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**THE MORMON TEMPLE LOT CASE:
SPACE, MEMORY, AND IDENTITY
IN A DIVIDED NEW RELIGION**

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For Sheri

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I alone am responsible for the errors of this work.

**THE MORMON TEMPLE LOT CASE:
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The University of Texas at Austin, 2012

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Mormonism is among the most studied religious phenomena of American history. Yet little attention has been devoted to one of its most telling and, at the time, most famous chapters, the “Temple Lot Case” of 1891-1896, a legal battle over sacred space, cultural memory, group identity, and judicial intervention in religion.

The suit involved three rival Mormon sects: Granville Hedrick’s Church of Christ, based in Independence, Missouri; Joseph Smith III’s Reorganized Church, based in Lamoni, Iowa; and Brigham Young’s LDS Church, based in Utah. In previous decades, the churches had forged distinct identities from one another, stemming from their divergent interpretations of Mormonism’s founding prophet, Joseph Smith Jr. (1805-1844). The “Hedrickites” lionized the teachings of Smith’s early years, the “Josephites”

emphasized the moderate teachings of Smith's middle years, and the "Brighamites" institutionalized the controversial semi-secret teachings of Smith's final years.

In 1891, the Reorganized Church filed suit in the Eighth Federal Circuit Court for possession of the Temple Lot Smith dedicated at Independence in 1831. The Hedrickites owned it, the Josephites thought they had a better claim to it, and the Brighamites sought to prevent the Josephites from obtaining it. The Reorganized Church presented evidence demonstrating it was the rightful successor of Joseph Smith's church; the Hedrickites and Brighamites countered with evidence of their own. The case produced an array of notable witnesses, including elites from Mormonism's founding generation, leaders from its divided second generation, and figures from Missouri's colorful past. Newspapers from the *New York Times* to the *Anaconda Standard* followed the suit closely.

The present work is the first book-length study of the Temple Lot Case. It offers one of the most in-depth treatments of a U.S. religious property suit to date. It chronicles the establishment and fragmentation of arguably America's most successful native-born religion. It examines the contestation of an American sacred space. And it traces the differentiation of collective memory and identity among competing religious siblings.

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Terminology

The nomenclature of the Temple Lot Case can get quite confusing and redundant at times, as multiple churches and individuals shared similar or even the same names. I've therefore taken the following steps to minimize the muddle and repetition.

Throughout the study, I use the terms "Mormon," "Mormons," and "Saints" in a broad sense to refer to anyone who considers Joseph Smith Jr. (1805-1844) a prophet of God, regardless of their particular factional affiliation. Similarly, "Mormonism," "Mormondom," "Mormon movement," "Mormon tradition," "Mormon universe," and "Mormon restoration" refer to the movement Smith led from 1830-1844 and the diverse array of churches that arose therefrom after his death. When I speak of "Mormons," the "Mormon tradition," and like terms, I am *not* singling out the LDS Church in Utah.

I should note that some churches tracing their origins back to Joseph Smith currently reject the "Mormon" label in favor of the term "Restorationist." I find "Restorationist" somewhat problematic, however, as there are many brands of Christian "Restorationists" and most did not arise from Joseph Smith. "Mormon" was the most common nineteenth-century label for all of Smith's followers, whatever the faction.

During Joseph Smith's administration, the church he led went through three official names: "The Church of Christ" (1830-1834), "The Church of the Latter Day Saints" (1834-1838), and "The Church of Jesus Christ of Latter Day Saints" (1838-1844). I utilize each title herein when chronologically appropriate. As catch-all terms for Smith's church, I sometimes use the terms "early church," "mother church," "Mormon Church" and "Latter Day Saints" (the latter with a capital "D" and no hyphen between

“Latter” and “Day”). Because so many churches arose within the Mormon universe following Smith’s death, I do not use the terms “Mormon Church” or “Latter Day Saints” in reference to any particular posthumous faction; “Mormon Church” and “Latter Day Saints” are used exclusively in reference to Smith’s church in Smith’s era.

“LDS,” “LDS Church,” “Utah Church,” “Utah Mormons,” “Brighamites,” and “Latter-day Saints” (with a small “d” and a hyphen) refer to the institution and members of The Church of Jesus Christ of Latter-day Saints, based in Nauvoo, Illinois (1844-1846), Winter Quarters, [Nebraska] (1846-1847), and Salt Lake City, Utah (1847-present). To avoid confusion with Joseph Smith’s similarly-named church, I use “LDS Church” in reference to the Utah Church alone, never Smith’s church.

“RLDS,” “RLDS Church,” “New Organization,” “Reorganization,” “Reorganized Church,” and “Josephites” refer to the institution and members of The Reorganized Church of Jesus Christ of Latter Day Saints, based in southern Wisconsin and northern Illinois (1851-1860), Nauvoo, Illinois (1860-1865), Plano, Illinois (1865-1881), and Lamoni, Iowa (1881-1920). In 2001, the Reorganized Church changed its name to the “Community of Christ,” which I abbreviate in the reference endnotes as “CofC.”

“The Church of Christ,” “Crow Creek Branch,” “Hedrickites,” and “Church of Jesus Christ (of Latter Day Saints)” (with parentheses in the title) refer to the institution and members now known as The Church of Christ (Temple Lot), based in Woodford County, Illinois (1852-1867) and Independence, Missouri (1867-present). The context of a given passage should make it clear whether I am referring to this organization, Granville Hedrick’s “Church of Christ,” or Joseph Smith’s earlier “Church of Christ.”

As the foregoing indicates, I sometimes use the slang simplifiers of the period—“Brighamites,” “Josephites,” “Hedrickites,” and so forth—to refer to specific factions. Terms like these were often employed in a pejorative sense; I do not use them with the same intent. Rather, I find the terms helpful on occasion not only for their clarity, but also because they convey some of the flavor of the era’s rhetoric.

To distinguish individuals with the same surname, I often use given names. To distinguish Mormon founder Joseph Smith Jr. from his father Joseph Smith Sr., son Joseph Smith III, and myriad other Smith family members, I frequently refer to him as “the Prophet,” a term applied in his lifetime as both an honorific and a sneer. In similar manner, I sometimes refer to his brother, Hyrum Smith, as “the Patriarch.”

The Temple Grounds at the heart of this study went through several permutations in the nineteenth-century. “Temple Tract” refers to the original 63.27 acres Bishop Edward Partridge purchased in Independence, Jackson County, Missouri in 1831 on behalf of Joseph Smith Jr.’s Church of Christ. “Temple Lot” refers only to the 2.5 acre section of the property under dispute in the Temple Lot Case. When no acreage is necessarily specified, I sometimes use the generic term “Temple Grounds.”

“Temple Lot Case” refers to the prolonged legal battle (1891-1896) between The Reorganized Church and The Church of Christ. Specifically, the following suits:

The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al., 60 F. 937 (C.C.W.D. Mo. 1894).

The Church of Christ in Missouri v. The Reorganized Church of Jesus Christ of Latter Day Saints, 70 F. 179 (8th Cir. 1895).

The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, 71 F. 250 (8th Cir. 1895).

The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, 163 U.S. 681 (1896).

Abbreviations

- APR* Scott H. Faulring, ed., *An American Prophet's Record: The Diaries and Journals of Joseph Smith* (Salt Lake City: Signature Books and Smith Research Associates, 1989).
- BC* *A Book of Commandments, For the Government of the Church of Christ, Organized According to the Law, on the 6th of April, 1830* (Zion [Independence], MO: W. W. Phelps & Co., 1833).
- BJW* Bruce N. Westergren, ed., *From Historian to Dissident: The Book of John Whitmer* (Salt Lake City: Signature Books, 1995).
- CA* *In the Circuit Court of the United States, Western District of Missouri, Western Division, at Kansas City. The Reorganized Church of Jesus Christ of Latter Day Saints, Complainant, vs. The Church of Christ at Independence, Missouri; Richard Hill, Trustee; Richard Hill, Mrs. E. Hill, C. A. Hall, President; Mrs. C. A. Hall, George Frisbie, Mrs. E. Frisbie, Miss Nannie Frisbie, Daniel Bauder, and G. D. Cole, as members of and doing business under the name of the Church of Christ at Independence, Missouri, Respondents.: Complainant's Abstract of Pleading and Evidence* (Lamoni: Herald Publishing House and Bindery, 1893).
- CIC* John E. Hallwas and Roger D. Launius, eds., *Cultures in Conflict: A Documentary History of the Mormon War in Illinois* (Logan: Utah State University Press, 1995).
- D&C (1835)* *Doctrine and Covenants of the Church of the Latter Day Saints: Carefully Selected from the Revelations of God, and Compiled by Joseph Smith Junior, Oliver Cowdery, Sidney Rigdon, Frederick G. Williams* (Kirtland, OH: F. G. Williams & Co., 1835).
- D&C (1844)* *The Doctrine and Covenants of the Church of Jesus Christ of Latter Day Saints: Carefully Selected from the Revelations of God* 2d ed. (Nauvoo, IL: J. Taylor, 1844).
- D&C (LDS)* *The Doctrine and Covenants of The Church of Jesus Christ of Latter-day Saints, Containing Revelations Given to Joseph Smith, the Prophet, with Some Additions by His Successors in the Presidency of the Church* (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1981).

- D&C* (RLDS) *Book of Doctrine and Covenants: Carefully Selected from the Revelations of God, and Given in the Order of Their Dates* (Independence, MO: Herald Publishing House, 1978).
- Dialogue* *Dialogue: A Journal of Mormon Thought* (1966-present).
- DN* *Deseret News* (Salt Lake City, 1850-present).
- Document* *Document Containing the Correspondence, Orders, &C. in Relation to the Disturbances with the Mormons; and the Evidence Given Before the Hon. Austin A. King, Judge of the Fifth Judicial Circuit of the State of Missouri, at the Court-House in Richmond, in a Criminal Court of Inquiry, Begun November 12, 1838, on the Trial of Joseph Smith, Jr., and Others, for High Treason and Other Crimes Against the State* (Fayette, MO: Office of the Boon's Lick Democrat, 1841).
- E&MS* *The Evening and the Morning Star* (Zion [Independence], MO, 1832-1833; Kirtland, OH, 1833-1834).
- E&MS(R)* *The Evening and the Morning Star* (Kirtland, OH, 1835). A revised "reprint" of the original *Evening and the Morning Star*.
- EJ* *The Elders' Journal* (Kirtland, OH, 1837; Far West, MO, 1838).
- EMD* Dan Vogel, ed., *Early Mormon Documents* 5 vols. (Salt Lake City: Signature Books, 1996-2003).
- FARMS* Foundation for Ancient Research and Mormon Studies.
- FWR* Donald Q. Cannon and Lyndon W. Cook, eds., *Far West Record: Minutes of The Church of Jesus Christ of Latter-day Saints, 1830-1844* (Salt Lake City: Deseret Book, 1983).
- HC* Joseph Smith Jr., *History of the Church of Jesus Christ of Latter-day Saints*, ed. by B. H. Roberts. 7 vols. (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1902-1932; 2d. rev. ed [Salt Lake City: Deseret Book, 1978]).
- HCK* Stanley B. Kimball, ed., *On the Potter's Wheel: The Diaries of Heber C. Kimball* Significant Mormon Diaries Series (Salt Lake City: Signature Books in association with Smith Research Associates, 1987).
- HMH* Matthew S. McBride, *A House for the Most High: The Story of the Original Nauvoo Temple* (Salt Lake City: Greg Kofford Books, 2007).

- HRC* Joseph Smith III and Heman C. Smith (vols. 1-4) and F. Henry Edwards (vols. 5-8), eds., *The History of the Reorganized Church of Jesus Christ of Latter Day Saints* 8 vols. (Lamoni, IA: Reorganized Church of Jesus Christ of Latter Day Saints, 1896-1903 (vols. 1-4); Independence, MO: Herald Publishing House, 1969-1976 (vols. 5-8).
- HS* Juanita Brooks, ed., *On the Mormon Frontier: The Diary of Hosea Stout, 1844-1861* 2 vols. (Salt Lake City: University of Utah Press, 1964).
- JD* *Journal of Discourses by Brigham Young, President of the Church of Jesus Christ of Latter-day Saints, His Two Counsellors, the Twelve Apostles, and Others* 26 vols. (London and Liverpool, England: Latter-day Saints' Book Depot, 1854-1886).
- JMH* *Journal of Mormon History* (1974-present).
- JSJ* Dean C. Jessee, Mark Ashurst-McGee, and Richard L. Jensen, eds., *Journals, Volume 1: 1832-1839*, and Andrew H. Hedges, Alex D. Smith, and Richard Lloyd Anderson, eds., *Journals, Volume 2: December 1841-April 1843*, vols. 1 and 2 respectively of the Journals series of *The Joseph Smith Papers*, edited by Dean C. Jessee, Ronald K. Esplin, and Richard Lyman Bushman (Salt Lake City: Church Historian's Press, 2008-2011).
- JSQA* Devery S. Anderson and Gary James Bergera, eds., *Joseph Smith's Quorum of the Anointed, 1842-1845: A Documentary History* (Salt Lake City: Signature Books, 2005).
- JST* Scott H. Faulring, Kent P. Jackson, and Robert J. Matthews, eds., *Joseph Smith's New Translation of the Bible: Original Manuscripts* (Provo: BYU Religious Studies Center, 2004).
- JWC* George D. Smith, ed., *An Intimate Chronicle: The Journals of William Clayton* (Salt Lake City: Signature Books in association with Smith Research Associates, 1995).
- JWJ* *The John Whitmer Historical Association Journal* (1981-present).
- KCS* *Kansas City Star* (Kansas City, 1880-present).
- KCT* *Kansas City Times* (Kansas City, 1867-1990).
- KHCM* Fred C. Collier and William S. Harwell, eds., *The Kirtland Council Minute Book* 2d ed. (Salt Lake City: Collier's Publishing, 2002).

