



Type: Book Chapter

---

## Legal Chronology of Joseph Smith

Source: *Sustaining the Law: Joseph Smith's Legal Encounters*

Editor(s): Gordon A. Madsen, Jeffrey N. Walker, and John W. Welch

Publisher: Provo, UT; BYU Studies, 2014

Page(s): 461–514

---



BYU Studies is collaborating with Book of Mormon Central to preserve and extend access to BYU Studies and to scholarly research on The Book of Mormon. Archived by permission of BYU Studies.

<http://byustudies.byu.edu/>

# Legal Chronology of Joseph Smith

The first occurrence of each case is marked in *bold italics*.

## 1805

Joseph Smith Jr. was born to Lucy Mack Smith and Joseph Smith Sr. • Dec. 23, 1805. Sharon, VT.

*Joseph Smith Sr. v. Hurlbut:* Joseph Smith Sr. and Alvin Smith transferred \$53.00 in “crops on the ground” to Hurlbut. • Aug. 10, 1818. Palmyra, NY.

## 1814

Jesse Smith files his protest objecting to changes in the organization of his local congregation. • Nov. 18, 1814, Tunbridge, VT. [**Discussed in ch. 4**]

## 1819

*Joseph Smith Sr. v. Hurlbut:* Joseph Smith Sr. and Alvin Smith filed suit against Hurlbut in the Justice Court seeking damages for deficient horses they had bought from Hurlbut. • Jan. 12, 1819. Palmyra, NY.

## 1818

*Joseph Smith Sr. v. Hurlbut:* Joseph Smith Sr. and Alvin Smith executed a promissory note to pay Jeremiah Hurlbut \$65.00 in grain for the purchase of two horses. • Mar. 27, 1818. Palmyra, NY. [**Discussed in ch. 3**]

*Joseph Smith Sr. v. Hurlbut:* Constable D. Uandee served the summons to Jeremiah Hurlbut. • Jan. 13, 1819. Palmyra, NY.

*Joseph Smith Sr. v. Hurlbut:* JS appeared as a credible witness before Justice of the Peace Abraham Spear. The jury found for the Smiths and awarded them damages of \$40.78. • Feb. 6, 1819. Palmyra, NY.

*Joseph Smith Sr. v. Hurlbut:* Joseph Smith Sr. created a list of damages sustained by “fraud or ducet” when he and Alvin Smith had purchased two deficient horses from Jeremiah Hurlbut. • May–July 1818. Palmyra, NY.

*Joseph Smith Sr. v. Hurlbut:* An arrest warrant was issued to Sheriff P. P. Bates, commanding him to take Joseph Smith Sr. and Alvin Smith before the

Court of Common Pleas in Canandaigua on “the third Tuesday of May next” [May 18, 1819] to answer Hurlbut in a plea of trespass. • Feb. 7, 1819. Palmyra, NY.

*Joseph Smith Sr. v. Hurlbut*: Jeremiah Hurlbut appealed the decision against him to the Ontario County Court of Common Pleas. • Feb. 8, 1819. Palmyra, NY.

*Joseph Smith Sr. v. Hurlbut*: Effectively setting the jury verdict aside, the Court of Common Pleas ordered the sheriff to collect evidence about the amount of damages sustained. • May 18, 1819. Canandaigua, NY.

## 1820–25

JS received his First Vision. • Spring 1820. Manchester, NY.

The angel Moroni visited JS three times in the night in the Smith family log home, telling JS about the gold plates (the Book of Mormon) and the Lord’s divine mission for him. • Sept. 21–22, 1823. Manchester, NY.

JS’s brother Alvin died at age 25. He had been ill with “bilious colic” and was given a dose of calomel, which may have killed him. • About Nov. 19, 1823. Palmyra, NY.

*Stoddard v. Smith Sr.*: Stoddard filed suit against Joseph Smith Sr. for unpaid carpentry work on the frame home. • Feb. 18, 1824. Manchester, NY.

The Joseph Smith Sr. family home and 99.5-acre farm were sold to Lemuel Durfee, who kept the Smiths as tenants. • Dec. 20, 1825. Manchester, NY.

## 1826–28

*People v. Smith*: On a complaint brought by Peter Bridgeman, JS was charged with being a disorderly person and brought before Justice of the Peace Albert Neely. JS was acquitted. • Mar. 20, 1826. South Bainbridge, NY. [**Discussed in ch. 4**]

*Stoddard v. Smith Sr.*: Joseph Smith Sr. had confessed judgment to Stoddard for \$66.59. The judgment was satisfied on this day. • Apr. 19, 1826. Manchester, NY.

*Smith v. Worden*: JS and Hyrum Smith hired the firm of Howell & Hubble, presumably as legal counsel, in an action against Sylvester Worden. The balance the Smiths owed to Howell & Hubble is recorded as \$8.62 with interest beginning on that date. • June 20, 1826. Ontario County, NY.

JS was married to Emma Hale by Justice of the Peace Zachariah Tarble. • Jan. 18, 1827. South Bainbridge, NY.

JS received the gold plates from the angel Moroni on the hill where they were buried. • Sept. 22, 1827. Manchester, NY.

JS completed the translation of the book of Lehi. Martin Harris took the 116 manuscript pages to Palmyra, New York, to show selected members of his family as bound by covenant. • June 14, 1828. Harmony, PA.

JS arrived at his father’s farm and learned from Martin Harris that the 116 manuscript pages of the book of Lehi had been lost. • About July 1, 1828. Manchester, NY.

*Smith v. Worden*: In the Supreme Court of Ontario County, a writ of collection was returned by Deputy George Smith of Wayne County, New York. The sheriff was given a writ of execution on Sylvester

Worden's property. No more information has been found. • Nov. 25, 1828. Ontario County, NY.

## 1829

JS incurred a \$200 debt by purchasing ("articling") a small home and land from his father-in-law, Isaac Hale. • Apr. 6, 1829. Harmony, PA.

JS began dictating the translation of the Book of Mormon to Oliver Cowdery. • Apr. 7, 1829. Harmony, PA.

Martin Harris's wife, Lucy Harris, at least threatened to sue JS in an attempt to prove that he had never had the gold plates and intended to defraud credulous people. No documents from this action have survived. • May/June 1829. Palmyra, NY.

Richard R. Lansing, clerk for the Northern District Court of New York, entered JS's copyright application for the Book of Mormon. • June 11, 1829. Utica, NY. [**Discussed in ch. 5**]

JS was present as the Three Witnesses were shown the plates by the angel Moroni. • About June 20, 1829. Fayette, NY.

JS showed the Eight Witnesses the gold plates. • About June 24, 1829. Palmyra, NY.

Egbert B. Grandin published the title page of the Book of Mormon as a "curiosity" in the Wayne Sentinel. • June 26, 1829. Palmyra, NY.

JS received Doctrine and Covenants 19, a revelation to Martin Harris concerning repentance and the Atonement of Jesus Christ. Martin was commanded to pay the debt that he had contracted with the

printer for the publication of the Book of Mormon. • Summer 1829. Palmyra, NY.

***State v. Smith:*** A legal action was brought by the state of Pennsylvania against JS and Oliver Cowdery. • Summer 1829. Harmony, PA.

Martin Harris mortgaged his farm in order to assure payment to Egbert B. Grandin of \$3,000 to print 5,000 copies of the Book of Mormon. • Aug. 25, 1829. Fayette, NY.

## 1830

***Joseph Smith v. Cole:*** Abner Cole published selections from the Book of Mormon in his newspaper, *The Reflector*, that he took without permission from the E. B. Grandin & Co. press where both his newspaper and the Book of Mormon were being printed. The matter was arbitrated, and Cole ceased publishing any such selections. • Jan. 1830. Palmyra, NY. [**Discussed in ch. 5**]

JS and Martin Harris enter into an agreement regarding proceeds from the sale of the Book of Mormon. • Jan. 16, 1830. Palmyra, NY.

A revelation was given authorizing agents to go to Canada to try to publish the Book of Mormon there, which would protect its copyright "upon all the face of the earth" under British law. • Jan.–Feb. 1830. Manchester, NY.

JS officially organized the Church of Christ in Peter Whitmer Sr.'s home. • Apr. 6, 1830. Fayette, NY. [**Discussed in ch. 6**]

Doctrine and Covenants 20, the Articles and Covenants of the Church, was finalized. • Apr. 10, 1830. Fayette, NY.

**People v. Smith:** JS was tried and discharged by Justice of the Peace Joel Noble on charges of being a disorderly person for claiming that he could discover lost goods. • About June 30, 1830. South Bainbridge, Chenango County, NY.

**People v. Smith:** JS was re-arrested and taken to Broome County to be tried again on the charge of being a disorderly person before Justice of the Peace Joseph Chamberlin. JS was acquitted again. • About July 1, 1830. Broome County, NY.

**Noble v. Joseph Smith:** JS executed a promissory note to pay George H. Noble \$190.95 to enable JS on April 6, 1829, to purchase 13 acres from Isaac Hale and the home where he and Emma had been living and where he had translated much of the Book of Mormon. • Aug. 25, 1830. Harmony, PA.

**Noble v. Smith:** An amicable judgment was entered in favor of George H. Noble to secure his creditor rights for the \$190.95 owed to him by JS. Jesse Lane was Justice of the Peace as well as notary on the deed, filed with Court of Common Pleas in Montrose, Pennsylvania. It was satisfied in full June 3, 1831. • Aug. 26, 1830. Susquehanna County, PA.

**Noble v. Smith:** A transcript from the papers of Justice of the Peace Lane was filed and entered in the Susquehanna Court of Common Pleas. • Aug. 31, 1830. Susquehanna County, PA.

JS received Doctrine and Covenants 28, a revelation to Oliver Cowdery, in response to Hiram Page's professed revelations, directing that no one was to receive revelation for the Church except the Prophet. • About Sept. 20, 1830. Fayette, NY.

## 1831

During the third conference of the Church, which was held at the Peter Whitmer Sr. home, JS received Doctrine and Covenants 38, a revelation calling the Saints to gather in Ohio. • Jan. 2, 1831. Fayette, NY.

A revelation titled "The Law" is given to JS in two parts: verses 1–72 on Feb. 9 and verses 73–93 on this date. • Feb. 23, 1831. Kirtland, OH.

**Copley v. Smith:** Church members were forced to leave Lemman Copley's farm and "pay sixty dollars damage for fitting up his houses and planting his ground." • June 1831. Thompson, OH.

**Noble v. Smith:** Plaintiff's acknowledgment that judgment had been satisfied was filed with the court • June 4, 1831. Susquehanna County, PA.

JS received Doctrine and Covenants 57, a revelation concerning the building up of Zion in Independence, Missouri. • July 20, 1831. Independence, MO.

JS received Doctrine and Covenants 58, a revelation regarding obeying the laws of the land and the commandments of God. • Aug. 1, 1831. Jackson County, MO.

JS received Doctrine and Covenants 64, a revelation containing the Lord's law of forgiveness and the promise "he that is tithed shall not be burned." • Sept. 11, 1831. Kirtland, OH.

## 1832

A mob violently tarred and feathered JS and Sidney Rigdon at the John Johnson home. No legal action was brought by JS. • Mar. 24, 1832. Hiram, OH.

**Johnson v. Williams:** John Johnson brought an action for trespass against

those who tarred and feathered JS and Sidney Rigdon. It was tried before Justice of the Peace Aaron Williams and appealed to Court of Common Pleas. The judgment was affirmed. • After Mar. 24, 1832. Ravenna, OH.

JS preached at a Sabbath meeting the day after he had been tarred and feathered. He also baptized three people that afternoon. • Mar. 25, 1832. Hiram, OH.

Joseph Murdock Smith, adopted son of JS and Emma Smith, died as a result of exposure during the violence. • Mar. 29, 1832. Hiram, OH.

### 1833

JS received Doctrine and Covenants 89, a revelation containing the dietary code known as the Word of Wisdom. • Feb. 27, 1833. Kirtland, OH.

JS attended a council to hear the ecclesiastical appeal of Doctor Philastus Hurlbut (“Doctor” was his first given name). His excommunication from the Church was upheld two days later. • June 21, 1833. Kirtland, OH.

Doctor Philastus Hurlbut returned to Kirtland from Palmyra and vicinity, seeking information to prove that the Book of Mormon was a work of fiction and that JS was not an honest man. He began to lecture on his findings and threatened the life of JS. • Dec. 1833. Kirtland, OH.

***State of Ohio v. Hurlbut:*** JS filed a complaint against Hurlbut alleging that Hurlbut had threatened to kill him. • Dec. 21, 1833. Kirtland, OH. [Discussed in ch. 7, 10]

*State of Ohio v. Hurlbut:* An arrest warrant was issued for Hurlbut, returnable before Painesville Justice of the Peace William Holbrook. • Dec. 27, 1833. Kirtland, OH.

### 1834

*State of Ohio v. Hurlbut:* The hearing was postponed until Jan. 13, 1834. Hurlbut was transferred from Constable Stephen Sherman’s custody to the custody of Painesville Constable Abraham Ritch. • Jan. 6, 1834. Kirtland, OH.

*State of Ohio v. Hurlbut:* JS and his brethren prayed for success in the upcoming hearing. • Jan. 11, 1834. Kirtland, OH.

*State of Ohio v. Hurlbut:* A preliminary hearing was held before Justice of the Peace William Holbrook. Sixteen witnesses gave testimony concerning the alleged threat. JS testified on at least two of the three days. Hurlbut was represented by James A. Briggs, and JS by Benjamin Bissell. The court ordered Hurlbut to post a recognizance bond of \$200 to keep the peace and to appear before the Geauga County Court of Common Pleas during its Mar. 31, 1834 term. • Jan. 13–15, 1834. Painesville, OH.

*State of Ohio v. Hurlbut:* JS thanked the Lord for deliverance from Doctor Philastus Hurlbut and petitioned him for success in the upcoming trial. • Jan. 28, 1834. Kirtland, OH.

*State of Ohio v. Hurlbut:* JS appeared at the Geauga County Court of Common Pleas in Chardon, Ohio. As several cases were to be heard that day, *State v. Hurlbut* did not come up for several days. • Mar. 31, 1834. Kirtland, OH.

*State of Ohio v. Hurlbut:* While preparing subpoenas for witnesses at Ezekiel Rider’s home, JS prophesied that the Lord would not allow Hurlbut to prevail in court against him. • Apr. 1, 1834. Chardon, OH.

*State of Ohio v. Hurlbut:* The trial began. • Apr. 2–3, 1834. Chardon, OH.

**Johnson v. Remonstrance:** JS testified before the Geauga County Court of Common Pleas on John Johnson's application to obtain a tavern license. The license was granted at a fixed rate of \$6 per year. • Apr. 5, 1834. Chardon, OH.

*State of Ohio v. Hurlbut:* The trial continued. Seventeen prosecution witnesses testified. Four witnesses testified for the defense. Judge Matthew Birchard ruled that JS had sufficient cause to file the complaint and Hurlbut was required to post \$200 recognizance, to pay \$112.59 in court costs, and to keep the peace for six months. Hurlbut never fulfilled the obligation. • Apr. 7–9, 1834. Chardon, OH.

*State of Ohio v. Hurlbut:* Sheriff Jabez Tracy attempted to apprehend Hurlbut to require him to satisfy the judgment, but Hurlbut was not found. • Apr. 16, 1834. Chardon, OH.

While on the Zion's Camp march, JS received word that Daniel Dunklin, governor of Missouri, would not fulfill the expectation to reinstate the Saints to their lands in Jackson County, Missouri. • June 15, 1834. Chariton River, MO.

Elder Sylvester Smith had accused JS of criminal conduct during the journey to and from Missouri during the Zion's Camp march but confessed that his accusation was false and asked JS for forgiveness. • Aug. 11, 1834. Kirtland, OH.

JS wrote instructions to the high council of the Church in Missouri and urged them to sign a petition to Governor Daniel Dunklin of Missouri requesting his protection. • Aug. 16, 1834. Kirtland, OH.

The Kirtland High Council read and adopted resolutions concerning JS's conduct toward Sylvester Smith, saying that

JS was "worthy of [their] esteem and fellowship." • Aug. 23, 1834. Kirtland, OH.

During a special council assembled for the ecclesiastical trial of Sylvester Smith, JS was cleared of Sylvester Smith's false accusations arising out of the Zion's Camp march. • Aug. 28, 1834. Kirtland, OH.

**Lake v. Smith:** A summons, with Dennis Lake as plaintiff, was served on JS by Constable J. Ames. Lake alleged that JS had promised him a lot of land in Missouri if he would march with Zion's Camp, which Lake had done. • Nov. 24, 1834. Geauga County, OH. [**Discussed in ch. 10**]

*Lake v. Smith:* The parties and their attorneys attended a Justice of the Peace court before Justice of the Peace J. C. Downen. Proofs and allegations were heard, and court was adjourned until Dec. 4, 1834. • Nov. 28, 1834. Geauga County, OH.

*State of Ohio v. Hurlbut:* A writ of collection was issued against Hurlbut and delivered to Sheriff Jabez Tracy per William Graham. • Dec. 2, 1834. Geauga County, OH.

*Lake v. Smith:* Judgment was rendered in favor of plaintiff Dennis Lake for \$63.67 in addition to \$8.04 for the costs of the suit. JS appealed the case to the Geauga Court of Common Pleas. • Dec. 4, 1834. Geauga County, OH.

*Lake v. Smith:* A certified transcript of the Justice of the Peace court case judgment was filed at the Geauga Court of Common Pleas. Ebenezer Jennings signed a bail bond before Justice of the Peace J. C. Downen for the appellant (defendant), JS, in the amount of \$150. • Dec. 10, 1834. Geauga County, OH.

*State of Ohio v. Hurlbut*: Orders were entered to seize Hurlbut's property for resale to satisfy the judgment of *State v. Hurlbut*. No property was found. • Dec. 12, 1834. Kirtland, OH.

## 1835

*State of Ohio v. Hurlbut*: A writ of execution was issued and delivered to Sheriff Jabez Tracy. It was returned to the court on Mar. 29, 1836, with "Nothing made." • Feb. 1835. Geauga County, OH.

*State of Ohio v. Hurlbut*: The writ of collection that was delivered per William Graham was returned. No property had been found. • Mar. 31, 1835. Geauga County, OH.

*State of Ohio v. Smith*: A warrant was issued against JS on the oath of Granden [Grandison] Newel leveling charges of assault and battery of Smith's brother-in-law Calvin W. Stoddard. The warrant was returned the same day as Constable Samuel Brown arrested JS, who was held for bail until the next day. • Apr. 21, 1835. Geauga County, OH. [Discussed in ch. 10]

*State of Ohio v. Smith*: The parties appeared by their attorneys in Justice of the Peace Court before Justice of the Peace Lewis Miller. The charge was sustained; JS was ordered to post bail in bonds of \$200 and to appear at Court of Common Pleas. • Apr. 22, 1835. Geauga County, OH.

*State of Ohio v. Smith*: A transcript of the proceedings of the case was given to lawyer Reuben Hitchcock, the prosecuting attorney for this case in the Court of Common Pleas. • Apr. 25, 1835. Geauga County, OH.

*Lake v. Smith*: Lake's declaration was filed (action of assumpsit) stating that JS was

indebted to Lake for \$800 as of Nov. 21, 1834, consisting of \$200 for labor performed, \$200 for the use of property, and two \$200 loans made to JS. JS responded on the same day that no such promise was given. • May 7, 1835. Geauga County, OH.

*Lake v. Smith*: The parties appeared in court. JS entered a plea of non assumpsit. Jurors were sworn. Before the jury deliberated the facts of the case, the court ruled that Lake had failed to provide evidence in support of his claim—requiring the court to order a nonsuit of the case. The court ordered Lake to pay JS \$25.64 for his costs of the suit and also to pay \$10.86 to the court for its costs. • June 16, 1835. Geauga County, OH.

*State of Ohio v. Smith*: JS was brought before the Court of Common Pleas on a bill of indictment for assault and battery against Calvin W. Stoddard. The court found Smith not guilty. • June 16, 1835. Chardon, OH.

*Lake v. Smith*: A writ of collection (*feri facias*) was issued and forwarded to Sheriff Jabez Tracy by Peter Thompson. It was returned on Oct. 20, 1835, "wholly unsatisfied." • June 29, 1835. Chardon, OH.

The assembled body of the Church voted unanimously to accept the first edition of the D&C containing an appendix with the declaration of belief now contained in D&C 134 regarding governments and laws in general and "On Marriage." • Aug. 17, 1835. Kirtland, OH.

JS met with the high council and, through the voice of the Spirit, decided to petition Missouri Governor Daniel Dunklin to restore lands to the Saints who had been driven off. • Sept. 24, 1835. Kirtland, OH.

JS met with the high council and acted in defense of and pleaded for mercy for



those who had been accused of offenses against the Church. • Sept. 29, 1835. Kirtland, OH.

*Lake v. Smith*: Sheriff Jabez Tracy reported to the court that he was unable to recover any costs from Lake. • Oct. 20, 1835. Geauga County, OH.

JS solemnized the marriage of Newel Knight and Lydia Goldthwaite Bailey • Nov. 24, 1835. Geauga County, OH. [Discussed in ch. 8]

## 1836

JS filed certificates of marriage in the Geauga County probate court. • Feb. 22, 1836. Chardon, OH.

