

Missouri State Archives: Finding Aid 5.1

Mormon War Papers, 1837-1841

[Full-text transcription of: Journal of the Joint Legislative Committee to investigate the late difficulties with the Mormons]

JOURNAL of the Mormon Committee Appointed at the 10th Session of the Generall Assembly of the State of Missouri December 12th 1838

Journal Of the Committee on Mormon Difficulties

The Joint Committee of the Senate, and of the House of Representatives, of the State of Missouri ; to whom was referenced that portion of the Governors Message, in relation to the difficulties between the people called Mormons, and the people of the State of Missouri , with instructions, to inquire into the causes of said disturbances, and the conduct of the military operations in suppressing them; with power to send for persons, and papers; and in the Senate Chamber on Friday the 30th Day of November 1838.

The following members, of the committee on the part of the Senate were present

Arch W. Turner . Chairman
Smallwood V.Noland
Charles R. Scott

On the part of House of Representatives, were present

H.S. Geyer
John, Miller,
G. F. Bollinger
S. D. South.
G. W. Huston
C. Carstarphan
M. M. Manghis

Mr. Geyer moved that the committee recommend to their respective Houses the adoption of the following Resolutions Resolved, that the Joint committee on so much of the Governors Message, as relates to the difficulties between the people called Mormons, and a portion of the people of this State, be authorized to appoint a clerk, to the committee, and rent a room, in which to transact business.
Resolved, that the said committee be authorized to sit during the sitting of there respective Houses:

Which was adopted

On Motion

The committee then adjourned to meet again when ordered by the chairman

Thursday December 5th 1838

The Committee met pursuant to adjournment.

The committee then proceeded to the election of a Clerk.

Messrs- Emmions, E. M. Pitcher, Clark, and Spooner [were] severally nominated to fill said office, and

E.M. Pitcher, having received a majority of all the votes given on this second Ballot, was declared to be duly elected clerk of the committee.

On Motion of Geyer

The committee then adjourned

Wednesday December 12th [1838]

The Committee met pursuant to adjournment,

On motion of Mr Noland.

Ordered that the constitution of the Mormons be read, and no objections being made the constitution was read.

On motion of Mr. Geyer.

Resolved, that the evidence taken before Judge King ought not to be received as testimony before this committee.

On motion of of Mr Noland

ordered that the resolution be laid on the table, was decided negatively.

Question "Shall the Resolution be adopted" was decided affirmatively, and the resolutions adopted.

On motion of Mr Miller

Resolved, that a committee of three be appointed, to consist of the chairman and two ["others" crossed out] members to select such Documents as they may think fit for the Joint Committees consideration, for publication of the Governors Message

Which was adopted
Messrs Turner, Geyer, and Scott, were appointed as the
committee.

On motion of Mr Miller

Mr Huston was added to the committee aforesaid

On Motion of Mr Scott.

The Committee then adjourned untill Friday next
to meet at half past two O'clock PM

Friday 14th December 1838

The Committee met pursuant to adjournment

The Journals of the last meetings were read and approved

The following members of the committee on the part of the Senate were present

Arch. W. Turner. Chairman

Smallwood V. Noland

Charles. R. Scott.

On the Part of the House of Representatives

H. S. Geyer

John Miller

G. F. Bollinger

S. D. South

Geo W. Huston

C. Carstarphan

M. M. Manghis

Mr Scott offered the following

Resolved, that a committee of three be appointed, to consist of the Chairman and two members, to prepare a preamble and resolutions, to present to their committee, in relation to the Mormon Difficulties

Messrs, Geyer, Huston, and Turner were appointed as the

Committee.

On Motion of Mr Scott.

The Committee adjourned untill Monday at half past
two O Clock

Monday 17th 1838

The Committee met pursuant to adjournment

The Committee appointed to prepare a preamble and Resolutions
submitted the following

The Joint Committee to whom was referred so much of the Governor's message, as relates to the recent difficulties between the people called mormons and a part of the people of this state with instructions to inquire into the causes of said disturbances and the conduct of the military operations in suppressing them have taken the same under consideration, and would respectfully submit the following report and resolutions.

They have thought it unwise and injudicious matter—the existing circumstances of this case, to predicate a report upon

papers, documents, &c purporting to be copies of the evidence taken before an examining court held in Richmand Ray County for the purpose of inquiring into the charges alleged against the people called "Mormons" growing out of the late difficulties between the people, and other Citizens of this state.

