

Eli Bagley's, in Daviess county, when an armed company of men, about ten or twelve in number, came there. James H. Rollins and Jesse D. Hunter, two of the defendants, were of the company that came to Bagley's. They inquired who I was, and if I was of a mob character; and learned that I was not, and let me alone. They inquired for John Raglin, and said they heard he was a mob character, and had gone for men to fight them; and that if they got their eyes on him, they would take his life, and that he had better keep out of their way.

To be *positive* that Hunter was of the company, I will not; but I have little or no doubt of it, from his appearance. This was on Saturday, after I learned that Gallatin was burnt the Thursday before, and during the time that the Mormon troops were in Daviess county.

And further this deponent saith not.

WILLIAM SPLAWN.

Thomas M. Odle, a witness for the State, produced, sworn and examined, deposes and saith: On the Saturday after Gallatin was burnt, an armed company of twelve men rode up to Mr. Raglin's house, in Daviess county, where I resided. They inquired for John Raglin. I told them where he had gone. They said their object was to drive the mob from the county, and that I must go. I replied that I could not; that I had no way to get off, and that my family were barefooted. They replied, that made no difference; I must go; and said if I was not gone by next morning's sun-rising they would take my life. They told Mrs. Raglin she must put out; that there she could not stay, and that Raglin had better never show himself there; that they would take his life if they ever set their eyes on him. Next morning, by the assistance of friends, we did start; leaving most of our property there. Since then I have returned, and found the houses burnt, and the property gone, consisting of household stuff, and twenty-nine bee-gums. The company above mentioned inquired for gums, and got down and took one gum from the house, belonging to one Josiah Littlefield. They further said, that they had been driven as long as they were a going to; that they had got strong enough now to defend themselves; that they intended to do it by the sword; that they were at the defiance of any set of men that could come against them; and that they now intended to make it a war of extermination.

The following of the defendants were in that company, viz: James H. Rollins, Jesse D. Hunter, Darwin Chase; and I think from his appearance, that Maurice Phelps was there, but may be mistaken. Hunter appeared to be captain, or commander, of the company, as he did most of the talking; but most all of them had something to say.

And further this deponent saith not.

his
THOMAS M. X ODLE.
mark.

John Raglin, a witness for the State, produced, sworn and examined, deposes and saith: I was in Gallatin when the Mormons made an attack upon it, which took place one Thursday in October. All the persons that were there left the town; and the Mormons, as I believe, they were to the number of of about 150 or 200, all armed, took possession of the town; and the store and other houses were burnt, as I learned, that evening.

And further this deponent saith not.

his
JOHN X RAGLIN.
mark.

Allen Rathbun, a witness for the State, produced, sworn and examined, deposes and saith: On the day before the battle with Bogart, I was in Far West; and early in the morning Daniel Carn, one of the defendants here, asked me to help him grease his wagon. I did so, and asked him where he was going. He said he was going out to Mr. Raglin's, in Daviess county; that there were about forty bee-stands there, that they were going for. Directly after, I was at Morrison's store, in Far West. There was a company of ten or a dozen men there, with two or three wagons. I heard Mr. Huntingdon ask for brimstone. Some of the company said they had two pounds. Huntingdon answered that would do. Mr. Hunter, of the defendants, here gave the word of command, and they marched off—Mr. Daniel Carn, with his wagon with them. Late that evening, I saw Mr. Carn's wagon at his grocery door, in Far West. I saw Carn and Huntingdon unloading it. It was loaded with one bee-gum, and household stuff, consisting of beds, or bed clothes, *kinder* tied up; also there were onions in the wagon. Mr. Carn, that evening, remarked, that there would be in, that night, a considerable number of sheep and cattle; and further remarked, that it looked to him sometimes that it was not right to take plunder, but that it was according to the directions of Joseph Smith, jr., and that was the reason why he did it. The next morning I saw a considerable number of sheep on the square in Far West—near about one hundred. I then left Far West, and returned home, (in the east part of Caldwell county,) having been summoned to Far West by my militia captain, but performed no military duties while there.