JS prepared elders' licenses to send to Medina County in order for them to obtain licenses to perform marriages, since the court in Geauga County had refused. • Mar. 21, 1836. Kirtland, OH.

JS dedicated the Kirtland Temple. • Mar. 27, 1836. Kirtland, OH.

*State of Ohio v. Hurlbut*: Lemman Copley confessed to JS that he had testified falsely against JS in this case. • Apr. 1, 1836. Kirtland, OH.

*Scribner v. Smith*: Sidney Rigdon, JS, and Oliver Cowdery purchased 200 lbs. of lead pipe from merchant Jonathan F. Scribner for \$790.91, due on Oct. 16, 1836. • June 16, 1836.

*Newbould v. Rigdon, Smith, and Cowdery*: The three defendants executed a six-month promissory note for \$287.32 to pay for merchandise they purchased in Buffalo. • June 17, 1836. Geauga County, OH.

*Kelley v. Rigdon, Smith, and Cowdery*: Reynolds Cahoon, Jared Carter, and Hyrum Smith (operating as the firm of Cahoon, Carter & Co.) had executed

a promissory note for \$2,014.74 to pay John Ayers (who assigned it to A. C. Demeritt who assigned it to Hezekiah Kelley), payable in six months. JS, Sidney Rigdon, and Oliver Cowdery (most likely operating as Rigdon, Smith & Cowdery) assumed the obligation. • June 18, 1836. Kirtland, OH.

*Barker for use of Bump v. Smith and Cowdery*: JS and Oliver Cowdery executed a promissory note to pay William Barker \$621.32 in money or Missouri land by Sept. 1, 1836. • July 7, 1836. Kirtland, OH.

*Rigdon, Smith, and Cowdery for use of Smith v. Woodworth*: Eli Woodworth signed a note for \$5.88 to pay Sidney Rigdon, JS, and Oliver Cowdery. • Sept. 19, 1836. Geauga County, OH.

*Smith for use of Hitchcock and Hitchcock v. Cheney*: Cheney was indebted to the plaintiff for \$400 for work, money, goods, and merchandise. • Sept. 22, 1836. Geauga County, OH.

*Lake for use of Quin v. Millet, Smith, and Smith*: Artemus Millet, JS, and Hyrum Smith borrowed \$50 from Cyrus Lake, payable four months later. Lake assigned the obligation to Christopher Quin Jr. • Sept. 26, 1836. Kirtland, OH.

*Smith for use of Granger v. Smalling and Coltrin*: John Coltrin and Cyrus Smalling signed a promissory note for \$500 to pay Julius Granger and JS. • Sept. 30, 1836. OH.

Samuel and Sabrina Canfield executed a promissory note payable to JS for \$500 for the purchase of parts of lots 29, 41, and 42 in Kirtland, which note he held for four weeks. • Oct. 1, 1836. OH.

*Wright v. Whitney and Johnson*: Sidney Rigdon, JS, Oliver Cowdery, Newel K. Whitney, and John Johnson signed two

promissory notes for \$500 each to pay Justus Wright. • Oct. 3, 1836. OH.

**Holmes and Holmes v. Smith and Cahoon:** Lory and Charles Holmes sold three parcels of land in Kirtland township to JS and Reynolds Cahoon for \$12,000. • Oct. 5, 1836. OH.

**Stannard v. Young, Pratt, and Smith:** JS, Brigham Young, and Parley P. Pratt purchased a farm from Claudius Stannard just outside of Chester, Ohio (south of Kirtland) for \$6,914.93, payable \$1,000 that day and \$2,000 within sixty days, which amounts were paid (possibly by way of Kirtland Safety Society notes), with \$1,000 due each October 3 for the next four years (which payments were not paid). • Oct. 11, 1836. Geauga Co., OH.

**Stannard v. Young and Smith:** Brigham Young and JS signed a promissory note for \$235.50 to pay Claudius Stannard and also for “goods sold and delivered amount appearing to be due \$250.” • Oct. 11, 1836. Kirtland, OH.

**Eaton v. Smith:** JS and Oliver Cowdery signed a promissory note to Winthrop Eaton for \$1,150. The note was to be satisfied in Kirtland Safety Society notes in six months. • Oct. 11, 1836. New York City, NY.

**Martindale v. Smith, Whitney, Cahoon, and Johnson:** JS, Newel K. Whitney, Reynolds Cahoon, and Luke Johnson executed a promissory note for \$5,000 to pay Timothy Martindale, payable on Jan. 1, 1837. • Oct. 11, 1836. Kirtland, OH.

**Bailey, Keeler, and Remsen v. Smith and Cowdery:** JS and Oliver Cowdery signed a promissory note to pay to Bailey, Keeler, & Remsen for items purchased, in the amount of \$1,804.94. The note was due in July 1837. • Oct. 12, 1836. Kirtland, OH.

**Scribner v. Smith:** Action to collect \$796.65 from Sidney Rigdon, JS, and Oliver Cowdery. • Oct. 19, 1836. OH.

**Holmes v. Dayton, Slitor, and Smith:** Hiram Dayton, Truman Slitor, and JS issued a promissory note for \$208.30 to pay Ezra Holmes, payable Jan. 1, 1837. • Nov. 16, 1836. Kirtland, OH.

**Cahoon, Carter and Co. v. Avery:** Avery signed a promissory note for \$24.50. • Dec. 2, 1836. Kirtland, OH.

**Patterson and Patterson v. Cahoon, Carter, Smith, Rigdon, Cowdery, and Smith:** Reynolds Cahoon, Jared Carter, and Hyrum Smith (operating as the firm of Cahoon, Carter & Co.) and Sidney Rigdon, Oliver Cowdery, and JS (operating as the firm of Rigdon, Smith & Cowdery) executed a promissory note to pay Gardner & Patterson \$596.46, payable at the Bank of Geauga on Jan. 14, 1837. • Dec. 14, 1836. Geauga County, OH.

## 1837

**Bank of Geauga v. Smith, Whitney, and Rigdon:** JS, Newel K. Whitney, and Sidney Rigdon obtained a loan from the Bank of Geauga for \$3,000, payable in 45 days. • Jan. 22, 1837. Kirtland, OH.

**Rounds qui tam v. Smith:** A writ of summons was issued against JS. He was ordered to appear before the Geauga Court of Common Pleas on Mar. 21, 1837, to answer Samuel D. Rounds and the State of Ohio; \$1,000 damages. The writ stated that on Jan. 4, 1837, JS acted “as an officer of a Bank not incorporated by law of this State and denominated ‘The Kirtland Safety Society Anti Banking Co.’ contrary to the Statute in such case made and provided.” • Feb. 9, 1837. Geauga County, OH. [Discussed in ch. 9]

***Seymour and Griffith v. Rigdon and Smith:*** JS and Sidney Rigdon signed three promissory notes—two for \$20, and one for \$7—to pay John S. Seymour and Thomas Griffith. • Feb. 10, 1837. Kirtland, OH.

***State of Ohio v. Auken:*** JS had been subpoenaed to appear in the Portage County Court of Common Pleas and testify as a character witness for John Alford, a prosecution witness. JS did not appear and was charged with contempt of court. • Feb. 14, 1837. Portage County, OH.

***Martindale v. Smith:*** Timothy Martindale filed suit against JS and his other co-obligators under a promissory note, alleging damages of \$7,500. • Feb. 16, 1837. Geauga County, OH.

***Martindale v. Smith:*** JS and his co-defendants filed a \$10,000 bail bond with Warren Parrish, Hyrum Smith, Oliver Cowdery, and Vinson Knight as sureties. The case was continued until the next term. • Feb. 22, 1837. Geauga County, OH.

***Rounds qui tam v. Smith:*** Plaintiff's attorney R. Hitchcock filed a writ asserting the defendant's failure to incorporate by law the Kirtland Safety Society Anti-Banking Co., and sued for \$1,000—one half for the state of Ohio and the other half for the plaintiff. • Mar. 1837. Geauga County, OH.

***Bank of Geauga v. Smith:*** Defendants owed the Bank \$4,000, and promised to pay the money on request. • Mar. 2, 1837. Kirtland, OH.

***Seymour and Griffith v. Rigdon and Smith:*** JS and Sidney Rigdon signed a fourth promissory note with John S. Seymour and Thomas Griffith for \$100. • Mar. 9, 1837. Kirtland, OH.

***Millet for use of Smith v. Woodstock:*** Willard Woodstock made a bill to A. Millet for \$1.85, payable when drawn. • Mar. 9, 1837. OH.

***Usher v. Smith:*** Moses Usher obtained a judgment before Justice of the Peace Ariel Hanson against JS for \$35.70 plus court costs. • Mar. 15, 1837. Kirtland, OH.

***Martindale v. Smith:*** JS appeared before the Court of Common Pleas to enter special bail. • Mar. 21, 1837. Geauga County, OH.

***Bank of Geauga v. Smith:*** The bank sued JS and his co-obligators in the Court of Common Pleas. • Mar. 22, 1837. Kirtland, OH.

***Kelley v. Rigdon:*** Hezekiah Kelley sued JS and his co-obligors in the Court of Common Pleas on the promissory note assigned to Kelley claiming damages of \$3,000. • Mar. 22, 1837. Geauga County, OH.

***Bank of Geauga v. Smith:*** Sheriff Abel Kimball endorsed the writ and arrested the defendants two days later. • Mar. 24, 1837. Kirtland, OH.

***Bank of Geauga v. Smith:*** JS and his co-defendants posted a bail bond of \$8,000 with Vinson Knight and Ira Bond as sureties. The case was continued until the next term. • Mar. 24, 1837. Kirtland, OH.

***Holmes v. Dayton:*** Ezra Holmes filed a suit against JS and his co-obligors in the Court of Common Pleas to collect on a promissory note, claiming damages of \$500. • Mar. 28, 1837. Geauga County, OH.

***Patterson and Patterson v. Cahoon:*** George A. H. Patterson and John Patterson filed a suit against Cahoon, Carter & Co., and Rigdon, Smith & Cowdery

to collect on a promissory note claiming damages of \$1,000. • Mar. 28, 1837. Geauga County, OH.

*Patterson and Patterson v. Cahoon*: Copies of the writ were left with Reynolds Cahoon, Jared Carter, Hyrum Smith, JS, and Sidney Rigdon. Oliver Cowdery was not found. The case was continued until the next term. • Mar. 29, 1837. Geauga County, OH.

*State v. Auken*: A writ of *capias ad testificandum* (to give evidence) was issued and delivered to Sheriff George Wallace. Attachment was returned May 7, 1837. • Mar. 30, 1837. Portage County, OH.

*State of Ohio v. Smith*: JS was ordered to appear and respond to charges of contempt of court for failing to appear pursuant to a subpoena in the case of *State v. Auken*. • Apr. 7, 1837. Portage County, OH. [Discussed in ch. 10]

*State of Ohio v. Smith*: JS personally appeared in court and filed his answer to the writ issued Mar. 30, 1837, at the Portage Court of Common Pleas. JS stated that he had attended court on Feb. 16, 1837, but that Alford, the prosecuting witness, was absent. Since JS was summoned to sustain the character of Alford, JS was informed on Feb. 16 that he “would not be wanted.” • Apr. 9, 1837. Portage County, OH.

*Bump v. Smith*: JS signed a promissory note for \$854.28 to pay to M. C. Davis, JS’s gunsmith, singing teacher, and bodyguard. Davis transferred the note to Jacob Bump, who sued in the Justice Court. • Apr. 11, 1837. Kirtland, OH.

*Bailey and Reynolds v. Smith*: JS, along with Sidney Rigdon, Hyrum Smith, Edmund Bosley, and John Johnson issued a promissory note to John W.

Howden. Howden later endorsed the note to Nathaniel P. Bailey and Henry J. Reynolds for \$825; the note was for “goods sold and delivered, money had & received &c.” • Apr. 13, 1837. Geauga County, OH.

*Boynton and Hyde v. Smith*: JS, along with Sidney Rigdon, Edmund Bosley, John Johnson, and Hyrum Smith, executed a promissory note to pay John W. Howden \$825 with interest five months from date. The note was later assigned to Ray Boynton and Harry Hyde. • Apr. 13, 1837. Geauga County, OH.

*State of Ohio on complaint of Newel v. Smith*: Grandison Newell made a complaint before Justice of the Peace Edward Flint claiming that “he has just cause to fear and did fear, that Joseph Smith Jr. would kill him or procure other persons to do it.” A warrant was issued for JS the same day. • Apr. 13, 1837. Geauga County, OH. [Discussed in ch. 10]

*Martindale v. Smith*: Plaintiff by his attorney Hitchcock filed his declaration with Geauga Court of Common Pleas clerk D. D. Aiken. The declaration stated the indebtedness: \$5,000 on Oct. 11, 1836; \$6,000 on Feb. 20, 1837; \$7,500 on Apr. 25, 1837. • Apr. 24, 1837. Geauga County, OH.

*Newbould v. Rigdon, Smith, and Cowdery*: Rigdon, JS, and Cowdery were arrested. A bail bond was subsequently posed by Martin Harris and five others. • Apr. 25, 1837. Geauga County, OH.

*Patterson and Patterson v. Cahoon*: The plaintiffs filed their declaration at the Geauga Court of Common Pleas. The declaration stated the intent of the defendants was to pay Gardner and Patterson \$596.46 one month after date of execution, which was Dec. 14, 1836. By Mar. 1, 1837, the defendants had incurred a further

debt of \$800 for work and merchandise Gardner and Patterson had sold to them. • Apr. 29, 1837. Geauga County, OH.

*State v. Auken*: JS appeared before the Court of Common Pleas. His defense against the charge of not appearing was that he appeared on Feb. 16 instead of Feb. 14, 1837, because he understood he was to appear on the 16th. The court dismissed the contempt charges on the condition that JS paid the court costs of \$4.70. • May 8, 1837. Portage County, OH.

***Foster v. Johnson, Johnson, Smith and Smith***: Luke and Lyman E. Johnson signed a promissory note to pay William Foster by Dec. 1, 1838. At some time the note was endorsed by Hyrum and JS. • May 15, 1837. Kirtland, OH.

*State of Ohio on complaint of Newel v. Smith*: Constable George Lockwood returned with JS to the Justice of the Peace Court. JS was not ready for his trial, so the case was continued until June 3, 1837. • May 30, 1837. Geauga County, OH.

*State of Ohio on complaint of Newel v. Smith*: Constable George Lockwood returned to court with JS. The Court heard witnesses, and JS was recognized to the amount of \$500 and was to appear at the next Court of Common Pleas. • June 3, 1837. Geauga County, OH.

*State of Ohio on complaint of Newel v. Smith*: JS was brought before the Court of Common Pleas. The court, upon hearing the evidence, discharged him at the cost of the state. • June 5, 1837. Kirtland, OH.

*Kelley v. Rigdon*: The case was tried before the Court of Common Pleas, where the court entered judgment against the defendants in the amount of \$2,083.47 and court costs of \$10.53. • June 5, 1837. Kirtland, OH.

*Martindale v. Smith*: All parties appeared before the court and settled the matter by mutual agreement. • June 5, 1837. Kirtland, OH.

*Patterson and Patterson v. Cahoon*: JS and his co-defendants failed to appear after being requested three times to come to court. A default judgment was entered against them. The plaintiffs were awarded \$610.37 in damages and court costs of \$11.50. • June 5, 1837. Kirtland, OH.

*Holmes v. Dayton*: JS and his co-defendants did not appear. A default judgment was entered against them in the amount of \$183.30 and court costs of \$11.50. • June 5, 1837. Geauga County, OH.

*Bank of Geauga v. Smith*: The parties appeared in court and informed the court that the case had been settled. The defendants were assessed court costs of \$11.20. • June 5, 1837. Kirtland, OH.

*Eaton v. Smith*: Winthrop Eaton, by his attorneys Andrews & Foot, filed a writ of *capias ad respondendum* at the Geauga Court of Common Pleas. Sheriff Abel Kimball was to have JS and Oliver Cowdery before the Court of Common Pleas to answer Eaton's plea of *assumpsit*; damages were \$2,000. • June 6, 1837. Geauga County, OH.

***Underwood v. Rigdon***: Four plaintiffs, who had been employed as engravers for the printing of Kirtland Safety Society notes, summon sixteen defendants seeking payment for services rendered. • June 9, 1837. Geauga County, OH.

*Eaton v. Smith*: JS appeared at the Geauga County Court of Common Pleas in response to a writ of *capias respondendum* issued on June 6, 1837, in connection with Eaton's *assumpsit* case against

him and Oliver Cowdery. • June 9, 1837. Geauga County, OH.

*Smith for use of Hitchcock and Hitchcock v. Cheney*: Plaintiffs by their attorney Reuben Hitchcock filed a writ of summons against Elijah Cheney to answer an assumpsit plea. • June 9, 1837. Geauga County, OH.

***Commercial Bank of Lake Erie v. Cahoon, Smith, and Young***: Reynolds Cahoon, JS, and Brigham Young signed a promissory note to pay the Commercial Bank of Lake Erie for \$1,225 payable in three months. • July 3, 1837. Geauga County, OH.

*Underwood v. Rigdon*: Plaintiffs file their declaration seeking \$1,643.63 plus costs. • July 7, 1837. Geauga County, OH.

*Lake for use of Quin v. Millet*: Christopher Quin Jr. sued Artemus Millet, JS, and Hyrum Smith to collect on a \$50 obligation that was assigned to him by Cyrus Lake, plus accrued interest. • July 8, 1837. Geauga County, OH.

*Newbould v. Rigdon, Smith, and Cowdery*: Plaintiff filed his declaration for the amount due on the promissory note plus \$400 for additional goods sold. • July 8, 1837. Geauga County, OH.

*Lake for use of Quin v. Millet*: A trial was held before the Justice Court in Kirtland and Justice of Peace Oliver Cowdery. The defendants did not appear, and a default judgment was entered in favor of Quin in the amount of \$52.39 and \$0.60 in court costs. • July 12, 1837. Kirtland, OH.

*Holmes v. Dayton*: The judgment was satisfied. • July 15, 1837. Geauga County, OH.

*Bank of Geauga v. Smith*: The court costs were paid. • July 15, 1837. Geauga County, OH.

*Bailey v. Smith*: B. Graham requested that Lord Sterling secure payment on the Smith and Cowdery note “by security or otherwise.” Graham found that the note due on July 15 was protested at Cleveland then returned. Graham ordered the note forwarded to Sterling, requesting Sterling pursue the best course to secure it. • July 18, 1837. OH.

*Millet and Joseph Smith v. Woodstock*: Willard Woodstock failed to appear in the justice court and a judgment on his promissory note was rendered in favor of Artemis Millet for use of JS in the amount of \$1.87 plus \$0.40 in court costs. • July 20, 1837. Kirtland, OH.

***Cahoon, Carter and Co. for use of Smith v. Draper***: JS obtained a summons against Marvin C. Draper for payment of a promissory note made payable to Cahoon, Carter & Co. for \$4.49 and it was returned “served by copy.” • July 22, 1837. Geauga County, OH.

*Cahoon, Carter and Co. for use of Smith v. Draper*: JS brought his action of debt against Marvin C. Draper before Oliver Cowdery, Justice of the Peace. The defendant did not appear, and the case was continued until Aug. 19, 1837. • July 25, 1837. Geauga County, OH.

*Barker for use of Bump v. Smith and Cowdery*: Second Sheriff Abel Kimball was ordered to bring JS and Oliver Cowdery before the Geauga Court of Common Pleas to answer an assumpsit plea of Barker for use of Bump; damages of \$1,000 were found. • July 26, 1837. Geauga County, OH.

*Seymour and Griffith v. Rigdon and Smith*: John S. Seymour and Thomas Griffith filed a suit on a promissory note dated Feb. 10 and Mar. 9, 1837, with face value of \$150. They also filed a writ of

capias against Sidney Rigdon and JS. Rigdon and Smith were arrested by Second Sheriff Abel Kimball and held in custody until Seymour and Griffith requested their release. • July 27, 1837. Kirtland, OH.

On their journey to visit the Saints in Canada, JS, Sidney Rigdon, and Thomas B. Marsh were detained all day in Painesville, Ohio, because of malicious lawsuits. Regarding *Barker for use of Bump v. Smith and Cowdery*, Second Sheriff Kimball arrested JS and Oliver Cowdery and took Smith's bail bond. Anson Cook, William Earl, and Vinson Knight acted as sureties. • July 27, 1837. Painesville, OH. [Discussed in ch. 10]

Six lawsuits were heard the same day. • July 27, 1837. Painesville, OH.

*Rigdon, Smith, and Cowdery for use of Smith v. Woodworth*: Sidney Rigdon, JS, and Oliver Cowdery brought suit against Eli Woodworth for not paying the note. Both parties appeared without process. The defendant claimed a set-off of book account for \$3.50, and testified to his account. The balance was struck and judgment rendered against defendant for \$1.68, plus court costs of \$0.58. • July 31, 1837. Kirtland, OH.

