaid for the traitorous purposes aforesaid and thereby to accomplish the same purpose the said defendants as such false traitors as aforesaid, on the — day of — in the year of our Lord, eighteen hundred and thirty-eight, aforesaid and on divers other days and times as well before as after, with force and arms at the County of Daviess, aforesaid, did meet, consult and deliberate among themselves and together with other false traitors whose names are to Jurors aforesaid unknown of and concerning the calling and assembling such convention and meeting as aforesaid for the traitorous purposes aforesaid and how, when and where such convention and meeting should be assembled and held and by what means the citizens of our said state should and might be induced and moved to convene and meet in said convention and meeting. And further to fulfil—perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid and in order the more readily and effectually to assemble such convention and meeting as aforesaid for the traitorous purposes aforesaid, and thereby to accomplish the same purposes, the said defendants as such false traitors as aforesaid, together with divers other false traitors whose names are to the said Jurors unknown on the said — day of — in the year of our Lord, eighteen hundred and thirty-eight and on divers other days and times as well before as after with force and arms, at the County of Daviess, aforesaid, maliciously and traitorously did consent and co-operate among themselves and together with divers other false traitors whose names are to the said Jurors unknown for and towards the calling and assembling such convention and meeting as aforesaid for the traitorous purposes of aforesaid. And further, to

fulfil, perfect, bring to effect their most evil and wicked treason and treasonable practices compassings and imaginations aforesaid the said defendants as such false traitors as aforesaid, together with divers other false traitors whose names are to the said Jurors unknown on the said ——— day of ——— in the year of our Lord eighteen hundred and thirty-eight. with force and arms, at the County of Daviess, aforesaid, maliciously and traitorously did cause and procure to be made and provided and did then and there, maliciously and traitorously consent and agree to the making and providing of divers arms and offensive weapons—towit: guns, muskets, pikes and axes for the purposes of arming divers citizens of our said state in order and to the intent that same citizens should and might unlawfully, forcibly and traitorously oppose and withstand the officers of our said state in the due and lawful exercise of their power and authority in the due execution of the laws and statutes of this state and should and might unlawfully, forcibly and traitorously subvert, and alter and aid and assist in subverting and altering, without and in defiance of authority and against the will of the people of this state, the legislature, rule and government now duly and happily established in this state. And to fulfil, perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations aforesaid, the said defendants as such false traitors as aforesaid, with force and arms on the said first day of November in the year of our Lord, eighteen hundred and thirty-eight, and on divers other days and times as well as before as after. at the County of Daviess, aforesaid, maliciously did meet, conspire, consult and agree among themselves and with divers other false traitors whose names are to the said Jurors unknown, to raise and levy and make insurrection, rebellion and war within this state against our said State of Missouri. And further, to fulfil, perfect and bring to effect, their most evil and wicked treason and treasonable compassings and imaginations aforesaid, the said defendants as such false traitors as aforesaid, on the said ——— day of ——— in the year of our Lord, eighteen hundred and thirty-eight, and on divers other days and times, as well before as after, at the County of Daviess aforesaid, with force and arms, maliciously and traitorously did meet, conspire, consult and agree together amongst themselves and together with divers other false traitors whose names to the Jurors aforesaid unknown, unlawfully, wicked and traitorously to subvert and alter and cause to be subverted and altered, the legislature, rule and government now duly and happily established in this state of Missouri. And further to fulfil, perfect and bring to effect their most evil and wicked treason and treasonable compassings and imaginations as aforesaid and in order the more readily and effectually to bring such subversion and alteration last aforesaid, the said defendants

as such false traitors as aforesaid, together with divers other false traitors, whose names are to the said Jurors unknown on the said ——— day of ——— in the year of our Lord, eighteen hundred and thirty-eight, and on divers days and times as well before as after, with force and arms, at the county aforesaid, maliciously and traitorously did prepare and compose and did then and there maliciously and traitorously cause to be prepared and composed divers books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses and writings and did then and there maliciously and traitorously publish and disperse and did then and there, maliciously and traitorously cause and procure to be published and dispersed, divers other books, pamphlets, letters, declarations, instructions, resolutions, orders, addresses, and writings so respectively prepared, composed, published dispersed as last aforesaid, purporting and containing therein amongst other things, incitements, encouragements and exhortations to move, induce and persuade the citizens of our said state of Missouri to aid and assist in carrying into effect such traitorous subversion and alteration as last aforesaid and also containing therein, amongst other things, information, instructions and directions to the citizens of our said state, how, when and upon what occasion the traitorous purpose last aforesaid should and might be carried into effect. And further, to fulfil, perfect and bring to effect their most wicked treason and treasonable compassings and imaginations aforesaid, the said defendants as such false traitors, as aforesaid, together with divers other false traitors whose names are to the said Jurors unknown, on the ——— day of ——— in the year of our Lord, eighteen hundred and thirty-eight and on divers other days and times as well before as after at the county of Daviess, aforesaid, with force and arms maliciously and traitorously aid, procure and provide and did and then and there, maliciously and traitorously did cause and procure to be provided and did then and there, maliciously and traitorously consent and agree to the procuring and providing arms and offensive weapons, towit: guns, muskets, pikes and axes, therewith to levy war, insurrection and rebellion against our said state within this State of Missouri, against the duty of the allegiance of the said defendants and further, to fulfil, perfect and bring to effect their most wicked treason and treasonable compassings and imaginations aforesaid. The said defendant as such false traitors, as aforesaid, on the first day of November, the year of our Lord, eighteen hundred and thirty-eight, and on divers other days and times as well before as after, at the county aforesaid, with force and arms, maliciously and traitorously did meet and collect and together armed with guns, muskets, pikes and axes and did then and there agree amongst themselves and together with divers other false traitors, whose names are to the said Jurors