- M&A* *Latter Day Saints' Messenger and Advocate* (Kirtland, OH, 1834-1837).
- MH* D. Michael Quinn, *The Mormon Hierarchy* 2 vols. (Salt Lake City: Signature Books in association with Smith Research Associates), 1994, 1997.
- MHR* *Missouri Historical Review* (1906-present).
- MHS* *Mormon Historical Studies* (2000-present).
- MRB* Robin Scott Jensen, Robert J. Woodford, and Steven C. Harper, eds., *Manuscript Revelation Books*, facsimile edition, first volume of the Revelations and Translations series of *The Joseph Smith Papers*, edited by Dean C. Jessee, Ronald K. Esplin, and Richard Lyman Bushman (Salt Lake City: Church Historian's Press, 2009).
- MRLDS* Susan Easton Black, comp., *Early Members of the Reorganized Church of Jesus Christ of Latter Day Saints* 6 vols. (Provo: BYU Religious Studies Center, 1993).
- MS* *The Latter Day Saints' Millennial Star* (Manchester, Liverpool, and London, England, 1840-1970).
- NCM* John S. Dinger, ed., *The Nauvoo City and High Council Minutes* (Salt Lake City: Signature Books, 2011).
- NEC* Devery S. Anderson and Gary James Bergera, eds., *The Nauvoo Endowment Companies, 1845-1846: A Documentary History* (Salt Lake City: Signature Books, 2005).
- OS* *Ogden Standard* (Ogden, UT., 1888-1908, and continuing to the present as the *Ogden Standard-Examiner*).
- PGP* *The Pearl of Great Price: A Selection from the Revelations, Translations, and Narrations of Joseph Smith, First Prophet, Seer, and Revelator to the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1981).
- PJS* Dean C. Jessee, ed., *The Papers of Joseph Smith* 2 vols. (Salt Lake City: Deseret Book, 1989-1992).
- PM* Andrew Jenson, "Plural Marriage," *The Historical Record* 6 (May 1887), 219-240.

- PWJS* Dean C. Jessee, ed., *The Personal Writings of Joseph Smith* (Salt Lake City: Deseret Book, 1984).
- RPM* Jerald Tanner and Sandra Tanner, eds., *The Reed Peck Manuscript: An Important Document Written in 1839 Concerning the Mormon War in Missouri and the Danite Band* (Salt Lake City: Utah Lighthouse Ministry, n. d.).
- RS* Maurice L. Draper (vols. 1-3), Clare D. Vlahos (vol. 1), A. Bruce Lindgren (vol. 2), Debra Combs (vol. 3), Marjorie B. Troeh (vol. 4), Darlene Caswell (vol. 5), Wayne Ham (vol. 6), Ruth Ann Wood (vol. 7), Joni Wilson (vol. 7-9), Peter A. Judd (vol. 10), eds., *Restoration Studies: A Collection of Essays About the History, Beliefs, and Practices of the Reorganized Church of Jesus Christ of Latter Day Saints*; subtitle changed with vol. 8 to *A Collection of Essays About the History, Beliefs, and Practices of the Community of Christ*; subtitle changed with vol. 10 to *Theology and Culture in the Community of Christ and the Latter Day Saint Movement*. 10 vols. (Independence, MO: Herald Publishing House, 1980-2005 [vols. 1-9]; Independence, MO: John Whitmer Historical Association and Community of Christ Seminary Press, 2009 [vol. 10]).
- SH* *Saints' Herald* (Cincinnati, 1860-1863; Plano, IL, 1863-1881; Lamoni, IA, 1881-1921; Independence, MO, 1921-present).
- SLT* *Salt Lake Tribune* (Salt Lake City, 1871-present).
- T&S* *Times and Seasons* (Nauvoo, IL, 1839-1846).
- TLC-C* Temple Lot Case, Complainant's Testimony, deposition transcripts, 2 vols. (Kansas City: Eighth Federal Circuit Court, Western Division of the Western District of Missouri, 1892). Community of Christ Archives, Independence, MO.
- TLC-R* Temple Lot Case, Respondent's Testimony, deposition transcripts, 3 vols. (Kansas City: Eighth Federal Circuit Court, Western Division of the Western District of Missouri, 1892). Community of Christ Archives, Independence, MO.
- TT* *The Truth Teller* (Bloomington, IL, 1864-65; Independence, MO, 1868).
- UHQ* *Utah Historical Quarterly* (Salt Lake City, 1928-present).
- WE* *Woman's Exponent* (Salt Lake City, 1872-1914).

- WJS* Andrew F. Ehat and Lyndon W. Cook, eds., *The Words of Joseph Smith: The Contemporary Accounts of the Nauvoo Discourses of the Prophet Joseph* (Provo, UT: BYU Religious Studies Center, 1980).
- WWJ* Scott G. Kenney, ed., *Wilford Woodruff's Journals, 1833-1898* 9 vols. (Midvale, UT: Signature Books, 1983-1985).
- ZE* *Zion's Ensign* (Independence, MO, 1891-1932).

Preface

One summer day in my late teens, I was taking a lunch break with my girlfriend, Sylvia. Sylvia was a devout member of the Church of Jesus Christ of Latter-day Saints; I was a lapsed Catholic more interested in sports than religion. I knew her faith was important to her, and that my non-Mormon status was of some concern to her. More out of respect than genuine curiosity, I asked her what her church believed. As I remember the conversation, Sylvia told me about the atonement of Jesus Christ, the necessity of baptism and so forth, but none of it seemed all that unusual or terribly interesting. But then she mentioned that Mormons believe Zion, the millennial New Jerusalem, will be built in North America. “Do you know where?” I asked. Sylvia must have wondered why I had to ask *that* particular question. She cracked a smile, sensing perhaps the unlikelihood of what she was about to say. “Yes,” she replied, “Independence, Jackson County, Missouri.” “Independence, Missouri?” I blurted out, incredulously. Now *that* caught my attention. I didn’t know a thing about Independence, Missouri, but I knew enough to know it didn’t seem a likely candidate for the New Jerusalem. Regaining my composure, I asked her what was so special about Independence. Had we been speaking geopolitically, she might have explained that Independence at one time stood beside the meeting place of Indian and American civilizations. Instead she quite rightly replied, “Our church founder received a revelation designating Independence the place.”

Little did I know I would end up writing a dissertation on the topic.

The subject of this study is the Temple Lot Case of 1891-1896, a religious property suit waged in the Eighth Federal Circuit Court and Federal Court of Appeals in

Missouri over Mormonism's sacred ground at Independence. The suit involved three Mormon bodies: The Church of Christ of Independence, Missouri; the Reorganized Church of Jesus Christ of Latter Day Saints, based in Lamoni, Iowa; and the Church of Jesus Christ of Latter-day Saints, based in Salt Lake City, Utah Territory. Over the preceding decades the three churches had built distinct identities from one another, each of them variously institutionalizing, downplaying, or reinterpreting the sundry teachings of Mormonism's founding prophet, Joseph Smith Jr. (1805-1844). One church hearkened back to Smith's early teachings; another emphasized the moderate public teachings of his middle years; the third institutionalized the semi-secret teachings of his later years. Like Protestants and Catholics or Sunnis and Shiites battling over the proper interpretation of the Christian or Muslim faith, the three churches interpreted the Mormon Restoration and its founding prophet in substantially different ways.

In 1891, their interminable struggle entered the courtroom, as they fought for control of the grounds Joseph Smith consecrated for the New Jerusalem temple in Independence in 1831. Specifically, the rival churches fought over the 2.5 acre "Temple Lot," the historical core and surviving remnant of a once-larger 63.27 acre property we shall denominate the "Temple Tract."¹ One church, by 1891, had possessed some or all of the Temple Lot for a quarter-century. But another church believed it had a better claim to the property and took its case to the courts. The third church, unwilling to see the property go to the second church, came to the aid of the first. The plaintiff and defendants procured an impressive array of witnesses, including some of the last surviving elites of Mormonism's founding generation, competing leaders from the

divided second generation, and famed figures from Jackson County's colorful past. Newspapers ranging from the *New York Times* to Montana's *Anaconda Standard* followed the Temple Lot Case closely, gleefully reporting (and often embellishing) the sensational testimony and periodically updating the public on the latest developments in the curious case. When it was all said and done, the Temple Lot Case settled the ownership question of Mormonism's most hallowed ground, fortified the collective identity of the participating churches, and produced a documentary vein rich enough to fuel decades of sectarian apologetics and, nearly a century later, improved scholarship on the Mormon past.

The Temple Lot Case, like any substantive historical event, can be examined or interpreted in a number of ways. The primary prisms through which I've chosen to understand the suit are space, memory, law, identity, and Mormon development.

Space. As much as anything else, the Temple Lot Case was a battle over space. The plaintiff church based its suit, in part, on an alternate chain-of-title and interpretation of the property that differed from those of the defendants. As a result, the two sides questioned multiple witnesses and introduced multiple documents pertaining to the disputed history of the site, specifically the sanctification, dispossession, desecration, secularization, and partition of the larger Temple Tract, and the reclamation and contestation of the smaller Temple Lot. As a site of theological import, communal violence, and sectarian rivalry, the Mormon Temple Grounds represented something of a compressed American counterpart to the contested sacred sites of the Old World.

Memory. The plaintiff also claimed the Temple Lot on the basis of its self-identification as the true successor to Joseph Smith's church. To make their case on this point, the plaintiff deposed witnesses who could verify by memory that Smith promulgated the same doctrines as the plaintiff church and designated the head of the plaintiff church his successor. In response, the defendants deposed witnesses who could verify by memory that Smith introduced doctrines the plaintiff did not teach and outlined different routes of succession from that defended by the plaintiff. The courtroom, in effect, became a site of clashing Mormon memories.

Law. The plaintiffs highlighted the succession question quite deliberately: They wished to have their succession rights and their interpretation of Mormon history validated by the courts of the land. Were the Temple Lot Case tried today, of course, the courts would scoff at the presumption. American courts long ago abandoned the pretense that they could resolve religious doctrinal disputes irresolvable by the contending religionists themselves. In the 1890s, however, judicial approaches to religious property cases varied considerably. Some courts sidestepped doctrinal controversies, but others weighed in on them with all the confidence of a theological synod. The ambiguous legal context of the Temple Lot Case would prove pivotal to the case.

Identity. The Temple Lot Case served as a forum for the contending churches' perennial negotiations over Mormon, and even American, identity. All three churches considered themselves uniquely faithful to the truths of Mormonism, yet their definitions and social practice of those truths varied greatly. One of the participating churches defined itself as the Kingdom of Israel gathered out from wicked Babylon; living

accordingly, its members experienced high tension with American society. In reaction, one of the other churches defined itself as the antithesis of this extreme brand of the faith, and chose integration over separation from American society. The third church was similarly moderate, but tended to define itself more in opposition to its moderate competitor than its separatist cousin. Adding further complexity to the situation, one of the churches introduced momentous policy changes immediately preceding the suit that dramatically altered the arithmetic of Mormon identity for all participants.

Mormon Development. A full reckoning of the arguments, evidence, and depositions of the Temple Lot Case necessitates close consideration of the preceding decades of Mormon development. The plaintiffs and defendants didn't limit their focus to the Temple Lot and the succession issue alone. Whether to enhance or challenge a witness's credibility, criticize the operations of a competing church, or burnish their arguments on the core issues, the two sides examined all manner of Mormon matters, ranging from financial policies under Joseph Smith to temple ceremonies in Texas to canonization procedures in the Reorganized Church. The Temple Lot Case served, in a sense, as a forum on Mormonism's development. Therefore, to provide a sufficiently nuanced understanding of the churches, the controversies, and the key figures in the suit, I begin this work by tracing the founding and fragmentation of Mormonism, paying particular attention to issues and personalities of significance to the suit.

Several years ago, Nathan O. Hatch, historian of American religion, remarked that should scholarly trends continue, "early Mormonism may soon rival the Puritans as the

most studied of American religious phenomena.”² Yet despite all the research that has been done on Mormonism, and despite the rich materials the Temple Lot Case affords to scholars, the Temple Lot Case has received comparatively little scholarly attention. Researchers have not altogether ignored it: Many have consulted its deposition transcripts seeking snippets of testimony on focused issues like polygamy.³ Of late, moreover, a growing number of scholars have written about select aspects of the case. But nobody as yet has written a comprehensive historical monograph on the suit.

In the mid-twentieth-century, Utah attorney Paul E. Reimann authored two books and a lengthy unpublished manuscript dealing in significant measure with the Temple Lot Case. But Reimann’s aims were narrowly legal and religiously partisan; he didn’t set out to provide a balanced and comprehensive account of the suit.⁴ Most scholarly works on the case have appeared in the last two decades. In 1992, Ronald E. Romig published an essay overview of the suit, the most essential published work on the subject to date.⁵ In 2003, S. Patrick Baggette II contributed an essay on select features of the case.⁶ In 2004, cultural geographer Craig S. Campbell analyzed the Temple Lot as contested sacred space in *Images of the New Jerusalem*, a superb work that stands as one of the most in-depth studies of any American sacred space.⁷ Offering additional context is Jon Taylor’s *A President, a Church, and Trails West: Competing Histories in Independence, Missouri* (2008).⁸ In 2008, H. Michael Marquardt published an insightful essay on the Temple Lot Case deposition of Emily Dow Partridge.⁹ In 2009, David L. Clark used the suit as a narrative focus for a splendid monograph on his great-great-grandfather, deponent Joseph B. Noble.¹⁰ In 2010, R. Jean Addams capped off a series of excellent essays on the

Church of Christ (Temple Lot) by publishing *Upon the Temple Lot: The Church of Christ's Quest to Build the House of the Lord*.¹¹ But while all these works provide substantial context to the Temple Lot Case, none of them focus on the subject at length.

Despite the flurry of activity of late on certain aspects of the subject, the scholarly lacunae on the Temple Lot Case remains pronounced, particularly when compared to the substantial works available on the 1880 Kirtland Temple Suit and the 1904-1907 Senate hearings on Utah Senator-elect Reed Smoot, two roughly contemporaneous events with a good share of similarities to the Temple Lot Case.¹² The relative inattention to the Temple Lot Case is perhaps attributable to the tendency of scholars to study one branch of Mormonism to the near exclusion of others. Some researchers, moreover, may find the legal character of the subject off-putting. Conversely, however, one might think a scholar of American law, if not a student of Mormonism, might have picked up the Temple Lot Case as a research subject by now. But such has not been the case. The present study, therefore, should help fill a significant historiographical gap.

Given the historiographical context, the most significant contributions of this dissertation probably pertain to the study of American law and American religion.