*Cahoon, Carter and Co. v. Avery*: Arvin Avery failed to appear in justice court, and a judgment was rendered in favor of Cahoon, Carter & Co. for use of JS in the amount of \$7.89. Avery had signed a promissory note dated Dec. 2, 1836, for \$24.50. • Aug. 5, 1837. Kirtland, OH.

*Allen v. Granger* (originally *Allen v. Smith, Cowdery, Knight, Orton, Cahoon*): Justice of the Peace Frederick G. Williams rendered a judgment against JS, Oliver Cowdery, Vinson Knight, Roger Orton, and Reynolds Cahoon being the Kirtland Steam Company for \$23, with

\$1.31½ court costs. • Aug. 8, 1837. Char-don, OH.

*State of Ohio vs. Smith [Joseph Smith Sr.] et al.* Joseph Smith Sr. and 18 others including JS's brothers William, Samuel, and Don Carlos, were charged with riot and assault and battery on the complaint of Warren Parrish. Parrish and others, armed with pistols and Bowie knives, attempted to take possession of the Kirtland Temple. Joseph Sr. and the 18 other named defendants removed them. Justice of the Peace Oliver Cowdery discharged all defendants. • August 15, 25, and 26, 1837. Kirtland, OH. [Discussed in ch. 10]

*Usher v. Smith*: An order vacating the court record (*scire facias*) was issued to Constable B. H. Phelps, returnable on Aug. 24, 1837, at 10 a.m. Moses Usher also signed judgment over to Oliver Granger by receipt on the transcript. The Justices Court received \$0.59 from Granger. • Aug. 17, 1837. Kirtland, OH.

*Usher v. Smith*: Judgment was entered against JS for the amount of \$36.60 plus court costs when he did not appear before the Justice of the Peace. • Aug. 24, 1837. Kirtland, OH.

*Halsted, Haines & Co. v. Granger*: JS signed as surety along with twenty-nine other people for a \$2,251.77 promissory note. In a separate matter, JS and others signed two additional promissory notes to Halsted, Haines & Co. on this date—one for \$2,323.66 and another for \$2,395.57. • Sept. 1, 1837. Kirtland, OH.

*Boynton and Hyde v. Smith*: JS became further indebted to Ray Boynton and Harry Hyde, who received John W. Howden's \$825 note by assignment, for \$1,200 total debt owed. • Sept. 1, 1837. Geauga County, OH.

*Bailey v. Smith*: Plaintiff's attorney Lord Sterling directed an instruction (pre-*cipe*) to the Geauga Court of Common Pleas clerk, requesting he issue a summons returnable at the next court term for \$1,804. • Sept. 7, 1837. Geauga County, OH.

***State of Ohio v. Ritch***: Justice of the Peace Oliver Cowdery issued a warrant against Abram Ritch, upon oath of JS, to constable B. H. Phelps for "unlawful oppression by color of office." JS claimed that Ritch had criminally misused his office as constable. • Sept. 12, 1837. Kirtland, OH. [Discussed in ch. 10]

*State of Ohio v. Ritch*: The warrant was returned concerning defendant Abram Ritch. Subpoenas were granted for several people including JS. The defendant pled not guilty to the charges. • Sept. 14, 1837. Geauga County, OH.

*Rigdon, Smith, and Cowdery for use of Smith v. Woodworth*: Execution was issued to Constable J. Markell. • Sept. 15, 1837. OH.

*Bailey, Keeler, and Remsen v. Smith and Cowdery*: JS, Reuben Hedlock, Sidney Rigdon, John Gould, and Vinson Knight signed three promissory notes for \$609.18 each to pay Bailey, Keeler and Remsen 12, 18, and 24 months from date. • Sept. 26, 1837. Geauga County, OH.

***Bump v. Smith and Smith***: JS and Samuel H. Smith signed a promissory note to pay Ebenezer Jennings \$43, sixty days after this date. • Sept. 27, 1837. Kirtland, OH.

Oliver Granger became JS's and Sydney Rigdon's agent and held a power of attorney on their behalf to settle their business affairs in Kirtland after their departure. • Sept. 27, 1837. Kirtland, OH.

*Underwood v. Rigdon*: Defendants file their answer and plea. • Oct. 1837. Geauga County, OH.

*Wright v. Whitney and Johnson*: A writ commanding the sheriff to take the defendant and hold him responsible to answer the complaint *capias ad respondendum* was issued against Sidney Rigdon, JS, Oliver Cowdery, Newel K. Whitney, and John Johnson. They were commanded to appear at the Geauga Court of Common Pleas on Oct. 24 to answer Justus Wright's assumpsit plea. • Oct. 11, 1837. Geauga County, OH.

*Wright v. Whitney and Johnson*: Recognizance of special bail was entered into by Newel K. Whitney, John Johnson, Heman Hyde, and Jacob Bump for \$3,000 each, stating that if Whitney and Johnson were condemned in the suit, the four above mentioned would pay costs. • Oct. 24, 1837. Geauga County, OH.

*Seymour and Griffith v. Rigdon and Smith*: Seymour and Griffith dropped their suit started on July 27, and Rigdon and Smith were awarded costs of \$1.11 in the Court of Common Pleas before Judge Van R. Humphrey. • Oct. 24, 1837. Geauga County, OH.

*Barker for use of Bump v. Smith and Cowdery*: The plaintiff discontinued his suit, and defendants recovered against the plaintiff \$1.27 in costs. The plaintiff paid his own costs of \$4.92. • Oct. 24, 1837. Geauga County, OH.

*Rounds qui tam v. Smith*: The court issued a judgment for the plaintiff of \$1,000 in *qui tam* case (regarding notes that lost all value when the Kirtland Safety Society failed). • Oct. 24, 1837. Geauga County, OH.

*Smith for use of Hitchcock and Hitchcock v. Cheney*: Defendant was demanded three



times to defend suit, but defaulted. Plaintiff recovered against defendant for use of Hitchcock & Hitchcock a sum of \$213.92 damages plus court costs of \$9.79. The defendant was ordered to pay his own costs of \$0.76. Execution was issued. • Oct. 24, 1837. Geauga County, OH.

*Newbould v. Rigdon, Smith, and Cowdery:* The case was settled out of court by mutual agreement of the parties and discontinued, with the defendants being assessed the court costs. • Oct. 24, 1837. Geauga County, OH.

*Bailey and Reynolds v. Smith:* Nathaniel P. Bailey and Henry J. Reynolds sued JS and the other signers of the note and sought a writ of *capias ad respondendum* against JS and the other signers of the note for damages of \$1,200. Second Sheriff Abel Kimball and Deputy J. A. Tracy attempted to serve the writ but could not find any of the defendants within their jurisdiction. The case was continued until the next term of court in April of the following year. • Oct. 25, 1837. Geauga County, OH.

*Rounds qui tam v. Smith:* Jurors Guy Wyman, Caleb E. Cummings, John A. Ford, William Coafts, David Smith, George Patchin, Ira Webster, Stephen Hulbert, William B. Crothers, Jason Manley, Joseph Emerson, and Thomas King found the defendant indebted to the plaintiff for \$1,000. The plaintiff was to recover against the defendant \$1,000 plus costs. A bill of exceptions was signed by Van R. Humphrey, Daniel Kerr, Storm Rosa, and John Hubbard, stating that JS was a director in the “society,” and assisted in issuing paper or bills, thus making “him an ‘officer’ within the meaning of the statute.” • Oct. 25, 1837. Geauga County, OH.

*Holmes v. Smith:* A writ of summons was issued against JS and Reynolds Cahoon commanding them to appear before the Court of Common Pleas in Chardon to answer Lory & Charles Holmes’ assumpsit plea. • Oct. 25, 1837. Geauga County, OH.

*Scribner v. Smith:* Scribner requested a writ of summons against Sidney Rigdon, JS, and Oliver Cowdery. The suit was brought to recover goods and money advanced amounting to \$850. • Oct. 26, 1837. OH.

*Commercial Bank of Lake Erie v. Cahoon, Smith, and Young:* A writ of summons was issued against Reynolds Cahoon, JS, and Brigham Young to answer to the president, directors, and company of the Commercial Bank of Lake Erie, to the amount of \$2,000. Suit brought on July 1837 default note. • Oct. 26, 1837. Geauga County, OH.

*Boynton and Hyde v. Smith:* Boynton and Hyde obtained a writ of summons against JS for failure to fulfill the promissory note, and left a copy with Emma Smith, because JS was absent from home that day. • Oct. 26, 1837. Geauga County, OH.

*Stannard v. Young and Smith:* Summons were issued for Brigham Young and JS to appear before the Geauga Court of Common Pleas to answer Stannard’s assumpsit plea and make payment of the note. • Oct. 28, 1837. Geauga County, OH.

*Rounds qui tam v. Smith:* A writ of collection (*feri facias*) was issued and delivered to Sheriff Abel Kimball. • Nov. 6, 1837. Geauga County, OH.

*Stannard v. Young and Smith:* The plaintiff, by his attorney Lord Sterling, filed his declaration, citing the failure of the defendants to pay \$235.50, which was

overdue as of Oct. 3, 1837. • Dec. 4, 1837. Geauga County, OH.

*Foster v. Johnson*: On plaintiff's complaint, a summons was issued to Constable J. Markell. It was served on Luke Johnson, Hyrum Smith, and JS the same day. Lyman Johnson was not found. • Dec. 18, 1837. Geauga County, OH.

*Foster v. Johnson*: The parties were scheduled to appear, but the defendants did not appear. Judgment was rendered against the defendants for \$9.02 debt plus \$1.05 for the cost of suit. Lyman Cowdery posted bail for the defendants. • Dec. 23, 1837. Kirtland, OH.

## 1838

*Bump v. Smith*: The plaintiff issued a writ to take (*writ of capias*) to constable Luke Johnson, which was returned endorsed by the defendant (*cepi corpus*). Judgment was rendered for \$100 debt plus \$1.09 for the cost of suit. • Jan. 1, 1838. Kirtland, OH.

*Allen v. Granger*: The defendants failed to appear, and a judgment of \$20.57½ plus \$0.64 for the cost of the suit was rendered against them. • Jan. 8, 1838. Kirtland, OH.

*Foster v. Johnson*: William Foster authorized Justice of the Peace Warren A. Cowdery to transfer the judgment to J. W. and W. W. Oakley. • Jan. 11, 1838. Geauga County, OH.

*Martindale v. Smith*: The court costs were paid. • Jan. 11, 1838. Geauga County, OH.

JS and Sidney Rigdon fled Kirtland to escape mob violence. They arrived in Far West, Mo., in March. • Jan. 12, 1838. Kirtland, OH.

*Lake for use of Quin v. Millet*: Christopher Quin Jr. received the amount of the judgment. • Jan. 15, 1838. Geauga County, OH.

***Wilder v. Rounds***: Sheriff Abel Kimball served notice regarding property levied under a writ of execution issued from the Geauga Court of Common Pleas, including some hay located in a barn that JS had occupied, claimed by Harvey Strong and Joseph Wilder. • Jan. 16, 1838. Kirtland, OH.

*Wilder v. Rounds*: The parties appeared before the court, and the jury ruled in favor of Joseph Wilder and Harvey Strong. • Jan. 18, 1838. Geauga County, OH.

*Allen v. Granger, Smith, Cowdery, Carter, Knight, Orton, and Cahoon*: The execution returned \$9.25 but no further property was found against which to levy court costs. • Jan. 24, 1838. Geauga County, OH.

***Spencer v. Cahoon, Carter, Smith, Smith, Rigdon, and Smith***: On November 9, 1835, the Kirtland Temple building committee incurred a \$50 debt to William Spencer, payable "when called for." When this action was commenced six defendants were named, including JS, but the court determined that only Cahoon, Carter, and Hyrum Smith were members of the committee and discharged the others. • Jan. 25, 1838. Geauga County, OH.

*Allen v. Granger, Smith, Cowdery, Carter, Knight, Orton, and Cahoon*: \$5.41 of the judgment was received. • Jan. 26, 1838. Geauga County, OH.

*Smith for use of Granger v. Smalling and Coltrin*: JS obtained from the county clerk a writ requiring the sheriff to find the defendant and then to require him to answer the complaint (*capias ad respondendum*) against John Coltrin and Cyrus Smalling for failure to pay a \$500 promissory note for services provided by Julius Granger. • Feb. 28, 1838. Geauga County, OH.

*Holmes and Holmes v. Smith and Cahoon:* In the Court of Common Pleas in Geauga County the plaintiffs sued on two promissory notes of \$5,000 each. A default judgment was rendered for \$10,071. • About Mar. 1838. Geauga County, OH.

*Stannard v. Young, Pratt, and Smith:* Having initiated a suit against JS, Brigham Young, and Parley P. Pratt, the day before the case was scheduled to be heard, the parties settled. Apparently some additional payment was made and the farm returned. • Apr. 2, 1838. Geauga Co., OH.

*Rounds qui tam v. Smith:* The writ of collection (*feri facias*) was returned. Sheriff Abel Kimball had levied another writ in favor of the same plaintiffs against Sidney Rigdon upon properties sold for \$604.50 and another property sold for \$111.75. This matter remained unsettled until after JS's death, when the judgment was revived and satisfied. • Apr. 3, 1838. Geauga County, OH.

*Wright v. Whitney and Johnson:* The defendant, being demanded to appear at court three times, did not come and made default. The plaintiff recovered against Whitney and Johnson his damages of \$1,055.31, plus costs (\$11.51). Defendants pay own costs (\$1.89). Execution was issued to collect on judgment. • Apr. 3, 1838. Geauga County, OH.

*Holmes and Holmes v. Smith and Cahoon:* The defendants, having been called to appear, made default. The plaintiffs recovered in full against the defendants \$10,071.48, plus \$10.38 costs. • Apr. 3, 1838. Geauga County, OH.

*Stannard v. Young and Smith:* The defendants made default, and the plaintiff recovered damages of \$256.40, plus costs of \$10.44. Execution was issued to collect on the same. • Apr. 3, 1838. Kirtland, OH.

*Bailey and Reynolds v. Smith:* The case was settled on the condition that plaintiffs pay the court costs of \$2.50 and that the defendants recovered their costs of \$0.60. The court issued an execution order for the plaintiffs to collect on the judgment. On June 4, 1838, plaintiffs discontinued this suit. • Apr. 3, 1838. Kirtland, OH.

*Commercial Bank of Lake Erie v. Cahoon, Smith, and Young:* The parties appeared in court, and the cause was settled and costs were paid. Plaintiffs' costs were \$4.26; defendants' costs were \$4.51. • Apr. 3, 1838. Geauga County, OH.

*Boynton and Hyde v. Smith:* JS did not appear in court and was judged to be in default. Boynton and Hyde were awarded \$881.15 in damages and \$11.15 in costs. • Apr. 3, 1838. Geauga County, OH.

*Smith for use of Granger v. Smalling and Coltrin:* The defendant was released after posting bail. The case was continued. • Apr. 3, 1838. OH.

JS and Sidney Rigdon attended the High Council by invitation and filled in as councilors in an ecclesiastic appeals case. • Apr. 28, 1838. Far West, MO.

*Foster v. Johnson:* J. W. and W. W. Oakley received judgment in full. • May 8, 1838. Geauga County, OH.

JS attended the ecclesiastical trial of William E. McLellin and Dr. McCord before the bishop's court. Both were excommunicated. • May 11, 1838. Far West, MO.

JS and other leaders left Far West to visit the north counties for the purpose of establishing land claims for the gathering of the Saints in Caldwell and Daviess counties. • May 18, 1838. Far West, MO. **[Discussed in ch. 11]**

Allen v. Granger, Smith, Cowdery, Carter, Knight, Orton, and Cahoon: An appeal was brought by plaintiff Allen in the Geauga County Court of Common Pleas seeking to recover \$23 debt from Granger, who claimed he did not owe the debt. Allen discontinued the suit and was ordered to pay his own and Granger's costs of \$8.50. • June 4, 1838. Kirtland, OH.

JS attended circuit court and received a visit from Judge Austin A. King. • July 31, 1838. Far West, MO.

JS went with a group of about 15 brethren to Colonel Lyman Wight's in Gallatin, Missouri, and met with the Saints who had been beaten while trying to vote. • Aug. 7, 1838. Far West, MO.

JS met with the Justice of the Peace Adam Black, who gave a written agreement to the Saints to uphold the law. • Aug. 8, 1838. Daviess County, MO.

JS and other Saints met with a citizens committee from Millport, Missouri, and entered into a covenant of peace with them. JS then rode to Far West. • Aug. 9, 1838. Adam-ondi-Ahman, MO.

JS was chased by "evil designing men" on his journey back to Far West from the Grand River and upon arrival was informed of a writ for his arrest for a complaint brought by Adam Black. • Aug. 13, 1838. Far West, MO.

JS told Sheriff William Morgan of Daviess County that he wished to be tried in Caldwell County according to the law. • Aug. 16, 1838. Far West, MO.

JS met with various inhabitants of Caldwell County, who had formed themselves into "Agricultural Companies." • Aug. 20, 1838. Far West, MO.

JS visited with a man from Livingston County, Missouri, who gave him reports of a growing mob in Daviess County. • Sept. 2, 1838. Far West, MO.

JS engaged Generals David R. Atchison and Alexander W. Doniphan as his lawyers. • Sept. 4, 1838. Far West, MO.

JS's hearing at the home of Waldo Littlefield before Judge Austin A. King could not proceed because of the absence of Adam Black, the plaintiff. • Sept. 6, 1838. Daviess County, MO.

In a hearing in John Raglin's home, Adam Black claimed his life had been threatened by Church members, and JS was required to post a \$500 security bond despite the lack of evidence against him. • Sept. 7, 1838. Daviess County, MO.

JS received news that a mob planned to attack Adam-ondi-Ahman, Missouri. • Sept. 8, 1838. Far West, MO.

A mob was frustrated in its attempts to attack Adam-ondi-Ahman, Missouri, but the mobbers continued to send taunting reports of tortured prisoners to JS and the Saints, trying to provoke them to commit the first act of violence. • Sept. 9, 1838. Far West, MO.

JS received a report that citizens from Daviess County, Missouri, had sent a letter to Governor Lilburn W. Boggs, filled with lies and falsehoods about the Saints in Missouri. • Sept. 12, 1838. Far West, MO.

JS was at home with illness when Lilburn W. Boggs, governor of Missouri, issued orders to General David W. Atchison of the state militia to march into Daviess and Caldwell counties in Missouri and assist in the apprehension of certain Church leaders. • Sept. 18, 1838. Far West, MO.

A committee of the Church related to JS that they had entered into an agreement with a mob to purchase the lands of all of those citizens wishing to leave Daviess County. • Sept. 26, 1838. Far West, MO. [**Discussed in ch. 11**]

An armed mob held the Saints in De Witt under siege for a period of days, during which time JS saw several of the brethren die from starvation. • Oct. 9, 1838. De Witt, MO.

JS preached about the scripture “Greater love hath no man than this, that he lay down his life for his brethren” and requested the support of all who would stand by him to meet on the public square the next day. • Oct. 14, 1838. Caldwell County, MO.

JS traveled to Adam-ondi-Ahman with a militia company of about a hundred men under the command of Colonel George M. Hinkle to protect the Saints from the Daviess County mob. • Oct. 15, 1838. Far West, MO.

*Halsted, Haines and Co. v. Granger*: William H. Halsted and others requested a writ of summons against Jared Carter and others to appear at the Geauga Court of Common Pleas to answer an assumpsit plea of Halsted, Haines, and Co. • Oct. 15, 1838. Geauga County, OH.

Lilburn W. Boggs, governor of Missouri, issued an extermination order which stated, “The Mormons must be treated as enemies and must be exterminated or driven from the state.” • About Oct. 27, 1838. Jefferson City, MO. [**Discussed in ch. 11**]

About 3,500 mob members and Missouri militia approached Far West, acting on orders from Governor Lilburn W. Boggs. • Oct. 30, 1838. Far West, MO.

A mob from Livingston County, MO, attacked the Mormon settlement at Haun’s Mill, killing seventeen Mormons. • Oct. 30, 1838. Haun’s Mill, Caldwell County, MO.

Colonel George M. Hinkle, on the pretense that the hostile militia surrounding Far West desired a truce, escorted JS and other Church leaders to a supposed parley with militia officers. Instead, the men were taken prisoner and marched to the enemy camp on Goose Creek. • About Oct. 31, 1838. Far West, MO.

At Goose Creek camp, officers of the Missouri militia held a court martial and sentenced JS, his brother Hyrum Smith, and others to be shot at 9:00 a.m. that morning, but General Alexander W. Doniphan refused to carry out the sentence. • Nov. 1, 1838. Caldwell County, MO. [**Discussed in ch. 12**]

JS’s wife and children wept as the guards thrust them away with their swords and took the Prophet under heavy guard toward Independence, Missouri. • Nov. 2, 1838. Far West, MO.

*Smith for use of Granger v. Smalling and Coltrin*: In the Geauga County Court, an action was brought against a promissory note for \$500 signed Sept. 30, 1836, by John Coltrin and Cyrus Smalling for service performed by Julius Granger. The defendants counterclaimed against JS for \$2,000 allegedly owed for “various goods and merchandise” as well as \$1,500 for Kirtland Safety Society notes, an “unauthorized bank paper.” In a jury trial, the defendants recovered their costs of \$23.24 and the plaintiffs paid their own costs of \$5.31. • Nov. 6, 1838. Geauga County, OH.

