

# Missouri State Archives: Finding Aid 5.1

## Mormon War Papers, 1837-1841

[ Full-text transcription of: Verdict of Judge King ]

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The Secretary of State

Jefferson City

Missouri

Hon A. A. King  
transmitting Sen  
tence of Court of En  
Quiry

Filed July 9, 1841  
J. S.

Richmond  
4 July 1841

D Sir.

Enclosed I send you the  
conclusion and judgment of  
the court on the prisoners char  
=ged &c – I think it very impor  
=tant that it should accomp  
=any the evidendc, I will be  
glad also that the note appen  
=ded to it should be published

If it is convenient  
please send me a copy  
when published –

Respectfully  
Austin A King

At this point the testimony or both  
sides closed.

And the Court being satisfied that there is no probable cause for charging a portion of said prisoners with the offences alledged against them to wit King Follet, [Benj ], George W Harris, Elijah Newman, Moses Clawson & Daniel Shearer they are accordingly discharged.

On Motion of the Circuit Attorney and it appearing to the Satisfaction of the Court that the offences herein before named, have been committed and so that there is probable cause to believe that said prisoners are guilty thereof That is to say that there is probable cause to believe that Joseph Smith, Jr Lyman Wight, Hiram Smith, Alexander McRay & Caleb Baldwin are guilty of Overt acts of Treason in Daviess County (and for want of a Jail in Daviess County) said prisoners are committed to the Jail in Clay to answer the charges aforsaid in the county of Daviess- on the first Monday in March next

It further appearing that overt acts of Treason have been committed in Caldwell County and there being probable cause to believe Sidney Rigdon guilty thereof, The said Sidne Rigdon (for want of a Sufficient Jail in Caldwell County) is committed to the Jail in Clay County to answer said charges

in Caldwell County on the first Monday after the fourth Monday in March next

It further appearing that the Murder of Moses Rowland has been perpetrated in the County of Ray, and that there is probable Cause to believe that Parley P. Pratt, [ ] Shearer, [ ] [Chase], Laman Gibbs, and Maurice Phelps are guilty thereof They are therefore committed to the Ray County Jail to answer said charge on the second Monday in March next.

It further appearing that the offences of Arson, Burglary, Robbery, and Larceny have been committed in Daviess County and there being probable Cause to believe George W. Robinson

Alanson Ripley, Washington Vories  
Sidney Tanner, Jacob Gates, [Iepesh]  
Hunter, George Grant, Thomas Rich,  
John G. Higby, Ebenezer Page, Ebenezer  
Robertson, James M. Henderson, David  
Petty Grew, Edward Partridge, Fran  
cis Higby, George [Hinkle], Joseph H.  
Younger, Daniel Carn, James H-  
Rawlins, Samuel [Bent], Jonathan Dun  
-ham, Joel S. Miles and Clark Hallett  
are guilty thereof and the last mentioned  
offence, beingailable it is ordered  
that said defendants severally enter  
into a recognizance for their appear  
ance, on the first day of the next  
Term, of the Daviess Circuit Court  
to be holden on the first Thursday

after the fourth Monday in March next  
each in the sum of \$500 with security  
for the like amount except George  
W. Robertson and Edward Partridge  
who are required to give bail in the  
sum of \$1000 each with good security  
for the like amount and also Daniel  
Carn who is required to give bail  
in the sum of \$150 with good security  
for the like amount. Whereupon  
Edward Partridge, George W. Robertson  
Jacob Gates, Sidney Tanner, Wash  
ington Vories, James H. Rawlins  
William Whitman and Joseph W.  
Younger, severally entered into recogni  
zance as required. The other defend  
ant, being unable to give sufficient  
bail are committed to the Jail in  
Ray County there being no sufficient  
Jail in Daviess County

Austen A King

Judge 5<sup>th</sup> Judicial Circuit

As Judge of the fifth Judicial circuit  
in the State of Missouri, and [Setting]  
as a Court of Enquiry against the above  
named defendants for the several  
offences of Treason against the State  
Murder, Burglary, Arson, Robbery  
and Larceny. I certify that the  
several Witnesses herein before ex  
amined were severally sworn by me  
according to law and their examin

=ation taken by me in the presence  
of the prisoners and reduced to writing

under my direction, and signed by  
said Witnesses, respectively after the  
same was read over to them and  
that said examination was com  
=menced by me, on the 12<sup>th</sup> day of  
November AD 1838. and ordered and  
the prisoner disposed of by me  
or herein before stated on the 29<sup>th</sup>  
of the same month

Austin A. King

Judge [ ]

\*By the statutes of Missouri, if the  
examining court should be of opinion  
from the evidence that an offence, as  
charged had been committed, and  
that there was probable ground to  
charge the prisoner there with, it  
is the duty of the court to commit or  
bind the prisoner over to the next  
court, at which time the charge  
is to be re-investigated by a grand  
jury, the above prisoners were subsequ  
=ently indicted as charged above.