And further this deponent saith not.

ALLEN RATHBUN.

Jeremiah Myers, a witness for the State, produced, sworn and examined, deposes and saith: I was in the last expedition to Daviess county; being summoned from my home, (in the east part of Caldwell county,) by my militia officer, to go to Far West, where I was told we had to march to Daviess; and did so. I think it was the third day after our arrival at Diahmon that Captain Fearnought's company, of about one hundred men, started out; and not until we got near to Gallatin did I learn where they were going. I was then told there was a

mob in Gallatin, and that we were going to disperse them. When in about half a mile of Gallatin, we formed, and rushed into town with a huzzah. I saw only two men running; others said there were about fifteen. We gathered up around the store, and some went in, hallooing to "bring them out here;" supposing there were men in the house. About this time, myself and another man returned to camp at 'Diahmon. That evening I saw store goods at the bishop's store; and was informed by Mahlon Johnson, one of the company to Gallatin, that the goods taken from the store in Gallatin were the goods I saw deposited at the bishop's store; they were called and considered consecrated property; and that they were to be dealt out by the bishop to those who stood in need.

I saw parties going out and coming in while in camp, but saw no property come into our camp; but I saw a pen of cattle, which were called buffalo.

The following of the defendants were in the last expedition to Daviess: Joseph Smith, jr., Lyman Wight, (who resides in 'Diahmon,) Washington Voorhees, Ebenezer Page, Francis Higbey, Daniel Carn, James H. Rollins, and Maurice Phelps, I think was there.

I never saw Lyman Wight in command during this expedition. My camp was half a mile from Wight's; and I staid pretty constantly about my own camp. I do not recollect that I was in any other expedition than the one to Gallatin.

There was some property brought into 'Diahmon by the Mormons as their own: this was not deposited with the bishop, but they took it themselves.

And further this deponent saith not.

JEREMIAH MYERS.

[At this stage of the examination, the following named defendants, James Newberry and Sylvester Hewlett, 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 procure counsel, they informed the court that they were ready to appear by themselves and their counsel, John R. Williams, Esq. The examination then progressed:]

Andrew J. Job, a witness for the State, produced, sworn, and examined, deposeth and saith: While the Mormon troops were in Daviess county, in the last expedition, I was taken prisoner by Captain Fearnought, (as he was called,) who, I have since learned, was a Mr. Patten. While they were getting me into 'Diahmon about midnight, I passed on between Millport and that place, and counted ten houses on fire. James H. Rollins, Ebenezer Page, James M. Henderson, Alanson Ripley, and Sidney Tanner, were of the company that took me prisoner.

When the houses were burning, I heard Ebenezer Page say that the mob were burning their own houses, and would lay it on the Mormons.

I observed it was curious they should burn their own houses: he replied, it was, but they were doing so.

I arrived at 'Diahmon that night a prisoner, and was detained there until next morning about daybreak, when I, Ira Glaze, and William Bone, who were also taken prisoners, were turned loose by Lyman Wight, and told, that he would give us four hours to leave the county; and if they caught us after that time, we should not live any longer. Before we left, I heard Lyman Wight say—Come, boys, feed your horses, and get your breakfast; we must try and scatter the mob.

After I left 'Diahmon, I went to my step-mother's, and made efforts to get out of the county. After the Mormons surrendered at 'Diahmon to the militia, I went with my step-mother to 'Diahmon, to hunt for her property, which had been left at the house when she moved, and which was missing on her return—such as beds, bed-clothing, knives and forks, a trunk, &c. On examination, we found at the house of Lyman Wight, and upon his bedstead, a feather bed, which I knew to be the one left by her at the time she fled from the Mormons. I knew the bed from its appearance; the tick was striped and pieced at the end, and the stripes of the piece turned crosswise; also, we found in Wight's house a set of knives and forks, which I knew were the same left at her house as above stated. My step-mother left her residence, (in two miles of 'Diahmon,) where she left the above articles, on Wednesday before I was taken prisoner, which was on the Sunday night after; and when at 'Diahmon, the night I was a prisoner, I slept on that same bed, as I believed it to be, at one Sloan's, as I understood his name to be. When my step-mother left her home near 'Diahmon, where the above articles were left, she went into the lower part of Daviess; to which place I went when turned loose as a prisoner. My father's name is Robert Job.