unknown, wickedly and traitorously, to subvert and alter and cause to be subverted and altered the laws, legislature, rule and government of our said state now duly and happily established in this state did meet and converse and collect together a large armed force and then and there did levy war against our said state and did then and there levy war against the people of this state—against the allegiance of the said defendants—against form of the statute in such case made and provided and against the peace and dignity of the state.

J. A. CLARK, Circuit Attorney.

On which was indorsed the following:

State	}	Treason.
vs.		
Joseph Smith		
Lyman Wight		
Hiram Smith		
Caleb Baldwin and others.		

A true bill.

Robert P. Peniston,
Foreman of the Grand Jury.

Witnesses:

Sampson Avard
Waterman Philips
Adam Blaxer
Josiah Morin
John Corril
J. L. Rodgers
Francis McGuire
Labum Morrin
Henry McHenry
John Edwards
John Brown
Robert McGaw
John B. Comer
Jackson Job
Ira Glaze."

There were numerous other indictments returned by this Grand Jury against the said Joseph Smith, Jr., Lyman Wight, Alexander McRae, Caleb Baldwin and Hiram Smith, charging murder, treason, burglary, larceny, theft and receiving stolen goods, one of the other indictments being as follows:

"State of Missouri
County of Daviess. } ss.

In the Circuit Court
April Term, 1839.

Daviess County, to wit:

The Grand Jurors for the State of Missouri for the body of the county aforesaid, upon their oaths present that Joseph Smith, Jr., late of said county, on the first day of October in the year of our Lord 1838, with force and arms, at the county aforesaid, of and from one Cornelius P. Lott, one saddle of the value of twenty dollars of the goods and chattels of George Worthington feloniously did receive and have. he, the said Joseph Smith, Jr., then and there well knowing the said saddle to have been taken, stole and carried away, against the form of the statute in such case made and provided and against the peace and dignity of the state.

J. A. Clark, Circuit Attorney.

(Endorsements on back.)

State

vs.

Joseph Smith, Jr.

Receiving Stolen Goods.

A True Bill.

Robert P. Peniston,
Foreman of Grand Jury.

Witnesses:

Sampson Avard."

The prisoners were arraigned before the Honorable Thomas C. Burch, Judge of Circuit Court of Daviess County and pleaded not guilty. The prisoners then took a change of venue from the Circuit Court of Daviess County on the ground that the Judge had been of counsel in the cause—and the court sent the various causes to the Circuit Court of Boone County, Missouri, and commanded the removal of the prisoners to the jail of said Boone County.

The proceedings are fully set out in the order made in the cause for receiving stolen goods heretofore cited, which order, with the sheriff's return thereon, made after the prisoners had escaped from him, while being transferred from Daviess County to Boone County, being as follows:

"At the April Term, 1839, of the Circuit Court held at and for the County of Daviess, in the State of Missouri, on the eighth day of April, 1839, at the house of Elisha B. Creekmore in said county,

being the temporary place of holding the court for said county. Present the Honorable Thomas C. Burch, Judge, the following proceedings were had, to-wit:

The State of Missouri,

vs.

Joseph Smith, Jr.,

Lyman Wight and others,

Indictment for Larceny.

The judge of this court having been counsel in this cause and the parties therein not consenting to a trial thereof in this court, but the said defendants Joseph Smith, Jr. and Lyman Wight objecting thereto for the reasons that the judge of this court has been of counsel in this cause, it is ordered by the court here that said cause as to the said Joseph Smith, Jr. and Lyman Wight be removed to the Circuit Court of the County of Boone in the Second Judicial Circuit in this state. It is further ordered by the court here that the Sheriff of the county of Daviess do and he is commanded to remove the bodies of Joseph Smith, Jr. and Lyman Wight to the jail of the County of Boone and there deliver them to the keeper of said jail, together with the warrant or process by which they are imprisoned and held.

State of Missouri, }
County of Daviess. }

I, Robert Wilson, Clerk of the Circuit Court within and for the county of Daviess aforesaid, do certify that the foregoing is a true, full and perfect copy from the records of said court in the above cause.

In testimony whereof, I have hereunto set my hand and affixed my private seal, there being no official seal provided at office 11th day of April, 1839.

Robert Wilson, Clerk.

