

seph Smith, jr. say that they (meaning the heads of the church) had appealed to the Governor for protection, and he had sent us back word that we must fight our own battles. He further stated, that the law was unequally administered—all against us, and none for us—and spoke of the prosecutions set on foot in Daviess as an instance; and he then said we must take our own cause in our own hands, and defend ourselves; that he did not calculate to regard the laws any longer. I think it was the last of June, or first of July last, that I heard Dr. Avard say that he had just returned from a council with the presidency, in which council Jared Carter was broken of his office of Captain General of the Danite band, for having spoken against Sidney Rigdon, one of the presidency; it being a regulation of that society that no one should speak against them, or hear any one else do it, with impunity. In that council, Avard said, an arrangement was made to dispose of the dissenters, to wit: that all the head officers of the Danite band should have a list of the dissenters, both here and in Kirtland; "And," said he, "I will tell you how I will do them: when I meet one damning the presidency, I can damn them as well as he; and, if he wanted to drink, he would get a bowl of brandy, and get him half drunk, and, taking him by the arm, he would take him to the woods or brush, and said he would be into their guts in a minute, and put them under the sod." He gave this as an example of the way they should be disposed of. The only motive for getting rid of the dissenters in this way, as far as I ever learned, was, that, if they remained among the Mormons, they would introduce a class there that would ultimately endanger their lives, and destroy the church; and if they were suffered to go out from among them, they would be telling lies on them in the surrounding country.

These reasons I gathered from Mr. Rigdon's salt sermon. And Mr. Rigdon said, in the same sermon, that he would assist to erect a gallows on the square, and hang them all. Joseph Smith, jr., was present, and followed Mr. Rigdon, after he had made the above declaration, and said he did not wish to do any thing unlawful. He then spoke of the fate of Judas, and said that Peter had hung him, (Judas;) and said that he approved of Mr. Rigdon's sermon, and called it a good sermon.

And further this deponent saith not.

REED PECK.

*James C. Owens*, a witness who was produced on a former day, and testified, being called back, further deposes and saith: He does not think that William Whitman was in the last expedition to Daviess; I think he was left at Far West, as captain of the town guard: though he may have been in Daviess for aught I know. And further this deponent saith not.

JAMES C. OWENS.

*William W. Phelps*, a witness on the part of the State, pro-

duced, sworn and examined, deposes and saith: That, as early as April last, at a meeting in Far West of eight or twelve persons, Mr. Rigdon arose, and made address to them, in which he spoke of having borne persecutions and law-suits, and other privations, and did not intend to bear them any longer; that they meant to resist the law, and, if a sheriff came after them with writs, they would kill him; and, if any body opposed them, they would take off their heads. George W. Harris, who was present, observed, You mean the head of their influence, I suppose? Rigdon answered, he meant that lump of flesh and bones called the skull, or scalp. Joseph Smith, jr., followed Mr. Rigdon, approving his sentiments, and said, that was what they intended to do. Both, in their remarks, observed, that they meant to have the words of the presidency to be as good and undisputed as the words of God; and that no one should speak against what they said. Hiram Smith was not in Far West at this time, and I think he was not in the country. Some time in June, steps were taken to get myself and others out of the county of Caldwell, and efforts were made to get the post office from me, (being postmaster,) by a demand for it. I explained the law, which seemed satisfactory, and it was given up. I then informed the second presidency of the church, by letter, that I was willing to do any thing that was right, and, if I had wronged any man, I would make satisfaction. I was then notified to attend a meeting. Sidney Rigdon, in an address, again brought up the subject of the post office. I told them if public opinion said I should give it up, I would do so; but they would have to await the decision of the Postmaster General; which they agreed to do, with the understanding that a committee of three should inspect the letters written and sent by me, as well as those received by me. This committee, however, never made their appearance. After my case was disposed of, another man's was taken up; he attempted to speak in his defence, and said he was a republican. Several rushed up towards him, and stopped him, telling him if he had any thing to say in favor of the presidency, he might say it, and that was their republicanism. Joseph Smith, jr., Sidney Rigdon and Hiram Smith, who compose the first presidency, were there. It was observed in the meeting, that, if any person spoke against the presidency, they would hand him over to the hands of the Brother of Gideon. I knew not, at the time, who or what it meant. Shortly after that, I was at another meeting, where they were trying several—the first presidency being present; Sidney Rigdon was chief spokesman. The object of the meeting seemed to be, to make persons confess, and repent of their sins to God and the presidency; and arraigned them for giving false accounts of their money and effects they had on hand; and they said, whenever they found one guilty of these things, they were to be handed over to the Brother of Gideon. Several were found guilty, and handed over as they said. I yet did not know what was meant by this expression, "the Brother of Gideon." Not a great while after this, secret or private meetings were held; I endeavored to find out what they were; and I learned, from John Corril and others,