*Smith for use of Granger v. Coltrin*: Lawyers for JS and Julius Granger gave notice

of intent to appeal the case. • Nov. 8, 1838. Geauga County, OH.

Colonel Sterling Price chained JS and the other prisoners together in an old vacant house. • Nov. 9, 1838. Richmond, MO.

***State of Missouri v. Joseph Smith and others:*** On the first day of JS's hearing before Judge Austin A. King, a group of armed men was sent out to obtain witnesses. • Nov. 12, 1838. Richmond, MO. [Discussed in ch. 12]

Over forty witnesses appeared at court and testified against JS. • Nov. 13, 1838. Richmond, MO.

All of the witnesses requested by JS and many of his brethren were arrested, thrown in prison, and prohibited from testifying. • Nov. 18, 1838. Richmond, MO.

The preemption rights of the Saints lapsed while many were unjustly detained in preliminary hearings. Some of their lands were purchased by their Missouri enemies. • Nov. 23, 1838. [Discussed in ch. 11]

After being abused and enduring an unjust preliminary hearing, JS and five of the other brethren were committed to Liberty Jail in Liberty, Missouri, by Judge Austin A. King. • Nov. 29, 1838. Richmond, MO.

Heber C. Kimball and Alanson Ripley were appointed by the brethren in Far West, Missouri, to visit JS and the others in Liberty Jail "as often as circumstances would permit." • About Dec. 1, 1838. Far West, MO.

*Halsted, Haines, and Co. v. Granger:* The plaintiffs, by their attorneys, Perkins and Osborn, filed their declaration in the Geauga County Court of Common Pleas clerk's office, citing the defendants'

failure to pay the promissory note and claiming damages totaling \$3,000. • Dec. 17, 1838. Geauga County, OH.

Emma Smith visited her husband, JS, in Liberty Jail. • Dec. 20, 1838. Liberty, MO.

JS spent Christmas Day imprisoned in Liberty Jail. • Dec. 25, 1838. Liberty, MO.

## 1839

All six inmates in Liberty Jail petitioned Judge Joel Turnham for a writ of habeas corpus. Only Sidney Rigdon's was granted because of insufficient evidence against him. He was released that night and was pursued but succeeded in arriving in Illinois. • Feb. 1839. Liberty, MO. [Discussed in ch. 12]

After much rude treatment in jail and lack of due respect from the law, JS considered escaping from Liberty Jail and received a confirmation that he and the brethren could go that night if they all assented. Lyman Wight objected, however, so they delayed the attempt. • Feb. 7, 1839. Liberty, MO.

After JS's failed escape attempt, local citizens gathered outside of Liberty Jail and threatened to kill JS and his fellow inmates. JS prophesied that he and his friends would be kept safe. • Feb. 8, 1839. Liberty, MO.

***Smith v. McLellin:*** William E. McLellin was summoned to appear before the Clay County Circuit on the first day of the next term. While JS was imprisoned in Liberty Jail, he sued McLellin for trespass and accused him of stealing some personal items. • Mar. 6, 1839. Liberty, MO.

In the Geauga County Court of Common Pleas, a suit was brought "for goods sold and delivered and work and labor

done by plaintiffs as engravers for the defendants.” Judgment for plaintiffs for \$1,644.63 plus \$20.92 costs. Defendants gave notice of intent to appeal. The amount due was satisfied in full by A. W. Babbitt, because the other defendants Samuel Parker, Warren Smith, Hiram Clark, and Andrew Allen were “not found” in the county. • Mar. 10, 1839. Geauga County, OH.

Still in prison, JS predicted his own release in a letter and sent a petition to the justices of the Supreme Court of Missouri for a writ of habeas corpus or in the alternative for a writ of change of venue. The petition was denied. • Mar. 15, 1839. Liberty, MO.

From jail JS dictated a seventeen-page letter to the Saints, who had found refuge in Quincy, Illinois, and elsewhere, after they had been driven from Missouri. The letter included what is now known as Doctrine and Covenants 121, 122, and 123. • Mar. 20, 1839. Liberty, MO.

JS was sent with other prisoners by a arduous route from Liberty to Gallatin, Daviess County, where the alleged crimes had occurred. • Apr. 6, 1839. Liberty, MO.

JS arrived in Daviess County on Monday after being transferred from Liberty Jail and was turned over to Sheriff William Morgan and his guard. • Apr. 8, 1839. Daviess County, MO.

JS’s two-day trial commenced before a drunken grand jury and judge. • Apr. 9, 1839. Gallatin, MO.

JS spent the day in court as witnesses were examined. He petitioned for a change of venue. • Apr. 10, 1839. Gallatin, MO.

***State of Missouri v. Smith et al. (Daviess Co. Circuit Court):*** JS was indicted for

treason by a Daviess County grand jury. Judge Thomas Burch agreed to a change of venue to Boone County, Missouri. • Apr. 11, 1839. Gallatin, MO.

JS and other prisoners left the home of Judge Josiah Morin en route to Boone County, under a strong guard, for trial there. • Apr. 12, 1839. Millport, MO.

JS and the other prisoners escaped from their guards while en route to Boone County. Although Sheriff Morgan later denied it, there is evidence to support the claim that the sheriff aided the prisoners in their escape. The Missourians rode Morgan on a rail. • Apr. 15, 1839. Chariton Co., MO.

***Halsted, Haines and Co. v. Granger and Carter:*** JS had signed as surety along with twenty-nine others guaranteeing a promissory note from Halsted, Haines & Co. on Sept. 1, 1837. The defendants, having been requested three times to attend court, failed to appear. The plaintiff recovered damages of \$2,337.35 plus costs of \$17.24. The defendants were ordered to pay their own costs of \$0.77. JS and others had signed two additional promissory notes to Halsted Haines & Co. on Sept. 1, 1837—one for \$2,323.66 and the other for \$2,395.57. These two promissory notes were not located and have no connection with this court case. • Apr. 16, 1839. Kirtland, OH.

***Underwood v. Rigdon:*** Court hears evidence and finds defendants liable, and defendants give notice of intent to appeal the judgment. • Apr. 16, 1839. Geauga County, OH.

JS arrived at Quincy, Illinois, after escaping from Missouri and was reunited with his wife Emma. • Apr. 22, 1839. Quincy, IL.

*Underwood v. Rigdon*: Six parcels of land are levied to pay the judgment, but not sold at this time for lack of bidders. • May 20, 1839. Geauga County, OH.

Missouri Governor Lilburn Boggs requested certified copies of the treason indictments against JS. • June 24, 1839. Independence, MO.

**Coe v. Smith**: The case was heard in the Geauga County Court of Common Pleas, for goods sold and delivered in the amount of \$900. A pre-judgment attachment against JS's property was attempted, but no service of process was served on JS, so the case was stricken from the calendar. Coe was ordered to pay costs. • June 25, 1839. Kirtland, OH.

Sheriff William Morgan filed a statement that JS and the other prisoners had escaped without the "connivance, consent, or negligence" of Morgan and the other officers. • July 6, 1839. Daviess Co., MO.

**Nauvoo High Council**: Five members of the high council voted to have JS go to Washington D.C. Two members voted against. • Oct. 21, 1839. Nauvoo, IL.

**Sidney Rigdon and Joseph Smith v. William Smith**: A writ for collection of a judgment against William Smith for \$2,000 was returned by the sheriff since no property of the defendant could be found in the county. The plaintiffs paid the court costs. • Nov. 12, 1839. Kirtland, OH.

JS consulted with the Illinois congressional delegation about how to get the Church's petition for redress brought before the United States Congress. • Dec. 7, 1839. Washington D.C.

**Missouri v. Gates**: The case accusing JS and several other Mormons of treason

was dismissed from the Daviess County Circuit Court because the accuseds were no longer in the state. • Dec. Term, 1839. Daviess County, MO.

## 1840

On his way home from a fruitless visit to Washington, D.C., to seek redress for injustices the Saints suffered in Missouri, JS proclaimed the iniquity and insolence of Martin Van Buren, the president of the United States, with whom he had visited. • Early Mar. 1840. Between Washington, D.C., and Nauvoo, IL.

**Nauvoo High Council**: Trial held regarding the dispute between John Hicks and John Green surrounding a stolen horse. Green was found innocent of the theft and Hicks ordered to make peace by publishing the outcome of the case in the *Times & Seasons*. • May 2, 1840. Nauvoo, IL.

**Nauvoo High Council**: JS requested that the High Council relieve him from his duties in connection with the City Plot and acting as Clerk so that he could focus more of his attention on the translation of the Bible and Ancient Egyptian Records. The High Council granted his request and placed Henry G. Sherwood in his stead. • June 20, 1840. Nauvoo, IL.

*State v. Auken*: Feri facias was issued by Sheriff Dewey. It was returned on Nov. 7, 1840, satisfied. • July 1, 1840. Ravenna, OH.

JS met with the Nauvoo Stake high council in his office to discuss John Patten's charges against Elijah Fordham for unchristian conduct, slander, theft, and attempted murder. It was concluded that the two "had better be reconciled without an action, or vote of the Council, and



henceforth live as brethren.” • Aug. 17, 1840. Nauvoo, IL.

**State of Missouri v. Smith et al.** (Boone Co. Circuit Court): The Boone County prosecuting attorney filed a *nolle prosequi* (meaning the prosecutor intended to proceed no further) in the treason case against JS. This was a dismissal without prejudice, meaning the prosecutor was free to later change his mind. When these charges were revived in 1842, the State of Missouri began again with a new indictment by a new grand jury. • Aug. Term, 1840. Boone County, MO.

*State of Missouri v. Smith et al.* (Boone Co. Circuit Court): Lilburn W. Boggs, former governor of Missouri, demanded the extradition of JS as a fugitive from justice. Missouri Governor Thomas Reynolds, successor to Boggs, initiated extradition proceedings against JS and others by sending a requisition to Illinois Governor Thomas Carlin. • Sept. 1, 1840. Independence, MO. [Discussed in ch. 16]

**Nauvoo High Council:** Charges brought against Almon Babitt by JS for accusing him of extravagant purchases and claims while in Washington D.C. Several were appointed to speak on the case. JS withdrew the charges the next day. • Sept. 5, 1840. Nauvoo, IL.

JS and Hyrum Smith and three others purchased <sup>5</sup>/<sub>6</sub> of a steamboat (renamed the *Nauvoo*) and other river equipment from Robert E. Lee, agent for the United States Army Corps of Engineers. • Sept. 10, 1840. Quincy, IL. [Discussed in ch. 14]

JS's father, Joseph Smith Sr., died. • Sept. 14, 1840. Nauvoo, IL.

*Underwood v. Rigdon:* Lands sold to Gilbert Granger at county courthouse. • Sept. 14, 1840. Geauga County, OH.

**Scribner v. Smith:** The plaintiff defaulted, and the defendants recovered against him their costs of \$2.25; plaintiff paid his own costs of \$7.85. No docket fee was taxed by agreement of the parties. • Oct. 20, 1840. Kirtland, OH.

**Nauvoo High Council:** Charges brought a week earlier against William Gregory for slander, pilfering, and stealing were heard. Evidences were heard and the charges sustained. Gregory made confession to the satisfaction of the Council. • Oct. 24, 1840. Nauvoo, IL.

**Nauvoo High Council:** John Huntsman was found guilty of destroying certain bargains that would have benefitted the Church. • Oct. 31, 1840. Nauvoo, IL.

**Hibbard for use of Hungerford and Livingston v. Miller:** George Miller and JS were summoned to appear before Justice of the Peace Samuel Marshall on a complaint of Davidson Hibbard for failure to pay \$85.81. • Nov. 27, 1840. Hancock County, IL.

**Nauvoo High Council:** Robert D. Foster was accused of slandering the authorities of the church and for other unchristian-like conduct and evidences were heard. • Nov. 28, 1840. Nauvoo, IL.

**Smith v. Holladay:** JS and Hyrum Smith and others brought an action against river pilots Benjamin and William Holladay for wrecking the steamboat *Nauvoo*. They claimed \$2,000 in damages and \$1,000 in lost profits. This case was dismissed in May 1841. • Nov. 30, 1840. Carthage, IL. [Discussed in ch. 14]

*Hibbard for use of Hungerford and Livingston v. Miller:* The defendants failed to appear. The plaintiff recovered their demands plus court costs. • Dec. 5, 1840. Hancock County, IL.

**Nauvoo High Council:** JS presided at the ecclesiastical trial of Dr. Robert D. Foster for “slandering the authorities of the Church, profane swearing, etc.” Evidences were heard most of this day and all of the next. • Dec. 12–13, 1840. Nauvoo, IL.

*State v. Auken:* Clerk William Coolman Jr. received \$6.04 from Sheriff Dewey. • Dec. 14, 1840. Ravenna, OH.

*Hibbard for use of Hungerford & Livingston v. Miller:* Justice of the Peace Marshall created a copy of the judgment for the Hancock County Circuit Court. • Dec. 14, 1840. Carthage, IL.

The city of Nauvoo was granted its charter from the state of Illinois, making it an official city with various government rights and protections. The document was signed by Governor Thomas Carlin and Secretary of State Stephen A. Douglas. Abraham Lincoln supported the charter. • Dec. 17, 1840. Nauvoo, IL. [Discussed in ch. 13]

**Nauvoo High Council:** Trial of Robert D. Foster was concluded by submitting it to the First Presidency who acquitted him of the charges, which action the Council unanimously sustained. • Dec. 20, 1840. Nauvoo, IL.

*Hibbard for use of Hungerford & Livingston v. Miller:* The Hancock County Circuit Court issued an injunction suspending all proceedings in this case in the Justice of the Peace Court. • Dec. 21, 1840. Carthage, IL.

*Hibbard for use of Hungerford & Livingston v. Miller:* Sheriff Abernathy served a *supersedeas* (a type of surety bond that the court required from an appellant who wanted to delay payment of a judgment until the appeal was over). • Dec. 23, 1840. Carthage, IL.

*State v. Auken:* George Kirkum received \$2.64 from Clerk William Coolman in satisfaction of his fees. • Dec. 29, 1840. Ravenna, OH.

## 1841

*State v. Auken:* Sheriff George Wallace received \$2.98 from Clerk William Coolman for his fees. • Jan. 5, 1841. Ravenna, OH.

William Law was called to the First Presidency, replacing Hyrum Smith. • Jan. 19, 1841. Nauvoo, IL.

**Smith v. Guthrie:** JS and his partners sold a sixth-part of the steamboat *Nauvoo* to Edwin Guthrie for \$1,226.06. • Jan. 25, 1841. Fort Madison, IA.

JS appointed sole trustee-in-trust for the Church, executed in Nauvoo and recorded in Carthage on Feb. 8. This authorized JS to acquire or convey all properties for the Church. • Feb. 2, 1841. Carthage, IL.

At a meeting organizing the city council of Nauvoo, JS gave the opening prayer, presented bills concerning the University of Nauvoo and the Nauvoo Legion, and was sworn in as a member of the council. • Feb. 3, 1841. Nauvoo, IL.

JS attended a court martial organizing the Nauvoo Legion and was elected lieutenant general. • Feb. 4, 1841. Nauvoo, IL.

**Nauvoo High Council:** Charges against John P. Green for abuse of lent money and unchristian-like conduct toward Jacob Ulrich were settled by the president (apparently JS), who structured an agreement regarding repayment. Charges were also sustained against Theodore Turley for unchristian-like sexual conduct with women and non-repayment of moneys received. The president then

determined that in order to retain his membership in the church Turley would need to acknowledge his wrongdoing before the Council and a public congregation. • Feb. 6, 1841. Nauvoo, IL.

**Nauvoo City Ordinance:** Mandated city councilmen to attend all meetings, subject to a two-dollar fine upon absence without excuse. • Feb. 8, 1841. Nauvoo, IL.

**Nauvoo City Ordinance:** Unanimously prohibited all persons and establishments within the city of Nauvoo from dispensing whiskey in quantities smaller than one gallon, or other alcoholic beverages in quantities less than one quart, without a medical prescription. • Feb. 15, 1841. Nauvoo, IL.

**Nauvoo City Ordinance:** Transferred all powers over the educational system in Nauvoo to the City Council. • Feb. 22, 1841. Nauvoo, IL.

JS and others incorporated the Nauvoo House Association and Nauvoo Agricultural & Manufacturing Association. • Feb. 23, 1841. Nauvoo, IL.

**Nauvoo City Ordinance:** Divided Nauvoo into four wards and set forth City Council representation for those wards. • Mar. 1, 1841. Nauvoo, IL.

**Nauvoo City Ordinance:** Required all surveyed tracts of land within Nauvoo to be plotted and laid out into city lots corresponding with the original survey of Nauvoo. • Mar. 1, 1841. Nauvoo, IL.

**Nauvoo City Ordinance:** Aimed to protect the constitutional right of free speech by allowing peaceable assembly in public meetings without riot, rebellion, or disturbance of the peace, on pain of fine and imprisonment. • Mar. 1, 1841. Nauvoo, IL.

**Nauvoo City Resolution:** Called for all nuisances along the river to be removed by the City Supervisor. • Mar. 1, 1841. Nauvoo, IL.

At the Nauvoo City Council meeting, JS presented a bill for an ordinance allowing “free toleration and equal privileges” to all religious sects and denominations and banning the “ridiculing, abusing or depreciating another for his religion” or disturbing any religious meeting. • Mar. 1, 1841. Nauvoo, IL.

George Miller reported to JS that John C. Bennett had a history of adultery. JS took no action at this time. • Mar. 2, 1841. Nauvoo, IL.

**Nauvoo City Ordinance:** Established a one-dollar fine for any owner of a dog who molests any person, horse, or cattle. • Mar. 29, 1841. Nauvoo, IL.

**Nauvoo High Council:** A charge against Alonson Brown for theft of Church funds was partially sustained, and Brown was forgiven as he had confessed and repented. • Mar. 30, 1841. Nauvoo, IL.

JS married Louisa Beamon as his first plural wife in Nauvoo. The marriage is performed by J. B. Noble, JP. • Apr. 5, 1841. Nauvoo, IL.

**Sweeney v. Miller:** JS and Hyrum Smith, Peter Haws, and George Miller (operating as Miller, Smith, Smith, & Haws) signed a \$58 note for repairs to the steamboat *Nauvoo* to be “payable in sixty days.” • Apr. 16, 1841. Nauvoo, IL.

*Hibbard for use of Hungerford and Livingston v. Miller:* Justice of the Peace Samuel Marshall created a certified transcript of the proceedings from his docket book for the Hancock County Circuit Court. • Apr. 26, 1841. Carthage, IL.

**Nauvoo City Resolution:** Allowed any person to kill any dogs running at large which molest any person, horses, or cattle. Also established a fine of twenty dollars for any person who keeps an unspayed female dog. • May 1, 1841. Nauvoo, IL.

**Singley v. Rigdon:** JS was summoned to testify in a circuit court case regarding a promissory note that was allegedly already paid. The defendant recovered costs from the plaintiff. • May 3, 1841. Carthage, IL.

Ebenezer and Elender Wiggins signed an agreement with JS to sell their 232 acres, excepting the house, in exchange for “one of the best city lots in Nauvoo” and \$100 in goods. • May 14, 1841. Nauvoo, IL.

**Smith v. Hinkle:** George Miller swore an affidavit stating that George Hinkle owed JS \$1,500 for property that he had taken in Missouri in 1838 when JS was incarcerated in Liberty Jail. • May 14, 1841. Fort Madison, IA.

**Nauvoo High Council:** Approved the purchase of the Stone School House property for \$1,000 payable over 18 years. A petition by Ebenezer Black for rebaptism into the Church was accepted. • May 28, 1841. Nauvoo, IL.

JS had an agreeable meeting with Illinois Governor Thomas Carlin in Quincy. Apparently no mention was made of the outstanding requisition from Missouri seeking JS’s extradition on treason charges. • June 4, 1841. Quincy, IL.

JS was appointed guardian of the heirs of Edward Lawrence. Hyrum Smith and William Law signed JS’s Guardian’s Bond as sureties. • June 4, 1841. Quincy, IL. [Discussed in ch. 15]

*Missouri v. Joseph Smith.* JS was arrested by Sheriff Thomas King of Adams County on a warrant from Illinois Governor Thomas Carlin and was charged as a fugitive from justice. JS returned to Quincy and obtained a writ of habeas corpus from Charles A. Warren, Master in Chancery. Judge Stephen A. Douglas, who happened to be in town, set the hearing on the writ for June 8 in Monmouth. • June 5, 1841. Bear Creek, IL. [Discussed in ch. 16]

JS and his guards traveled from Quincy to Nauvoo. Sheriff Thomas King had taken sick and was nursed in JS’s home. • June 6, 1841. Nauvoo, IL.

*Missouri v. Joseph Smith.* JS, Sheriff Thomas King, his posse, and a substantial retinue of JS’s bodyguards started very early in the morning for the court hearing in Monmouth, Illinois, 75 miles distant. • June 7, 1841. Nauvoo, IL.