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

It has been represented to them, that the examining courts have

sent on for further trial many of that class of Citizens called mormons, charged with various crimes and offenses: under the charge of treason, six: for murder, and as accessories thereto before and after the fact, eight; and for other felonies, twenty seven. Special terms of the circuit court are expected to be held in the several counties, in which the above mentioned crimes are represented to have been committed. Grand juries will then have those charges against said people before them, and must act upon the same, documentary evidence which the committee would necessarily be compelled to ["have" crossed out] examine; by which circumstances two co-ordinate ["branches" crossed out] departments of this Government may be brought in collision; - a contingency that should be studiously avoided and cautiously guarded against.--

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

If the committee were to find it necessary in the prosecution of their object, to have access to the papers, documents, &c connected with this difficulty, the probable interference ["with" crossed out] of the several courts being in session might seriously interrupt their views. It might reasonably be expected that all the evidence [] description would be in the possession of the courts to be used on the final trial, and by that means the investigation would be protracted to a much greater length, than would be necessary under different circumstances - they, would, therefore, recommend, in order to avoid all the difficulties that have

been presented; that a committee after the adjournment of the General Assembly go into the vicinity of the scene of difficulties, and make their investigation and report at such times and in such manner as the legislation may direct. If this course should be accepted, the committee believe that the session would be much shortened, and heavy expenses saved to the state, which otherwise would necessarily be incurred in sending for witnesses and bringing them from so great a distance.— By a resolution of both houses the special message of the Governor, in relation to the subject of enquiry with the accompanying documents was referred to this committee, with instructions to select such documents as in their opinion ought to be published with the message and to report to their respective houses—

The committee after a full consideration of the subject with due regard to its importance are of opinion that it is inexpedient at this time to publish [three words crossed out] any of the documents under the authority of the General Assembly and submit to the two houses the leading reasons for that opinion. The documents may be divided into several classes

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

2^{ed} The orders issued upon such evidence

3rd The military operations and correspondence consequent thereon and

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

It was found by the Joint Committee at an early period after their organization, that in order to a full and satisfactory investigation of the subjects referred to them, a [mass] of additional testimony oral and written would be [required]. This became apparent to the committee from the content of the documents referred to them. These documents [] their are serviceable in giving directions to the court of inquiry

are none of them except the official orders and correspondence such as ought to be received as conclusive evidence of the facts stated, nor are their contents such as would without the use of further-evidence enable the committee to form a satisfactory opinion in relation to the material points of the enquiry.

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

1st because it is not authenticated and

2nd it is confined chiefly to the object of that inquiry:

Namely the investigation of criminal charges against individuals under-arrest: for these reasons, but above all for the reason that it would be a direct interference with

the administration of Justice, this document ought not to be published with the sanction of the legislature.

The Committee concludes that it would not be proper to publish the official orders, and correspondence between the officers in command and the executive, without the evidence on which they were founded, and that evidence is not sufficiently full or satisfactory, to authorize its publication – To publish the whole together might tend to give a direction to the public mind prejudicial to an impartial administration of Justice in finding cases, When it will not afford the means of forming any satisfactory conclusion as to the causes of the late disturbances, or the conduct of the military operations in suppressing them

The Committee therefore recommend to each house to adopt the following resolution

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

Resolved, That it is inexpedient to publish at this time any of the documents accompanying the Governors Message in relation to the late disturbances

Resolved, That it is expedient to organize by law a board of commissioners to investigate the causes of said disturbances and the conduct of the military operations in suppressing them, after the adjournment of the General Assembly

Mr Noland moved

to amend the first resolution, by striking out the [“words” crossed out] letters “i,n” belonging to the word [inexpedient “in” crossed out]

Which was rejected

Mr Huston offered the following resolution as a substitute to the third

Resolved That it is expedient to appoint a committee composed of ____ Senators and ____ Representatives to investigate the causes of said disturbances and the conduct of the Military Operations in suppressing them to meet at such time, and to be invested with such powers as may be proscribed by law.—

Which was adopted

Question “Shall the instrument of [writting] submitted by the committee be received”

Was decided affirmatively

On Motion of Mr Geyer

Mr Huston was appointed to arrange the report of this Committee for the Clerk to Copy, to report to their Respective Houses of the General Assembly

[“Which was agreed to” crossed out]

On Motion of Mr Scott

The Committee adjourned subject to the call of the
Chairman

Monday 14th January 1839

The Committee met

Mr Chairman read the Resolution adopted by both houses
empowering the committee to draft a Bill, to govern the com=
mittee to be appointed on the part of both houses, to investigate
the Mormon disturbances

Mr. Noland moved

That each House elect its part of the committee

Which was adopted

Mr Noland moved

That a sub committee be appointed to draft a Reso

Which motion was adopted

Mr Chairman appointed the committee, consisting of [Messers]
Turner, Huston, and Geyer

On Motion of Mr Noland

The committee adjourned subject to the call of the chairman