

believe, you know, in the gathering together of the Saints, and that they shall come out from the world. Suggest the matter to them as I have done, for the sake of their peace and safety, and they will give you many scriptural reasons why they should not do so.

The Mormons appear lately to have taken new courage, and to be determined not to move. The citizens are equally determined they shall; for nothing but expulsion or the other alternative will satisfy this community, that is, if the Mormons hold out under their former principles and practices. This, I know, is strong doctrine for some of the members, and such as I have not encouraged, occupying the station I do, either by act or expression, yet I can easily find men in this community, noted for their good moral character and correct deportment, who are determined the Mormons shall not reside among them. The alternative is presented, the expulsion of the Mormons, or the virtual relinquishment of their own homes.

There have been, from parts of this State, as well as from other States, highly respectable gentlemen, who came among us, with all their sympathies and prejudices enlisted in favor of the Mormons, but after travelling through the country, hearing and seeing what they did, they undergo an entire change of opinion, such as has frequently astonished me.

I have written to you, in conformity with the request made by you through Col. Price, in reference to the necessity of a military force to sustain and uphold the laws.

I am, very respectfully,  
AUSTIN A. KING.

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Feb. 18, 1839.

*The Governor to Col. Wiley C. Williams.*

To Col. WILEY C. WILLIAMS, aid to the Commander-in-Chief.

SIR:—You will take measures, as soon as practicable, to cause the arms, surrendered by the Mormons, to be delivered to the proper owners, upon their producing satisfactory evidence of their claims. If, in any case, you think an improper use would be made of them, you can retain such, using a sound discretion in the matter. You will call upon Capt. Pollard or any other person who may have arms in possession, and take charge of them, and this will be your authority for so doing.

I am respectfully, your obedient servant,  
LILBURN W. BOGGS.

## EVIDENCE

*Given before the Hon. Austin A. King, judge of the fifth judicial circuit in the State of Missouri, at the court-house in Richmond, in a criminal court of inquiry begun Nov. 12, 1838, on the trial of Joseph Smith, jr., and others, for high treason, and other crimes against the State.*

State vs. Joseph Smith, jr., Hiram Smith, Sidney Rigdon, Parley P. Pratt, Lyman Wight, Amasa Lyman, George W. Robinson, Caleb Baldwin, Alanson Ripley, Washington Voorhees, Sidney Turnur, John Buchanan, Jacob Gates, Chandler Haldbrook, George W. Harris, Jesse D. Hunter, Andrew Whitlock, Martin C. Alred, William Alred, George Grant, Darwin Chase, Elijah Newman, Alvin G. Tippetts, Zedekiah Owens, Isaac Morley, Thomas Beck, Moses Clawson, John J. Turnur, Daniel Shearer, Daniel S. Thomas, Alexander McRay, Elisha Edwards, John S. Higbey, Ebenezer Page, Benjamin Covey, Ebenezer Robinson, Lyman Gibbs, James M. Henderson, David Pettigrew, Edward Partridge, Francis Higbey, David Framp-ton, George Kimble, Joseph W. Younger, Henry Zabriski, Allen J. Stout, Sheffield Daniels, Silas Manard, Anthony Head, Benjamin Jones, Daniel Carn, John T. Earl, and Norman Shearer; who were charged with the several crimes of high treason against the State, murder, burglary, arson, robbery, and larceny.