*Missouri v. Joseph Smith.* JS arrived at Monmouth to stand trial before Judge Stephen A. Douglas and found the public stirring with curiosity. • June 8, 1841. Monmouth, IL.

*Missouri v. Joseph Smith.* JS stood trial and was represented by a cadre of lawyers: Orville H. Browning, Charles A. Warren, Sidney B. Little, James H. Ralston, Cyrus Walker, and Archibald Williams. Browning was particularly eloquent in defense of Smith. • June 9, 1841. Monmouth, IL.

*Missouri v. Joseph Smith.* Judge Stephen A. Douglas ruled that the writ was invalid and discharged JS. • June 10, 1841. Monmouth, IL.

JS made a patriotic speech to the Nauvoo Legion troops in which he declared his willingness to lay down his life in defense

of the United States. • July 3, 1841. Nauvoo, IL.

**Nauvoo High Council:** Heard an appeal from a bishop's court regarding a business dispute and unchristian conduct, and Shermon Gilbert was told to acknowledge that he had acted wrongly and unwisely. • July 4, 1841. Nauvoo, IL.

*Smith v. Hinkle:* JS, through his attorneys, filed his declaration, claiming Hinkle was indebted to him for books, horses, and personal property valued at \$1,500. • Aug. 1, 1841. Fort Madison, IA.

JS received a letter from his brother William Smith regarding the Hotchkiss land purchase in Nauvoo. • Aug. 5, 1841. Nauvoo, IL.

It was announced at a conference of the Church that Saints will be disfellowshipped if they sell lots to immigrants in competition with sales by Church agents. • Aug. 16, 1841. Nauvoo, IL.

JS responded to a letter from Horace R. Hotchkiss regarding the purchase of the land that JS called "a deathly sickly hole." That swampy land would be drained and settled as a major portion of Nauvoo. • Aug. 25, 1841. Nauvoo, IL.

**Nauvoo City Resolution:** Called for the City Recorder to procure a seal for the City of Nauvoo. • Sept. 4, 1841. Nauvoo, IL.

**Nauvoo High Council:** The High Council resolved no longer to handle any business of a temporal nature and to transfer all debts and temporal business to the First Presidency. • Sept. 22, 1841. Nauvoo, IL.

JS sent the deputy sheriff of Adams County a statement detailing his total costs of \$685 due to his arrest and trial while in the sheriff's custody. • Sept. 30, 1841. Nauvoo, IL.

Most Church real property was deeded to JS as sole trustee in trust. • Oct. 5, 1841. Nauvoo, IL.

**Smith v. Cowdery:** The case was continued for the first of six times. • Oct. 16, 1841. Carthage, IL.

**Nauvoo City Resolution:** Declared several houses in Nauvoo to be removed as nuisances. • Oct. 16, 1841. Nauvoo, IL.

**Nauvoo City Ordinance:** Provided for an appeal process for any decision of the Mayor or Aldermen starting with the Municipal Court. • Nov. 13, 1841. Nauvoo, IL.

**Nauvoo City Ordinance:** Required that any vagrant, disorderly person, person found drunk in the streets, person without a fixed place of residence, or person guilty of profane or indecent language be confined to labor for ninety days and be fined up to five hundred dollars or be imprisoned for up to six months. • Nov. 13, 1841. Nauvoo, IL.

JS presented and passed a bill at the Nauvoo City Council meeting for "an Ordinance in relation to Hawkers, Peddlers, Public Shows, and Exhibitions, in order to prevent any immoral or obscene exhibition." • Nov. 26, 1841. Nauvoo, IL.

**Nauvoo City Ordinance:** Established that if any person fired a gun or pistol idly in the night have the gun confiscated and pay a fine not exceeding fifty dollars. • Nov. 27, 1841. Nauvoo, IL.

**Nauvoo City Ordinance:** Prohibited hawkers and peddlers from working without proper license. It established a ten to fifty dollar fee for its violation. • Nov. 27, 1841. Nauvoo, IL.

JS instructed that all donations for the building of the temple should be received

by his hands, not by the Building Committee. • Dec. 11, 1841. Nauvoo, IL.

The First Presidency instructed the immigrating Saints to remove from Warsaw, Illinois, to Nauvoo immediately to avoid economic conflicts there. • Dec. 13, 1841. Nauvoo, IL.

JS commenced unpacking merchandise on the second floor of his new Red Brick Store. • Dec. 14, 1841. Nauvoo, IL.

William Wightman delivered to JS, as sole trustee in trust, a deed for all of the unsold lots in the town of Ramus, Illinois. • Dec. 16, 1841. Nauvoo, IL.

**Nauvoo City Resolution:** Recommended that all Nauvoo citizens subscribe to the “New York Weekly Herald” and thanked its editor for his contributions. • Dec. 18, 1841. Nauvoo, IL.

## 1842

JS opened his new Red Brick Store on Water Street, near competing stores owned by Amos Davis and William & Wilson Law. • Jan. 5, 1842. Nauvoo, IL.

**Boosinger v. Cowdery:** George Boosinger sued Oliver Cowdery and JS and Hyrum Smith for nonpayment of loan evidenced by a promissory note signed in Tallmage, Ohio, on May 26, 1836. These court proceedings were signed by Austin King, Feb. 28, 1842. • Jan. 8, 1842. Caldwell County, MO.

**Boosinger v. Smith:** The plaintiff sued JS, Oliver Cowdery, Sidney Rigdon, and Hyrum Smith for nonpayment on another loan evidenced by a second promissory note signed in Kirkland, Ohio, on May 23, 1836. These court proceedings were also signed by Austin King on Feb. 28, 1842. • Jan. 8, 1842. Caldwell County, MO.

JS was elected Vice Mayor of Nauvoo City. A resolution called for a complete “Plot [plat] of the City” to be procured for use of the Council. Rules of order for the Council were adopted, including the duties of the mayor, vice mayor, recorder and marshal; the order of business, decorum, debate, amending, and voting. A meeting schedule was set, with compensation of two dollars per day for attendance and fines for unexcused absences. • Jan. 22, 1842. Nauvoo, IL.

**Nauvoo City Resolutions:** Transferred the business of the burying ground to the standing Committee on Public Grounds, and established a road labor tax to be assessed at three days during the year of 1842. This labor tax applied to male citizens between twenty-one and fifty years of age. If they neglected to help maintain city streets, they were fined one dollar per day. • Feb. 12, 1842. Nauvoo, IL.

**Nauvoo City Ordinance:** Required an individual to obtain a license before auctioning off real or personal property within the city and imposed a fine of twenty five dollars per lot sold without an appropriate license. • Feb. 12, 1842. Nauvoo, IL.

**Nauvoo City Ordinance:** Established that any male over seventeen years old, and any female over fourteen years old could contract and be joined in marriage as long as they attained the appropriate license and the marriage was solemnized by one with authority. Resolutions called for a tax of one half of one percent on all taxable property in the city, and established a fund for the poor of the City using any surplus Council funds. • Feb. 17, 1842. Nauvoo, IL.

**Smith v. Shearer:** JS entered a complaint before Justice of the Peace Ebenezer

Robinson against Thomas J. Shearer for unlawful possession of 100 acres of land belonging to Smith. • Feb. 18, 1842. Nauvoo, IL.

JS spoke to the City Council about the Nauvoo Charter and the Registry of Deeds. He expressed his confidence in the privileges afforded by the Nauvoo charter. • Feb. 18, 1842. Nauvoo, IL.

*Smith v. Shearer*: Subpoenas were issued for witnesses by order of the defendant. • Feb. 21, 1842. Nauvoo, IL.

*Smith v. Shearer*: The summons for jury was returned. JS recovered and obtained restitution of the property. Shearer was ordered to pay Smith's costs of \$18, which included the cost of the writ of restitution. • Feb. 26, 1842. Nauvoo, IL.

**Nauvoo City Resolutions:** Established that if any person's property is subjected to a sheriff's, marshal's, or constable's sale, they will have the privilege to redeem the sale by paying the principal and fifteen percent on the principal within thirty days of the sale. Required parents to keep their children at home on Sundays or pay a five dollar fine for every offense. Required the owners of any "carrion" who had died to remove the animal from the city bounds and to bury it three feet under the ground. • Mar. 5, 1842. Nauvoo, IL.

**Nauvoo City Ordinances:** Established the position of a Sealer of Weights and Measures whose duty it was to enter every store, shop, and market every six months and examine the scales, weights, and measures to ensure they are working properly. Several fines imposed for improper equipment use or failure to comply with this ordinance. Appointed "a City Register whose duty it [was] to record all deeds" and other instruments of writing presented to him. Fees for

recording established. • Mar. 5, 1842. Nauvoo, IL.

*City of Nauvoo v. Davis*: JS charged Amos Davis with "indecent and abusive language" toward JS the day previous. Mayor John C. Bennett presided and a jury convicted Davis, and he appealed to the Circuit Court of Hancock County. • Mar. 10, 1842. Nauvoo, IL.

JS was made Master Mason "on sight" by Abraham Jonas in Nauvoo Masonic Lodge. • Mar. 15, 1842. Nauvoo, IL.

*Smith v. Hinkle*: Hinkle's lawyers, Chapman and Mudd, received a copy of interrogatories, which was subsequently filed in Lee County District Court. • Apr. 6, 1842. Burlington, IA.

**Nauvoo City Ordinance:** Required each tavern or ordinary eating place within the city of Nauvoo to have appropriate licensure. In order to obtain the licensure the owner was required to allow six freeholders within his ward examine the premises and approve of its condition. Fees and punishments for failure to comply with this ordinance were established. • Apr. 9, 1842. Nauvoo, IL.

JS and others met with attorney Calvin A. Warren to consider declaring bankruptcy under the new federal law made effective Feb. 1, 1842. • Apr. 14, 1842. Nauvoo, IL.

Applications for bankruptcy were filed by JS and Hyrum Smith, along with several other Church leaders. • Apr. 18, 1842. Carthage, IL. [**Discussed in ch. 14**]

*Smith v. Hinkle*: Nauvoo Mayor John C. Bennett was appointed to gather depositions from subpoenaed witnesses. • Apr. 18, 1842. Nauvoo, IL.

*Smith v. Hinkle*: Mayor Bennett gathered depositions from 16 witnesses. The

cost for taking the depositions was \$13. • Apr. 22, 1842. Nauvoo, IL.

**Nauvoo City Ordinances:** Established that all bricks made in the city of Nauvoo had to comply to a particularized mold size and established penalties for failure to comply. Required each store or grocery owner to obtain appropriate licensure from the City Council before operating business. • Apr. 22, 1842. Nauvoo, IL.

The Nauvoo City Council passed its first business licensing ordinance. • Apr. 29, 1842. Nauvoo, IL.

*Smith v. Hinkle:* The jury members were sworn. Plaintiff was awarded \$200 damages. • Apr. 29, 1842. Fort Madison, IA.

JS administered the first Nauvoo endowments to nine men in his Red Brick Store. • May 4, 1842. Nauvoo, IL.

*Sweeney v. Miller:* Sweeney recovered judgment against JS, Hyrum Smith, and Peter Haws for \$58.97 in damages plus the cost of suit. • May 5, 1842. Carthage, IL.

Former Missouri Governor Lilburn W. Boggs was shot and seriously wounded at his home. For several days he was not expected to live. • May 6, 1842. Independence, MO.

During a mock battle of the Nauvoo Legion, John C. Bennett asked JS to take a station in the rear of the cavalry without his guards. JS felt Bennett may have been plotting to kill him. • May 7, 1842. Nauvoo, IL.

**Nauvoo City Ordinances:** Prohibited brothels within the city of Nauvoo and declared them public nuisances, imposing a penalty from \$500 to \$50,000 on those keeping them. Made all adultery

and fornication “which can be proved” punishable by six month prison and fines in the same amounts. “The individual’s own acknowledgment shall be considered sufficient evidence.” JS spoke strongly in favor of this ordinance. Also repealed previous ordinances in relation to hawkers, peddlers, public shows, exhibitions, auctions, taverns, ordinaries, stores and groceries.” • May 14, 1842. Nauvoo, IL.

JS spoke at a meeting and told the assembly that Boggs had been murdered. Soon thereafter rumors began circulating, fanned by Mayor John C. Bennett, that Orrin Porter Rockwell had been the shooter and that he had been ordered or encouraged to do so by JS. • May 15, 1842. Nauvoo, IL.

**Nauvoo City Resolution:** Accepted the resignation of Mayor John C. Bennett and thanked him for his service. JS was elected mayor by a vote of 18–1. • May 19, 1842. Nauvoo, IL.

Robert D. Foster was charged before a special council with abusing the city marshal and Samuel H. Smith. JS labored to get Foster clear. • May 20, 1842. Nauvoo, IL.

**Nauvoo High Council:** Charges brought by George Miller against Chauncey Higbee for unchaste and unvirtuous conduct with women, teaching them that it was right to have free intercourse if it was kept secret, and that JS had authorized him to practice these things. Higbee was expelled from the Church, the same to be published in the *Times & Seasons*. Another charge was brought against Robert Foster for unchristianlike conduct and the failure to pay a debt. Foster was acquitted and the parties reconciled. • May 21, 1842. Nauvoo, IL.



JS wrote a letter to the Quincy *Whig* denying any involvement in the Boggs affair. He wrote, among other things, “My hands are clean, and my heart pure, from the blood of all men.” • May 22, 1842. Nauvoo, IL.

**Nauvoo City Resolution:** Created the office of coroner and appointed Samuel H. Smith as such. • May 23, 1842. Nauvoo, IL.

**State v. Higbee:** In an action brought by JS before Justice of the Peace Ebenezer Robinson, Chauncy L. Higbee was charged with slandering and defaming the character of JS. • May 24, 1842. Carthage, IL.

*Smith v. Shearer:* The writ of restitution was returned; no property was found belonging to Shearer. • May 24, 1842. Nauvoo, IL.

Truman Gillet swore on June 18, 1844, that on June 1, 1842, he heard Missouri men plotting to kidnap JS. They implicated William Law. • June 1, 1842. Nauvoo, IL.

**U.S. v. Miller:** A default judgment was entered by U.S. District Court Judge Nathaniel Pope against JS and Hyrum Smith and others for \$5,212 regarding their promissory note to Robert E. Lee for the purchase of the steamboat *Nauvoo*. No property was found of the defendants subject to execution. • June 11, 1842. Springfield, IL.

Illinois Governor Thomas Carlin commissions JS as Justice of the Peace by virtue of his being mayor for Nauvoo. • June 13, 1842. Springfield, IL.

**City of Nauvoo v. McGraw:** William H. McGraw was brought before the Nauvoo Mayor’s Court (over which JS presided) for breach of ordinance by selling spirituous liquors. The execution of sentence

was stayed on appeal to the Nauvoo Municipal Court. • July 5, 1842. Nauvoo, IL.

**Nauvoo City Ordinances:** Required an investigation before the Nauvoo Municipal Court before any citizen of the city be taken out of the city by any writs, and extended the benefit of a writ of habeas corpus to all citizens of the city. Required that any individual wishing to put on a public show or exhibition attain a license, costing fifty dollars and that any public show or exhibition be consistent with standards of good morals and decency. • July 5, 1842. Nauvoo, IL. [**Discussed in ch. 16**]

Nauvoo Legion Court Martial: JS attended court martial this day. • July 5, 1842. Nauvoo, IL.

**Nauvoo City Ordinances:** Called for the appointment of several auctioneers and required them to take an oath before commencing their duties. Required that all laws and ordinances by the City Council be inserted into the book of law which was currently being printed. • July 12, 1842. Nauvoo, IL.

*In re John C. Bennett:* JS took affidavits of Daniel Wells regarding John C. Bennett. • July 12, 1842. Nauvoo, IL.

*In re John C. Bennett:* JS attended meeting regarding Orson Pratt and alleged sexual involvement of John C. Bennett with Sarah Pratt, Orson Pratt’s wife. • July 15, 1842. Nauvoo, IL.

**Missouri v. Joseph Smith.** Former Missouri Governor Lilburn W. Boggs executed an affidavit stating that he had good reason to believe that JS was accessory before the fact in the attempt on Boggs’s life. • July 20, 1842. Independence, MO. [**Discussed in ch. 16**]

*Missouri v. Joseph Smith.* Missouri Governor Thomas Reynolds issued a requisition to Illinois Governor Thomas Carlin for the extradition of JS and Orrin Porter Rockwell in connection with the Boggs assault. • July 22, 1842. Independence, MO.

**Nauvoo City Resolution:** Upheld the character of JS, and organized petitions to the Governor not to issue a writ against JS • July 22, 1842. Nauvoo, IL.

**Parker v. Foster:** The case, in Nauvoo Mayor's Court, was heard before JS as mayor and Justice of the Peace, for action of debt on a \$55 promissory note. A judgment was issued by JS. The plaintiff recovered \$55.47 to fulfill the debt and \$1.45 in costs. • July 25, 1842. Nauvoo, IL.

**State v. Little:** Edwin Little was charged in Nauvoo with assault and battery on William Seely. The execution was issued by JS. The Plaintiff recovered \$5 as damages and \$0.93¾ costs. • July 25, 1842. Nauvoo, IL.

**Gray v. Allen:** JS paid James Gray \$237 for the balance of judgment (\$695) recovered in this case. • July 25, 1842. Carthage, IL.

**State v. Tubbs:** A warrant was issued against Silas Tubbs on suspicion of stealing a cow from JS's yard. Tubbs was discharged the following day for lack of evidence. • July 26, 1842. Nauvoo, IL.

**City of Nauvoo v. McGraw:** William McGraw and James White were charged in Nauvoo Mayor's Court for breach of ordinance by selling spirituous liquors. The execution was issued by JS. The city of Nauvoo recovered \$25 debt and \$3 in court costs. The defendants appealed to the Nauvoo Municipal Court. The defendants failed to appear and default

judgment was granted to the city plus court costs. • Aug. 2, 1842. Nauvoo, IL.

**City of Nauvoo v. Thompson:** William Thompson was charged in Nauvoo Mayor's Court with disorderly conduct. A warrant and summons were issued by JS. Thompson entered into recognizance to keep the peace for one year. • Aug. 2, 1842. Nauvoo, IL.

**Nauvoo City Ordinance:** Refined the ordinance of July 5, 1842 by establishing that whenever a person is brought before the Nauvoo Municipal Court on the basis of a writ of habeas corpus, the court has powers to examine the origin, validity, and legality of the writ of process under which the arrest was originally made. If the writ of process appears to be illegal or unfounded, the Court will discharge the prisoner from the arrest. • Aug. 8, 1842. Nauvoo, IL.

*Missouri v. Joseph Smith.* JS was arrested by Adams County Sheriff Thomas King on a charge of being "an accessory to an assault with intent to kill" ex-governor Lilburn Boggs of Missouri and was placed under custody of the city marshal after the Nauvoo Municipal Court issued a writ of habeas corpus. King returned to Quincy for further instructions from Governor Thomas Carlin. When King returned, Smith had gone into hiding. • Aug. 8, 1842. Nauvoo, IL.

JS held a private council after dark with his wife Emma, his brother Hyrum, William Law, Wilson Law, and a few others at the lower end of an island in the river between Nauvoo and Montrose, Iowa. His legal position was discussed and lawyers were soon retained to represent him in both Iowa and Illinois. • Aug. 11, 1842. Mississippi River.

JS's wife, Emma Smith, eluded detection by the sheriff while taking a carriage to

visit her husband, who was in hiding. • Aug. 13, 1842. Nauvoo, IL.

JS heard multiple reports that sheriffs, officers, and a militia were on their way to take him captive. In a letter to Wilson Law, JS wrote that the proceedings against him were “a farce . . . gotten up unlawfully and unconstitutionally . . . by a mob spirit.” • Aug. 14, 1842. Nauvoo, IL.

In a letter to his wife Emma, JS considered the possibility of escaping with her and “20 or 30 of the best men we can find” to the Wisconsin pine country, and “then we will bid defiance to the world, to Carlin, Boggs, Bennett, and all their whorish whores, and motly [*sic*] clan, that follow in their wake.” JS discouraged Emma from visiting Carlin, whom he considered to be “a fool,” but said she could write him if she wished. • Aug. 16, 1842. Nauvoo, IL.

JS’s wife Emma encouraged him to change his hiding spot immediately, and they accordingly traveled together to Carlos Granger’s place. • Aug. 18, 1842. Nauvoo, IL.

JS had a meeting with his brother Hyrum and four others where they discussed the proceedings against him. • Aug. 20, 1842. Nauvoo, IL.

In a letter addressed to “All the Saints in Nauvoo,” JS wrote that his enemies pursued him “without cause, and have not the least shadow, or coloring of justice, or right on their side.” • Sept. 1, 1842. Nauvoo IL.

JS received a report that the sheriff was on his way to Nauvoo with a posse. • Sept. 2, 1842. Nauvoo, IL.

JS escaped out the back door of his home from Deputy Sheriff Pitman and others

who had come to arrest him. • Sept. 3, 1842. Nauvoo, IL.

***Copeland v. Brown:*** Asa Copeland sued Albert Brown in Nauvoo Mayor’s Court for Brown’s failure to pay Copeland \$44.37½ for work and labor. The summons was issued by JS, Mayor. • Sept. 5, 1842. Nauvoo, IL.