And further this deponent saith not.

his
ANDREW J. \times JOB.
mark.

Freeburn H. Gardner, a witness on behalf of the State, produced, sworn, and examined, deposeth and saith: I was pressed to go in the expedition against Captain Bogart, and went part of the way, as far as to Bragg's place, about seven miles from Bogart's camp. While there, I heard D. Patten, who was called Captain Fearnought, lecturing the troops; heard him direct his men how to shoot—to bring their guns up on a rise to their object, and hold their breath, and fire; and generally they would make a deadly shoot; and that those they were a going to fight should not be able to hurt them; that their pieces should be elevated too high, or held too low.

When called on that night to go, I was informed by the man who came for me that the object was to disperse a mob down at Crooked River. I proceeded no further than to Bragg's place. I left, and returned home.

The following named defendants were in the expedition against Bogart, viz: Darwin Chase, as he told me. Washington Voorhees was not in the expedition; he stated he had no horse to ride; and that if I would not go, he wished to get my horse to ride, that he might go. I replied, if the horse went, I must go with it; he answered, I might have his gun, (as I had none,) but that he would rather go himself. I took his gun, and joined the company as above.

And further this deponent saith not.

his
FREEBURN H. \times GARDNER.
mark.

Burr Riggs, a witness for the State, produced, sworn, and examined, deposed and saith: In the latter part of June last, immediately after the witness and Cowdrey left Far West, I fell into company with Joseph Smith, jr., and Geo. W. Robinson. Jos. Smith, jr., said there were certain men using their influence against the proceedings of the presidency, and if they were suffered to go on they would do great injury. And Smith told Robinson, the first man he heard speaking against the presidency, and against their proceedings, he must tie him up and give him thirty-nine lashes; and if that would not do, give him thirty-nine more, until he was sorry for what he had said; and Robinson said he would do it.

About the latter part of July, I heard Sidney Rigdon say, Wm. W. Phelps and Dr. Williams, and he strongly suspected John Corrill, were using their influence against the presidency of the church; and further said, Corrill and Phelps were men of great influence in the country, and their influence must be put down.

I did not go out (with the troops) in the late expedition to Daviess; but my team was pressed. Four or five days after the Mormon troops had gone out, I learned that one of my horses was sick, and that I had better go out and attend to him. I went out to 'Diahmon, and got there in the evening; remained there that night, and returned to Far West next morning. While in 'Diahmon I saw a great deal of plunder brought in, consisting of beds and bed-clothes; I also saw one clock, and I saw 36 head of cattle drove in, and put into a pen. All the above property was called consecrated property; and I heard John L. Butler, one of the Mormons who was engaged in assisting to drive the cattle in, say that they had taken the cattle from the citizens of the Grindstone Fork; and said he had made a valuable expedition. I saw Ebenezer Robinson there, who had a gun-barrel in his hand. I asked him where he got it, and he told me that the evening before he had set a barn on fire, and that he heard the gun go off while the house was burning, and he went back and got the barrel out of the ruins of the barn.