*Sampson Avar*, a witness produced, sworn, and examined on behalf of the State, deposeth and saith: That about four months ago, a band, called the Daughters of Zion, (since called the 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, jr., 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, jr., 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, jr., 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, jr., 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 by Joseph Smith, jr., that if any of them should get into a difficulty, the rest should help him out; and that they should stand by each other, right or wrong. This instruction was given at a Danite meeting in a public address. As for Joseph Smith, jr., and his two counsellors, the witness does not know that they ever took the Danite oath. He knows that all the rest are Danites, except Sidney Turner, Andrew Whitlock, Zedekiah Owens, Thomas Rich, John J. Turner, Daniel S. Thomas, David Pettigrew, George Kimble, 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 county were killed. I called for twenty volunteers to accompany me to Daviess to see into this matter. I went; and about one hundred and twenty Mormons accompanied me to *Adam-on-diahmon*—Mr. Joseph Smith, jr., in company. When I arrived there I found the report exaggerated. None were killed. We visited Mr. Adam Black—about 150 or 200 men of us armed. Joseph Smith 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.

As regards the affair at De Witt, I know little personally; but I heard Mr. S. Rigdon say they had gone down to De Witt, where it was said a mob had collected to wage war upon the Mormons residing in Carroll county; and that Joseph Smith, jr., with his friends, went down to De Witt to give aid and help to his brethren. The company, as I presume, were armed. They returned armed. Hiram Smith and George W. Robinson were in the company. Amasa Lyman went to see what was going on. I heard these persons say they were in Hinkle's camp (at De Witt) several days. When the Mormons returned from De Witt, it was rumored that a mob was collecting in Daviess county. Joseph Smith, jr., the Sunday before the late disturbances in Daviess, at a church meeting, gave notice that he wished the whole county collected on the next day (Monday) at Far West. He declared (on Sunday or Monday—I don't recollect which) that all who did not take up arms in defence of the Mormons of Daviess should be considered as traitors, and should take their exit from the county.

At the meeting on Monday, when persons met from all parts of the county of Caldwell, Joseph Smith, jr., 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 there had been no redress for us; and that now a mob was about to destroy the rights of our brethren of Daviess county, and that it was high time that we should take measures to defend our own rights. In the address, he related an anecdote about a captain who applied to a Dutchman to purchase potatoes, who refused to sell. The captain then charged his company several different times, not to touch the

Dutchman's potatoes. In the morning the Dutchman had not a potatoe left in his whole patch. This was in reference to touching no property in our expedition to Daviess county 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 embody and go down to Daviess to attack the mob. This question was put by the prophet, Joseph Smith, jr., and passed unanimously, with a few exceptions. Captains Patten and Brunson were appointed commanders of the Mormons, by Joseph Smith, jr., to go to Daviess. He frequently called these men generals. I once had a command as an officer, but Joseph Smith, jr., 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 *Diahmon*, in Daviess, a council was held at night, composed of Joseph Smith, jr., George W. Robinson, Hiram Smith, Captains Patten and Brunson, Lyman Wight, Preston R. Cahoon, P. P. Pratt, and myself, and perhaps Mr. Hinkle. President Rigdon was not present. He remained at Far West; a correspondence was kept up between him and Joseph Smith, jr. I heard Mr. 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 (the Mormon church) 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; declaring that we must in future, 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; that we should be free and independent, and that as the State of Missouri and the United States, would not protect us, it was high time we should be up, as the saints of the most high God, and protect ourselves, and take the kingdom. 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 occasions, 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 the dissenters first, and the State next, was part of the image that should be destroyed by this little stone. The council was called on to vote the measures of Smith; which they did unanimously. On the next day Captain Patten (who was called by the prophet Captain Fearnought) took command of about one hundred armed men, and told them that he had a job for them to do, and that the work of the Lord was rolling on, and they must be united. He then led the troops to Gallatin, saying he was going to attack the mob there. He made a rush into Gallatin, dispersing the few men there, and took the goods out of Stolling's store, and carried them to