***Harwood v. Brown:*** James Harwood sued Albert Brown in Nauvoo Mayor’s Court for Brown’s failure to pay Harwood \$44.06 for work and labor. • Sept. 5, 1842. Nauvoo, IL.

***Nauvoo City Ordinance:*** Allowed the Municipal Court to make returnable forthwith any writs of habeas corpus that it had issued. • Sept. 9, 1842. Nauvoo, IL.

JS remained in hiding the entire day and returned home at night. • Sept. 10, 1842. Nauvoo, IL.

***Missouri v. Joseph Smith.*** Governor Thomas Carlin, acknowledging the inability of his state law enforcement officers to capture JS, issued a “proclamation” setting forth the legal basis for issuing the arrest warrants for Smith and Orrin Porter Rockwell, reciting that they had “resisted the laws by refusing to go with the officers who had them in custody,” and offering a reward of \$200 for their apprehension. • Sept. 20, 1842. Quincy, IL.

***Nauvoo City Ordinances:*** Called for the election of a Notary Public for the City of Nauvoo. Legalized the immediate killing of any animal or dog that may be rabid, and established a one thousand dollar fine against the owner of a rabid animal. Gave authority to the Municipal court to issue writs of attachment against persons who may commit a contempt of the court. • Sept. 26, 1842. Nauvoo, IL.

***In the matter of Joseph Smith:*** Authorized by Treasury Solicitor Charles B. Penrose, U.S. Attorney Justin Butterfield filed formal objections in federal district court, based upon allegations of fraud, seeking to block the discharge of both JS and Hyrum's bankruptcy petitions. The pleading is captioned, "Objections to his Discharge." Butterfield was successful in blocking the discharge, but Judge Nathaniel Pope ordered the cases be set over for further hearings on Dec. 15. • Oct. 1, 1842. Springfield, IL.

***Jacob Bump Administrator for the Estate of Stannard v. Brigham Young and Joseph Smith:*** Jacob Bump revived a judgment that Claudius Stannard had obtained on a promissory note signed in Oct. 1836 by JS and Brigham Young for \$250. Handled in the Geauga Court of Common Pleas, the sheriff eventually levied and auctioned four of JS and Emma's properties to satisfy the debt. The properties remained unsold, however, for lack of bidding. • Oct. 4, 1842. Kirtland, OH.

***Smith v. Guthrie:*** Judgment awarded to Guthrie, who recovered costs from the plaintiffs. • Oct. 10, 1842. Fort Madison, IA.

**Nauvoo City Ordinance:** Established that whenever less than a quorum of the City Council was present, the remaining members could send a Marshal to retrieve absent members, and subject them to a fine. • Oct. 22, 1842. Nauvoo, IL.

**Nauvoo City Ordinance:** Established the taxation of all lands within the City of Nauvoo, excluding City lands, or Church lands, and for stud horses, asses, mules, horses, mares, cattle, clocks, watches, carriages, wagons, carts, and money in loans, stock, or trade. It called for the

appointment of an Assessor and Collector to insure that these taxes were paid, and it established fines for non-payment. • Oct. 31, 1842. Nauvoo, IL.

JS, acting as Justice, issued writs and affidavits in order to clear up problems with fraud and irregularity at the Nauvoo Post Office. Sidney Rigdon was the postmaster; later, JS replaced him. • Nov. 8, 1842. Nauvoo, IL.

**Nauvoo City Ordinance:** Outlined the right of an imprisoned individual to apply for a writ of habeas corpus and the rights of the Municipal Court to grant or reject that application. • Nov. 14, 1842. Nauvoo, IL.

***State v. Daniel Brown and Thomas S. Edwards*** (Nauvoo Mayor's Court): The defendants were charged with felony theft of lumber; execution of the judgment issued by JS. • Nov. 15, 1842. Nauvoo, IL.

***Ex parte George Brown:*** On habeas corpus (Nauvoo Municipal Court): Petition for writ of habeas corpus on charges of larceny. Brown posted \$200 bail, and case was heard before the Hancock County Circuit Court. • Nov. 21, 1842. Nauvoo, IL.

**Nauvoo City Ordinance:** Established that any slaughterhouse within one half mile of any dwelling house be declared a public nuisance and be removed. If the owner refused to remove the nuisance he would be fined one hundred dollars for every week he continues to use the establishment. • Nov. 26, 1842. Nauvoo, IL.

JS held a trial at his house that lasted all day concerning the unequal distribution of provisions among those working on the Nauvoo Temple. • Nov. 28, 1842. Nauvoo, IL.

***City of Nauvoo v. Hunter:*** JS submitted a complaint to alderman and Justice of

the Peace William Marks, claiming that Thomas J. Hunter had breached Nauvoo's "ordinance concerning vagrants and disorderly persons" when stating JS was an imposter and swindler. JS claimed the accusations injured his moral and religious character. • Nov. 28, 1842. Nauvoo, IL.

*City of Nauvoo v. Hunter:* Thomas J. Hunter pled guilty in Nauvoo Municipal Court to charges of slandering JS and was discharged. Hunter was fined \$10 for contempt. • Nov. 29, 1842. Nauvoo, IL.

*City of Nauvoo v. Davis:* Amos Davis's appeal from the Nauvoo Municipal Court conviction of "abusive and ridiculous language" was reversed by the Circuit Court. Chauncey Higbee was Davis's attorney and Robert D. Foster signed his appeal bond. • Nov. 30, 1842. Nauvoo, IL.

JS purchased the printing plant and *Times and Seasons* from Ebenezer Robinson for \$6,600.00 using \$3,790.00 of the Lawrence Estate funds and \$2,810.00 of his own. He appointed John Taylor and Wilford Woodruff as co-Editors of the *T&S* and entered a five year lease with Taylor and Woodruff for the presses, etc., and the building which housed them. • Dec. 1, 1842. Nauvoo, IL.

***Dana v. Brink:*** JS sat as a judge (Nauvoo Mayor's Court) in the case that charged William B. Brink with committing malpractice while delivering Charles A. Dana's wife's baby. • About Dec. 1842. Nauvoo, IL.

A delegation was dispatched by JS to visit Springfield to sound out the new Illinois governor, Thomas Ford, on the possibility of dismissing the outstanding warrant for Smith's arrest. Governor Ford said that while he was sure the writ was illegal, he did not believe he had the authority to

interfere with the acts of the former governor. • Dec. 2, 1842. Nauvoo, IL.

*City of Nauvoo v. Hunter:* Nauvoo Municipal Court Clerk James Sloan created a copy of the case proceedings for the Hancock County Circuit Court. • Dec. 5, 1842. Nauvoo, IL.

***City of Nauvoo v. Davis:*** Amos Davis was charged with the use of indecent language and behavior toward Ira S. Miles on Dec. 3, 1842. Hyrum Smith, Lyman E. Johnson, Andrew M. Gravel, and JS were subpoenaed as witnesses. The case was taken to Nauvoo Municipal Court, where Davis claimed he was unable to receive a fair and impartial trial because of Mayor JS, and requested a change of venue regarding this action as well as charges against Davis for slandering Miles, assaulting William Walker, and selling liquor in small quantities. • Dec. 6, 1842. Nauvoo, IL.

*City of Nauvoo v. Hunter:* Sheriff William Backenstos served an injunction to Constable Dimick Huntington and Nauvoo Municipal Court clerk James Sloan, requesting suspension of the case. Thomas Hunter and surety Harmon Wilson filed an appeal bond for \$100. • Dec. 7, 1842. Carthage, IL.

*Missouri v. Joseph Smith.* JS's delegation at Springfield, Illinois, swore an affidavit that he was in Illinois on May 6, the day of the assassination attempt of the former governor of Missouri, Lilburn W. Boggs. • Dec. 14, 1842. Nauvoo, IL.

Hyrum Smith was discharged in bankruptcy by Judge Nathaniel Pope. U.S. Attorney Justin Butterfield attempted to settle JS's bankruptcy application. This matter was still unresolved when he was martyred. • Dec. 15, 1842. Springfield, IL.

**City of Nauvoo v. Anderson:** Burr Anderson, Edwin Cutler, and Joseph Hamilton were brought before the Nauvoo Mayor's Court for breach of ordinance by disorderly conduct ("indecent behavior and conduct") toward Robert Ivins. The execution was issued by JS. The city of Nauvoo recovered \$15 in debt and \$8.81 in court costs. • Dec. 16, 1842. Nauvoo, IL.

**City of Nauvoo v. Clements:** Albert Clements and Nathan Tener [or Tanner] were brought before the Nauvoo Mayor's Court for breach of ordinance by disorderly conduct ("assault and battery") toward Adah Clements. Execution and recognizance was issued by JS. The city of Nauvoo recovered \$20 in debt and \$5.31 in court costs. Clements and Tener entered into recognizance to keep the peace for six months. • Dec. 17, 1842. Nauvoo, IL.

*Missouri v. Joseph Smith.* Thomas Ford, governor of Illinois, wrote JS a letter advising him to submit to the law and come to Springfield to have his extradition case heard. Justin Butterfield, U.S. Attorney for Illinois, also encouraged JS to come to Springfield and assured him that he would represent him. • Dec. 17, 1842. Nauvoo, IL.

**City of Nauvoo v. Clements** (Nauvoo Mayor's Court): For breach of ordinance by disorderly conduct ("slanderous and abusive language") toward the wife, son, and daughter of Duncan McArthur. City of Nauvoo recovered \$5 in debt and \$3.62½ in court costs (Albert Clements on Dec. 22 1842); \$1 in debt and \$2.62½ in court costs (Henry Tener on Dec. 20, 1842); in addition, \$0.66 in debt and \$0.25 in court costs (Henry Tener on Apr. 4, 1843). • Dec. 20 and 22, 1842 Nauvoo, IL.

**Canfield v. Morey:** In Nauvoo Mayor's Court, on a suit on account, JS issued summons for the defendant and witnesses as mayor and Justice of the Peace. Nothing further is known about this case. • Dec. 26, 1842. Nauvoo, IL.

*Missouri v. Joseph Smith.* JS voluntarily surrendered to Wilson Law, general of the Nauvoo Legion, on charges relating to the Boggs assault. • Dec. 26, 1842. Nauvoo, IL.

*Ex parte Smith.* JS appeared before Judge Nathaniel Pope of the U.S. District Court in Springfield and posted bail in connection with Missouri's extradition demand relating to the Boggs assault. • Dec. 31, 1842. Springfield, IL.

## 1843

JS accepted the offer of Representatives Hall to provide Sunday services there while awaiting his hearing in District Court. Orson Hyde and John Taylor delivered the sermons. • Jan. 1, 1843. Springfield, IL.

*Missouri v. Joseph Smith.* JS appeared in a packed federal court in connection with Missouri's extradition demand. Judge Nathaniel Pope continued the hearing at the request of Attorney General Josiah Lamborn to allow more time to fully prepare. • Jan. 2, 1843. Springfield, IL.

*Ex parte Smith.* JS appeared in district court in connection with Missouri's extradition demand. Attorney General Josiah Lamborn argued for the State of Missouri and Benjamin Edwards and U.S. Attorney Justin Butterfield argued on behalf of Smith. Judge Nathaniel Pope took the matter under submission. • Jan. 4, 1843. Springfield, IL. [Discussed in ch. 16]

*Ex parte Smith.* Judge Nathaniel Pope delivered his opinion that the Boggs affidavit, upon which Missouri's extradition requisition was based, was fatally defective in that it was vague, contained conclusions of law, and presented insufficient facts to show that Smith was a fugitive from Missouri law. Pope therefore discharged Smith. • Jan. 5, 1843. Springfield, IL.

JS went to see Judge Nathaniel Pope in the morning. The judge wished him well and hoped he would no longer be persecuted. Then JS visited Governor Ford, who signed an executive order rescinding Governor Carlin's earlier order for JS's arrest. • Jan. 6, 1843. Springfield, IL.

**Nauvoo City Ordinances:** Prescribed the way in which elections were to be conducted in Nauvoo. Specially divided the city into eight wards as voting precincts and designated the first Monday of February, every two years, as Election Day. Any white male over the age of twenty-one, who has resided in Nauvoo sixty days preceding the election was allowed to vote. Set the salaries of the City Council and Municipal Court judges and the fees for the Alderman, Marshal, jurors, witnesses, arbitrators, and coroners. • Jan. 14, 1843. Nauvoo, IL.

JS attended a large public meeting at his house on the day proclaimed by Brigham Young and the apostles for fasting, praise, and thanksgiving due to JS's deliverance from oppression. In the evening, JS heard a land case involving Robert D. Foster. • Jan. 17, 1843. Nauvoo, IL.

On their sixteenth wedding anniversary, JS and Emma hosted at their home some 74 guests at an all-day gala dinner and celebrated his recent court victory in Springfield. • Jan. 18, 1843. Nauvoo, IL.

**Nauvoo City Ordinance:** Required the burial of a person at least six feet under ground and with the approval and help of the Sexton and set the Sexton's fees for a burial service. • Jan. 30, 1843. Nauvoo, IL.

**State v. Goddard:** In Nauvoo Mayor's Court, Stephen H. Goddard, William F. Cahoon, and William W. Riley petitioned the court for a writ of habeas corpus. The warrant was issued on oath of Josiah Simpson for charges of assault. Affiants claimed the writ was "informal and insufficient." • Feb. 4, 1843. Nauvoo, IL.

JS was re-elected mayor of Nauvoo. • Feb. 6, 1843. Nauvoo, IL.

**State v. Olney:** Oliver Olney and Newel Nurse were brought before Nauvoo Mayor's Court on charges of burglary and larceny of Moses Smith's store. The goods were ordered to be returned to Moses Smith. Nurse was discharged. Oliver Olney held to bail for \$5,000 to appear at the Hancock County Circuit Court. • Feb. 10, 1843. Nauvoo, IL.

At a city council meeting, JS reprovved the judges of elections for closing the polls at six o'clock when many still wished to vote. • Feb. 11, 1843. Nauvoo, IL.

JS publicly chastised Robert D. Foster for selling lots and building the big "Mammoth Hotel" in uptown Nauvoo in competition with Church lot sales and the Church's Nauvoo House hotel. This was a major grievance against JS for the Fosters (and Laws), who considered JS as having an unjust monopoly and engaging in unfair competition • Feb. 21, 1843. Nauvoo, IL.

**Nauvoo City Ordinance:** Established a market on Main Street to be run by the

city and JS as mayor to contract with any person to receive goods and complete the market-house building. • Feb. 25, 1843. Nauvoo, IL.

*City of Nauvoo v. Davis*: Documents relating to this court case (abusive and ridiculous language) were sent to the Hancock County Circuit Court. • Feb. 27, 1843. Nauvoo, IL.

*City of Nauvoo v. Hunter*: JS's complaint and affidavit and Henry G. Sherwood's notification of summons were filed at the Hancock County Circuit Court. • Feb. 28, 1843. Carthage, IL.

*Dana v. Brink*: The plaintiff recovered \$99 plus costs, but the case was appealed to the Nauvoo Municipal Court. • Mar. 2–3, 1843. Nauvoo, IL.

**Nauvoo City Ordinance**: Required any payment of city taxes, debts, and fines imposed under the ordinances of the city to be paid in gold and silver coin only and set forth fines for attempting to pass counterfeit or paper currency. • Mar. 4, 1843. Nauvoo, IL.

JS spent most of the morning in the office in “cheerful conversation” with Willard Richards and others. About noon he lay down on the writing table with his head on a pile of law books and said, “Write and tell the world I acknowledge myself a very great lawyer; I am going to study law, and this is the way I study it.” He then fell asleep. • Mar. 18, 1843. Nauvoo, IL.

JS settled all debts to Robert D. Foster with a promissory note. • Mar. 20, 1843. Nauvoo, IL.

*Jacob Bump Administrator for the Estate of Stannard v. Brigham Young and Joseph Smith*: Collection order returned to the court with no assets having been found. • Mar. 28, 1843. Geauga Co., OH.

JS received a letter from former United States senator Richard M. Young of Quincy, Illinois, containing a bond for a quarter section of land. • Mar. 25, 1843. Nauvoo, IL.

JS moved his office to the Red Brick Store. He was so insulted by Josiah Butterfield (stepfather of the two Lawrence heirs who were later sealed to JS), that he kicked Butterfield “out of the house, across the yard and into the street.” • Mar. 28, 1843. Nauvoo, IL.

As mayor, JS rendered judgment against Robert D. Foster for nonpayment of his debt. • Mar. 29, 1843. Nauvoo, IL.

**Webb v. Rigby**: After deciding the case, JS fined defense attorney O. C. Skinner for insulting a witness and for contempt of court. • Mar. 30, 1843. Nauvoo, IL.

**State of Illinois v. Jonathan Hoopes and Lewis Hoopes**: JS sat with several brethren in the municipal court on a writ of habeas corpus and discharged Jonathan and Lewis Hoopes. • April 4, 1843. Nauvoo, IL.

*Dana v. Brink*: When the case was heard on appeal from the Nauvoo Mayor's Court, Chief Justice JS and his Associate Justices found that the right of appeal did not lie with their court. • Apr. 13 and 19, 1843. Nauvoo, IL.

**City of Nauvoo v. Driggs**: Execution on goods of Samuel Driggs. Plaintiff recovered \$9.43<sup>3</sup>/<sub>4</sub> in costs. • Apr. 26, 1843. Nauvoo, IL.

**Nauvoo City Ordinance**: Prohibited any swine running at large within the city, imposing a fine of five dollars upon the owner of any swine that did so, and established that any unclaimed or unidentified swine be taken to the Marshal's office in order to determine the owner's identity. • May 12, 1843. Nauvoo, IL.



*Dana v. Brink*: The defendant appealed the case to the Hancock Circuit Court by *certiorari* bond. After a series of continuances and a motion to arrest judgment, the plaintiff recovered of the defendant \$75 plus costs in May 1844. • May 15, 1843. Carthage, IL.

*City of Nauvoo v. Hunter*: Hunter made a motion to dismiss the suit. • May 16, 1843. Carthage, IL.

JS dined with Judge Stephen A. Douglas and prophesied that the judge would aspire to the presidency of the United States but that if he ever turned against the Saints, he would feel the hand of the Almighty. • May 18, 1843. Carthage, IL.

*City of Nauvoo v. Hunter*: The motion for dismissal was sustained. The defendant recovered his costs. • May 23, 1843. Carthage, IL.

*City of Nauvoo v. Davis*: The County Circuit Court affirmed the convictions of Dec. 2, 1841, for the liquor sales and assault violations but reversed the conviction of Davis's alleged slander against JS. • May 24, 1843. Nauvoo, IL.

*City of Nauvoo v. Simpson* (Nauvoo Municipal Court): Execution issued by clerk James Sloan. No property was found on which to levy as of July 3, 1843. • May 26, 1843. Nauvoo, IL.

In the Red Brick Store, JS and Emma Smith were sealed for eternity. • May 28, 1843. Nauvoo, IL.

*State of Missouri v. Smith* (Davies Co. Circuit Court): A Davies County grand jury indicted JS for alleged treason arising out of 1838 activities. • June 1843. Gallatin, MO.

**Nauvoo City Ordinances**: Gave JS the authorization and license to run a ferry

service across the Mississippi using the *Maid of Iowa*, which he had previously purchased a part interest in. Called for the immediate extermination of any animal that had been "bitten or worried" by a rabid animal and imposed a fine of one thousand dollars upon the owner. Also allowed for the killing of any dog found more than twenty rods from their masters, within city limits. • June 1, 1843. Nauvoo, IL.

JS rendered to Probate Justice of the Peace Andrew Miller his first accounting as Guardian of the Lawrence children and Estate. • June 3, 1843. Quincy, IL.

*State of Missouri v. Smith*: A letter was sent from Missouri to Illinois Governor Thomas Ford, informing him that JS had been indicted for treason. A special agent, Joseph Reynolds, was sent to apprehend JS. • June 10, 1843. Independence, MO.

*State v. Dayley*: On oath of JS, a warrant was issued for James Dayley and James McMellin for riot. The defendants were discharged for want of evidence on June 17, 1843. • June 13, 1843. Nauvoo, IL.

*State of Illinois v. Smith* (Sangamon Co. Circuit Court): Illinois Governor Thomas Ford issued an arrest warrant for JS in connection with the new Missouri treason charge. • June 17, 1843. Springfield, IL.

**Nauvoo City Ordinance**: Specifically listed the tolls for the passage of various persons, wagons, carriages, and animals across the Mississippi by use of the ferry. • June 20, 1843. Nauvoo, IL.

JS was arrested by Sheriff Joseph H. Reynolds of Jackson County, Missouri, and Constable Harmon T. Wilson of Carthage, Illinois, while JS and Emma were visiting at the home of Emma's

sister. Reynolds and Wilson had passed themselves off as Mormon missionaries when inquiring about JS's whereabouts. • June 23, 1843. Near Dixon, IL.

**Ex parte Joseph Smith** (Ninth Circuit Court, Lee Co.): Although Joseph Reynolds and Harmon Wilson sought to prevent JS from obtaining legal counsel, they were unsuccessful. Smith obtained a writ of habeas corpus, returnable before Judge John D. Caton at Ottawa, Illinois. Cyrus Walker, candidate for U.S. Representative, agreed to serve as Smith's lawyer only after securing his promise to vote for him. • June 24, 1843. Dixon, IL.

