

Missouri State Archives: Finding Aid 5.1

Mormon War Papers, 1837-1841

[*Full-text transcription of:* Journal of the Joint Legislative Committee appointed to report a bill to provide for the late disturbances in this State.]

The Joint Committee to whom was referred [“the following resolution” crossed out] 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 enquire into the causes of said disturbances and the conduct of the military operations in suppressing them.

Have taken the same under consideration, and would respectfully submit the following report and resolutions. They have thought it unwise and injudicious, under all the existing Circumstances of this case, to predicate a report upon the papers, documents, &c, purporting to be copies of the evidences taken before an examining Court held in Richmond, Ray County, for the purpose of inquiring into the Charges alleged against the people called “Mormons” growing out of the late difficulties between those people, and other citizens of this State. They consider the evidence [advanced] in the examination then held, in a great degree, *ex parte*; and not of [two words crossed out] the character which should be desired for the basis of a fair and candid investigation. Moreover the papers, documents, &c, have not been certified in such manner, as to satisfy the committee of their authenticity. It has been represented to them, that the examining Court have sent on for further trial many of that class of citizens called Mormons, charged with various crimes and offences; under the charge of treason, six; for murder, and as accessories thereto, before and after the fact, eight; and for other felonies, twenty seven. Special terms of the Circuit Court are expected to be held in the Several Counties, in which the above mentioned crimes are represented to have been committed. Grand Juries will then have those charges against said people before them, and must [] act upon the same

documentary evidence which this Committee would necessarily be compelled to examine; by which Circumstance two co-ordinate departments of the 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 to [] [“would be the serious consequences resulting from our investigation of this matter as referred w” crossed out] and which would

[induce] them to suspend any investigation under present and existing circumstances, would [] likely consequences [~~“resulting”~~] to result from a publication of their report. Those persons who have been sent on for further trial have guaranteed to them the sacred and constitutional right of “a speedy trial by an impartial jury of the vicinago;” 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 [] [~~“involving [] public interest or public publications”~~] involved in this enquiry. If the committee were to find it necessary [~~words crossed out~~] in the prosecution of their object, to have access to the papers, documents &c, connected with this difficulty, the probable interference of the Several Courts being in session might seriously interrupt their views. It might reasonably be expected that all the evidence of every description would be in the possession of the Courts to be used on the final trial, and by that means the investigation would be protracted to be much greater length, then it would be necessary under different circumstances – They would, therefore, recommend, in order to avoid all the difficulties that have been presented, that [~~“the”~~] a committee after the adjournment of the Genl Assembly, go into the vicinity of the scene of difficulty, and make their investigation and report at such time and in such manner

as the legislature may direct. If the Course should be adopted, the Committee believe that the [~~“length of the”~~] Session would be much shortened, and heavy expenses Saved to the State, [~~“that”~~] which otherwise would necessarily be incurred as sending for witnesses and bringing them here from so great a distance.

(Insert 2)

Resolutions & Report

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 the respective houses-

The committee after a full consideration of the subject with due regard to its importance are of opinion that it is inexpedient at this time to publish any of the documents under the authority of the General Assembly & submit [~~“briefly”~~] to the two houses the leading

reasons for that opinion-

The document may be divided into several classes. First the affidavits and correspondence preceding [words crossed out] each series of authorized military operations—Second, the orders issued upon such evidence—Third the military operations and correspondence consequent thereon & fourth the evidence taken before a court of enquiry held for the investigation of criminal charges against individuals-

It was found by the joint committee at an early period after [word crossed out] their organization that in order to a full and satisfactory investigation of the subjects [“refereed to them and to” crossed out] referred [] them a [] of additional testimony oral and written would be required. This became apparent to the committee from [“an examination” crossed out] the contents of the documents referred to them. These documents although they are serviceable in giving direction to the course of enquiry are none of them except the official orders and correspondence such as ought to be received as conclusive evidence of the facts stated nor are their contents such as would without the aid of further evidence enable the committee to form a satisfactory opinion in relation to the material points of the 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, first because it is not authenticated and secondly it is confined chiefly to the object of that enquiry; 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 inference with the administration of justice, this document ought not to be published [words crossed out] 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 [word crossed out] 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 [impending] cases while it will not afford the means of forming any

satisfactory conclusion as to the causes of the late [~~“difficulties”~~] disturbances or the conduct of the military operations in suppressing them.

The committee therefore recommend to each house to adopt the following resolutions—
here insert the resolutions

Resolved—That the evidence taken before Judge King ought not to be received as testimony before this committee—

H. S. Geyer

Resolved, That it is inexpedient to publish at this time any of the documents in relation to the Mormon difficulties

Charles R. Scott

Resolved, That it is inexpedient to appoint a joint Committee composed of Senators and Representatives to investigate the Cause of said disturbances and the Conduct of the Military Operation in suppressing them; [~~“after the adjournment of the”~~] legislature [~~“and at such time, and with such force as may be prescribed”~~] by [~~“___”~~] word crossed out] to meet at Such time and to be invested with Such powers as may be prescribed by law.--

Resolved – That it is inexpedient at this time to prosecute further the enquiry into the issues 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 [~~“a court of enquiry”~~] by law a board of commissioners to investigate the cause of such disturbances and the conduct of the military operations in suppressing them after the adjournment of the General Assembly