This is to certify that I executed the within order by taking the bodies of the within names Joseph Smith, Jr. and Lyman Wight into my custody and that I summoned a guard of four men, to wit: William Bowman, Wilson McKinney, John Brassfield and John Page to assist me in taking the Smith, Wight and others from E. B. Creekmore's, the place of holding court in the county of Daviess, to the town of Columbia in the county of Boone, State of Missouri, as commanded by said order and that on the way from E. B. Creekmore's in the county of Daviess aforesaid on the 16th day of April, 1839, the said Smith and others made their escape without the connivance, consent or negligence of myself or said guard.

July 6th, 1839.

William Morgan,
Sheriff of Daviess County."

It was the 15th day of April, 1839, that William Morgan with his four guards started from Daviess County with the prisoners, Joseph Smith, Caleb Baldwin, Hyrum Smith, Lyman Wight and Alexander McRae, to deliver the said prisoners into the care and custody of the sheriff of Boone County, Missouri, at Columbia. That night they staid with a man by the name of Cox, and on the 16th they traveled about twenty miles and camped; that night all the prisoners escaped and the sheriff and guard returned to Gallatin and made the return heretofore shown. Major Joseph H. McGee in referring to the matter in his "Memoirs" says:

"One of the guard, John Brassfield, owned the horses on which the prisoners were conveyed; as he was on duty the night they made their escape, and his horses were missing in the morning, it was always thought he got pay for his horses as well as allowing them to escape. Morgan, the Sheriff, left the country shortly after. Wm. Bowman, another one of the guards, was treated to a ride through the streets of Gallatin by the infuriated citizens of the county on a bar of steel, which probably caused his death. He never recovered from the shock and died shortly after."

Another account of this escape is told in the Mormon publication, "Joseph Smith the Prophet and His Progenitors," page 264, where it quotes Hyrum Smith as testifying before the Municipal Court of Nauvoo, as follows:

"There we bought a jug of whiskey, with which we treated the company, and while the Sheriff showed us the mittimus before referred to, without date or signature, and said Judge Bureh told him never to carry us to Boone County and never to show the mittimus; and said he, "I shall take a good drink of grog and go to bed; you can do as you have a mind to." Three others of the guard drank pretty freely of whiskey, sweetened with honey; they also went to bed, and were soon asleep, and the other guard went along with us and helped to saddle the horses. Two of us mounted the horses, and the other three started on foot, and we took our change of venue for the State of Illinois; and in the course of nine or ten days we arrived in Quincy, Adams County, Illinois, where we found our families in a state of poverty, although in good health they having been driven out of the State previously by the murderous militia, under the exterminating order of the Executive of Missouri."

In his summary of expenditures, Joseph Smith states:

"Before leaving Missouri I had paid the lawyers at Richmond thirty-four thousand dollars in cash, lands, etc., one lot which I let them have, in Jackson County, for seven thousand dollars they were soon offered ten thousand dollars for it, but would not accept it. For other vexatious suits which I had to contend against the few months I was in the State, I paid lawyers' fees to the amount of about sixteen thousand dollars, making in all about fifty thousand dollars, for which I received very little in return; for sometimes they were afraid to act on account of the mob, and sometimes they were so drunk as to incapacitate them for business. But there were few honorable exceptions."

A FINAL WORD.

Practically all of the surviving followers of Joseph Smith, Jr., succeeded, after many hardships, in reaching Illinois before the close of the Spring of 1839, where more tribulations were awaiting them, but here our story should end, though we feel it incumbent to gaze once more over the site of Adam-ondi-Ahman.

The same beautiful green bluff, surmounted by some of the same great trees overlook the same Grand River at the same spot still. The log cabin of Lyman Wight alone remains of all the buildings that once occupied the townsite. Above where stood the village is the same picturesque elevation warmed by the strata of limestone that compose it, adown the sides of which grow the wild cactus luxuriant, with its beautiful yellow bloom, and on the top of which stands a giant hackberry, at the foot of which is a little pile of limestone, loosened in the making of a shallow excavation in the top of the hill.

It was of this elevation surmounted by the great forest tree and limestone rock that Joseph Smith, Jr., made reference when he wrote:

"We arrived at Tower Hill (a name I gave it in consequence of the remains of an old Nephite altar or tower)," and out of this has grown a legend cherished by thousands of people, most of whom are not friendly to the Mormons, the purport of which is that Joseph Smith, Jr., declared that particular spot to be the burial place of Adam. Joseph Smith, Jr., never made such an utterance, no follower of his cherishes such a

notion. What Joseph Smith, Jr., did say about Adam-ondi-Ahman, was said with reference to his visit to the spot on Friday, May 18, 1838, of which he wrote:

"In the afternoon, I went up the river about half a mile to Wight's Ferry, accompanied by President Rigdon and my clerk George W. Robinson for the purpose of selecting and laying claim to a city plat near said ferry in Daviess County, Township 60, Ranges 27 and 28 and Sections 25, 36, 31 and 30, which the brethren called Spring Hill; *but by the mouth of the Lord it was named Adam-ondi-Ahman, because said he, it is the place where Adam shall come to visit his people, or the Ancient of Days shall sit, as spoken of by Daniel the Prophet.*"

That spot will always be a Mecca for Mormon Missionaries and tourists.

—The End.

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