**Ex parte Joseph Smith:** Joseph Reynolds and Harmon Wilson attempted to prevent JS from addressing the local citizens but were rebuked by David Town, "an aged gentleman." • June 26, 1843. Paw Paw Grove, IL.

JS and his entourage returned to Dixon and obtained a second writ of habeas corpus, this one "returnable before the nearest tribunal in the Fifth Judicial District authorized to hear and determine writs of habeas corpus." • June 26, 1843. Dixon, IL.

JS, still in custody of Joseph Reynolds and Harmon Wilson, who were in turn in the custody of the sheriff of Lee County, was joined by members of the Nauvoo Legion and, shedding tears of joy, said, "I am not going to Missouri this time. These are my boys." • June 27, 1843. Fox River near Geneseo, IL.

JS consulted with his lawyers and told them that Nauvoo was the nearest place where writs of habeas corpus could be heard and determined. They agreed and the party, including Joseph Reynolds and Harmon Wilson, turned toward Nauvoo. • June 29, 1843. Near Monmouth, IL.

**Nauvoo City Ordinances:** Required all strangers entering Nauvoo to give their names, former residence, and what intent they have in being in Nauvoo. Also gave authorities the right to ask whether any of these persons had recently been exposed to any contagious disease or diseases from whence they came. Prohibited citizens of Nauvoo from keeping any animal confined within the City for the purpose of "increasing the passions or ferocity of said animal" or endangering any passer-by. States that only animals such as cows, calves, sheep, goats, and harmless and inoffensive dogs may run at large in the city. Established that if any person swam or bathed in the public waters in Nauvoo and exposed themselves to public view in a state of nudity, they would be fine three dollars for the first offense and charged under the Ordinance Concerning Vagrants and Disorderly Persons for the second offense. • June 29, 1843. Nauvoo, IL.

JS and more than a hundred members of the Nauvoo Legion rode into Nauvoo, where JS was greeted with a band and processional. • June 30, 1843. Nauvoo, IL.

**Missouri v. Joseph Smith:** JS petitioned the Nauvoo Municipal court for a writ of habeas corpus to quash a warrant issued by Governor Thomas Ford on charges of treason against Missouri. • June 30, 1843. Nauvoo, IL.

**Ex parte Joseph Smith** (Nauvoo Municipal Court): After a hearing on the return of habeas corpus pertaining to JS's arrest on the Missouri charge of treason, the Nauvoo Municipal court ordered Smith be discharged "for want of substance in the warrant . . . as well as upon the merits of the case." • June 30, 1843. Nauvoo, IL.

JS preached in a grove near the Nauvoo Temple concerning traitorous thoughts harbored by some in Nauvoo who professed to be Saints. • July 16, 1843. Nauvoo, IL.

JS told Democratic candidate for the U.S. Congress Joseph P. Hoge that the latest habeas corpus case was “the 38th vexatious lawsuit against me for my religion.” • July 24, 1843. Nauvoo, IL.

JS, insulted by Hancock Co. tax collector Walter Bagbee, struck him, knocking him to the ground. JS asked Daniel H. Wells to allow him to plead guilty to Assault and Battery and pay a fine. Wells refused, saying in his opinion the blow was justified. JS went to Justice of the Peace Aaron Johnson, who took the plea and JS paid the fine. • Aug. 1, 1843. Nauvoo, IL.

JS preached to the Saints about politics and the current elections. • Aug. 6, 1843. Nauvoo, IL.

JS preached a sermon honoring Judge Elias Higbee, who had died on June 8, 1843. • Aug. 13, 1843. Nauvoo, IL.

JS received a letter written by Mr. J. Hall of Independence, Missouri, “breathing hard things against us as a people,” which he forwarded along with some additional remarks to Illinois Governor Thomas Ford. • Aug. 21, 1843. Nauvoo, IL.

JS as mayor “fined Stephen Wilkinson for selling spirits without a license.” JS heard rumors that people in Carthage, Illinois, were raising a mob to drive the Mormons from the state. • Aug. 22, 1843. Nauvoo, IL.

JS read a letter from former Illinois Governor Thomas Carlin written to Sidney Rigdon attempting to clear Rigdon of rumors that he had used his influence “to have JS arrested and delivered to the

Missourians.” JS called Carlin’s letter “evasive” and “a design to hide the truth,” but wondered who could have been “concerned in a conspiracy” to deliver him to Missouri. • Aug. 27, 1843. Nauvoo, IL.

***State v. Joseph Smith:*** JS was charged with forgery. • About Sept. 1843. Nauvoo, IL.

JS appointed William W. Phelps, Henry Miller, and Hosea Stout to work with Illinois Governor Thomas Ford to obtain public firearms for the Nauvoo Legion. • Sept. 11, 1843. Nauvoo, IL.

JS had William W. Phelps reply to a recent letter from Illinois Governor Thomas Ford and send him “a copy of the resolutions passed at the meeting of the mobocracy at Carthage.” • Sept. 19, 1843. Nauvoo, IL.

***Schwartz v. Smith:*** JS was summoned to appear in circuit court for unlawfully withholding possession of a tract of land from William, Edward, Isabella, Eliza, Horatio, Josiah, Hiram, and Elizabeth Schwartz. • Oct. 1, 1843. Carthage, IL.

***State v. Drown:*** On a habeas corpus petition in the Nauvoo Municipal Court, Charles Drown challenged an arrest on warrant for perjury. The petition for habeas corpus claimed Drown was innocent of crime and was not discharged after his case was heard before Justice of the Peace Leonard E. Harrington. With JS serving as chief judge, execution was issued against goods and chattels of Drown and Bathrick for \$24.37½ each, plus costs of court. • Oct. 11, 1843. Nauvoo, IL.

***Schwartz v. Smith:*** JS was provided a copy of the Schwartz’s declaration, with instruction to appear at the Hancock County Circuit Court to plead. If Smith

failed to appear, the plaintiffs would recover possession of the land. • Oct. 14, 1843. Carthage, IL.

From the speaker's stand east of the Nauvoo Temple, JS preached about the Constitution of the United States, the Bible, and Nauvoo's economy. • Oct. 15, 1843. Nauvoo, IL.

JS received \$300 from Orson Spencer to pay to Robert D. Foster. • Oct. 30, 1843. Nauvoo, IL.

Elders Willard Richards and John Taylor spent the day helping JS write letters to presidential candidates about protection of Mormon rights. These letters were sent to John C. Calhoun, General Lewis Cass, Hon. Richard M. Johnson, Hon. Henry Clay, and U.S. President Martin Van Buren. Calhoun, Clay, and Cass responded to JS's queries, but their answers were considered unsatisfactory. • Nov. 4, 1843. Nauvoo, IL.

JS suggested petitioning Congress for a grant to build a canal around the Mississippi River rapids or a dam to turn the water to the city for mills and other machinery. • Nov. 23, 1843. Nauvoo, IL.

**State v. Finch:** John M. Finch petitioned the Nauvoo Municipal Court for a writ of habeas corpus. Finch had been charged with larceny for allegedly stealing a clothes brush belonging to Amos Davis. The petition for habeas corpus claimed warrant was illegal and did not conform to the laws of the state of Illinois. Finch was discharged by the court. • Nov. 24, 1843. Nauvoo, IL.

JS and the brethren prepared a "memorial" for Congress that included an account of their history and grievances with the state of Missouri. • Nov. 28, 1843. Nauvoo, IL.

At a city council meeting, JS suggested petitioning Congress to have Nauvoo placed under the protection of the United States government. • Dec. 8, 1843. Nauvoo, IL.

JS sent an affidavit to Thomas Ford, governor of Illinois, reporting conditions surrounding the recent kidnapping of Daniel Avery, allegedly by John Elliott and Levi Williams—both later implicated in the murder of JS. • Dec. 11, 1843. Nauvoo, IL.

JS received a letter from Thomas Ford, governor of Illinois, in which Ford claimed he had no place to interfere in individual crimes committed against the Saints in the Avery matter and that punishment belonged to the judicial power and not to the executive. • Dec. 14, 1843. Nauvoo, IL.

JS signed a "Memorial to Congress for redress of losses and grievances in Missouri" and prophesied that if Congress would not hear the petition, the administration in power would be broken up. • Dec. 16, 1843. Nauvoo, IL.

**State v. Eagle:** On a complaint of JS, John Eagle was charged with robbery and assault with the intent to kill Richard Badham. The defendant was discharged for want of evidence. The case was heard before Justices of the Peace Aaron Johnson and Robert D. Foster. • Dec. 22, 1843. Nauvoo, IL.

Orrin Porter Rockwell appeared at JS's Christmas party, having just been released from jail for nine months in Missouri. He warned JS of a traitor close to both him and to his enemies in Missouri. • Dec. 25, 1843. Nauvoo, IL.

JS pronounced a blessing on the Nauvoo police and offered to pay twice the

amount of any bribe offered to them for information about the briber. He also told police he suspected that a Brutus, a Judas, a pretended friend, was helping Missourians try to kidnap and harm him. • Dec. 29, 1843. Nauvoo, IL.

## 1844

JS wrote a letter to Thomas Ford, governor of Illinois, relative to the kidnapping of certain Saints who were falsely imprisoned in Missouri. • Jan. 1, 1844. Nauvoo, IL.

At city council meetings, William Law complained that JS tried to have city police put him and William Marks “out of the way” as traitors. After interviewing thirty police and others (including Francis Higbee), Law and Marks pledged full devotion to JS. JS warned Higbee to “hold his tongue” lest JS disclose some private matters that Higbee would prefer kept hidden. JS later suspected that William Law and William Marks were “absolutely traitors.” • Jan. 3 and 5, 1844. Nauvoo, IL.

JS interviewed William Law in the street and dropped him from the First Presidency. Later, on June 8, Hyrum Smith testified that William had confessed to Hyrum that he had committed adultery. • Jan. 8, 1844. Nauvoo, IL.

JS received a long letter from Francis Higbee, “full of bombast” but not denying any of JS’s charges against him. Higbee threatened to sue JS. • Jan. 10, 1844. Nauvoo, IL.

**Nauvoo City Ordinance:** Emphasized the idea that the foregoing ordinances and resolutions of the City Council of Nauvoo should never be construed to prevent justice, but only to aid and assist

civil officers in ensuring justice. • Jan. 10, 1844. Nauvoo, IL.

**City of Nauvoo v. Higbee:** In Nauvoo Municipal Court an affidavit of Orson Pratt claimed Francis M. Higbee offered slanderous and abusive language to JS, mayor. At a council hearing for Higbee, JS forgave Higbee for writing his slanderous letter on Jan. 10. Both pledged eternal friendship to the other. • Jan. 16, 1844. Nauvoo, IL.

**State v. Simpson:** On complaint of JS, Alexander Simpson was suspected of robbery and attempted murder of Richard Badham. Simpson was discharged for want of evidence. • Jan. 17, 1844. Nauvoo, IL.

JS gave a lecture on the Constitution of the United States and on the candidates for the presidency of the United States. • Jan. 19, 1844. Nauvoo, IL.

JS instructed William Clayton to prepare final accounting to the Probate Justice of the Peace in order to transfer the Lawrence guardianship to John Taylor. On the same day Articles of Agreement to effect the transfer were prepared, but never signed by JS or Taylor. • Jan. 23, 1844. Nauvoo, IL.

The Church apostles voted unanimously that JS should be a candidate for president of the United States. JS dictated the main points of his pamphlet, *Views on the Powers and Policy of the Government of the United States*. • Jan. 29, 1844. Nauvoo, IL.

Presiding over the Municipal Court as chief judge, JS spent the whole day listening to different city wards present their tax lists; then he remitted the taxes of the widows and poor. • Feb. 5, 1844. Nauvoo, IL.

JS reported to architect William Weeks that he had seen in vision the pattern for the Nauvoo Temple, which had been under construction since Apr. 1841. • Feb. 5, 1844. Nauvoo, IL.

JS prayed that the Saints would be delivered from the harassment of Thomas Reynolds, governor of Missouri. • About Feb. 7, 1844. Nauvoo, IL.

JS met with his brother Hyrum Smith and the Twelve Apostles to consider ways to promote the interests of the general government. • Feb. 7, 1844. Nauvoo, IL.

At a political meeting in the assembly room above the Red Brick Store, JS gave his reasons for running for the office of president of the United States. • Feb. 8, 1844. Nauvoo, IL.

**City of Nauvoo v. Withers:** In Nauvoo Mayor's Court, an affidavit of Jacob Shumaker was entered against William Withers for assault. • Feb. 9, 1844. Nauvoo, IL.

**Nauvoo City Ordinance:** Repealed the previous "Ordinance Regulating the Currency." • Feb. 12, 1844. Nauvoo, IL.

At a city council meeting, JS signed the Memorial to Congress, a document outlining the afflictions of the Saints in Missouri, and he blessed Orson Pratt to prosper in presenting the memorial before government officials in Washington, D.C. • Feb. 12, 1844. Nauvoo, IL.

**Davis v. Smith:** Proceedings occurred in connection with *State v. John M. Finch*, on habeas corpus, in the Nauvoo Municipal Court. Defendants JS, Orson Spencer, and John P. Green were to bring papers dealing with the imprisonment of John M. Finch. The case was dismissed at defendants' costs on Oct. 21, 1844, due to the death of JS. • Feb. 23, 1844. Carthage, IL.

JS prophesied at a temple block prayer meeting that within five years the Saints would be out of the power of old enemies. • Feb. 25, 1844. Nauvoo, IL.

**City of Nauvoo v. Bostwick:** In Nauvoo Mayor's Court an affidavit of John Scott claimed O. F. Bostwick conversed with him about Bostwick's belief that Hyrum Smith had acquired spiritual wives and about Bostwick's allegations that there were several prostitutes in Nauvoo. Bostwick was convicted of slander. • Feb. 26, 1844. Nauvoo, IL.

**City of Nauvoo v. Bostwick:** JS deplored Francis Higbee's appeal to Carthage of Higbee's client's (Orsimus Bostwick's) conviction for slandering Hyrum Smith, as an attempt to "stir up the mob and bring them against us." • Feb. 26, 1844. Nauvoo, IL.

The first meeting was held at William Law's home to organize a conspiracy to destroy the Smiths. It was later reported by Dennison Harris and Robert Scott, who lived there. • Feb. 26, 1844. Nauvoo, IL.

JS held a council with the First Presidency, the Twelve Apostles, the temple committee, and others, emphasizing the importance of finishing the Nauvoo Temple and having it paid for. • Mar. 4, 1844. Nauvoo, IL.

JS proposed James Arlington Bennet as his vice-presidential running mate. • Mar. 4, 1844. Nauvoo, IL.

JS denounced the use of legal appeals to Carthage in a speech to a general assembly. • Mar. 7, 1844. Nauvoo, IL.

**Russell v. Smith et al.** (Lake Co. Court of Common Pleas): The Lake County Court of Common Pleas entered a default judgment for \$16,409.61 against JS and others in a mortgage foreclosure action

regarding debts in Ohio. • Mar. 12, 1844. Kirtland, OH. [**Discussed in ch. 10**]

Conspiracy meetings (involving the Higbees, Laws, and Fosters) were described in affidavits by Abiathar Williams and M. G. Eaton. Also, Robert D. Foster claimed that JS had tried to seduce Mrs. Foster. • Mar. 15, 1844. Nauvoo, IL.

Robert D. Foster's wife denied to JS, Alexander Neibaur, and William Clayton that JS had ever tried to seduce her or ever commit any immoral act or preach the plurality of wives. She later changed her story after being threatened by her husband. • Mar. 23, 1844. Nauvoo, IL.

**Simpson v. Smith:** Alexander Simpson filed a declaration that JS's charges of robbery, attempted murder, and felony against him had tarnished his reputation. [See *State v. Simpson*, Jan. 17, 1844.] Smith entered a plea of not guilty. The plaintiff granted a change of venue to McDonough County on May 23, 1844. • Mar. 28, 1844. Carthage, IL.

JS prepared a written message for United States president John Tyler, requesting permission to enlist a hundred thousand men to help protect Americans seeking to settle in Oregon and other areas within United States territory, and to help provide security for the independent republic of Texas. • Mar. 30, 1844. Nauvoo, IL.

JS investigated a robbery of the Keystone Store, where some of the aforementioned conspiracy meetings had been held. • Mar. 30, 1844. Nauvoo, IL.

**State v. Greene:** JS and the Municipal Court discharged John P. Greene, Andrew Lytle, and Jonathan Lytle, three city policemen on a writ of habeas corpus after being arraigned on Chauncey L.

Higbee's complaint of false imprisonment. Higbee was charged with costs for bringing a "vexatious and malicious suit." • Apr. 3, 1844. Nauvoo, IL.

JS had an interview with eleven visiting Indians "who wanted counsel." • Apr. 4, 1844. Nauvoo, IL.

JS was served with notice from Amos Davis to produce the docket and other papers for the Circuit Court in a Davis appeal. • Apr. 9, 1844. Nauvoo, IL.

**State v. Colton:** Andrew Colton (arrested on charge of perjury) appeared on a habeas corpus petition in the Nauvoo Municipal Court claiming that Colton was refused the right to move to another court for a "legal impartial & just examination," and was required to give \$200 bail to appear at the Hancock Co. Circuit Court. Execution for \$15.03¾ costs. • Apr. 13, 1844. Nauvoo, IL.

JS and other Church leaders excommunicated William, Jane, and Wilson Law and Robert D. Foster for unchristianlike conduct. • Apr. 18, 1844. Nauvoo, IL.

JS as mayor fined Augustine Spencer for assaulting his brother Orson Spencer. Charles A. Foster, Robert D. Foster, and Chauncey L. Higbee were also fined for resisting marshal John Greene while he was arresting Augustine Spencer on JS's orders. Higbee and Charles Foster were also fined for threatening JS with a pistol at the mayor's office. When the pistol was seized by JS and Joseph Coolidge, Robert D. Foster tried to interfere. Because Charles Foster was restrained and jailed, he sued JS, Joseph Coolidge, and John Greene. • Apr. 26, 1844. Nauvoo, IL.

**City of Nauvoo v. Foster.** JS issued a warrant against Robert D. Foster for slandering Willard Richards. In turn, Foster

accused JS “with many crimes.” JS tried to settle but when Foster refused, JS “shook his garments” against Foster. • Apr. 26, 1844. Nauvoo, IL.

Brigham Young cursed Foster from the stand and the people cried “Amen.” • Apr. 28, 1844. Nauvoo, IL.

The Reformed Church was organized at Wilson Law’s home, with William Law as president and Wilson Law as a counselor, Robert D. Foster and Francis M. Higbee as apostles, and Keokuk hotelier Charles Ivins as bishop. This church’s apparent purpose was to destroy the Smiths and take control of Nauvoo. • Apr. 28, 1844. Nauvoo, IL.

William and Wilson Law were dropped from the Nauvoo Legion and the Masonic Lodge. • Apr. 29, 1844. Nauvoo, IL.

**Higbee v. Smith** (Hancock Co. Circuit Court): Francis Higbee sued JS in Carthage for being slandered before the Nauvoo City Council on Jan. 5, 1844, as a thief, fornicator, whoremaster, murderer, adulterer, and perjurer, with a “rotten stinking [venereal] disease” that kept JS from coming near him; also claiming that JS had urged other young people in Nauvoo to stay away from him. The warrant issued for the arrest of JS in the Hancock County Circuit Court reads: “to answer Francis M. Higbee of a plea of the Case damages the sum of five thousand dollars.” Higbee “prayed” for \$5,000 in damages against JS. \$5,000 was paid in bail. • May 1, 1844. “Nauvoo, IL.”

JS could not collect his July 2, 1843, debt from Wilson Law, because Law tried to offset his debt with claims JS had already been paid. Thus, JS said there was no other “remedy but the glorious uncertainty of the law.” • May 2, 1844. Nauvoo, IL.

The Nauvoo Municipal Court received notice of appeals from the Nauvoo Mayor’s court for cases against Augustine Spencer, Chauncy L. Higbee, Robert D. Foster, and Charles Foster. • May 2, 1844. Nauvoo, IL.

**Phelps assignee of Smith v. Law:** The case regarded two promissory notes to JS, dated Jan. 24, 1842, which were subsequently assigned to W. W. Phelps on Jan. 1, 1843. Plaintiff took nonsuit, and defendant recovered of plaintiff his costs on May 21, 1845. • May 4, 1844. Nauvoo, IL.

JS addressed a large company of friends at his home on the Saints’ course of dealings with the national government. • May 5, 1844. Nauvoo, IL.

**Higbee v. Smith:** An arrest warrant was served on JS based on the slander complaint of Francis M. Higbee, but JS filed for a writ of habeas corpus from the Nauvoo Municipal Court. • May 6, 1844. Nauvoo, IL.

A printing press was purchased from Abraham Jonas by William Law, the Fosters, and the Higbees, publishers of the new *Nauvoo Expositor*, and arrived at the law office of Robert D. Foster. • May 7, 1844. Nauvoo, IL.