The following of the defendants were in the last expedition to Daviess: Joseph Smith, jr., Hiram Smith, Lyman Wight; I think Amasa Lyman was not there; George W. Robinson was there, Alanson

Riply was there; John Buchannan was not there; Jacob Gates, I think, was there; Geo. W. Harris was there; Jesse D. Hunter and Geo. Grant were there; Elijah Newman went out when I did, and, I think, returned next morning. There were some families going to 'Diahmon, and Newman went as one of a guard, to guard them out. Isaac Morley was not there; Thomas Rich was there and returned while the Mormon troops were in Daviess, with an express from Captain Fearnought to Sidney Rigdon, for some wagons, to move off families. Alex. McRay was there; John S. Higbey, I think was there; Ebenezer Robinson was there; Edward Partridge was there, and returned in a few days; I think Silas Manard was not there, Daniel Carn was there, I think; Wm. Whitmore was not out; Sylvester Hulett, I think, was in Far West during the expedition. Two or three days before the surrender of the Mormons to the militia at Far West, I heard Jos. Smith, jr., say that the sword was now unsheathed, and should not again be sheathed until he could go through these United States, and live in any county he pleased, peaceably. I heard this from him, also, before the last expedition to Daviess, when Gallatin and Millport were burnt as well as afterwards, and I heard it on several occasions. I never heard Jos. Smith, jr. say that he would disobey the laws of the country. The following of the defendants were in the expedition against Bogart: P. P. Pratt, Darwin Chase, and Norman Shearer; Isaac Morley, I think, was not there; Joseph W. Younger was not there.

While the last expedition was going on in Daviess, there was a meeting in Far West, in which Mr. Sidney Rigdon presided. There were present about 60 or 100 men; a guard was put around the house, and one was placed at the door. Mr. Rigdon said that the last man who started, he should be pursued and brought back, dead or alive. This was put to vote, and agreed to, without any one objecting to it. He further said, that one man had slipped his wind yesterday, and had been thrown aside into the brush for the buzzards to pick, and the first man who lisped it should die.

At this meeting companies were chosen, some to procure wood for the town, and some to procure meal for the army at Far West, and, also, for the families of those who were in the expedition to Daviess; and one company for spies. Sidney Rigdon said that these companies were necessary, and appointed men as heads of the companies, to make them up. Rigdon further stated, at this meeting, that the enemy were in their hands, and that they should prevail. He gave instructions to the spy company that they should go out to Richmond and surrounding country, to learn the movements of mobs; and that if they found any mob burning houses in Caldwell, be sure, said he, that you do the same thing to them. Amasa Lyman was the captain of this spy company. It was stated in this meeting, that the object in organizing a spy company was to be able to guard against mobs, which they said were coming on them from all quarters. When Mr. Rigdon was instructing the spy company, or apparently in conversation with them, above refer-

red to, I heard it said that if they could not get rid of the mob in any other way, they could poison them to death. At the time of this last remark I was engaged in other conversation, and did not hear all that conversation. When Patten was raising his company to go against Bogart, he remarked that it (Bogart's company) was said to be militia; but it was nothing but a cursed mob, and that, in the name of the Lord, he would go and disperse them.

And further this deponent saith not.

BURR RIGGS.

Elisha Camron, a witness for the State, produced, sworn, and examined, deposeth and saith: The day before the battle with Bogart I was in Far West, and was taken prisoner. I saw Lyman Wight, and informed him that they were raising militia in Clay county, and that there was no mob out. He appeared to be very angry, and said he would fight any body that might come against them—that he did not care what came.

My oxen that I drove with me were taken and put to work, as I was told; and I did not recover them until after the Mormons surrendered to the militia. Wight, when conversing with me as above, appeared to be friendly with me as he had been before.

And further, this deponent saith not.

ELISHA CAMRON.

Charles Bleckley, a witness produced, sworn, and examined for the State, deposeth and saith: That, at the time when one of the houses at Millport was burning, I saw Joseph Smith, jr., Lyman Wight, Geo. W. Robinson, and two others, sitting on their horses looking at the burning. I also saw Mr. Turner, and a young Mr. Morin (both of whom lived in about half a mile of the place) there also.

Some of the company on horseback said the citizens had commended it with them, and they intended to take satisfaction. Most of the houses at Millport had the appearance of having been burnt several days before. Wight told us we might get our families out of the county in peace; that he, nor any person he could control, should hurt them; nor would they interrupt any unarmed persons. He said he had no desire they should leave the county, if they could live in peace.

