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JOURNAL

of the
Norman Committee

Appointed at the 10th Session
of the

General Assembly
of the

State of Missouri

December 12th 1838

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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 referred that portion of the Governor's Message, in relation to the difficulties between the people called Mormons, and the people of the State of Missouri, with instructions, to enquire into the causes of said disturbances, and the conduct of the military operations in suppressing them; with power to send for persons, and papers; met 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^d. W. Turner. Chairman
Smallwood V. Holand
Charles R. Scott.

On the part of House of Representatives, were present

J. S. Geyer
John, Miller.
G. D. Bollinger
S. H. South.
G. W. Austin
C. Casparsham
M. M. Mangbes

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 Governor's 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 their respective Houses.

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Which was adopted

On Motion

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

Thursday December 5th 1850.

The Committee met pursuant to adjournment.

The committee then proceeded to the election of a Clerk. Messrs. Emmons, E. M. Pitcher, Clark, and Spomer were severally nominated to fill said office, and E. M. Pitcher, having received a majority of all the votes given on the second Ballot, was declared to be duly elected clerk of the committee.

On Motion of Geyer

the committee then adjourned

Wednesday December 12th 1850

The Committee met pursuant to adjournment,

On motion of Mr. Toland,

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 Strong be not to be received as testimony before this committee.

On motion of Mr. Toland

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

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

On Motion of Mr. Miller

Resolved, that a committee of three be appointed, to consist of the Chairman and two other members, to select such documents as they may think fit for the Joint Committee's consideration, for publications of the Governor's Message

Which was adopted.

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

On motion of Mr Miller

Mr Austin 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 P M.

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^d. W. Turner. Chairman

Smallwood. T. Nolan

Charles R. Scott.

On the Part of the House of Representatives

W. S. Geyer

John Miller

G. F. Bollinger

S. L. South

Gen W. Austin

C. Carstairs

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, Austin, and Turner were appointed as the

Committee

On Motion of Mr Scott.

The Committee adjourned until 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 govern-
or'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 respec-
tfully submit the following report and resolutions.

They have thought it unwise and injudicious under 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 Richmona
Ray County for the purpose of enquiring 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, unpartic, and not of the character
which should be desired for the basis of a fair and candid inves-
tigation. 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 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 rep-
resented to have been committed. Grand Jurors 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 produce & examine; by which
circumstances two Co-ordinate ^{departments} branches of this Government
may be brought in collusion; - 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 sus-
pend 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 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 of
the several courts being in session might seriously interrupt their
views. It might reasonably be expected that all the evidence
in 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 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 time and in such manner as the Legislature may direct. If this course should be adopted, 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 ~~with the message~~ 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.

2nd The orders issued upon such evidence

3rd The military operations and correspondence consequent thereon and

4th 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 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 ~~at~~ ⁱⁿ ~~giving~~ ^{giving} their are serviceable in giving direction to the court.

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.

1st because it is not authenticated and

2^d 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 resolutions

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 Governor's 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 letters "i. n" belonging to the word ~~in~~expedient. Which was rejected

Mr Houston 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 times, and to be invested with such powers, as may be prescribed by law. —

Which was adopted

Question "Shall the instrument of writing submitted by the committee be received" was decided affirmatively

On Motion of Mr Keyser

Mr Houston 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 H
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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 Resolutions 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 Nolan moved

That each house elect its part of the committee

Which was adopted

Mr Nolan moved

That a sub committee be appointed to draft a Bill

Which motion was adopted

Mr Chairman appointed the committee, consisting of Messrs
Turner, Huston, and Geyer

On Motion of Mr Nolan

The committee adjourned subject to the call of the chairman