they were forming a secret society called Danites, formerly called the Brother of Gideon. In the meeting above referred to, in which I was present, one man arose to defend himself; and he was ordered to leave the house, but commenced to speak; Avard then said, "Where are my ten men?" Thirty or more men arose up; whereupon the man said he would leave the house. At this meeting, I agreed to conform to the rules of the church in all things, knowing I had a good deal of property in the county, and, if I went off, I should be obliged to leave it. For some time before and after this meeting, an armed guard was kept in town and one of them at my house, during the night, as I supposed, to watch my person. In the fore part of July, I being one of the justices of the county court, was forbid by Joseph Smith, jr., from issuing any process against him. I learned from the clerk of the circuit court that declarations had been filed against Smith, Rigdon and others, by Johnson, and, in reference to that case, Smith told Cleminson, the clerk, that he should not issue a writ against him. I observed to Mr. Smith, that there was a legal objection to issuing it; that the cost (meaning the clerk's fee) had not been paid. Smith replied, he did not care for that; he did not intend to have any writ issued against him in the county. These things, together with many others, alarmed me for the situation of our county; and, at our next circuit courts; I mentioned these things to the judge and several members of the bar.

A few days before the 4th day of July last, I heard D. W. Patten (known by the fictitious name of Captain Fearnaught) say that Rigdon was writing a declaration, to declare the church independent. I remarked to him, I thought such a thing treasonable—to set up a government within a Government. He answered, it would not be treasonable if they would maintain it, or fight till they died. Demick Huntingdon, and some others, made about the same remark. Sidney Rigdon's 4th of July oration was the declaration referred to. Along through the summer and fall, a storm appeared to be gathering; and, from time to time, I went out into Ray and Clay counties; saw and conversed with many gentlemen on the subject, who always assured me that they would use every exertion, that the law should be enforced; and I repeatedly made these things known in Caldwell county; and that there was no disposition among the people to raise mobs against them from these counties. I never was invited, nor did I attend any of their secret meetings. I was at the meeting on Monday before the last expedition to Daviess, having learned that steps would be taken there which might affect me. At this meeting, the presidency, together with many others, were there, to the number of perhaps 200 or 300, or more. Joseph Smith, jr., I think it was, who addressed the meeting, and said, in substance, that they were then about to go to war in Daviess county; that those persons who had not turned out, their property should be taken to maintain the war. This was by way of formal resolution, and was not objected to by any present. A motion was then made, by Sidney Rigdon, that the blood of those who were

thus backward should first be spilled in the streets of Far West; a few said, Amen to this. But immediately Mr. Joseph Smith, jr., before Rigdon's motion was put, rose, and moved that they be taken to Daviess county, and, if they came to battle, they should be put on their horses with bayonets and pitchforks, and put in front: this passed without a dissenting voice. There was a short speech made then, by Joseph Smith, jr., about carrying on the war; in which he said it was necessary to have something to live on; and, when they went out to war, it was necessary to take spoils to live on. This was in reference to the dissenters, as well as to the people of Daviess, where they were going. In this speech, he told the anecdote of the Dutchman's potatoes.