'Diahmon, and I afterwards saw the storehouse on fire. When we returned to 'Diahmon, the goods were deposited in the Lord's storehouse, under the care of Bishop Vincent Knight. Orders were strictly given that all the goods should be deposited in the Lord's storehouse. No individuals were to appropriate any thing to themselves until a general distribution should be made. Joseph Smith, jr., was at Adam-on-diahmon, giving directions about things in general connected with the war. When Patten returned from Gallatin to Adam-on-diahmon, the goods were divided or apportioned out among those engaged; and these affairs were conducted under the superintendence of the first presidency. A part of the goods were brought to Far West. On their arrival, under the care of Capt. Fearnaught, President Rigdon and others shouted three hosannas to the victors. On the day Patten went to Gallatin, Colonel Wight went to Millport, as I understood. I saw a great many cattle, furniture, &c., brought into our camp by the Mormons. After we returned to Far West, the troops were constantly kept in motion, and there was a council held at the house of President Rigdon to determine who should be chiefs. It was determined that Colonel Wight should be commander-in-chief at Adam-on-diahmon; Brunson, captain of the flying-horse of Daviess; Colonel Hinkle should be commander-in-chief of the Far West troops; Captain Patten, captain of the flying-horse, or cavalry; and that the prophet, Joseph Smith, jr., should be commander-in-chief of the whole kingdom. The council was composed of Joseph Smith, jr., Captain Fearnaught, alias Patten, Colonel Hinkle, Colonel Wight, and President Rigdon. The object of the council was in furtherance of the scheme proposed in council in Daviess, referred to above. After the council, Fearnaught disputed as to the chief command of the Far West troops, and had a smart altercation about it with Hinkle, 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 from 500 to 800 men, as I should suppose, under arms. It was about the time the militia came out lately to Far West, under General 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 we lacked in number of those who came against us, the Lord would send angels, who would fight for us; and that we should be victorious. After the militia had been near Far West awhile, in an address, Smith said that those troops were militia, and that we were militia too, and both sides clever fellows; and he advised them to know nothing of what had happened; to say nothing; and to keep dark: that he, Smith, had forgotten more than he had ever known. After it was ascertained that the militia had arrived, intelligence was immediately sent to 'Diahmon, to Colonel Wight. Next morning Colonel 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 understand-

ing in the Mormon camp that they were militia legally called out; and indeed, previous to their arrival, it was ascertained there were militia on their way to Far West. Some months ago I received orders to destroy the paper 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 General Clark's possession. I gave the paper up to General Clark after I was taken prisoner. I found it in my purse, where I had previously deposited it, and believe it never had been in any person's possession after I first received it. This paper was taken into President Rigdon's house, and read to the prophet and his councilors, 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 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 the Danite band was formed. Since the drawing up of the paper against the dissenters, it was that this constitution of the Danite band was draughted; 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 society, we, the members of the Society of the Daughters of Zion, do agree to regulate ourselves under such laws as, in righteousness, shall be deemed necessary for the preservation of our holy religion, and of our most sacred rights and of 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 their sacred honors. And now, to prove ourselves worthy of the 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 privileges, 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 the 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.

"ART. 1st. 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 peo-

ple themselves. This is and has been the law, both in civil and religious bodies, and is the true principle.

"ART. 2d. The executive power shall be vested in the president of the whole church and his councilors.

"ART. 3d. The legislative powers shall reside in the president and his councilors together, and with the generals and colonels of the society. By them all laws shall be made regulating the society.

"ART. 4th. All offices shall be during life and good behaviour, or to be regulated by the law of God.

ART. 5th. The society reserves the power of electing its own officers, with the exception of the aids and clerks which the officers may need in their various stations. The nomination 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.

"ART. 6th. Punishments shall be administered to the guilty in accordance to the offence; 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 laws regulating punishments, as, in their judgments, shall be wisdom and righteousness.

"ART. 7th. There shall be a secretary, whose business it shall be to keep all the legislative records of the society, also to keep a register of the names 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.

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

FAR WEST, June, 1838.

"To Oliver Cowdrey, 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 any thing you can say or do, will restrain us; for out of the county you shall go, and no power shall save you. And you shall have three days after you receive this 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 pass them off with a sneer, or a grin, or a threat, and pursued your former course; and vengeance sleepeth 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 a more fatal calamity shall befall you.