American Law. The present work represents one of the most in-depth studies of an American religious property case to date. Surveying the scholarly literature in 1959, Richard W. Duesenberg observed that “little extended comment is available on [religious property cases in the United States], at least nothing comparable to the volumes which have appeared on God in the schools, the public purse for private purposes, morals,

ensorship, and religious issues in domestic relations.”¹³ The situation has only moderately improved in the decades since. In 1987, Stephen Botein observed that little had been written on religion and constitutional law in a generation.¹⁴ This seems particularly true of that specialized corner of religious constitutional law, ecclesiastical property suits. The secondary literature on the subject consists almost exclusively of law review articles; book-length examinations of a single case are exceedingly rare. Only one small monograph has been written about the most influential U. S. religious property case of all, the Supreme Court ruling in *Watson v. Jones* (1871).¹⁵

The Temple Lot Case makes for a fine case study of an American religious property case. Take the setting, for example. The greatest number and most influential nineteenth-century religious property cases generally emerged from states with pronounced religious and social divisions like Massachusetts and Missouri.¹⁶ For much of the century, Missouri was a violent and divided state, and this was particularly true of Jackson County. In 1833, Jackson County residents forcibly expelled the Mormons from the Temple Grounds, indeed from the entire county.¹⁷ But the use of violence as a social solution was not a one-time event in the region: The Mormon-Missourian conflict anticipated violent clashes that tore the state apart during the Civil War era.¹⁸ The citizens of Missouri, Jackson County especially, polarized over slavery and sectional loyalties, and as a result so did their churches.¹⁹ An unusually high number of religious property cases came before the Missouri courts.²⁰ Some Missouri rulings on the matter went on to enjoy national influence. One 1869 Missouri ruling won the *de facto* imprimatur of the U. S. Supreme Court in the aforementioned *Watson v. Jones* case.²¹ A

quite different 1873 Missouri ruling prolonged the national longevity of a competing judicial approach.²² With divided peoples and divided churches, Missouri stood for a time at the forefront of American law on ecclesiastical property divisions. That the Temple Lot dispute took place in Missouri is not an incidental detail.

American Religion. The present work also makes several contributions to the study of American religion. It is the first book-length monograph on the Temple Lot Case. It chronicles the establishment and fragmentation of arguably the most successful American-born religious tradition. It offers one of the most concentrated examinations yet of a contested American sacred space. It traces the differentiation of cultural memory among competing religious siblings. It documents the domestication of an American religious conflict from the mob to the courtroom. And it examines the complex interplay of identity between competing religious siblings and the larger American society.

Scholars of American religion, new religious movements, and Mormonism alike may find particular value in the documents at the heart of this study, the unabridged Temple Lot Case deposition transcripts housed in the archives of the Community of Christ (formerly the Reorganized Church) in Independence, with a copy available at the LDS Archives in Salt Lake City. Totalling 1,509 pages in five volumes, the transcripts offer a detailed and multi-layered retrospective glimpse into the formation and maturation of a new American religion. It is as if a Roman court at the end of the first century recorded the memories of Jesus's disciples, eyewitnesses of the first Christian persecution at Antioch, and second-generation leaders like Ignatius and the Shepherd of Hermes. Few religions have had such a rich documentary collection so early in their development.

We need not break down the contributions of the present work to Mormon Studies, as they largely overlap with the contributions already identified. But I will add that this study represents one of few works that focuses on multiple Mormon factions, enabling us to see their intricate interplay and mutual influence. I should also note that this work aims to improve the documentary standards associated with the Temple Lot Case deposition transcripts. Until recently, researchers more often than not relied upon a published abridgement of the transcripts rife with inaccuracies. In this work I utilize the unpublished unabridged transcripts throughout, marking their most robust use yet.

Before we begin, a caveat: The present study offers only a partial portrait of the Temple Lot Case churches. The suit revolved around matters of controversy, and as a result so does this study. But the focus on doctrinal and historical disputes leaves out what for most individuals were the simpler appeals of their faith, such as the gifts of the Spirit and the conviction that they were living in a new era of Christian revelation. Topics like polygamy, lineal priesthood, the Adam-God doctrine, and the rejection of the church preoccupied the contestants in the Temple Lot Case, but they weren't necessarily germane to the day-to-day spiritual lives of most nineteenth-century Mormons.

Endnotes

¹ At the time of the Temple Lot Case, the Temple Lot measured approximately 2.5 acres. From 1906 to the present, the property has measured roughly 2.75 acres. See R. Jean Addams, "Reclaiming the Temple Lot in the Center Place of Zion," *MHS* 7 (Spring/Fall 2006), 15.

The size of the Temple Tract is sometimes expressed as 63.43 acres rather than 63.27 acres, the reason being that some plats of the property have listed the size as 63 & 43/160 acres or 63 & 43/166 acres. See, for example, the plat on the front cover of H. Michael Marquardt, "The Independence Temple of Zion," *Restoration: The Journal of Latter Day Saint History* 5 (October 1986). In 1935, a surveyor put the size as 63.27 acres, which is roughly the same dimensions expressed in a more understandable form. For this reason, I will use the 63.27 figure throughout this work. For a discussion of this point, see Richard and

Pamela Price, *The Temple of the Lord: The Location and Purposes of the Temple which is to be built in Independence, Missouri* (Independence: by the authors, 1982), 35n3.

² Nathan O. Hatch, "Mormon and Methodist: Popular Religion in the Crucible of the Free Market," *JMH* 20 (Spring 1994), 34.

³ Danel W. Bachman, "A Study of the Mormon Practice of Plural Marriage Before the Death of Joseph Smith" (M. A. thesis: Purdue University, 1975), 208, 226; D. Michael Quinn, "The Mormon Hierarchy, 1832-1932: An American Elite" (Ph.D. dissertation: Yale University, 1976), 57; Lawrence Foster, *Religion and Sexuality: The Shakers, the Mormons, and the Oneida Community* (Urbana: University of Illinois Press, 1984), 308n93, 309-310n103-104, 310n109, 317n156, 323n16; D. Michael Quinn, "Joseph Smith III's Blessing and the Mormons of Utah," *JWJ* 1 (1981), 15, 25-27; Andrew F. Ehat, "Joseph Smith's Introduction of Temple Ordinances and the 1844 Mormon Succession Question" (M. A. thesis: Brigham Young University, 1982), 108, 140; Van Hale, "The King Follett Discourse: Textual History and Criticism," *Sunstone* 8 (September 1983), 7; Charles Millard Turner, "Joseph Smith III and the Mormons of Utah" (Ph.D. dissertation: Graduate Theological Union, 1985), 518-519n38, 519n41, 519n44, 520n49, 520n51-52, 606-607n156, 607n159, 609n185, 609n187, 609n189, 610n196-197, 610-611n199-214, 612n216-221; Paul M. Edwards, "William B. Smith: The Persistent 'Pretender,'" *Dialogue* 18 (Summer 1985), 130; Richard S. Van Wagoner, "Mormon Polyandry in Nauvoo," *Dialogue* 18 (Fall 1985), 83; Richard S. Van Wagoner, Steven C. Walker, and Allen D. Roberts, "The 'Lectures on Faith': A Case Study in Decanonization," *Dialogue* 20 (Fall 1987), 74; Richard S. Van Wagoner, *Mormon Polygamy: A History* 2d. ed. (Salt Lake City: Signature Book, 1989), 14-15n8, 26n5, 48n3, 62n11; Roger D. Launius, *Joseph Smith III: Pragmatic Prophet* (Urbana: University of Illinois Press, 1988), 27n35; B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage* (Urbana: University of Illinois Press, 1992), 25-26n41, 29n64, 30n68, 70n62, 125n155, 159n75, 381n19, 381n21; Linda King Newell and Valeen Tippetts Avery, *Mormon Enigma: Emma Hale Smith* 2d ed. (Urbana: University of Illinois Press, 1994), 311, 322n1, 325n41, 330n8, 331n35, 333n53-54, 334n60-61, 335n75, 339n29, 341n21-22; David John Buerger, *The Mysteries of Godliness: A History of Mormon Temple Worship* (Salt Lake City: Smith Research Associates, 1994), 134, 218; *MH*, 1:433n220, 435n229, 436n233-234, 437n242-243, 438n244, 441n281, 517; Irene M. Bates and E. Gary Smith, *Lost Legacy: The Mormon Office of Presiding Patriarch* (Urbana: University of Illinois Press, 1996), 96n4, 241; Todd M. Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1997), 633, 637, 653-654, 675, 700-703, 730, 732-733, 738-741, 743, 764-766; Gary James Bergera, "Identifying the Earliest Mormon Polygamists, 1841-1844," *Dialogue* 38 (Fall 2005), 16-17, 19n48, 27, 34-35, 35-36n87; *JSQA*, 33, 45-46, 63; George D. Smith, *Nauvoo Polygamy: "...but we called it celestial marriage"* (Salt Lake City: Signature Books, 2008), 57, 62, 88, 175-178, 179, 182-184, 191, 193-195, 215-216, 235, 338, 386, 467, 679.

⁴ Paul E. Reimann, *The Reorganized Church in the Light of Court Decisions* (Salt Lake City: Harper Brothers, 1942), and *Why the Reorganized Church Lost the Temple Property Litigation* (unpublished manuscript, c.1943), and *The Reorganized Church and the Civil Courts* (Salt Lake City: Utah Printing Company, 1961).

⁵ Ronald E. Romig, "The Temple Lot Suit after 100 Years," *JWJ* 12 (1992), 3-15.

⁶ S. Patrick Baggette II, "The Temple Lot Case: Fraud in God's Vineyard," *JWJ* 23 (2003), 121-136.

⁷ Craig S. Campbell, *Images of the New Jerusalem: Latter Day Saint Faction Interpretations of Independence, Missouri* (Knoxville: University of Tennessee Press, 2004).

⁸ Jon Taylor, *A President, a Church, and Trails West: Competing Histories in Independence, Missouri* (Columbia: University of Missouri Press, 2008).

⁹ H. Michael Marquardt, "Emily Dow Partridge Smith Young on the Witness Stand: Recollections of a Plural Wife," *JMH* 34 (Summer 2008), 110-141. For an earlier version of the essay, see Marquardt's *The Rise of Mormonism: 1816-1844* (Longwood, FL: Xulon Press, 2005), ch. 25.

¹⁰ David L. Clark, *Joseph Bates Noble: Polygamy and the Temple Lot Case* (Salt Lake City: University of Utah Press, 2009).

¹¹ R. Jean Addams: *Upon the Temple Lot: The Church of Christ's Quest to Build the House of the Lord* (Independence: John Whitmer Books, 2010).

¹² On the Kirtland Temple suit, see Roger D. Launius, “Joseph Smith III and the Kirtland Temple Suit,” *BYU Studies* 25 (Summer 1985), 110–116; Kim L. Loving, “Ownership of the Kirtland Temple: Legends, Lies, and Misunderstandings,” and Eric Paul Rogers and R. Scott Glauser, “The Kirtland Temple Suit and the Utah Church,” in *JMH* 30 (Fall 2004), 1-80 and 81-97, respectively.

On the Reed Smoot Senate hearings, see Kathleen Flake, *The Politics of American Religious Identity: The Seating of Senator Reed Smoot, Mormon Apostle* (Chapel Hill: University of North Carolina Press, 2004); Michael Harold Paulos, ed., *The Mormon Church on Trial: Transcripts of the Reed Smoot Hearings* (Salt Lake City: Signature Books, 2008).

¹³ Richard W. Duesenberg, “Jurisdiction of Civil Courts over Religious Issues,” *Ohio State Law Journal* 20 (1959), 513.

¹⁴ Stephen Botein, “Religious Dimensions of the Early American State,” in Richard Beeman, Stephen Botein, and Edward C. Carter II, eds., *Beyond Confederation: Origins of the Constitution and American National Identity* (Chapel Hill: University of North Carolina Press, 1987), 315-316.

¹⁵ *Watson v. Jones*, 80 United States (13 Wall.) 679 (1871); Ronald Eades, *Watson v. Jones: The Walnut Street Presbyterian Church and the First Amendment* (Lynnville, TN: Archer Editions Press, 1982).

¹⁶ The most influential early American case, for example, was *Rector of King’s Chapel v. Pelham*, 9 Massachusetts 501 (1813).

¹⁷ Warren A. Jennings, “Zion is Fled: The Expulsion of the Mormons from Jackson County, Missouri” (Ph.D. dissertation: University of Florida, 1962).

¹⁸ Donald W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History* 4 vols. (New Haven: Yale University Press, 1986-2004), 3:91, sees the Mormon expulsion of the 1830s as “a particularly ugly prelude to ‘Bleeding Kansas.’”

¹⁹ James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Ballantine Books, 1988), 290-293, 350-354, 783-788; Howard N. Monnett, *Action Before Westport, 1864* rev. ed. (Boulder: University Press of Colorado, 1995); James Monaghan, *Civil War on the Western Border, 1854-1865* (Boston: Little, Brown, 1955).

²⁰ Joseph O. Losos, “Courts and the Churches in Missouri: A Survey of Missouri Law on Intra-Church Disputes with Reference to the Political Theory of the Pluralists,” *Washington University Law Quarterly* (February 1956), 67-103; Kimberly Hughes, “The Role of Courts in Church Property Disputes,” *Missouri Law Review* 38 (1973), 625-644.

²¹ *Watson v. Farris*, 45 Missouri 183 (1869).

²² *Watson v. Garvin*, 54 Missouri 353 (1873).

Chapter One
Primitive Mormonism
1829-1834

On 26 June 1829, the *Wayne Sentinel*, a county newspaper in upstate New York, ran an odd little story:

Just about in this particular region, for some time past, much speculation has existed, concerning a pretended discovery, through superhuman means, of an ancient record, of a religious and divine nature and origin, written in ancient characters impossible to be interpreted by any to whom the special gift has not been imparted by inspiration. It is generally known and spoken of as the “*Golden Bible*.”¹

The *Sentinel*'s publisher, Egbert Grandin, had been in negotiations—reluctantly—to publish the work.² But the *Sentinel* assured readers that most people considered the story a hoax. The newspaper expressed skepticism that a published book would materialize from the ruse. Nonetheless, “as a curiosity,” the article presented the book's title page:

The Book of Mormon; an account written by the hand of Mormon upon plates taken from the plates of Nephi. Wherefore it is an abridgement of the record of the people of Nephi; and also of the Lamanites, written to the Lamanites, which are a remnant of the House of Israel; and also to Jew and Gentile; written by way of commandment, and also by the spirit of prophecy and of revelation; written and sealed and hid up unto the Lord, that they might not be destroyed, to come forth by the gift and power of God unto the interpretation thereof.

And on it went. *Sentinel* readers would have been familiar with some of the themes and classifications on the title page—prophecy and revelation, Jew and Gentile. But who were Mormon and Nephi? Who were the Lamanites? And what was all this about plates, abridgements, and hidden records? The title page dropped readers as it were into another world, offering few guideposts to help them adjust to the unfamiliar surroundings. Fortunately, the stated purpose of the book was a bit more comprehensible:

...to shew unto the remnant of the house of Israel how great things the Lord hath done for their fathers; and that they may know the covenants of the Lord, that they are not cast off for ever: And also to the convincing of the Jew and Gentile that Jesus is the Christ, the eternal God, manifesting himself unto all nations.