**Ex parte Smith** (Nauvoo Municipal Court): writ of habeas corpus was granted by the Nauvoo Municipal Court dismissing the charges brought by Higbee with costs assessed against him. • May 8, 1844. Nauvoo, IL.

**Higbee v. Smith:** JS went before the municipal court (Newel K. Whitney, presiding). The defendant was discharged after nine witnesses proved Francis Higbee’s immorality and that his sole motive was to “throw JS into the hands of his



enemies ... to carry out a conspiracy ... against his life.” Also, the arrest writ was found to be illegal and the complaint was deficient. Higbee was ordered to pay costs; the case was appealed to the Hancock Circuit Court, the venue was changed to the McDonough County Circuit Court, and the case was dismissed. • May 8, 1844. Nauvoo, IL.

**Smith v. Street:** JS and Hyrum Smith and others sued Charles and Marvin Street and Robert F. Smith as co-purchasers of the steamboat *Nauvoo* for nonpayment of their 1840 promissory notes for \$4,000 payable to the plaintiffs. • May 8, 1844. Carthage, IL.

*State of Missouri v. Smith:* A Lee County jury awarded JS \$40 in damages plus court costs against constables Harmon Wilson and Joseph Reynolds for abuse and illegal imprisonment of JS during the third extradition attempt in July 1843. • May 9, 1844. Dixon, IL.

**Higbee v. Smith:** The case was based again on a complaint for slander arising out of JS’s statements to the Nauvoo City Council on Jan. 5. JS allegedly claimed Higbee was guilty of theft, fornication, adultery, and perjury, was a whoremaster, and possessed venereal disease. He “forbid” women from associating with Higbee. Much like the case filed on May 1 and dismissed May 8, 1844, on habeas corpus. The case was transferred on Aug. 14, 1844, to McDonough County and later dismissed there at the plaintiff’s cost. • May 10, 1844. Carthage, IL.

**Foster v. Smith:** Charles A. Foster filed his declaration, charging JS and Joseph W. Coolidge with false imprisonment. Foster allegedly intervened in the attempt by Orrin Porter Rockwell and John P. Greene

to arrest Augustine Spencer for breach of peace. A change of venue was granted to the McDonough Circuit Court. • May 10, 1844. Carthage, IL.

**U.S. v. Jeremiah Smith:** Jeremiah Smith Sr. petitioned the Nauvoo Municipal Court for a writ of habeas corpus sworn before Chief Judge JS. Jeremiah Smith claimed the warrant for his arrest did not divulge charges known by the law (“obtain money under false pretences”) and requested a fair investigation. Execution made on goods and chattels of T. B. Johnson, \$7.75 in court costs. • May 16, 1844. Nauvoo, IL.

JS was nominated as a U.S. presidential candidate for the National Reform Party at the Illinois state convention. • May 17, 1844. Nauvoo, IL.

JS and other Church leaders excommunicated Francis M. Higbee, Charles Ivins, and two others. • May 18, 1844. Nauvoo, IL.

**Bostwick v. Smith:** This case was consolidated with *City of Nauvoo v. Bostwick*. The defendants, Hyrum Smith and John P. Greene, were to provide the Hancock Circuit Court with the proceedings of *City of Nauvoo v. Bostwick* from the Nauvoo Mayor’s Court. The case was dismissed at plaintiff’s costs. • May 20, 1844. Carthage, IL.

*Smith v. Street:* The case was dismissed at the plaintiffs’ cost. • May 22, 1844. Carthage, IL.

**State v. Smith:** A grand jury indicted JS for perjury based on Robert D. Foster’s oath that JS had sworn a complaint to arrest Alexander Simpson for theft and assault of a Brother Richard Badham outside Nauvoo. (See *State of Illinois v. Simpson*, Jan. 17, 1844.) JS was so irate

that he sent Orrin Porter Rockwell and Justice of the Peace Aaron Johnson to have Foster indicted for perjury. They arrived too late and the jury “had risen.”

- May 23, 1844. Carthage, IL.

JS prophesied to his brother Hyrum that their enemies would lie about Hyrum the same as they had about JS. • May 23, 1844. Nauvoo, IL.

**State v. Smith:** A grand jury indicted JS for adultery and fornication with Maria Lawrence “and other diverse women,” based on William and Wilson Law’s testimony. JS considered suing him for perjury and slander on behalf of Maria Lawrence. Dropped the following day when the state’s attorney *pro-tem* indicated that he would not prosecute the indictment. • May 23, 1844. Carthage, IL. [Discussed in ch. 17]

**State v. Smith:** Grand jury issued an indictment against Joseph for “adultery and fornication” involving Maria Lawrence and other unnamed women, as well as the one for perjury. The suit abated on Oct. 21, 1844, on account of death of JS. • May 24, 1844. Carthage, IL. [Discussed in ch. 17]

JS, accompanied by about twenty friends attended the circuit court in answer to the perjury and adultery indictments against him and some other cases. While in Carthage, JS learned of a plot to kill him en route to court and took extra defensive precautions to ensure his safety. • May 27, 1844. Carthage, IL.

**Bostwick v. Smith:** Defendant moved to have the case dismissed, and the motion was granted. • May 27, 1844. Carthage, IL.

**U.S. v. Jeremiah Smith:** Chief Judge JS and the municipal court discharged Jeremiah Smith on a habeas corpus writ despite a

federal arrest for alleged fraud. The U.S. was ordered to pay costs. JS tried to arrest the U.S. agent for disturbing the peace by threatening to bring federal troops into Nauvoo to seize the defendant and defy the court. • May 30, 1844. Nauvoo, IL.

**City of Nauvoo v. Foster:** The breach of ordinance case was appealed from the Nauvoo Municipal Court. A motion to dismiss the suit was entered. • June 3, 1844. Carthage, IL.

JS met with Hyrum, John Taylor and others. Concluded to go to Quincy and “give up my Bonds of guardianship, etc.” so that Taylor as new Guardian on behalf of Maria Lawrence and JS in his own right could pursue Perjury and Slander actions against the Laws and Foster. • June 4, 1844. Nauvoo, IL.

The first issue of the *Nauvoo Expositor* appeared, attacking the political powers in Nauvoo and specifically JS and Hyrum Smith. • June 7, 1844. Nauvoo, IL.

**Nauvoo City Ordinance:** Established the duties of the City Attorney of Nauvoo to advise the officers within Nauvoo, to prosecute in all cases for breaches of Nauvoo City Ordinances, and to collect fines. Also established a salary of one hundred dollars annually for his services. • June 8, 1844. Nauvoo, IL.

**Nauvoo City Ordinance:** Provided that if any person or persons should write or publish any false statement or libel against another citizen for the “purpose of exciting the public mind against the chartered privileges, peace, and good order of the city” or should slander another, they would be deemed disturbers of the peace and fined up to five hundred dollars, and imprisoned for up to six months. • June 10, 1844. Nauvoo, IL.

After extensive deliberations and consultation of legal authorities, the City Council ordered the town police and Nauvoo Legion to suppress the *Expositor* as a nuisance. They opened a locked door with “not more than one thump” and removed the press, then smashed the press, burned all papers, and “pied” (scattered) the type in Mulholland Street. No other property was destroyed. Francis M. Higbee had said, “this city is done the moment a hand is laid on the press.” Also, “you may date their downfall from that very hour and in 10 days, no Mormon will be left in Nauvoo.” • June 10, 1844. Nauvoo, IL. [Discussed in ch. 18]

JS wrote a proclamation that was published in the *Nauvoo Neighbor* regarding the promulgation of false statements injurious to the people of Nauvoo. • June 11, 1844. Nauvoo, IL.

**State v. Smith:** Based on a complaint filed by Francis M. Higbee in Carthage, Illinois, JS and the city council and participating police were arrested by a Carthage constable and charged with riot for destruction of the *Nauvoo Expositor*. JS went before the Nauvoo Municipal Court with George W. Harris presiding on Justice Aaron Johnson’s writ of habeas corpus and was acquitted. Thomas Sharp and the *Warsaw Signal* urged “war and extermination” against the Mormon leaders. • June 12, 1844. Nauvoo, IL.

**State v. Hyrum Smith et al.:** Presiding over the Nauvoo Municipal Court, JS discharged all of the other sixteen defendants in the *Expositor* matter. Francis Higbee was assessed all of the court costs for malicious prosecution. JS received a report that a mob of about three hundred was assembled at Carthage, Illinois, and was ready to attack Nauvoo. • June 13, 1844. Nauvoo, IL.

JS dictated a letter to Illinois Governor Thomas Ford explaining the destruction of the *Nauvoo Expositor* printing press. • June 14, 1844. Nauvoo, IL.

**Foster v. Smith et al.** At the urging of presiding judge Jesse Thomas from Carthage, all seventeen defendants in the *Expositor* case were arrested again on a complaint by W. G. Ware of Carthage and tried before Justice of the Peace Daniel H. Wells, a non-Mormon. After a full day’s trial, all defendants were acquitted on the merits. The *Warsaw Signal* called for the extermination of all Latter-day Saints in Illinois. • June 17, 1844. Nauvoo, IL.

Truman Gillett Jr. gives an affidavit that William Law had been involved in a plot to abduct JS in June 1842, but Gillett had discounted the tale until learning of Law’s later misdeeds. • June 18, 1844. Nauvoo, IL.

JS declared martial law and stood in full military uniform on the frame of a building to give his final address to the Nauvoo Legion. • June 18, 1844. Nauvoo, IL.

JS met the Nauvoo Legion at the front of his home and gave orders to have a picket guard posted on all the roads leading out of the city, to have all the powder and lead in the city secured, and to have all the arms put into use. • June 19, 1844. Nauvoo, IL.

JS prepared for the defense of Nauvoo against the growing mob. He appealed to Governor Thomas Ford and even to U.S. President John Tyler, wrote letters telling those on missions to come home immediately, and advised his brother Hyrum Smith to take his family on the next steamboat to Cincinnati, Ohio. Hyrum refused to leave his brother. Robert D. Foster wrote to warn Amos Davis “to keep his eyes open, as we learn that

consecration law will soon commence on him.” • June 20, 1844. Nauvoo, IL.

JS wrote a letter to Illinois Governor Thomas Ford explaining the difficulties in Nauvoo and asking Ford to visit. Governor Ford addressed his reply to the mayor (JS) and the Nauvoo City Council and concluded that the destruction of the *Nauvoo Expositor* was a violation of the laws protecting freedom of the press in the United States. • June 21, 1844. Nauvoo, IL.

*State v. Hyrum Smith et al.*: Governor Ford and Jesse Thomas, Presiding Judge of the Illinois Fifth Judicial Circuit, urged that yet another trial of the *Expositor* case should be held, this time in Carthage on appeal to the Hancock County Circuit Court. With the promise of full protection pledged by Governor Ford, JS and Hyrum Smith decided to go voluntarily to Carthage, Illinois, for the hearing. • June 23, 1844. Nauvoo, IL.

*State v. Hyrum Smith et al.*: All seventeen defendants rode to Carthage, finding the town in turmoil. • June 24, 1844. Carthage, IL.

*State v. Hyrum Smith et al.*: In the morning, Thomas Ford, governor of Illinois, paraded JS and Hyrum Smith through the unruly ranks of the troops assembled by his orders from the surrounding counties. JS and the other defendants were arraigned before Justice of the Peace Robert F. Smith, also Captain of the Carthage Greys. On motion by Chauncey L. Higbee, the case was postponed until October, because Francis Higbee, a key witness, had failed to appear. All the defendants posted bail, even in excessive amounts, and the case was continued to the October Term. • June 25, 1844. Carthage, IL.

*State v. Joseph and Hyrum Smith*: In the courtroom, JS and Hyrum Smith were served writs charging them with treason, a nonbailable offense, for placing Nauvoo under martial law on June 18, 1844. Despite there having been no hearing on that new charge, the defendants were taken to the Carthage Jail that evening under protective custody. The two treason complaints against JS and Hyrum were apparently signed by Augustine Spencer and Henry Norton, respectively. John Taylor called them “two worthless fellows not worth 5 cents between them.” Governor Ford speculated that the charges of treason were based on declaring martial law in Nauvoo and resisting the “posse comitatus.” • June 25, 1844. Carthage, IL.

*State v. Joseph and Hyrum Smith*: In court, JS moved for a change of venue on the charge of treason brought against him. JS had two lawyers, Woods and Reid; the state had five. The motion was denied, and the case was continued until noon the next day, allowing time to bring witnesses to Carthage. They were taken back to jail, where JS had an extensive interview with Governor Thomas Ford. Again Ford promised JS and the other prisoners full protection. The hearing was changed to June 29, apparently without consulting the defendants. • June 26, 1844. Carthage, IL.

JS prepared a list of witnesses regarding the charge of treason to give to Cyrus Wheelock. Governor Ford took the most neutral troops away from Carthage for a visit to Nauvoo, leaving the Carthage Greys to guard the jail. The last letter written by JS was an urgent request for legal services from O. H. Browning. While in protective custody at Carthage Jail, JS and Hyrum Smith were both shot and killed by an armed mob. After their

deaths, the treason cases causing the Smiths' incarceration were dismissed. • June 27, 1844. Carthage, IL.

*Smith v. Cowdery*: The suit was dismissed from the Hancock County Chancery Court for want of prosecution. • June 29, 1844. Carthage, IL.

Emma appeared in the Hancock County Probate Court and was appointed administratrix of JS's estate, and guardian of her four children. • July 17, 1844. Hancock County, IL.

*City of Nauvoo v. Foster*: The case was appealed from the Nauvoo Municipal Court. • July 26, 1844. Carthage, IL.

*Foster v. Smith*: Plaintiff's attorney Almon W. Babbitt made a motion to require Foster to post a Cost Bond because he was insolvent. • Aug. 26, 1844. Carthage, IL.

Emma Smith and William Clayton went to Quincy to consult with Justice Miller regarding what should be done about the Lawrence guardianship. He advised that a final accounting and new Guardian needed to be filed and appointed respectively. • Aug. 31 and Sept. 1. Quincy, IL.

*People v. Williams 1*: Twenty-three grand jurors, who would hear evidence against the accused assassins, were designated by the county commissioners. Despite Latter-day Saints comprising approximately half of the population, not one grand juror was a Mormon. • Sept. 5, 1844. Hancock County, IL.

Almon Babbitt appointed legal guardian of the five Lawrence children. • Sept. 5, 1844. Hancock County, IL.

*Dana v. Brink*: Precipe was filed requesting a copy of the May 16, 1843, certiorari bond. Brink persists in failing to pay the

bond or damages. • Sept. 17, 1844. Carthage, IL.

Joseph W. Coolidge succeeded Emma as administrator of JS's estate. • Sept. 19, 1844. Hancock County, IL.

*People v. Williams 1*: Murray McConnell, appointed as special agent to gather evidence, began issuing warrants for the arrest of those suspected of being involved in the murders. • Sept. 22, 1844. Hancock County, IL.

*Charles Ivins, William Law, Wilson Law, Chauncey Higbee, Francis Higbee, Robert Foster, Charles Foster v. Edward Hunter, Orson Spencer, John P. Greene, Stephen Markham, Alpheus Cutler & Joseph W. Collidge*: Ivins with the Laws, Fosters, and Higbees, sued for civil damages resulting from the destruction of the *Expositor* printing press. • Sept. 1844. Carthage, IL.

*City of Nauvoo v. Foster*: In a full jury trial, all remaining defendants were acquitted of riot and destruction of property by the County Circuit Court in its October term. • Oct. 1844. Carthage, IL.

*People v. Williams 1*: After being relentlessly pursued by Governor Ford's forces, Defendants Sharp and Williams surrender themselves. • Oct. 1, 1844. Carthage, IL.

*People v. Williams 1*: Defendants Sharp and Williams avoid a preliminary hearing to determine probable cause, and with it the possibility of being held without bail, by entering into an agreement with the prosecution. They waived the right to a hearing in exchange for being able to go free upon posting a relatively small bail. • Oct. 2, 1844. Quincy, IL.

*Charles Ivins, William Law, Wilson Law, Chauncey Higbee, Francis Higbee, Robert Foster, Charles Foster v. Edward Hunter*,

*Orson Spencer, John P. Greene, Stephen Markham, Alpheus Cutler & Joseph W. Collidge:* Three promisory notes totaling \$625 were delivered by seven LDS property owners in settlement of this case. The notes were ultimately paid by Hiram Kimball in May 1849 after further litigation. • About Oct. 5, 1844. Carthage, IL.

*Dana v. Brink:* Suit is dismissed at plaintiff's costs. • Oct. 19, 1844. Carthage, IL.

*City of Nauvoo v. Foster:* Plaintiff's attorney moved that the suit be dismissed and defendant recovered costs from the plaintiff. • Oct. 21, 1844. Carthage, IL.

*People v. Williams 1:* After presenting the names of approximately sixty persons for indictment in the murders of JS and Hyrum Smith, two separate signed indictments were filed against nine defendants: John Wills, William Voras, William N. Grover, Jacob C. Davis, Mark Aldrich, Thomas C. Sharp, Levi Williams, Gallaher, and Allen. • Oct. 26, 1844. Carthage, IL.

## 1845

*People v. John C. Elliott:* Arrested in Nauvoo for the murder of JS and Hyrum Smith. Three Nauvoo Justices of the Peace found probable to support the charge, and sent him to the Carthage jail to await the May grand jury. • Feb. 11, 1845. Nauvoo, IL.

*People v. Benjamin Brackenbury:* Arrested, accused of testifying falsely about Levi Williams being on horseback in Carthage during the murders. • Mar. 10, 1845. Carthage, IL.

*Reid v. Smith:* Payment in case of charge of riot and treason by the state of Illinois. • Apr. 1845.

Almon Babbitt submitted a claim of \$4,033.87 against the estate of JS, on behalf of the Lawrence heirs. Coolidge approved the claim. • May 6, 1845. Hancock County, IL.

*People v. Williams 1:* Trial convened for five indicted assassins, Levi Williams, Thomas C. Sharp, Mark Aldrich, Jacob C. Davis, and William N. Grover. • May 19, 1845. Carthage, IL.

*People v. John C. Elliott:* John C. Elliott was accused of murdering JS. The grand jury refused to indict. • May 1845. Carthage, IL.

*People v. Williams 1:* All of the defendants were acquitted for the murder of JS and Hyrum Smith. • June 1845. Carthage, IL.

*Smith v. Emmons:* Suit was brought on an attested debt of \$22.75. Sylvester Emmons was subpoenaed on June 22, 1844. Lucien Woodworth and Eliza Partridge were also subpoenaed. • June 7, 1845. Nauvoo, IL.

*Sweeney v. Miller:* JS, Guy C. Sampson (Sweeney's attorney), transferred judgment to Sheriff William Backenstos of Nauvoo, who collected from the Church trustees. Backenstos later transferred the May 5, 1842, judgment to the Church Trustees Almon W. Babbitt, Joseph L. Heywood, and John S. Fullmer on Apr. 4, 1846. • Aug. 14, 1845. Carthage, IL.

*Almon W. Babbitt, Guardian for heirs of Edward Lawrence v. William Law, Joseph Coolidge:* Almon W. Babbitt, acting as guardians for the Lawrence heirs, filed suit against the estates of JS and Hyrum Smith, and against William Law (based on Hyrum and Law's bond for JS as guardian). • Sept. 1, 1845. Hancock County, IL. [Discussed in ch. 16]

*Almon W. Babbitt, Guardian for heirs of Edward Lawrence v. William Law, Joseph Coolidge:* Babbitt withdrew his claim. • Oct. 23, 1845. Hancock County, IL.

In speaking of the martyrdom of JS, Robert D. Foster told Abraham Hodge: “I haven’t seen one moment’s peace since that time. . . . The thought of meeting Joseph and Hyrum Smith at the bar of God is more awful to me than anything else.” • Nov. 2, 1845. Nauvoo, IL.

### 1846

*Almon W. Babbitt, Guardian for heirs of Edward Lawrence v. Smith and Coolidge:* Babbitt filed a new action, adding Sarah and Maria Lawrence as co-petitioners. Babbitt filed only against the estates of JS and Hyrum. • Jan. 1846. Hancock County, IL.

*Almon W. Babbitt, Guardian for heirs of Edward Lawrence v. Smith and Coolidge:* The case was tried. Mary Fielding Smith and Joseph Coolidge failed to appear. After hearing evidence of damages,

judgment was rendered against each estate for \$4,275.88 plus court costs. It does not appear that Babbitt made any effort to execute on the judgments. • May 19, 1846. Hancock County, IL.

### 1848

John M. Ferris was appointed administrator of JS’s estate, following the appointments of Emma Smith (in July 1844) and of Joseph Coolidge (on Sept. 19, 1844). • Aug. 8, 1848. Carthage, IL.

### 1850

*United States v. Smith:* The United States brought actions against the estate of JS and 104 defendants for nonpayment of the 1840 debt to Robert E. Lee for the purchase of the steamboat *Nauvoo*. No fraud was found, but foreclosures were permitted by Judge Thomas Drummond against nearly 4,000 acres originally owned by JS. Four public sales were conducted locally through July 17, 1852. • Aug. 19 and Dec. 4, 1850. Springfield, IL.