"After Oliver Cowdrey had been taken by a State warrant for stealing, and the stolen property found in the house of William W. Phelps; in which nefarious transaction John Whitmer had also participated. Oliver Cowdrey stole the property, conveyed it to John Whitmer, and John Whitmer to William W. Phelps; and then the officers of law found it. While in the hands of an 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 brethren, Presidents Joseph Smith, jr., 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 vengeful? 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, to save you from your just fate; and they, by their influence, delivered you out of the hands 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 practise the promised reformation? You know you did not; but, by secret efforts, continued to practice your iniquity, and secretly to injure their character, 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 Cowdrey 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 Cowdrey to a justice of the peace, he used the power of that office to take their most sacred rights from them, and that contrary to law.

"He supported a parcel of blacklegs, and 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 justice's office too) these 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 themselves under heavy bonds to appear before his honor; and required bonds which were both inhuman and unlawful; and one of these 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 Cowdrey, David Whitmer and Lyman E. Johnson, united with a gang of counterfeiters, thieves, liars and blacklegs of the deepest dye, to deceive, cheat and defraud the saints out of their property, by every art and stratagem which wickedness could invent; using the influence of the vilest persecutions to bring vexatious lawsuits, villainous prosecutions, and even stealing not excepted. In the midst of this career, for fear the saints would seek redress at their hands, they breathed out threatenings of mobs, and actually made at-

tempts with their gang to bring mobs upon them. Oliver Cowdrey 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 practising their former course. While this wickedness was going on in Kirtland, Cowdrey and his company were writing letters to Far West, in order to destroy the character of every person that they thought was 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 Cowdrey and David Whitmer's bogus money business, it got abroad into the world that they were engaged in it, and several gentlemen were preparing to commence a prosecution against Cowdrey; he finding it out, took with him Lyman E. Johnson, and fled to Far West with their families; Cowdrey stealing property and bringing it with him, which has been, within a few weeks past, 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 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 of this church, when it was a palpable falsehood, and he had no such thing; and he did it for the purpose of injuring his character. Shortly after Cowdrey 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 contented 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, by swearing falsely 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 Cowdrey, David Whitmer and Lyman E. Johnson were engaged while you were there. Since your arrival here, you have commenced a general system of that same kind of conduct in this place. You set up a nasty, dirty, pettifogger's 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 practise 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 bringing their creditors upon them, and break them up. In addition to this, you stirred up men of weak minds to prosecute one another, for the vile purpose of getting a fee for pettifogging from one of them. You have also been threatening con-

tinually 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 do any thing but cause vexatious lawsuits.—And, amongst the most monstrous of all your abominations, we have evidence (which, when called upon, we can produce,) that letters sent to the post office in this place have been opened, read, and destroyed, and the persons to whom they were sent never obtained 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, coiners, and blacklegs, 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 property, as in Kirtland—for so are your associates carrying on there at this time; and that, encouraged by you, by means of 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 the 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 83 Mormons:

Sampson Avard,	George W. Voorhees,	George W. Pitkin,
John W. Clark,	Miles Andrews,	Harrison H. Hills,
Ralph Cox,	Cyrus Daniels,	Philo Dibble,
Jotham Maynard,	D. B. Huntingdon,	Benj. Bunson,
Geo. W. Robinson,	Squire Bogarth,	Daniel Carn,
Timothy B. Font,	Ebenezer Robinson,	Daniel Shearer,
Trueman Brace,	Sylvester Hewlete,	Amasa Lyman,
Solomon Daniels,	Daniel Carter,	Wm. Strongham,
S. D. Hunter,	Andrew Moore,	Erastes Bingham,
Newell Knight,	Alex. McRay,	James B. Prie,
Samuel Bent,	Dwight Hadding,	Israel Burlow,
Ezekiel Billington,	Elisha Averett,	John Fawcett,
Silas Maynard,	John Crush,	Owen Rockwell,
Rufus Allen,	Elijah Averett,	Norvil M. Head,
Jos. Clark, jr.	Alfred Lee,	Lorenzo Barnes,
Joseph Rose,	Jos. Corlay,	Wm. Hewitt,
Levi W. Hancock,	Lewis Allen,	Stephen Winchester,
Hiram Clark,	John S. Higbey,	Jared Carter,
Isaac Higbey,	Henry Greene,	Chandler Haldbrook,
Seymour Brunson,	Gad Yale,	James Hendrix,
H. Johnson,	James S. Allen,	John Lomey,
Ethan Barrow,	Geo. P. Dukes,	Charles C. Rich,
Wm. C. Gallaher,	John Smith,	Anthony Head,
Harloe Redfield,	Richard Howard,	Joseph Coolridge,
Edward Leaky,	Joseph Holbrook,	Jackson Smith,
Nathan Tanner,	Jacob Gates,	Werner Carter,
Sydney Turnur,	Hiram Smith,	James Brashear,
Nelson Maynard,	Philo Allen.	

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 hath lost its savor, wherewith shall it be salted? It is thenceforth good for nothing, but to be cast out, and be trodden under foot of men”—commonly called the salt sermon; in which the dissenters were called the salt that had lost its savor, and that they should be trampled upon and driven out by the saints; which was well understood by the Danites to be 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 bulwarks, (the night after General Lucas arrived,) asked me if I did not think him pretty much of a general; and 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 defence and fight our battles.

In reference to Bogart’s battle, I know but little, personally, as to the start of the troops to fight Bogart. I was called upon to go along with the company (which was commanded by Patten) as surgeon. This was about midnight; but as I thought a little sleep would do me more good than fighting, I remained at home. In the morning of the fight, about 6 o’clock, I was called upon by a Mr. Emmett, who informed me that Captain Fearnought was wounded mortally. I went to Patten, about three miles from the battle-ground, where I found Jos. Smith, jr., present, laying hands on the wounds, and blessing them to heal them. A Mr. O’Bannon was also mortally wounded. I heard the following of the prisoners say he was present in the fight, to wit: Norman Shearer—

[The gap in the testimony is not supplied from the evidence on file.]

I never heard Hiram Smith make any inflammatory remarks; but I have looked upon him as one composing the first presidency; acting in concert with Joseph Smith, jr.; 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 measure testified to by me; and I have heard Joseph Smith, jr., say he considered Partridge a coward, and backward, and ought to be forced out \* \* \* \* or company.

I was continually in the society 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, jr., Hiram Smith, P. P. Pratt, Lyman Wight, George W. Robinson, Alanson Ripley, Washington Voorhees, Jacob Gates, George Grant, Darwin Chase, Moses Clawson, Alexander

McRay, John S. Higbey, Ebenezer Page, James M. Henderson, Edward Partridge, Francis Higbey, Joseph W. Younger, Henry Zabriski, (doubtful,) James H. Rawlings, Maurice Phelps, James Newbury, (doubtful.) And further this deponent saith not.

SAMPSON AVARD.

*Nehemiah Odle*, sen., a witness, produced, sworn, and examined for the State, deposeth and saith: That he was in the battle between Captain Bogart and the Mormons, on the 25th of October last, and says Parley P. Pratt was in the battle, commanding part of the Mormon forces, on that occasion—the officer who gave the command to the Mormons, after some kind of religious ceremony, to about this amount: "In the name of Lazarus, God, and the Lamb, fire, Danites;" and, after firing twice, they charged; but which party fired first, I don't recollect. And further this deponent saith not.

NEHEMIAH ODLE.