Finding I should have to go out, and not wishing to be put in front of the battle, I sought a situation, and went out with my wagon. This was the expedition in which Gallatin and Millport were burnt. I went on to Diahmon a few days after the Mormon troops had gone out. I went to the tavern, late at night, where I found Joseph Smith, jr., Hiram Smith and others. I informed J. Smith that the Clay troops had returned home, some 40 or 50 in number; but told him that General Parks was in Far West, and his troops just behind.

There was a conversation among them as to what they would do; and they came to the conclusion to send down to Lyman Wight, at his house, for him to send an express to General Parks that his troops were not needed. Some time before day I awoke, and found Lyman Wight and Captain Fearnaught in the house; he said he had sent the express to General Parks, informing him that his militia was not needed. Wight asked J. Smith, twice, if he had come to the point now to resist the law; that he wanted this matter now distinctly understood. He said he had succeeded in smoothing the matter over with Judge King, when he was out, and that he defied the United States to take him, but that he had submitted to be taken because he (Smith) had done so. This was in reference to the examination for the offence for which he and Smith had been brought before Judge King in Daviess. Smith replied, the time had come when he should resist all law. In the fore part of the night, after my arrival, I heard a good deal of conversation about drawing out the mob from Daviess. I heard J. Smith remark, there was a store at Gallatin, and a grocery at Millport; and in the morning after the conversation between Smith and Wight about resisting the law, a plan of operations was agreed on, which was: that Captain Fearnaught, who was present, should take a company of 100 men or more, and go to Gallatin, and take it that day; to take the goods out of the store in Gallatin, bring them to Diahmon, and burn the store. Lyman Wight was to take a company, and go to Millport on the same day; and Seymour Bruason was to take a company, and go to the Grincstone fork on the same day. This arrangement was made in the house, before day, while I was lying on the floor. When I arose in the morning, some of the companies were gone; but I saw Lyman Wight parade a horse company, and start off with it towards Millport. I also saw a foot company the same day go off.

On the same day, in the evening, I saw both these companies return; the foot company had some plunder, which appeared to be beds and bedclothes, &c. They passed on towards the bishop's store, but I know not what they did with the plunder. I remained in the camps one day and two nights at 'Diahmon, when I returned to Far West. The night before I started to Far West, an express was sent from Joseph Smith and Lyman Wight to Rigdon, at Far West; but what was the contents of the express I know not. When I returned to Far West I had a message in reference to having wood and provisions provided for the families of those persons living in Far West, who were in Daviess; and, for the purpose of giving that information, I was invited to a school-house, where it was said the people had assembled. I went there, and was admitted. The men being paraded before the door when I arrived, in number about 40 or 50; it was remarked that these were true men; and we all marched into the house. A guard was placed around the house, and one at the door.

Mr. Rigdon then commenced making covenants, with uplifted hands. The first was, that, if any man attempted to move out of the county, or pack their things for that purpose, that any man then in the house, seeing this, without saying any thing to any other person, should kill him, and haul him aside into the brush, and that all the burial he should have should be in a turkey buzzard's guts, so that nothing of him should be left but his bones. The measure was carried in form of a covenant with uplifted hands. After the vote had passed, he said, Now see if any one dare vote against it, and called for the negative vote; and there was none. The next covenant, that, if any persons from the surrounding country came into their town, walking about—no odds who he might be—any one of that meeting should kill him, and throw him aside into the brush. This passed in a manner as the above had passed. The third covenant was, "conceal all these things." Mr. Rigdon then observed, that the kingdom of heaven had no secrets; that yesterday a man had slipped his wind, and was dragged into the hazel brush; and, said he, "the man who lisp it shall die." There were several companies organized at this meeting, and volunteers called for; and I, having been assigned the command of the express company, called for volunteers—wanting to be doing something to make a show. Amasa Lyman, a defendant, was in that meeting, and was appointed by Mr. Rigdon captain of a company, whose duty it was to watch the movements of the enemy, or mob, in Buncombe; and if they hurt one house in Caldwell, his company was to burn four of theirs; and men were selected who were strangers in the community where they were, to act towards the latter part of the instructions. To Lyman's company, Rigdon observed, that if the inhabitants in the surrounding country commenced burning houses in Caldwell, if they could not get clear of them in any other way, they would poison them off. This last remark I did not understand as being particularly addressed to Lyman as a part of the duties of his company, but seemed to be addressed to the meeting generally. This meeting was on Saturday, and on the next