The central purpose of the book, then, was to propagate the Christian faith. Readers could at least understand that motivation. But passing off one's writings as a product of divine prophecy and revelation? That wasn't preaching the gospel; that was blasphemy.

At the close of the title page, readers encountered a most pedestrian name: "By Joseph Smith, Junior, Author and Proprietor."³ Most *Sentinel* readers were probably not surprised to find the name of Joseph Smith Jr. on the title page. Virtually everyone in the community had heard rumors of Joseph's "Golden Bible." Before the *Wayne Sentinel* article, however, few had ever seen any actual writings from the work, let alone a printed page. Fabricating stories of a Golden Bible was one thing; producing a printed title page filled with characters, themes, and narrative allusions another. The Smiths were poor and under-educated laborers with an uneven record of church attendance. They weren't considered unusually pious; they certainly weren't known for literary pursuits. How could twenty-three-year-old Joseph produce any book, let alone a new bible?

Martin Harris, the first person outside the Smith family to accept Joseph's supernatural claims, offered the most detailed early account of the book's origins in an interview conducted around that same month, June 1829:

In the autumn of 1827 a man named Joseph Smith of Manchester, in Ontario County, said that he had been visited by the spirit of the Almighty in a dream, and informed that in a certain hill in that town was deposited a Golden Bible, containing an ancient record of divine origin. He states that after a third visit from the same spirit in a dream, he proceeded to the spot, removed earth, and there found the bible, together with a large pair of spectacles.

The plates were covered in hieroglyphics. “By placing the spectacles in a hat and looking into it,” Harris testified, “Smith interprets the characters into the English language.”⁴

Thus did Joseph Smith and *The Book of Mormon* first come to public attention. Grandin’s skepticism notwithstanding, Smith would turn in a manuscript—a long manuscript, at turns strange and familiar. And with its publication, the text set in motion a series of peoples and events that would result six decades later in the Temple Lot Case.

To properly understand the suit, we must continue along the trail of this unlikely American prophet, and examine the founding and fragmentation of a religious movement, a scriptural canon, and a sacred space. Our review of necessity will be highly selective, focusing only on those developments of import to the case and its background.



Joseph Smith claimed that he obtained the plates in September 1827. He started translating in earnest with Martin Harris as scribe in April 1828. But then the manuscript went missing, evidently stolen. But when a young schoolteacher named Oliver Cowdery asked about the plates in April 1829, the translation resumed at a furious pace. Cowdery took most of the dictation, but others, including Joseph’s wife, Emma, and members of the Peter and Mary Whitmer family, took the pen at times. Witnesses reported that Smith would place a “seer stone” in a hat, place his face in the hat, and dictate.⁵ Emma described the process to her son, Joseph Smith III, fifty years later:

I frequently wrote day after day, often sitting at the table close by him, he sitting with his face buried in his hat, with the stone in it, and dictating hour after hour with nothing between us...I am satisfied that no man could have dictated the writing of the manuscript unless he was inspired; for, when acting as his scribe, your father would dictate to me hour after hour; and when returning after meals,

or after interruptions, he would at once begin where he had left off, without either seeing the manuscript or having any portion of it read to him.⁶

Joseph Jr. completed the work in June 1829 after approximately sixty-three days of dictation. The result was a 588-page document, *The Book of Mormon*.⁷

The Book of Mormon tells of an Israelite prophet, Lehi, leading his family across the ocean to the Americas around 600 BC. There the family divided into warring factions, the Nephites and Lamanites. The narrative chronicles the religious history of these peoples, focusing on the ministries of various Christian prophets. The Nephites and Lamanites experienced cycles of wickedness, decline, destruction, repentance, righteousness, prosperity, and renewed decline. But Christ visited them after his resurrection, ushering in two centuries of peace. The old hatreds gradually revived, however, culminating in the destruction of the Nephites in 421 AD. Before his death, one of the last Nephite prophets, Mormon, edited the teachings of his predecessors into a record. Mormon's son, Moroni, buried the record with the divine promise that it would come forth in the last days through a namesake descendant of Joseph of Egypt to restore Christianity, awaken the Lamanites (American Indians) to their Christian and Israelite identities, and facilitate the gathering of Israel before the Second Coming of Christ.⁸ Joseph Smith would later identify this Moroni as the angel who showed him the plates.⁹

Published in March 1830, *The Book of Mormon* remains, in Philip Barlow's considered judgment, "the only important second Bible produced in this country."¹⁰ With its unremitting focus on the Christian gospel, the book has shaped millions of lives.¹¹ Despite historical anachronisms and limited archaeological support, *The Book of Mormon* is a complicated text that rewards close study. It interweaves the stories of three

civilizations, hundreds of characters, dozens of geographical locations, and at least three dating systems, all with striking consistency.¹² Believers testify it is the product of divine revelation. Nineteenth-century skeptics usually insisted that someone else must have written it, someone more educated than Smith. Today non-believers are more inclined to credit Smith with its production.¹³ Yale literary critic Harold Bloom describes Smith as “an authentic religious genius” who “surpassed all Americans, before or since, in the possession and expression of what could be called the religion-making imagination.”¹⁴ Lawrence Foster, a scholar of comparative religion, sees *The Book of Mormon* as “one of the greatest, if not the greatest, examples of a trance-related document ever produced in the history of religion.”¹⁵ *The Book of Mormon* seemed to many an astounding feat—the sort of miracle that could provide the basis for a new religion.¹⁶

The Book of Mormon was the centerpiece, the chief appeal, of early Mormonism. Unlike the canonical books of Judaism and Christianity, *The Book of Mormon* wasn't so much canonized by a community as it *created* a community.¹⁷ Joseph Smith probably wouldn't have attracted much attention in his own right, for antebellum America already had its share of talented visionaries. *The Book of Mormon*, however, gave Smith tremendous notoriety and potential credibility, as few had ever produced a second *Bible*.¹⁸ The text immediately distinguished Mormonism from all other forms of Christianity, giving the movement a distinctive identity right from the start.¹⁹ The text would serve as one of the chief exhibits of the Temple Lot Case.

Every copy of *The Book of Mormon* contained an appendix entitled “The Testimony of Three Witnesses.” The text declared that after the completion of the

translation in June 1829, the aforementioned angel appeared to Oliver Cowdery, David Whitmer, and Martin Harris and allowed them to handle the gold plates. All three men would play critically important roles in the founding and fragmentation of Mormonism; all three men would receive considerable comment during and after their lives.²⁰ What has generally been overlooked, however, is that the Three Witnesses played significant roles in the development of the Temple Lot and/or the debates of the Temple Lot Case.

The question of religious authority would be paramount in the Temple Lot Case. Along with *The Book of Mormon*, Joseph Smith's pronounced concern for authority and institutions quickly distinguished him among antebellum visionaries.²¹ On 6 April 1830 in upstate New York, Smith, Cowdery, and a handful of families formally organized the movement as "The Church of Christ."²² Few in numbers, their authority claims were nonetheless pronounced. Mormons testified that Christendom fell into apostasy after the death of the apostles and that none of the existing churches were divinely authorized. With the revelation of *The Book of Mormon*, God had reopened the heavens and set His hand to restore the true Christian church and gather Israel before the Second Coming. For Americans longing for a surer authority amidst democratic confusion and sectarian religious division, the exclusive message of the Mormon restoration resonated.²³

The earliest Mormons didn't attribute their authority to priesthood or priesthood ordinations. *The Book of Mormon* spoke approvingly at times of ancient Israelite and Nephite priesthood.²⁴ But similar to the Apostle Paul in the *New Testament* and Alma in *The Book of Mormon*, early Mormons spoke of having "authority" derived from

revelations, angelic visions, divine manifestations, and other charismatic gifts of the Spirit. Ohio's *Painesville Telegraph*, for example, reported in December 1830:

Mr. Oliver Cowd[e]ry has his commission directly from the God of heaven, and that he has his credentials, written and signed by the hand of Jesus Christ, with whom he has personally conversed, and as such, said Cowd[e]ry claims that he and his associates are the only persons on earth who are qualified to administer in his name.²⁵

Most early Mormons had negative connotations of priesthood bound up with their pejorative views of salaried Catholic priests and Protestant ministers.²⁶

The Church of Christ was quite egalitarian.²⁷ All members were encouraged to seek revelations.²⁸ They voted in conferences by “common consent.”²⁹ The church also had a lay ministry open to all men consisting of the ascending offices of teachers (who visited member homes), priests (who could baptize and administer the sacrament) and elders (who could bestow the Holy Ghost and ordain individuals to offices).³⁰

All that being said, Joseph Smith was first among equals. On the day of the founding, the Lord enjoined members by revelation that Smith's word “ye shall receive, as if from mine own mouth.”³¹ In late summer 1830, Hiram Page received a revelation identifying the location of the New Jerusalem. David Whitmer and apparently Oliver Cowdery as well accepted Page's revelation as authentic.³² In response, Joseph Smith declared by revelation that only he could receive revelations for the entire church.³³ After some discussion, the membership approved Smith's revelation: “Brother Joseph Smith jr. was appointed by the voice of the Conference to receive and write Revelations & Commandments for this Church.”³⁴ A February 1831 revelation further declared “there is none other appointed unto you to receive commandments and revelations until

he be taken, if he abide in me.”³⁵ To paraphrase Kathleen Flake, Mormons were like Methodists, except that they had Moses in their midst.³⁶ By placing checks on charismatic expression, Smith helped ensure the church’s organizational stability.

Joseph Smith’s February 1831 revelation also touched upon the question of prophetic succession. Therein the Lord declared:

But verily, verily, I say unto you, that none else shall be appointed unto this gift except it be through him; for if it be taken from him he shall not have power except to appoint another in his stead.

And this shall be a law unto you, that ye receive not the teachings of any that shall come before you as revelations or commandments;

And this I give unto you that you may not be deceived, that you may know they are not of me.

For verily I say unto you, that he that is ordained of me shall come in at the gate and be ordained as I have told you before, to teach those revelations which you have received and shall receive through him whom I have appointed.³⁷

Joseph alone would appoint his successor even if it represented the last faithful act of an otherwise fallen prophet. The appointment of the successor, moreover, would not occur in some cryptic, roundabout fashion, nor would the successor depart from the revelations of his predecessor. The successor would receive an ordination, “come in at the gate,” and uphold the revelations of his predecessor. D. Michael Quinn comments:

As of February 1831 then, there could be no Mormon Elijah or Hosea rising from outside the priestly structure. Smith was now a prophet like Moses with exclusive right to appoint his prophetic successor. This applied even if Smith became a “fallen prophet.”³⁸

The February 1831 revelation would become a critical proof text in the Temple Lot Case specifically and in almost all debates over Joseph’s successor.

Another prominent issue of the Temple Lot Case, of course, would be the Temple Lot located in Independence, Missouri. How was it that the Mormon movement, sired near the Erie Canal in upstate New York, established a temple site over a thousand miles away in remote Missouri, the westernmost state in the Union at the time? The answer lay in Israel, Indians, federal policy, and the end of the world.

Millenarian fervor pervaded early Mormonism.³⁹ Believing that the present social order would end shortly, early Mormons were keenly interested in what *The Book of Mormon* said about the gathering of Israel in the last days.⁴⁰ The text declared that Jews and the Lost Ten Tribes of Israel were to gather to Jerusalem.⁴¹ In parallel fashion, the American Indians, the Lamanite descendants of the Israelite tribe of Joseph, were to construct a New Jerusalem (or “Zion”) in the New World with the assistance of converted “Gentiles” (non-Israelite European-Americans).⁴² Only by converting and gathering to Zion could Lamanites and Gentiles avoid imminent eschatological destruction.⁴³

In the latter half of 1830, Joseph Smith situated the quest for Zion within an even more expansive narrative. Dictating to Oliver Cowdery, John Whitmer and former Campbellite minister Sidney Rigdon, Smith recounted a series of theophanies purportedly granted in ancient times to Adam, Moses, and Enoch. The first of these revelations constituted a prologue to *Genesis*; subsequent installments amended the first several chapters of *Genesis*.⁴⁴ Therein Smith revealed that Enoch established a city of Zion, and that in the last days, Enoch’s Zion would descend from heaven and join the new Zion.⁴⁵

In September 1830, the Prophet Joseph revealed that Zion “shall be among the Lamanites.”⁴⁶ Four missionaries, including Oliver Cowdery, promptly set out for the

federal Indian Territory located directly west of Missouri in present-day Kansas.⁴⁷ En route they baptized over one hundred individuals in Kirtland, Ohio.⁴⁸ The elders arrived at the border settlement of Independence, Jackson County, Missouri, in January 1831. Crossing into Indian Territory, they introduced *The Book of Mormon* to the Shawnee and the Delaware. But federal Indian agent Richard W. Cummins subsequently expelled the elders.⁴⁹ When Joseph Smith learned of their troubles, he suspended the Lamanite mission and assured the church by revelation on 6 June 1831 that Missouri was “the land of your inheritance.”⁵⁰ Zion, in other words, would be centered among the Gentiles of Missouri rather than the Lamanites of Indian Territory. The Indians could contribute to the building of Zion later in time; for now, the Mormons would go it alone.⁵¹

And so it was that Zion, the seat of Christ’s millennial government, would rise near the meeting-point of Indian and Euroamerican civilizations, near the longitudinal, if not latitudinal, center of the continent.⁵² Various religions have been known to identify particular sites as the *axis mundi*, the center of the world, the meeting-place of heaven and earth.⁵³ The Mormons found that place in the heart of North America.⁵⁴

Even as revelation pointed the church towards an ultimate Missouri destination, the Lord directed the bulk of the church to gather in the meantime in Ohio.⁵⁵ The practice of “gathering” would become one of Mormonism’s most controversial features. Converts were encouraged to leave their homes, gather with the faithful, and participate in social, religious, economic, and (in time) political activities as an insular bloc.⁵⁶ This ran against the grain of antebellum American religious pluralism.⁵⁷ Mormons who lived

or proselyted out in the mission field behaved little different from Baptists and Methodists, but gathered Mormons acquired an almost ethnic-like sense of “otherness.”⁵⁸

A case in point: In February 1831, Joseph called Edward Partridge, a prosperous hatter, to serve as bishop and run a program called the law of consecration and stewardship. Members were to consecrate everything they owned to the bishop, who in turn would lease and loan real and personal property back to members sufficient for their needs. If someone consecrated more than he or she needed, the surplus would go to the bishop’s storehouse to provide stewardships for the poor and lands for Zion. Gathered Mormons stood somewhat at odds with the individualistic bent of American culture.⁵⁹

As the stringent behavioral demands of the gathering and the law of consecration indicated, Mormonism aspired to be not just a doctrinal restoration of primitive Christianity, but a thorough reliving, if you will, of ancient Israelite and Christian experience. Mormons didn’t just revive the ecclesiastical forms of early Christianity; they tried to relive the early Christian experience by renewing the gifts of prophecy, revelation, and scripture formation. Mormons didn’t just identify with Israel in a figurative sense; they tried to relive the experience of Israel by gathering towards the promised land under the leadership of a modern (and considerably younger!) Moses.⁶⁰ Some of Mormonism’s most controversial practices lay in the future, yet even at this early stage of development the movement had already staked out a distinctive identity. Questions over gathering, communitarianism, and other means of social differentiation would figure large in the debates of the Temple Lot Case.