*Captain Samuel Bogart*, a witness, produced, sworn, and examined for the State, deposeth and saith: That, on the evening of the 24th October last, while ranging under the orders of General Atchison, as below inserted, I met with several Mormons, and read it to them, supposing they would inform the Mormons of Caldwell of the character of my company. We had been informed, on that evening, by citizens of Ray, that we were in danger of being attacked by the Mormons that night; whereupon I fell back to an encampment on Crooked River, in Ray county. On the next morning, near daybreak, my picket guard gave information that they were coming; and, in a few moments, I saw the Mormon forces forming, and a few guns were fired out of the brush by the Mormons. When the fight commenced, the left wing of the Mormons was within about thirty steps of my right, and in number were about 150 or 200, as I supposed. And further this deponent saith not.

SAMUEL BOGART.

The order under which Captain Bogart was ranging the north part of Ray county, when attacked by the Mormons, was produced, and read in court as evidence, and is as follows:

HEAD QUARTERS, 3d DIVISION MISSOURI MILITIA, }  
Liberty, October 23, 1838. }

SIR: Your communication by express has been received. You are hereby ordered to range the line between Caldwell and Ray counties with your company of volunteers, and prevent, if possible, any invasion of Ray county by any persons in arms whatever. You will also take care to inquire into the state of things in Daviess county, and make report thereof to me, from time to time. I will endeavor to be with you in a few days, &c.

DAVID R. ATCHISON,  
Maj.-Gen. 3d Div. Mo. Mil.

Captain S. BOGART.

*Wyatt Cravens*, a witness, produced, sworn, and examined for the State, deposeth and saith: He was one in Captain Bogart's company, and was present in the fight with the Mormons on the 25th October last, about daybreak, in Ray county. Parley P. Pratt and Captain Patten appeared in command of the company that made an attack upon us. We were lying in camp when we heard them coming. We got up, and prepared for battle. The Mormons came within about sixty yards of us, and formed the line of battle. They approached in a body, numbering, as near as I could guess, about 150, armed with guns, swords, and pistols, to within about forty yards of us, when the firing commenced by both parties, about the same time: I can't say which side fired first. I was taken prisoner by the Mormons. I saw Joseph Smith, jr., come up to the Mormons at a house in Log Creek timber, a few miles from the battle-ground. The wounded were taken out of the wagon there, and we started on towards Far West. J. Smith, jr., passed on by me to the head of the company, where Pratt and Wight were riding. After getting into the prairie, Wight halted the company. He, Pratt, and four others, rode off a piece, and conferred together, and then returned to the company, and called out some captain, and ordered him to call out ten of his braves. Seven men came out, and I was placed under their guard, and told by Wight that they would escort me off, and let me go about my business. We started back, and, after getting near a field, the captain of the guard and one of them, rode off ahead, saying they saw some one. Shortly after, the captain returned alone. He declared that I should be guarded no farther, and pointed out the path I should take; which led around the fence. I then thought the man who had not returned had been placed round the fence to kill me; but I was determined to do the best I could to make my escape. In passing on, I discovered my direction would lead me to where I thought the man was placed, and I took off to the right, and immediately I was ordered to stop by some person, whom I recognised to be the man of the guard who left with the captain of the guard, and did not return. I fled, and turned my head to look, and saw the man with his gun in a shooting position; and shortly after, while running, I was shot by him; and I made my way to Ray county. Parley P. Pratt was in the battle. Moses Rowland, one of Captain Bogart's men, and several of the Mormons, was killed in that battle. Five of Bogart's company, including myself, were wounded. And further this deponent saith not.

WYATT CRAVENS.

*Maurice Phelps*, a witness, produced, sworn and examined for the State, deposeth and saith: That Parley P. Pratt was in the battle with Bogart. Darwin Chase was one of the expedition, but not in the battle. Lyman Gibbs was in the battle; thinks Benjamin Jones was in the battle. Norman Shearer was, also, and wounded. I was called upon, by Charles C. Rich, to go down to Crooked River, to help relieve some Mormon prisoners, who, it was said, had been taken by a mob.