Monday I returned to 'Diahmon, with seven or eight wagons, three or four of which were moving some families, that I had been directed to take to 'Diahmor, for use there. I arrived at 'Diahmon that evening, and, next morning four of the wagons were loaded and sent back to Far West. Joseph Smith, jr., and Hiram Smith, perhaps, informed me they wanted four wagons—a part of which was to haul beef and pork to Far West; and what the balance of the loading was, I did not know; but these wagons, brought out by me, were pointed out, and taken back to Far West. I remained in the camps in 'Diahmon that day; my wagon and another went down to Millport, and brought up Slade's goods, which were there. Slade is not a Mormon, but has three brothers residing in or about Far West, who are Mormons.

The following of the defendants were in the last expedition to Daviess:

Joseph Smith, jr.,  
P. P. Pratt,  
Lyman Wight,  
George W. Robinson,  
Alanson Ripley,  
George W. Harris,  
Elijah Newman was one of my men.  
Isaac Morley was not there.  
Alexander McRay was there.  
Ebenezer Robinson was there.  
Edward Partridge was there.  
James H. Rawlins was there.  
Sheffield Daniels, I think, was not there.  
Samuel Bent was there, and he was called Captain Black Hawk.

While in Adam-on-diahmon, I saw George W. Robinson, with a clock under his arm, which I afterwards saw in Far West, and which was claimed by a Mr. McLaney, of Daviess county, as his property, after the arrival of General Clark at Far West.

And further this deponent saith not.

W. W. PHELPS.

*George M. Hinkle*, a witness for the State, produced, sworn, and examined, deposes and saith: I was in Far West when the last Mormon expedition went to Daviess county. We heard of a great number of men gathering in Daviess, [mob;] I went down without being attached to any company, or without having any command; I found there were no troops [mob] gathered there. The Mormon forces consisted of about three hundred, as I suppose; they were engaged in scouting parties; some, it is said, went to Gallatin, and much mysterious conversation was had in camp about goods, and that they were much cheaper than in New York. This last remark was made by Parley P. Pratt. I saw goods of various kinds; but knew not from whence they came. It was a common talk in camps that the mob were burning their own houses and fleeing off.

There was much mysterious conversation in camps, as to plundering, and house-burning; so much so, that I had my own notions about it; and, on one occasion, I spoke to Mr. Smith, jr., in the house, and told him that this course of burning houses and plundering, by the Mormon troops, would ruin us; that it could not be kept hid, and would bring the force of the State upon us; that houses would be searched, and stolen property found. Smith replied to me, in a pretty rough manner to keep still; that I should say nothing about it; that it would discourage the men; and he would not suffer me to say any thing about it. Again, in a private conversation, I said to him I would not raise a mutiny by saying any thing publicly; but I wished to talk to him privately, not wishing, however, to set myself up above him in the matter; but that I wished to do it for the good of the church. I knew this was the way I could get to talk with him. I explained myself more fully than when in the house; and told him I thought things were running to a dangerous extreme, and he ought to exercise his influence to stop it, as this course of things would ruin his people. He answered that I was mistaken, and that I was scared, and that this was the only way to gain our liberty and our point; that the mob had begun it with us in Jackson county, and had been kept up to this day, and told me to be cheered up, and not to oppose him; and he pledged himself in some way that it would go on right. I replied, I hoped for the better, and that it would be better than I anticipated. Both of the above conversations occurred in 'Diahmon, at the time the Mormon troops were assembled there.

There was a council held the evening after I arrived at 'Diahmon, as I learned from Hiram Smith and others, in which some officers were appointed. I do not recollect precisely how made; but I think Lyman Wight was commander-in-chief of all the Mormon forces in Daviess county.

Neither of the Mr. Smiths seemed to have any command as officers in the field, but seemed to give general directions.

