

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

MAURICE PHELPS.

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

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

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

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

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

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

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

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

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

JOHN CORRILL.

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

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

JAMES C. OWENS.

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

NATHANIEL CARR.

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

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

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

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

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

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

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

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

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

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

JOHN CLEMINSON.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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