And further this deponent saith not.

CHARLES BLECKLEY.

James Cobb, a witness for the State, produced, sworn, and examined, deposeth and saith: That at the time when one of the houses at Millport was burning, I was there, and saw Joseph Smith, jr., Lyman Wight, Geo. W. Robinson, and two others, all on horseback, and Mr. Turner, and a son of Mr. Josiah Morin. The house (which was a stable) had just got in a way of burning.

And further this deponent saith not.

JAMES COBB.

Jesse Kelly, a witness produced, sworn, and examined for the State, deposeth and saith: That he is a citizen of Daviess county; that about four days after the burning of Gallatin and Millport, myself and Addison Price were surrounded in a house in Daviess county, and taken prisoners by a company of Mormons; they took from me three guns and a butcher-knife. Alexander McRay, the defendant, was captain of the company; Caleb Baldwin, another defendant, was in the company. The captain asked us if we belonged to the mob, and we replied not; he then said we had better join them, and come into 'Diahmon for protection; I replied, that I would consider of that; Mr. Price said to them, that he had moved his family into Livingston; the captain then said, if we did not wish to fight them, we must leave the State; for we intend, said he, after we get possession of Daviess, to take Livingston; and after that, keep on, till we take possession of the whole State.

The captain then asked Mr. Price if he knew whether the Governor would be up or not; Price answered, he did not know; the captain then remarked he wished he would come up, that his scalp he would rather have than any other man's. There were thirty or forty armed men in this company, and, after carrying us about four miles on towards 'Diahmon, they released us, telling us we must leave the county immediately; and if we did not want to fight them, we must leave the State immediately, for the State they intended to have. They said it was the mob who had plundered and burnt their own houses in Daviess, and then laid it on the Mormons; a number of the company had something to say, pretty much to the same import with what was said by the captain.

And further this deponent saith not.

JESSE KELLY.

Addison Price, a witness in behalf of the State, produced, sworn, and examined, deposeth and saith: I am a citizen of Daviess county; that about four days after Millport was burnt, I was taken prisoner, together with Mr. Kelly, by a company of armed Mormons, near forty in number; they took from me a butcher-knife, bullet-moulds, and a bar of lead; and a butcher-knife, and three guns (one a shot gun, and two rifles) from Mr. Kelly, as he has himself stated. The guns were taken from Mr. Kelly, after they had taken us back to Mr. Kelly's house, where they found them; we having been taken prisoners about two miles from there. Alexander McRay, one of the defendants here, was captain of that company, and they sometimes called him general; and Caleb Baldwin was also of the company. The captain, on finding that I had removed my family and plunder into Livingston, asked me why I did so? I informed him that, as I had understood that when they came to a house they would take the beds, bedding, &c. off, I moved mine in time to save them. He advised me to go to them for protection, as there was obliged to be war there, and I would have to fight on one side or the other. I replied, I did not think there would be war; he said there would oblige to be, and, if I did not wish to fight,

I must leave the State. He frequently, in making these remarks, raised up his right hand, and warned me in the name of the Great God, to leave the county, and that I had better leave the State. It was said by several of the company, that, as soon as they had rid Daviess county, they would have Livingston, and before they stopped, they intended to have the State.

They asked me if I knew whether any one had gone for the Governor. I answered, I did not know; they said they understood he had been sent for, and was coming up into the Grand river country, to see what was going on; they said they only hoped he would, that they intended to scalp him the first man, as soon as he did come, for he was nothing but an infernal mob himself. There was a great deal more said in the way of threats. They inquired of me if I knew there were any mobs coming against them; I answered, that I knew of none; they said that the whole State was a mob. I asked them what they called themselves; they answered, they were militia. After carrying us on towards ³Di-ahmon (where they said they intended to take us) about four miles, they released us. This company bore a white flag with them.