One of the most unusual features of the Mormon movement was a pronounced historical consciousness. The prophets of *The Book of Mormon* stressed “the ways of remembrance” and the treacheries of cultural amnesia. They admonished their people to remember the covenants of their ancestors and the mighty works God had wrought on their behalf. Historical forgetfulness, the text documented, resulted in wickedness, temporal destruction, and spiritual damnation.⁶¹ In a similar spirit, Joseph Smith received a revelation on the day of the church’s founding commanding “there shall be a record kept among you.”⁶² Three days later, Oliver Cowdery became the church’s first recorder.⁶³ Cowdery reportedly wrote a history as well, the first history of Mormonism. According to John Whitmer, Cowdery’s narrative began with the recovery of the gold plates in 1827.⁶⁴ Unfortunately, Cowdery’s history has never been found, despite a search effort in the 1890s and sensational rumors in the 1980s.⁶⁵ With Cowdery absent on missions, Smith subsequently received a revelation calling John Whitmer to “write and keep a regular history.”⁶⁶ So it was that Whitmer reluctantly became the church’s first official historian on 9 April 1831.⁶⁷ Whitmer worked on his history haphazardly into the 1840s. But neither he nor the church ever published the text. Whitmer’s history would only be published in the twentieth-century.⁶⁸ Despite its unevenness—Whitmer admitted he recorded but “a mere sketch of the things that have transpired”—the work contains a number of valuable documents and observations found in no other record.⁶⁹

Notwithstanding the largely unpolished quality of early Mormon history writing and journal keeping, the scriptural emphasis on record-keeping ultimately bore substantial fruit. With the exception of the Puritans perhaps, Mormonism would become

the best documented religion in the history of the United States. We have minutes and journals stretching back to the year of the founding. Using those records, Mormons were able to produce vibrant and detailed sacred narratives of their past within a generation. But the abundant documentation by no means eliminated controversy. While many of the records fostered Mormon remembrance and solidarity, many others facilitated discord. Disputes over Mormon history were central to the Temple Lot Case.

Throughout his career, Joseph Smith periodically selected individuals to receive an “endowment” of divine power preparatory to a mission or some other important task.⁷⁰ At the first endowment in Kirtland in June 1831, Smith ordained Lyman Wight and select other elders to the “high priesthood,” sparking pentecostal manifestations among the recipients and enabling them to “seal” congregations (and later individuals) up to eternal life.⁷¹ This marked the first time priesthood was explicitly exercised in the church.⁷² The introduction of priesthood into Mormonism implied an institutional control that the imprecise notion of “authority” did not convey. Coupling priesthood to the pentecostal endowment controlled Mormonism’s formative charisma without eliminating it.⁷³ The introduction of priesthood distanced Mormonism from Protestant restorationist sects.⁷⁴ Priesthood would play a central role in the debates of the Temple Lot Case.

Having received the priesthood and the endowment, the elders travelled to Jackson County, Missouri to pinpoint the exact location of Zion, the New Jerusalem.⁷⁵ Following their arrival, Joseph Smith received the answer by revelation on 20 July 1831:

[T]he land of Missouri...is the land which I have appointed and consecrated for the gathering of the saints: wherefore this is the land of promise, and the place for

the city of Zion....Behold the place which is now called Independence, is the center place, and the spot for the temple is lying westward upon a lot which is not far from the court house: wherefore it is wisdom that the land should be purchased by the saints, and also every tract lying westward, even unto the line running directly between Jew and Gentile. And also every tract bordering by the prairies, inasmuch as my disciples are enabled to buy lands.⁷⁶

Many of the world's sacred sites have gradated parameters of significance.⁷⁷ This revelation seemed to portend something of that sort for the Mormon Zion. The "land of Missouri" would constitute the outer perimeter of Zion. Further inward, the lands "bordering by the prairies" would form a second parameter. Further inward still would be the Mormon properties located in the western third of Jackson County, the fourteen-mile stretch between Independence and "the line running directly between Jew and Gentile," meaning the borderline separating the Indian Territory (Kansas) and Missouri.⁷⁸ Independence would be the centerplace of Zion. And at the core of it all would lay the prospective temple, slated for construction due west of the Independence courthouse.

Two weeks after the revelation, on 3 August 1831, Joseph Smith led the elders along the Osage Trace Trail, the overland route linking Independence, the settlements of the future Kansas City, and Indian Territory (Kansas). This wasn't just a local road; it was part of the Santa Fe Trail, the primary U. S. trade route with Mexico, and in the 1840s it became part of the Oregon and California Trails.⁷⁹ A half-mile from the Independence courthouse, where the trail curved momentarily to the southwest, Smith turned south off the trail and hacked through the woods several dozen feet. Reaching the highest plateau due west of Independence, the Prophet identified the spot as the temple grounds of Zion. Sidney Rigdon promptly dedicated the land, and Smith laid a markerstone identifying the northeastern corner of the temple.⁸⁰ The dedication site,

contrary to some later claims, wasn't the highest point in Jackson County.⁸¹ But it was a picturesque knoll nonetheless, with gently sloping hills descending from its peak.⁸² William McCoy, the first mayor of Independence, thought it an excellent spot for a temple, as "it was a beautiful piece of ground, and was beautifully located."⁸³ To this day, the Osage Trail (later renamed Westport Road; now known as Lexington Avenue) and the elevated knoll remain identifiable characteristics of western Independence.

After the dedication, Joseph Smith returned to Ohio to supervise the general work of the church, while Bishop Edward Partridge settled in Independence to supervise the building of Zion. Henceforth Kirtland and Jackson County, 700 miles apart, were to serve as parallel gathering sites—the former temporarily, the latter permanently.⁸⁴

Mormons started moving onto the Temple Grounds almost immediately.⁸⁵ But contingencies remained. First, the Mormons did not own the site; the State of Missouri did. The dedication site was simply an undifferentiated point on a square-mile, 640-acre tract identified as Section 3, Township 49, Range 32 of the State of Missouri. The state obtained the tract from the federal government in 1827-1828, but three years later had yet to put it up for sale.⁸⁶ To lay claim to the Temple Grounds, Joseph Smith stripped and marked a tree during the dedication ceremony.⁸⁷ But whether other potential claimants would jump the Mormon claim remained to be seen.⁸⁸ Second, the exact size of the consecrated grounds remained undetermined. At this initial stage, Smith left the dimensions of the temple and its surrounding grounds unspecified.⁸⁹ Property maps didn't predetermine the dimensions, as the dedication site was just a blip on a square-mile

tract. Whether the Temple Grounds would extend downhill to the east and south, or perhaps even north and west across the Osage Trail, remained to be determined.

Mormons everywhere donated funds for the purchase of Jackson County lands.⁹⁰ Bishop Edward Partridge purchased nearly two thousand acres on behalf of the Mormons, most of it located along the waterways and trade routes of the present Kansas City.⁹¹ Four months after the dedication ceremony, the state at last placed the tracts comprising Section 3, Township 49, Range 32 up for sale, the Prophet's dedication site included.⁹² But a local non-Mormon resident purchased the site before the Mormons. Specifically, on 12 December 1831, Jones H. Flournoy purchased a pair of adjoining eighty-acre tracts on the western edge of Independence.⁹³ Unfortunately for the church, the dedication site wasn't peripheral to, and potentially easily separable from, Flournoy's 160-acre purchase; it stood, in fact, almost dead center in the 160 acres.⁹⁴

But on 19 December 1831, one week after his 160-acre purchase, Jones Flournoy and his wife, Clara, sold 63.27 acres, the dedication site included, to Bishop Partridge.⁹⁵ It was a curious transaction. First, the sellers didn't take advantage of Mormon demand. The Flournoys sold the land at \$2 per acre, the same rate they paid for the grounds a week earlier. Second, the sixty-three acres were located in the south-center of the Flournoys' 160 acres. The Mormon purchase essentially ripped the heart out of their acreage.⁹⁶ Third, even though Partridge purchased the sixty-three acres with Mormon donations, he held the title in his own name.⁹⁷ Why the private title? Missouri and Virginia were the lone states in the Union to prohibit the incorporation of churches.⁹⁸ As a result, the Mormon Church couldn't hold the sixty-three acres, nor any other Jackson

County lands, in its own name. Alternatively, Partridge could have held the property in trust for the church. Yet he chose not to do so, probably because of the unsettled legal status of charitable trusts in Missouri.⁹⁹ Fortunately for the Mormons, Partridge proved an honest man, and he would treat the sixty-three acres as church property rather than his own property.¹⁰⁰ Fourth, at some point in the 1830s, Partridge reportedly transferred the title to Martin Harris, to compensate Harris for underwriting the publication of *The Book of Mormon*. Unfortunately, the transaction didn't make it into the records of Jackson County, so all we know of the exchange comes from secondhand reports.¹⁰¹

On a map, the Mormons' sixty-three acres looked like a right triangle with a convex hypotenuse, the southeastern corner representing the right triangle and the northwestern Osage Trail representing the hypotenuse. The size and shape of the property had been determined by forces beyond Mormon control—the Osage, the United States, the State of Missouri, the Flournoys. But despite the non-Mormon influences, Mormons soon looked upon the grounds as sacred. They, and in turn local residents, referred to the sixty-three acres as the “Temple Property,” “Temple Grounds,” “Temple Plot,” “Temple Lot,” or “Temple Block.”¹⁰² But Mormons, to be sure, did not envision a sixty-three acre temple. The temple would stand where Joseph Smith laid the markerstone, upon the highest point of the tract, not far from the Osage Trail.¹⁰³ The remaining acres would be used for other needs.¹⁰⁴ In effect, the sixty-three acres added another parameter to Zion's embryonic gradated geography, which could now be said to consist of the dedication site, the sixty-three-acre Temple Tract, Independence, western Jackson County, “the regions round about,” and the State of Missouri.

From 1831-1833, the Mormons made modest improvements to the sixty-three acre Temple Tract. They cut down some trees.¹⁰⁵ They planted some crops.¹⁰⁶ They quarried stone on or near the grounds.¹⁰⁷ They used a shady clearing, most likely atop the dedication site, for regular outdoor worship.¹⁰⁸ They built a schoolhouse that doubled in poor weather as a meetinghouse.¹⁰⁹ They constructed homes on or near the northeastern corner for Partridge and his two counselors.¹¹⁰ For the most part, though, the sixty-three acres remained undeveloped woodlands.¹¹¹ The multiple land-uses of the infant Temple Tract served as something of a microcosm of three prominent Mormon millennial themes—the wilderness, the pastoral garden, and the industrious city.¹¹²

From his post in Ohio, Joseph Smith kept the church focused on the grand vision underlying Partridge's practical efforts. A September 1832 revelation declared:

[T]he word of the Lord concerning his church, established in the last days for the restoration of his people as he has spoken by the mouth of his prophets, and for the gathering of his saints to stand upon mount Zion, which shall be the city of New Jerusalem; which city shall be built, beginning at the Temple Lot, which is appointed by the finger of the Lord, in the western boundaries of the state of Missouri, and dedicated by the hand of Joseph Smith jr. and others, with whom the Lord was well pleased.

The revelation provided an eschatological framework for the sacred ground:

Verily, this is the word of the Lord, that the city New Jerusalem shall be built by the gathering of the saints, beginning at this place, even the place of the temple, which temple shall be reared in this generation; for verily, this generation shall not all pass away until an house shall be built unto the Lord.¹¹³

A Mormon holy land in Jackson County, Missouri, was, to say the least, an unlikely development. The Saints had no history there, nothing to commemorate. Had it not been for the finger of the Lord, a Mormon might not have set foot in the area for years. Independence residents were understandably bewildered that the members of this strange

new northeastern sect were “required as soon as convenient to come up to Zion, which name they have thought proper to confer on our little village.”¹¹⁴

Paradoxically, the production and canonization of scriptural texts often closes religious canons. The Christian canon closed with the canonization of the *New Testament*; the Muslim canon closed with the revelation of the *Qur’an*. *The Book of Mormon*, by contrast, reopened the Christian canon and never let it close again. *The Book of Mormon* promised that yet other books of scripture would come forward in the last days. It affirmed that the gifts of the Spirit—prophecy, revelation, visions—were available to all once again. For Mormonism, then, the canon was open, contemporary revelation took precedence over written scripture, and each individual could receive revelation. These were radical notions not just in antebellum Protestant America, but against the entire sweep of Jewish and Christian canonical history.¹¹⁵

Having busted open the Christian canon with *The Book of Mormon*, the Church of Christ quickly added additional texts and revelations to the canon. Church members reflexively considered the revelations of Joseph Smith authoritative. They routinely asked Smith to seek the Lord’s will for their lives, and if and when he received an answer, they almost invariably accepted it as the authoritative word of God. So eager were the Mormons to receive instructions from heaven that, like the Christians of the first century, they made handwritten copies and passed them around.¹¹⁶ As they saw it, the revelations of the Lord’s prophet did not need a conference vote to achieve binding status (though sometimes they were voted on in a largely *pro forma* exercise).¹¹⁷ And so it was

that in November 1831, the elders decided to publish Smith's revelations as a third text of scripture entitled *A Book of Commandments*. The church set up a printing press in Zion (Independence) under printer W. W. Phelps and worked towards an 1833 publishing date.¹¹⁸ In the meantime, Phelps published many of the revelations in the first Mormon newspaper, *The Evening and Morning Star* (1832-1833).¹¹⁹

Meanwhile, having refashioned the opening chapters of *Genesis* in 1830, Smith worked through the rest of *The Bible* from February 1831-July 1833. He called his revision a "translation," even though he had no ancient manuscripts and knew no foreign languages. Believing, as *The Book of Mormon* taught, that many "plain and precious things" had been altered or removed from the biblical text over the centuries, Smith pondered the passages of the King James text and added, deleted, or amended words as inspired.¹²⁰ The Lord admonished the church to publish the manuscript. The church published the most consequential excerpts in his lifetime, but the bulk of the revision did not get published. The church simply could not raise the funds.¹²¹ As we will see, the fate of the new translation would figure prominently in the Temple Lot Case.