I saw a great deal of plunder and bee-stands brought into camp; and I saw many persons, for many days, taking the honey out of them; I understood this property and plunder were placed into the hands of the bishop at 'Diahmon, named Vincent Knight, to be divided out among them, as their wants might require.

There were a number of horses and cattle drove in; also, hogs hauled in dead with the hair on; but whose they were, I know not. They were generally called consecrated property. I think it was the day Gallatin was attacked. I saw Colonel Wight start off with troops, as was said, to Millport; all this seemed to be done under the inspection of Joseph Smith, jr. I saw Wight when he returned; the troops from Gallatin returned about the same time; and I heard Smith find fault with Wight for not being as resolute as to serve Millport as they had served Gallatin; this was remarked to me alone.

The following named defendants were in the last expedition to Daviess county: Joseph Smith, jr., Hiram Smith, Lyman Wight, Parley

P. Pratt, George W. Robinson, (I think,) Washington Voorhees, (I think,) George W. Harris, Martin C. Alred, William Alred, (I think,) Darwin Chase, Alexander McRay, Ebenezer Robinson, (I believe,) Edward Partridge, (for a few days,) Joseph W. Younger, James W. Rollins, (for a few days,) and Maurice Phelps.

I returned into Caldwell county, and received an order from Judge Higbey to order out the militia of Caldwell, to defend the citizens against mobs. I issued that order to the different officers; but I found them very much disorganized, and I inquired the reason why. They answered, they cared nothing for their commissions; that the organization of the Danite band had taken all power out of their hands. Under the order, considerable men turned out, but were not regularly enrolled.

On the day before the battle with Captain Bogart, there was a council held in Far West, in which Patten was appointed commander-in-chief of all the horse he could raise in Caldwell county. I inquired (inasmuch as I was commanding colonel of the militia of the county) how this was to be. President Smith told me that, if it reduced my command to ten men, I must be satisfied with it. So I went home, and retired to bed early. Next morning, about sunrising, I heard of the battle. Joseph Smith, jr., Lyman Wight, and perhaps some others, (who, I think, were not in the battle,) went to meet those with the wounded. The following named defendants I saw in the troop, return from the fight with Bogart: Parley P. Pratt, Caleb Baldwin, (I think,) and Norman Shearer.

On the evening that the militia arrived near Far West, I got into town, having been to hunt them that day to confer with them. When I arrived into town, with about one hundred men, I found them on foot. I saw other Mormon forces, formed in single line, in the brush, in a position to receive militia, who were marching up. I went down, and learned from Mr. Pomeroy, of Ray county, that they were militia; and I told him they need not come up to fight, we wanted to settle the matter without fighting. And, for fear of a collision between the two forces, I ordered the Mormons, formed in the brush, to retreat. At this time, Joseph Smith, jr., rode up and upbraided me for such an order, and told me it should not be done. He then ordered the men to stand, and talked harshly to me, charging me with cowardice. I knew it would not do to oppose his wishes, and returned home. He went and took command of the forces which I had with me that day, and which I had dismounted and formed as above stated; and he marched them down to the other line of Mormons, who were formed to receive the militia. It was generally believed by all in Far West, for several days previous to their arrival, that the militia were coming out, and that the forces, when they arrived, were militia.

Along through the week that the fight was had with Bogart, it was a general understanding, given out by Joseph Smith, jr., that he calculated to fight any forces who should come against them, whether militia or mob; and, if they pushed them too tight, they would march

through Jefferson city; or the calculation was, that they would push the war to that effect.

I have heard Joseph Smith, jr. say that he believed Mahomet was a good man; that the Koran was not a true thing, but the world belied Mahomet, as they had belied him, and that Mahomet was a true prophet.

The general teachings of the presidency were, that the kingdom they were setting up was a *temporal* as well as a spiritual kingdom; that it was the little stone spoken of by Daniel. Until lately, the teachings of the church appeared to be peaceable, and that the kingdom was to be set up peaceably; but lately a different idea has been advanced—that the time had come when this kingdom was to be set up by forcible means, if necessary.