And further this deponent saith not.

ADDISON PRICE.

Samuel Kimbel, a witness on behalf of the State, produced, sworn and examined, deposeseth and saith: That I reside near Far West, and was repeatedly warned, and my life threatened, if I did not go to Far West, and take up arms. About a week before the surrender of the Mormons to the militia, I went to Far West; my name was enrolled, and I was forbid to leave the town, and was paraded twice a day, and the roll called. While there, I heard Joseph Smith, jr., in a speech to the company of perhaps two hundred under arms, say it was impossible to please a mob; that he had applied to the Governor, and he understood the the Governor said he could do nothing for us. He said that the whole State was a mob, and that the Governor was nothing but a mob, and if he came upon them, he would make war upon him; he cursed the State as a damned mob, and said that God would damn them; he observed that the people might think he was swearing, but that the Lord would not take notice of it.

And further this deponent saith not.

SAMUEL KIMBEL.

John Whitmer, a witness for the State, produced, sworn and examined, deposeseth and saith: About the 17th of April last, at a meeting of perhaps fifteen or twenty-five, in Far West, Joseph Smith, jr., spoke in reference to difficulties they had, and their persecutions, &c., in and out of the church. Mr. Smith said he did not intend in future to have any process served on him, and the officer who attempted it should die; that any person who spoke or acted against the presidency or the church should leave the country or die; that he would suffer no such to remain there; that they should lose their head. George W. Harris,

who was there present, observed, "the head of their influence, I suppose." Smith replied, Yes, he would so modify it. Mr. Rigdon then got up, and spoke in connection with what Mr. Smith had been saying; and in speaking of the head of their influence, he said that he meant that ball on their shoulders, called the head, and that they should be followed to the ends of the earth. Mr. Rigdon further remarked, that he would suffer no process of law to be served on him hereafter.

Some time in June, after Mr. Rigdon had preached his "salt sermon," I held conversations with several Mormons on the subject of that sermon, and the excitement produced by the course and conduct of the presidency. Among others, I conversed with Alanson Ripley. I spoke of the supremacy of the laws of the land, and the necessity of, at all times, being governed by them. He replied, that as to the technical niceties of the law of the land, he did not intend to regard them; that the kingdom spoken of by the prophet Daniel had been set up, and that it was necessary every kingdom should be governed by its own laws. I also conversed with George W. Robinson, on the same subject, who answered, (when I spoke of being governed by the laws and their supremacy,) "when God spoke he must be obeyed," whether his word came in contact with the laws of the land or not; and that, as the kingdom spoken of by Daniel had been set up, its laws must be obeyed. I told him I thought it was contrary to the laws of the land to drive men from their homes; to which he replied, such things had been done of old, and that the gathering of the saints must continue, and that dissenters could not live among them in peace.

I also conversed with Mr. J. Smith, jr., on this subject. I told him I wished to allay the (then) excitement, as far as I could do it. He said the excitement was very high, and he did not know what would allay it; but remarked, he would give me his opinion, which was, that if I would put my property into the hands of the bishop and high council, to be disposed of according to the laws of the church, he thought that would allay it, and that the church after a while might have confidence in me. I replied to him, I wished to control my own property. In telling Mr. Smith that I wished to be governed by the laws of the land, he answered, "Now, you wish to pin me down to the law."

And further this deponent saith not.

JOHN WHITMER.

James B. Turnur, a witness for the State, produced, sworn and examined, deposeseth and saith: The day after Millport was burnt, in the evening I went up to Millport in company with young Mr. Morin: directly after our arrival, I saw Joseph Smith, jr., Hiram Smith, Lyman Wight and two others, ride up. Mr. Cobb, the mail rider, and several of the Bleckleys, came up also. Cobb observed, "See what the damned Mormons have done!" speaking of the burning. Hiram Smith asked how he knew it was the Mormons? He said they had burnt Gallatin. Some of the Mormons replied, that Gallatin was burnt by the mob.