Many of Mormonism's most distinctive doctrines nonetheless resulted from the translation of the *Bible*.¹²² While reflecting on *John 5:29* on 16 February 1832, for example, Joseph Smith and Sidney Rigdon learned by vision that the afterlife is not starkly bifurcated into heaven and hell but gradated into three degrees of glory—celestial, terrestrial, and telestial—and the abode of Satan.¹²³ "The Vision," as it was called, marked a dramatic departure from Protestant and Catholic views of the afterlife. Even liars, adulterers, and murderers would ultimately receive a limited degree of glory; only

those who willfully rejected God's truth would suffer eternally. The Vision also pointed beyond salvation (acceptance by God) to "exaltation" (becoming like God).¹²⁴

Following its introduction in 1831, priesthood quickly became central to church doctrine and governance. Yet the terms, doctrines, and policies of priesthood continually evolved under Joseph Smith. Let me summarize a few of the initial developments:

Dual Priesthoods. As we've seen, Joseph Smith introduced the higher priesthood in June 1831.¹²⁵ A "lesser Priest-Hood" became operative shortly afterwards.¹²⁶ By 1832 the high priesthood was called the "order of Melchizedek" after a prominent high priest in *The Bible* and *Book of Mormon*.¹²⁷ The lesser priesthood, conversely, was associated with Aaron, the brother of Moses.¹²⁸ By fall 1832 the high priesthood encompassed the offices of high priest, elder, and bishop; the lesser priesthood encompassed the offices of priest, teacher, and deacon.¹²⁹ Finally, a March 1835 revelation identified the dual priesthoods as the "Melchizedek Priesthood" and "Aaronic Priesthood."¹³⁰

Quorums. In November 1831, Smith received a revelation ordering the church to organize the various offices of the priesthood into quorums, each with their own quorum president. Twelve deacons were to comprise a deacons' quorum, twenty-four teachers a teachers' quorum, forty-eight priests a priests' quorum, and ninety-six elders an elders' quorum.¹³¹ Nearly five years passed before the church implemented the instructions with deliberation, but priesthood quorums would become critical to Mormon governance.¹³²

Presidency. The November 1831 revelation also created a “Presiding High Priest over the High Priesthood” to preside “like unto Moses” over the church as “a seer, a revelator, a translator, and a prophet.”¹³³ Sidney Rigdon ordained Joseph Smith to this office in January 1832. This made Smith essentially the church “president,” a formal office befitting his preeminent role.¹³⁴ Weeks later, Smith selected Jesse Gause and Sidney Rigdon as his presidential counselors.¹³⁵ The “First Presidency,” as this quorum became known in 1835, would ultimately serve as the governing body of the church.¹³⁶

Lineage. During Joseph Smith’s administration, all worthy male members were eligible for priesthood ordination. Yet some revelations indicated that priesthood could also descend by lineage, particularly, if not exclusively, in the Smith family. *The Book of Mormon* indicated that Smith descended from Joseph of Egypt.¹³⁷ A November 1831 revelation hinted that he and other Mormons descended from Ephraim, the son of Joseph of Egypt.¹³⁸ A September 1832 revelation chronicled the lineal descent of priesthood among the ancient patriarchs.¹³⁹ A December 1832 revelation to Smith and “my servants” declared “the priesthood hath continued through the lineage of your fathers” and “must needs remain through you and your lineage until the restoration of all things.”¹⁴⁰ Smith initially didn’t draw out the significance of these passages.¹⁴¹ But as the years and decades passed, they would become enormously influential.

Elite Ordinances. Most church ordinances—baptism, confirmation, healing, the sacrament—were administered to all members.¹⁴² But in early 1833, Joseph Smith convened a “School of the Prophets” in Kirtland.¹⁴³ With admission restricted to select priesthood holders, the School evinced a level of elitism Mormonism hadn’t known

before.¹⁴⁴ Evocative of the June 1831 endowment, the School presented new ordinances in the promise that, if sufficiently humble, initiates might see the face of God. The School of the Prophets introduced such rites as foot washing, symbolic cleansing, and the sealing of individuals to eternal life.¹⁴⁵ The School also precipitated the introduction of a voluntary dietary code called the “Word of Wisdom,” which prescribed fruits, grains, and herbs, a sparing use of meat, and the avoidance of alcohol, tobacco, and “hot drinks.”¹⁴⁶

The development of a Mormon spiritual landscape accelerated in 1833. The church broke ground for a temple in Kirtland on June 5th.¹⁴⁷ Later that month, Joseph Smith and counselor Frederick G. Williams completed the plat and a temple design for Zion.¹⁴⁸ They envisioned a grid-patterned city characterized by large blocks, sizeable lots, and wide streets, surrounded by farms and ranches. Whereas the Prophet anticipated one temple in Zion in 1831, the June 1833 plat called for *twenty-four* temples, arrayed on a north-south axis on two temple blocks at the city center, alongside a third block reserved for the bishop’s storehouse.¹⁴⁹ The First Presidency incrementally refined the plans in August. They added a printing office and presidential office to the layout.¹⁵⁰ They issued a revised city plat, eliminating the bishop’s block, reducing the size of the temple blocks, and reorienting the twenty-four temples on an east-west axis.¹⁵¹ They revised the design of the model temple, significantly enlarging the structure.¹⁵² But while the temple design received the imprimatur of revelation during the course of this process, the plats of Zion did not, at least not in any explicit and subsequently canonized form.¹⁵³

Due perhaps to their eschatological mindsets, Joseph Smith and Frederick G. Williams paid little mind in the plats to the existing geography of Independence. The fifth temple, they indicated, should stand at the sight of the 1831 temple dedication.¹⁵⁴ Otherwise they treated Independence as a blank slate, making no effort to reconcile the plats with the dimensions of the Temple Tract, the curves of the Osage Trail, or the structures and land titles of Independence.¹⁵⁵ Indeed, if we superimpose the Zion plats atop the actual layout of Independence, we find a number of the twenty-four temples would have stood outside the Temple Tract.¹⁵⁶ Cognizant of the plats' incongruities and sundry revisions, Edward Partridge surmised that the Prophet didn't obtain the designs through revelation; Partridge therefore took the liberty to modify the plats to better fit Independence as it existed.¹⁵⁷ Mormon leaders considered the Temple Grounds sacred, but they remained somewhat flexible about the actual development of the space.

Practical problems aside, Joseph Smith's vision for Zion remained bold and distinct. Biographer Richard Lyman Bushman explains:

The American landscape dispersed religious energy widely through the society into thousands of churches; Joseph's city plat concentrated holiness in one place, in a sacred city and its temple, where religion absorbed everything....He conceived the world as a vast funnel with the city at the vortex and the temple at the center of the city. Converts across the globe would be attracted to this central point to acquire knowledge and power for preaching the Gospel. Trained and empowered in the temple, the missionary force would go back into the world and collect Israel from every corner of the earth. The city, the temple, and the world, existed in dynamic relationship. Missionaries flowed out of the city and converts poured back in. The exchange would redeem the world in the last days.¹⁵⁸

Once the New Jerusalem reached its ideal population, Smith wanted similar cities erected to "fill up the world in these last days."¹⁵⁹ Mario S. De Pillis concludes that Smith "envisaged nothing less than the subdivision of the entire trans-Mississippi west into one

stupendous checkerboard of cities spreading outward from Independence, Missouri.”¹⁶⁰

Mormonism’s spatial character distinguished it from other American religions. Most American churches built meetinghouses; the Mormons built cities and temples.

Smith’s plats would become the basic layout for Mormon settlements at Kirtland, Ohio; Far West, Missouri; to some extent Nauvoo, Illinois; and hundreds of towns and cities in the Intermountain West.¹⁶¹ Thus the cruel irony that it was never implemented at the very place for which it was designed—the City of Zion at Independence, Missouri.

Zion was ripe for social conflict. Most Jackson County settlers belonged to what geographer D. W. Meinig calls “the Greater Virginia migration stream.” Scotch-Irish Protestants from Kentucky, Tennessee, and Virginia, they settled along the Missouri River with thousands of slaves, creating what Meinig calls “Virginia Extended.”¹⁶² Most early Mormons, by contrast, belonged to what Meinig calls “New England Extended,” the migration stream flowing from New England and New York to the Old Northwest.¹⁶³ The Mormons, in effect, jumped from one migration stream to another. The social origins of the Mormons and Missourians were different enough; to compound matters, they also had incompatible social visions. Mormons considered Jackson County an embryonic religious utopia, a refuge for white, Indian, and even black converts to gather in communal solidarity while the rest of the world burned. Non-Mormon residents saw Jackson County as a land of individual economic opportunity for whites, servitude for blacks, and no place for Indians. The two groups might have coexisted had the Mormons been a small, retiring sect. But they were not: Mormons engaged in social, religious, and

economic activities as a clannish yet ambitious bloc. With their numbers increasing daily, they would soon wield more power in Jackson County than older non-Mormons residents. Conversely, the two groups might have coexisted had the Missourians been willing to live in a Mormon-dominated county. But they were not.¹⁶⁴

In July 1833, Jackson County residents called for Mormon removal, charging that the interlopers were poor and landless blasphemers who welcomed free blacks, boasted that God had given them the land, and intended to use the levers of local government to confiscate Gentile property.¹⁶⁵ When church leaders refused to leave, a mob tarred and feathered Bishop Partridge, razed Mormon businesses, and destroyed the church printing press, aborting the publication of *A Book of Commandments*. Partridge and company subsequently relented: The Mormons agreed to leave Zion in two waves by April 1834.¹⁶⁶

The Mormons bore the attacks without defending themselves.¹⁶⁷ They had been expressly forbidden to shed blood.¹⁶⁸ On August 6th, however, Joseph Smith received a revelation that qualified the prohibition on violence. If someone attacked the Saints once, twice, or even three times, they were to bear it without retaliation. But if attacked a fourth time, they were justified in retaliating, though it were preferable if they didn't.¹⁶⁹

The Mormons quietly took steps to remain in Zion—petitioning the governor, requesting militia protection, purchasing firearms, hiring legal counsel, and weighing the possibility of forming their own militia.¹⁷⁰ Governor Daniel Dunklin encouraged legal remedies, and according to the state attorney general, seemed favorable towards both state militia protection and the formation of a Mormon militia.¹⁷¹ When word of these

stratagems got out, however, mobs fell on the Mormons. Men were beaten, families expelled into the frozen night, homes confiscated or destroyed. Terrified families hid for days amidst the brush and timber of the Temple Tract. Some Mormons defended themselves, killing two members of a mob; ultimately, the Saints surrendered their arms. The Mormons fled north across the Missouri River into Clay County, where residents came to their aid. By 7 November 1833, the cleansing was complete: No more Mormons remained in Jackson County.¹⁷² Six decades later, aged veterans of the 1833 violence, Mormons and non-Mormons alike, would testify in the Temple Lot Case.

The founding years of the Mormon movement had been astonishingly successful. From just a handful of believers at the 1830 founding, by the end of 1833 the message of Christ's restored gospel had attracted over 3,000 individuals.¹⁷³ New scripture had been published, the Bible improved, Israel gathered, Zion established, temple sites dedicated, priesthood organized. There had been some setbacks, of course—persecution in New York, the suspension of the Lamanite mission, the tarring and feathering of Smith and Rigdon. But by and large events seemed to be unfolding as prophesied. The combatants of the Temple Lot Case rarely argued over the formative 1829-1833 period of Mormon history. Those were good years upon which all sides could usually agree.

The expulsion from Jackson County was a shocking body blow to the Church of Christ. Being expelled from Zion was not on the Mormons' millennial roadmap. Orson Pratt recalled, "it was expected that when the Saints gathered to Jackson County, there would be a perfect paradise, and that there would be an end to trouble and to

opposition.”¹⁷⁴ Israel was supposed to be gathering to the New Jerusalem, not exiled in some modern rendition of the Babylonian Captivity. Indeed, the heavens themselves seemed stilled by the crisis in Missouri. “We have not received any revelation for a long time (which has been written), and none concerning the present situation of Zion,” First Presidency counselor Frederick G. Williams wrote in October 1833.¹⁷⁵ Joseph Smith’s revelatory output dropped considerably in the latter months of 1833, never to return to its earlier frequency.¹⁷⁶ Before the end of the year, however, the Prophet revealed that the expulsion occurred because of Mormon unworthiness. Zion, the Lord explained in mid-December, “must needs be chastened and tried, even as Abraham.”¹⁷⁷

The expulsion from Zion opened seams in the Mormon fabric that would never be sewn back together again. The next several years would produce steely opposition, monumental failures, unimaginable hardships, and a more combative and fractious movement. They would also produce tested disciples, abundant converts, a new church name, and new scripture and revelation. The antagonists of the Temple Lot Case would have widely varying interpretations of the post-1833 Mormon past. One faction, in fact, would reject nearly all post-expulsion developments and seek instead to recapture the spiritual and doctrinal simplicity of Mormonism’s first incarnation, The Church of Christ.

Endnotes

¹ The following discussion is based upon the *Wayne Sentinel*, 26 June 1829, in *EMD*, 2:218-219, and Francis W. Kirkham, *A New Witness for Christ in America* 2 vols. (Independence: Zion’s Printing, 1942-1951), 2:29.

² “Mormonism and Joe Smith. The Book of Mormon or Golden Bible,” *Wayne Democratic Press* (Lyons, New York) 3 (26 May 1858), in *EMD*, 3:64-66; Pomeroy Tucker, *Origin, Rise, and Progress of Mormonism* (New York: D. Appleton and Co., 1867), 49-52.

³ Smith claimed to be the translator, not the author, of *The Book of Mormon*. But federal law offered copyrights to only two classes of people, “authors and proprietors.” See John W. Welch, ed.,

Reexploring the Book of Mormon (Salt Lake City: Deseret Book/Provo: FARMS, 1992), ch. 43; Nathaniel Hinckley Wadsworth, "Copyright Laws and the 1830 Book of Mormon," *BYU Studies* 45/3 (2006), 83.

⁴ Harris's interview wasn't published until the end of the summer. See the *Rochester Gem* (NY) 1 (5 September 1829), in *EMD*, 2:272-273. Other local papers published similar Harris remarks in August.