It was taught, that the time had come when the riches of the Gentiles were to be consecrated to the true Israel. This thing of taking property was considered a fulfillment of the above prophecy. The preachers who were sent out to preach their doctrines were instructed to direct their converts to come up to Zion—meaning the upper part of Missouri.

I think the evening the militia arrived, Smith had a disposition not to fight them—from what I could understand, more on account of their numbers than their characters.

I heard it said, (but whether it was in the council, where Patten was chosen commander-in-chief, or where I do not recollect,) but I heard it stated, I think by Joseph Smith, jr., that the militia was a mob, and that the State of Missouri was a mob—or words to that effect.

When opposing President Smith, at 'Diahmon, above referred to, about the plundering of property, he remarked, it was impossible so many people could subsist there, without resorting to something of that kind.

After we came in from 'Diahmon to Far West, from the last expedition to Daviess, Joseph Smith, jr., said he intended to hoist a new flag, or standard, on the square in Far West, on which he intended to write "Religion aside, and free toleration to all religions, and to all people that would flock to it;" and that he believed thousands in the surrounding country would flock to it, and give him force sufficient to accomplish his designs in maintaining his flag and in carrying on the war.

The morning that I marched to Far West, to meet the militia to confer with them, as above referred to, Joseph Smith, jr., made a speech to the troops who were called together, in which he said: That the troops which were gathering through the country were a damned mob; that he had tried to please them long enough; that we had tried to keep the law long enough; but, as to keeping the law of Missouri any longer, he did not intend to try to do so. That the whole State was a mob set; and that, if they came to fight him, he would play hell with their applecarts. He told his people that they heretofore had the character of fighting like devils; but they should now fight like angels, for angels could whip devils.

While in Daviess, on the last expedition, I mentioned the great difficulties the course they were pursuing would likely get them into; the reply was, by a number of them, that, as the citizens had all fled, there would be none to prove it by but themselves, and they could swear as they pleased in the matter. These, I believe were of the Danite order. And I understood from them that they could swear each other clear, if it should become necessary. While at 'Diahmon, I heard a conversation about having commenced the war, and I expressed doubts as to their being able to get along with it in the community. In that conversation, while many were present, I heard Lyman Wight say, that the sword had now been drawn, and should not be sheathed until he had marched to De Witt, in Carroil county, into Jackson county, and into many other places in the State, and swore that he was able to accomplish it. While the last expedition was in progress in Daviess county, a portion of the troops returned to Far West, and was paraded in the square before Sidney Rigdon's house. Rigdon addressed them in a cheering and encouraging manner in the course they were pursuing. He held in his hand a letter from Joseph Smith, jr., in Daviess county, in which, he said, there was a profound secret, and the boys who were present were sent away. The letter, as near as I recollect it, was as follows: That our enemies were now delivered into our hands, and that we should have victory over them in every instance. The letter stated that, in the name of Jesus Christ, he knew this by the spirit of prophecy.

Since the return from Daviess, Joseph Smith, jr., told me, in reference to his plans, that if the citizens of Richmond and surrounding country rose and went out there to fight them, that he intended to have men to slip in behind them, and lay waste the county, and burn their houses. In the council in Far West, a few days before the militia came out, I recollect, in making arrangements for the war, the presidency was to have the supreme rule, and that their war office, or head-quarters, was to be at 'Diahmon, where, Joseph Smith, jr., said they could have all necessary preparations to carry on the war in a warlike manner; and they were to have gone in a day or two to take their seats.

At the time Joseph Smith, jr., and myself, were under guard at Far West, he manifested a great disposition to converse about our difficulties, and said he heard I had turned against him; and proposed to me the idea of hanging together, and not testifying against each other; and if we suffer, all suffer together. I felt myself awkwardly situated, as I had heard there was a combination of the Danites against me. I told him I would testify to nothing but the truth, let it fall on whom it would.

And further this deponent saith not.

G. M. HINKLE.

*William Splawn*, a witness produced, sworn and examined for the State, deposes and saith, (he is a citizen of Daviess county:) I was at