⁵ Joseph Smith's fullest account of these events can be found in his 1838-1839 history as found in *PJS*, 1:265-302 and canonized by the LDS Church as Joseph Smith-History in *PGP*, 51-57. For a documentary chronicle of these events, see John W. Welch, "The Miraculous Translation of the Book of Mormon," in idem., ed., *Opening the Heavens: Accounts of Divine Manifestations Documents in Latter-day Saint History* (Provo: BYU Press/Salt Lake City: Deseret Book, 2005), 77-213. For secondary accounts, see Terryl L. Givens, *By the Hand of Mormon: The American Scripture that Launched a New World Religion* (New York: Oxford University Press, 2002), 8-37; Richard Lyman Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 41-74; Dan Vogel, *Joseph Smith: The Making of a Prophet* (Salt Lake City: Signature Books, 2004), section 3.

⁶ "Last Testimony of Sister Emma," *SH* 26 (1 October 1879), 289-290. During his initial 1828 translation with Martin Harris, Smith used spectacles purportedly accompanying the plates. When he resumed the project in 1829, he used a seer stone he employed previously to help money-diggers elude treasure-guarding spirits. For more on Smith's methods and treasure scrying, see James E. Lancaster, "By the Gift and Power of God," *SH* 109 (15 November 1962), reprinted in revised form as "The Method of Translation of the Book of Mormon," in *JWJ* 3 (1983), 51-61; Richard S. Van Wagoner and Steven C. Walker, "Joseph Smith: The Gift of Seeing," *Dialogue* 15 (Summer 1982), 48-68; D. Michael Quinn, *Early Mormonism and the Magic World View* rev. ed. (Salt Lake City: Signature Books, 1998), ch. 5.

⁷ For critical texts of the original and printer's manuscripts, see the invaluable edited works of Royal Skousen: *The Original Manuscript of the Book of Mormon: Typographical Facsimile of the Extant Text* (Provo: FARMS, 2001); *The Printer's Manuscript of the Book of Mormon: Typographical Facsimile of the Entire Text in Two Parts* 2 vols. (Provo: FARMS, 2001); *The Book of Mormon: The Earliest Text* (New Haven: Yale University Press, 2009).

⁸ For a reader-friendly edition of the text, see Grant Hardy, ed., *The Book of Mormon: A Reader's Edition* (Urbana: University of Illinois Press, 2003).

⁹ Oliver Cowdery to W. W. Phelps, April 1835, in *M&A* 1 (April 1835), 112, and *EMD*, 2:443; Joseph Smith revision, c. 1834-1835, of August 1830 revelation, in 1835 *D&C* 50:2, *LDS D&C* 27:5, *RLDS D&C* 26:2a; *EJ* 1 (July 1838), 42-43; Joseph Smith to the Church of Jesus Christ of Latter Day Saints, 6 September 1842, in *T&S* 3 (1 October 1842), 935. In his 1838-1839 history, however, the Prophet identified the angel as Nephi. See *PJS*, 1:277, and *T&S* 3 (15 April 1842), 753.

¹⁰ Philip L. Barlow, *Mormons and the Bible: The Place of the Latter-Day Saints in American Religion* (New York: Oxford University Press, 1991), 41.

¹¹ See, for example, Eugene England, ed., *Converted to Christ through the Book of Mormon* (Salt Lake City: Deseret Book, 1989).

¹² For scholarly defenses, see Richard Dilworth Rust, *Feasting on the Word: The Literary Testimony of the Book of Mormon* (Salt Lake City: Deseret Book/Provo: FARMS, 1997); Noel Reynolds, ed., *Book of Mormon Authorship Revisited: The Evidence for Ancient Origins* (Provo: FARMS, 1997). For scholarly criticism, see Brent Lee Metcalfe, ed., *New Approaches to the Book of Mormon: Explorations in Critical Methodology* (Salt Lake City: Signature Books, 1993); Dan Vogel and Brent Lee Metcalfe, eds., *American Apocrypha: Essays on the Book of Mormon* (Salt Lake City: Signature Books, 2002).

¹³ Louis C. Midgley, "Who Really Wrote The Book of Mormon: The Critics and Their Theories," in Reynolds, *Book of Mormon Authorship Revisited*, ch. 5; Givens, *Hand of Mormon*, chs. 4-6.

¹⁴ Harold Bloom, *The American Religion: The Emergence of the Post-Christian Nation* (New York: Simon & Schuster, 1992), 96-97.

¹⁵ Lawrence Foster, "New Paradigms for Understanding Mormonism and Mormon History," *Dialogue* 29 (Fall 1996), 61-62. Foster sees *The Book of Mormon* as likely a product of automatic writing.

¹⁶ Givens, *Hand of Mormon*, 63-64.

¹⁷ Jan Shippo, *Mormonism: The Story of a New Religious Tradition* (Urbana: University of Illinois Press, 1985), 33-34; John W. Welch and David J. Whittaker, "Mormonism's Open Canon: Some Historical Perspectives on Its Religious Limits and Potentials," FARMS Preliminary Report (Provo: FARMS, 1986), 26-27.

¹⁸ Richard H. Brodhead, "Prophets in America ca. 1830: Emerson, Nat Turner, Joseph Smith," *JMH* 29 (Spring 2003), 42-65; Richard Lyman Bushman, "The Visionary World of Joseph Smith," *BYU Studies* 37/1 (1997-98), 183-204; Givens, *Hand of Mormon*, 72-98; Barlow, *Mormons and the Bible*, 38-42.

¹⁹ Scriptural texts almost invariably give distinctive identities to religious movements. See Jaroslav Pelikan, *On Searching the Scriptures—Your Own or Someone Else's: A Reader's Guide to Sacred Writings and Methods of Studying Them* (New York: Book-of-the-Month Club, 1992), 52.

²⁰ For contrary evaluations of the Three Witnesses, see Richard Lloyd Anderson, *Investigating the Book of Mormon Witnesses* (Salt Lake City: Deseret Book, 1981) and Dan Vogel, "The Validity of the Witnesses' Testimonies," in Vogel and Metcalfe, *American Apocrypha*, 79-121.

²¹ Bushman, "Visionary World of Joseph Smith," and *Joseph Smith*, ch. 13.

²² Joseph Smith history, 1838-1839, in *PJS*, 1:302-303. There is some question as to whether the church was organized in Fayette or Manchester, New York. See H. Michael Marquardt, "An Appraisal of Manchester as Location for the Organization of the Church," *Sunstone* 16 (1992), 49-57; Richard L. Bushman, "Just the Facts Please," a review of *Inventing Mormonism* by H. Michael Marquardt and Wesley P. Walters, in *Review of Books on the Book of Mormon* 6/2 (1994), 130.

²³ Mario S. De Pillis, "The Quest for Religious Authority and the Rise of Mormonism," *Dialogue* 1 (Fall 1966), 68-88, reprinted in D. Michael Quinn, ed., *The New Mormon History: Revisionist Essays on the Past* (Salt Lake City: Signature Books, 1992), 13-35; Dan Vogel, *Religious Seekers and the Advent of Mormonism* (Salt Lake City: Signature Books, 1988); Steven C. Harper, "'Dictated by Christ': Joseph Smith and the Politics of Revelation," *Journal of the Early Republic* 26 (Summer 2006), 275-304.

²⁴ *The Book of Mormon*, Mosiah 23:16, Alma 4:20, 13:1-11 (LDS); Mosiah 11:17, Alma 2:28, 9:62-10:3 (RLDS).

²⁵ *Painesville Telegraph*, 7 December 1830, in *MH*, 1:18. See also Gregory A. Prince, *Power From On High: The Development of Mormon Priesthood* (Salt Lake City: Signature Books, 1995), 4-12.

²⁶ Bushman, *Joseph Smith*, 157; David Holland, "Priest, Pastor, and Power: Joseph Smith and the Question of Priesthood," in *Archives of Restoration Culture: Summer Fellows' Papers, 1997-1999* (Provo: Joseph Fielding Smith Institute for Latter-day Saint History, 2000), 9-16.

²⁷ For various interpretations, see *MH*, 1:7-9; Prince, *Power From On High*, 1-21; Marvin S. Hill, *Quest for Refuge: The Mormon Flight from American Pluralism* (Signature Books, 1988), 25-28.

²⁸ See, for example, the Joseph Smith revelation, 9 February 1831, in *MRB*, 102-103, *BC* 44:46, *D&C* (LDS) 42:61, *D&C* (RLDS) 42:17a.

²⁹ Joseph Smith revelations, July and September 1830, in *MRB*, 38-39, 52-53; *BC* 27:3, 30:13; *D&C* (LDS) 26:2, 28:12-13; *D&C* (RLDS) 25:1b, 27:4c.

³⁰ Prince, *Power From On High*, 11-15, 48-55, 69-70. My summary here greatly simplifies a nuanced and complicated history. The office of deacon, for example, was added in early 1831. Later that year, moreover, priests obtained the authority to ordain deacons and teachers.

³¹ Joseph Smith revelation, 6 April 1830, in *MRB*, 26-27, *BC* 22:5, *D&C* (LDS) 21:5, *D&C* (RLDS) 19:2b.

³² Bruce G. Stewart, "Hiram Page: An Historical and Sociological Analysis of an Early Mormon Prototype" (M. A. thesis: Brigham Young University, 1987); Ronald W. Walker, "'Seeking the 'Remnant': The Native American During the Joseph Smith Period," *JMH* 19 (Spring 1993), 6-7.

³³ Joseph Smith revelation, September 1830, in *MRB*, 50-53, *BC* 30:2, *D&C* (LDS) 28:2, and *D&C* (RLDS) 27:2a.

³⁴ Far West Record, 26 September 1830, in *FWR*, 3-4.

³⁵ Joseph Smith revelation, February 1831, in *MRB*, 104-105, *BC* 45:3-4, *D&C* (LDS) 43:3-4, *D&C* (RLDS) 43:1b-2a.

³⁶ Kathleen Flake, "From Conferences to Councils: The Development of LDS Church Organization, 1830-1835," in *Archive of Restoration Culture*, 1-8.

³⁷ Joseph Smith revelation, February 1831, in *MRB*, 104-105, 108-109, *BC* 45:4-7, *D&C* (LDS) 43:4-7, *D&C* (RLDS) 43:2.

³⁸ *MH*, 1:9.

³⁹ Grant Underwood, *The Millenarian World of Early Mormonism* (Urbana: University of Illinois Press, 1994).

⁴⁰ Grant Underwood, "Book of Mormon Usage in Early LDS Theology," *Dialogue* 17 (Autumn 1984), 35-74.

⁴¹ On the Jews, see 2 Nephi 25:11 and 3 Nephi 20:29, 46 (LDS); 2 Nephi 11:19-20 and 3 Nephi 9:67-68, 84-85 (RLDS). On the ten tribes, see Jacob 5:38-39, 52 and Ether 13:11 (LDS); Jacob 3:85-87, 112-113 and Ether 6:11-12 (RLDS). See also Underwood, *Millenarian World*, 179n43.

⁴² On the Indians as Lamanites, see the title page and 1 Nephi 5:14 and 15:14-17; 2 Nephi 6:5; 3 Nephi 20:10, 16; and Mormon 7:2 (LDS); 1 Nephi 1:164-165 and 4:17-27; 2 Nephi 5:13-15; 3 Nephi 9:46, 51-52; and Mormon 3:24 (RLDS). On the American New Jerusalem, see Ether 13:4-8, 3 Nephi 20:22 and 21:24 (LDS); Ether 6:4-8, 3 Nephi 9:58-59 and 10:3 (RLDS). On Gentiles assisting Lamanites, see 3 Nephi 21:22-24 and 2 Nephi 30:2 (LDS); 3 Nephi 10:1-3 and 2 Nephi 12:77-78 (RLDS).

⁴³ So *The Book of Mormon* strongly implied in 2 Nephi 30:10; 1 Nephi 22:15; 3 Nephi 21:11-21, 25:1-3; Mormon 8:21-41; Ether 9:20 (LDS); 2 Nephi 12:90; 1 Nephi 7:32-33; 3 Nephi 9:98-106, 11:22-24; Mormon 4:26-56; Ether 4:22 (RLDS). The Joseph Smith revelation, September 1830, rendered it more explicit in *MRB*, 42-45, *BC* 29:8-11, *D&C* (LDS) 29:7-9, *D&C* (RLDS) 28:2c-e. Underwood, *Millenarian World*, 29, observes that the doctrine of the gathering played a comparable role in early Mormon eschatology as the Rapture later did in premillennial dispensationalism.

⁴⁴ Joseph Smith, Old Testament Manuscript #1, in *JST*, 83-111. The first of these visions is canonized as chapter 1 of the LDS *Book of Moses* in *PGP*. In the RLDS tradition, the vision has been canonized as *D&C* 22 and also, until 1991, as a prefatory section to *The Holy Scriptures*, the RLDS version of Joseph Smith's revision of the Bible. The second and third revelations are canonized as *The Book of Moses*, 2-4 and 5:1-8:12 (LDS); *The Holy Scriptures*, Genesis 1-3, 4:1-7:85 (RLDS).

⁴⁵ Joseph Smith, Old Testament Manuscript #1, in *JST* 109; *The Book of Moses*, 7:63-64 (LDS); *The Holy Scriptures*, Genesis 7:71-72 (RLDS).

⁴⁶ Joseph Smith revelation, September 1830, in *MRB*, 52-53.

⁴⁷ Joseph Smith revelations, September and October 1830, in *MRB*, 54-55, 582-585; *BC* 32; *D&C* (LDS) 30:5-8, 32:1-5; *D&C* (RLDS) 29:2, 31:1. On the Indian Removal Act and the formation of the Indian Territory, see Donald W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History* 4 vols. (New Haven: Yale University Press, 1986-2004), 2:78-103, 179-188; David LaVere, *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory* (Norman: University of Oklahoma Press, 2000), 24-25, 54, 62-63.

⁴⁸ John Whitmer history, in *BJW*, 3; Parley P. Pratt, *The Autobiography of Parley Parker Pratt* Classics in Mormon Literature (Salt Lake City: Deseret Book, 1985), 36; Richard Lloyd Anderson, "The Impact of the First Preaching in Ohio," *BYU Studies* 11 (Summer 1971), 474-496; Richard S. Van Wagoner, *Sidney Rigdon: A Portrait of Religious Excess* (Salt Lake City: Signature Books, 1994), 58-64.

⁴⁹ Joseph Smith to Hyrum Smith, 3 March 1831, in *PWJS*, 230-231; Oliver Cowdery to William Clark, 14 February 1831, and Richard W. Cummins to William Clark, 15 February 1831, in Leland H. Gentry, "Light on the 'Mission to the Lamanites,'" *BYU Studies* 36/2 (1996-97), 227-234. See also Warren A. Jennings, "The First Mormon Mission to the Indians," *Kansas Historical Quarterly* 37 (Autumn 1971), 288-299; G. St. John Scott, "New Jerusalem Abandoned: The Failure to Carry Mormonism to the Delaware," *Journal of American Studies* 21 (1987), 77-79.

⁵⁰ Joseph Smith revelation, 6 June 1831, in *MRB*, 146-147, 150-151; John Whitmer history, in *BJW*, 85-86; Scott, "New Jerusalem Abandoned," 78-79. The Missouri/Zion identification was rendered more explicitly in the published revelation in *BC* 54:43, *D&C* (LDS) 52:42, *D&C* (RLDS) 52:9e.

⁵¹ Craig S. Campbell, *Images of the New Jerusalem: Latter Day Saint Faction Interpretations of Independence, Missouri* (Knoxville: University of Tennessee Press, 2004), 30-37; Ronald E. Romig, "The Lamanite Mission," *JWJ* 14 (1994), 32-33. The revelation specifying that Zion would be located "among the Lamanites" was subsequently revised in 1834-1835 to read "it shall be on the borders by the Lamanites." See *BC* 30:9, *D&C* (LDS) 28:9, *D&C* (RLDS) 27:3d. Some Mormons thought the Gentile location of Zion deviated from the *Book of Mormon* script. See Eber D. Howe, *Mormonism Unveiled: or, A Faithful Account of That Singular Imposition and Delusion, From Its Rise To The Present Time....* (Painesville, OH: by the author, 1834), 219; David Whitmer, *An Address to All Believers in Christ* (Richmond, Mo.: by the author, 1887), 71-72.

⁵² The Missouri-Kansas border is approximately 254 miles east of the geographical center of the lower forty-eight states, which is located four miles west of Lebanon, Kansas.

⁵³ A classic essay on the subject is Mircea Eliade, *The Sacred and the Profane* (New York: Harcourt Brace Jovanovich, 1987), ch. 1. Eliade's interpretation has received penetrating critiques in Jonathan Z. Smith, *To Take Place: Toward Theory in Ritual* Chicago Studies in the History of Judaism (Chicago: University of Chicago Press, 1987), ch. 1; David Chidester and Edward T. Linenthal, eds., *American Sacred Space* Religion in North America (Bloomington: Indiana University Press, 1994), ch. 1. Belden C. Lane tries to reconcile the scholarly approaches in *Landscapes of the Sacred: Geography and Narrative in American Spirituality* rev. ed. (Baltimore: Johns Hopkins University Press, 2001), ch. 2.

⁵⁴ Campbell, *New Jerusalem*, chs. 1-2, 9; Steve L. Olsen, *The Mormon Ideology of Place: Cosmic Symbolism of the City of Zion, 1830-1846* Dissertations in Latter-day Saint History (Provo: Joseph Fielding Smith Institute for Latter-day Saint History and *BYU Studies*, 2002), ch. 2.

⁵⁵ Joseph Smith revelations, 30 December 1830 and 2 January 1831, in *MRB*, 68-69, 72-75; *BC* 39 and 40:28; *D&C* (LDS) 37 and 38:32; *D&C* (RLDS) 37 and 38:7b; John Whitmer history, in *BJW*, 7-14, 27; Milton V. Backman Jr., *The Heavens Resound: A History of the Latter-day Saints in Ohio, 1830-1838* (Salt Lake City: Deseret Book, 1983), 42-51; William G. Hartley, *Stand By My Servant Joseph: The Story of the Joseph Knight Family and the Restoration* (Provo: Joseph Fielding Smith Institute for Latter-day Saint History/Salt Lake City: Deseret Book, 2003), ch. 6.

⁵⁶ William Mulder, "Mormonism's 'Gathering': An American Doctrine with a Difference," *Church History* 23 (September 1954), 248-264. On Mormon anti-pluralism, see Hill, *Quest for Refuge*.

⁵⁷ Robert T. Handy, *A Christian America: Protestant Hopes and Historical Realities* 2d ed. (New York: Oxford University Press, 1984), chs. 1-2; Martin E. Marty, *Pilgrims in Their Own Land: 500 Years of Religion in America* (New York: Penguin Books, 1984), chs. 8-9.

⁵⁸ Jan Shipps, "Difference and Otherness: Mormonism and the American Religious Mainstream," in Jonathan Sarna, ed., *Minority Faiths and the American Protestant Mainstream* (Urbana: University of Illinois Press, 1997), 81-109, reprinted in Shipps, *Sojourner in the Promised Land: Forty Years among the Mormons* (Urbana: University of Illinois Press, 2000), 302-327.

⁵⁹ Joseph Smith revelations, 4 and 9 February 1831, in *MRB*, 94-95/604-605, 98-101; *BC* 43:11-14, 44:26-29; *D&C* (LDS) 41:9-12, 42:30-36; *D&C* (RLDS) 41:3c-e, 42:8-10; Leonard J. Arrington, "Early Mormon Communitarianism: The Law of Consecration and Stewardship," *Western Humanities Review* 7 (Autumn 1953), 341-369; Lyndon W. Cook, *Joseph Smith and the Law of Consecration* (Provo: Grandin Book, 1985), ch. 2. Smith would temper the program in 1833 so that members only consecrated their *surplus* goods and property up front. See Joseph Smith to Edward Partridge, 2 May 1833, in Leonard J. Arrington, Feramorz Y. Fox, and Dean L. May, *Building the City of God: Community and Cooperation among the Mormons* (Salt Lake City: Deseret Book, 1976), 25-26; *E&MS* 2 (June 1833), 100.

⁶⁰ Shipps, *Mormonism*, 53-56, 75-85; Melodie Moench Charles, "Mormons: The New Israel," *Dialogue* 12 (1979), 42-56.

⁶¹ Louis B. Midgley, "The Ways of Remembrance," in John L. Sorenson and Melvin J. Thorne, eds., *Rediscovering the Book of Mormon* (Salt Lake City: Deseret Book/Provo: FARMS, 1991), 168-176. The phrase "ways of remembrance" comes from *The Book of Mormon*, 1 Nephi 2:24 (LDS) and 1 Nephi 1:58 (RLDS). Midgley counts over two hundred references in the text to memory and forgetfulness.

⁶² Joseph Smith revelation, 6 April 1830, in *MRB*, 26-27, *BC* 22:1, *D&C* (LDS) 21:1, *D&C* (RLDS) 19:1a.

⁶³ Far West Record, 9 April and 26 September 1830, in *FWR* 2-3.

⁶⁴ John Whitmer history, in *BJW*, 56.

⁶⁵ For Andrew Jenson's 1893 search effort, see Howard Clair Searle, "Early Mormon Historiography: Writing the History of the Mormons, 1830-1858" (Ph.D. dissertation: University of California at Los Angeles, 1979), 175-176. In 1984-85, documents dealer Mark Hofmann spread the rumor that the LDS First Presidency secreted Oliver Cowdery's history away in their vault. Hofmann alleged that Cowdery depicted Alvin Smith, rather than Alvin's brother Joseph, as the finder of the gold plates. Hofmann also alleged that Cowdery spoke of a magical salamander appearing with the plates rather than an angel. During Hofmann's subsequent murder trial, the now-admitted forger confessed he concocted the rumor. See Richard E. Turley Jr., *Victims: The LDS Church and the Mark Hofmann Case* (Urbana: University of Illinois Press, 1992), 105-111, 119, 121, 127, 197, 252, 255, 309, 324-326.

⁶⁶ Joseph Smith revelation, 8 March 1831, in *MRB*, 130-133, *BC* 50, *D&C* (LDS) 47, *D&C* (RLDS) 47.

⁶⁷ Far West Record, 9 April 1831, in *FWR*, 5.

⁶⁸ Beginning in 1908, the Reorganized Church serially published Whitmer's history in the *Journal of History*. The most recent and reliable edition of the text is Westergren, ed., *Book of John Whitmer*.

⁶⁹ John Whitmer history, in *BJW*, 56.

⁷⁰ The concept of a divine "endowment" derived from Luke 24:49-53 and Acts of the Apostles, chs. 1-2, in the New Testament.

⁷¹ Joseph Smith revelations, 2 January and February (2) 1831, in *MRB*, 72-75, 108-109, 112-113; *BC* 40:28, 45:16, and 46; *D&C* (LDS) 38:32, 43:16, and 44; *D&C* (RLDS) 38:7b, 43:4d, and 44; Far West Record, 3 June and 25 October 1831, in *FWR*, 6-8, 20-21; Ezra Booth to Ira Eddy, 1831, in Howe, *Mormonism Unveiled*, 180, 187-192; John Whitmer history, in *BJW*, ch. 7; John Corrill, *A Brief History of the Church of Christ of Latter Day Saints (Commonly Called Mormons,) Including an Account of Their Doctrine and Discipline, with the Reasons of the Author for Leaving the Church* (St. Louis: n. p., 1839), 18; Pratt, *Autobiography*, 53.

⁷² *T&S* 5 (1 February 1844), 416; Bushman, *Joseph Smith*, 156-159; Prince, *Power From On High*, 16-17, 119; *MH*, 1:28-32.

⁷³ Janet Ellingson, "Becoming a People: The Beliefs and Practices of the Early Mormons, 1830-1845" (Ph.D. dissertation: University of Utah, 1997), 86-90, recounts the illuminating story of Jared Carter, a convert renowned for his abilities to heal the sick and even influence the weather. After upstaging the presiding elder of the Colesville Branch by stopping a terrible wind with a prayer, the unordained Carter had a change of heart and began deferring miraculous opportunities to elders and, subsequently, high priests, even though few of them could match his pentecostal track record.

⁷⁴ Holland, "Priest, Pastor, and Power," 9-16.

⁷⁵ Joseph Smith revelation, 6 June 1831, in *MRB*, 146-151, *BC* 54, *D&C* (LDS) 52, *D&C* (RLDS) 52; John Whitmer history, in *BJW*, 85-86; Joseph Smith history, 1838-1839, in *PJS*, 1:356-357.

⁷⁶ Joseph Smith revelation, 20 July 1831, in *MRB*, 158-159/594-597, *D&C* (1835) 27:1 (quote), *D&C* (LDS) 57:1-5, *D&C* (RLDS) 57:1-2. For a similar command, see the Joseph Smith revelation, 1 August 1831, in *MRB*, 166-167, *BC* 59:64, *D&C* (LDS) 58:52, and *D&C* (RLDS) 58:11c. The July 20th revelation was not included in the 1833 *Book of Commandments*.

⁷⁷ Campbell, *New Jerusalem*, 302-307.

⁷⁸ The fourteen-mile east-west stretch between Independence and the Missouri/Kansas border was much larger in 1831 than it is now, as the two counties now directly south of Jackson County, Cass County and Bates County, were part of Jackson County in 1831. The revelation therefore envisioned a seventy-mile-long north-south border between Zion and Indian Territory. See Campbell, *New Jerusalem*, 37.

⁷⁹ William P. O'Brien, "Independence, Missouri's Trade with Mexico, 1827-1860: A Study in International Consensus and Cooperation" (Ph.D. dissertation: University of Colorado-Boulder, 1994); John D. Unruh, Jr., *The Plains Across: The Overland Emigrants and the Trans-Mississippi West, 1840-60*

(Urbana: University of Illinois Press, 1979), 39, 40-42, 64, 80; Jon Taylor, *A President, a Church, and Trails West: Competing Histories in Independence, Missouri* (Columbia: University of Missouri Press, 2008), ch. 2; LaMar C. Berrett and Max H. Parkin, *Sacred Places, A Comprehensive Guide to Early LDS Historical Sites: Volume 4, Missouri* (Salt Lake City: Deseret Book Company, 2004), 9, 11-13, 16, 28, 86-87, 89-90, 93, 103, 126, 134-137.

⁸⁰ Ezra Booth to Ira Eddy, 1831, in Howe, *Mormonism Unveiled*, 198-199; John Whitmer history, in *BJW*, 86-87; Joseph Smith history, 1838-1839, in *PJS*, 1:360-361; Dean C. Jessee, "Joseph Knight's Recollections of Early Mormon History," *BYU Studies* 17 (Autumn 1976), 39; Hartley, *Servant Joseph*, 131-133; W. W. Phelps, "A Short History of W. W. Phelps' Stay in Missouri," 21 April 1864, in Ronald E. Romig, *Early Independence, Missouri: "Mormon" History Tour Guide* (Blue Springs, MO: Missouri Mormon Frontier Foundation, 1994), 15-16; William H. Kelley to editor, 16 January 1882, in "Letter from Elder W. H. Kelley," *SH* 29 (1 March 1882), 67; John L. Traughber, "Some Statements by Dr. W. E. McLellan [sic]," 23 May 1884, in Stan Larson and Samuel J. Passey, eds., *The William E. McLellan Papers, 1854-1880* (Salt Lake City: Signature Books, 2007), 518n1; John Taylor deposition, 15 March 1892, TLC-C, 2:394 (Q33), 399 (Q88), 400 (Q98), 401 (Q107). For a reminiscence of the markerstone, see the John Taylor deposition, 15 March 1892, TLC-C, 2:394 (Q33), 400 (Q98), 401 (Q107).

The precise location of the dedication ceremony has been a matter of some dispute. See, most notably, Richard and Pamela Price, *The Temple of the Lord: The Location and Purposes of the Temple which is to be built in Independence, Missouri* (Independence: by the authors, 1982), chs. 3, 8-9. That the dedication took place on the elevated knoll to the south of the curve of the Osage Trace Trail (later renamed Westport Road and eventually Lexington Avenue) seems evident, though, from Ezra Booth to Ira Eddy, 1831, in Howe, *Mormonism Unveiled*, 198-199; Pratt, *Autobiography*, 166; William E. McLellan letter fragment, c. May 1869, in Larson and Passey, *McLellan Papers*, 449; Orson Pratt to Marian Stevens House, 18 September 1878, in Kate B. Carter, comp., *Heart Throbs of the West* 12 vols. (Salt Lake City: Daughters of Utah Pioneers, 1939-1951), 5:417; John Taylor deposition, 15 March 1892, TLC-C, 2:398-399 (Q79-86), 400 (Q98); Hiram Rathbun Sr. deposition, 19-20 April 1892, TLC-C, 2:504-505 (Q37), 513-514 (Q106-110), 540-542 (Q486-496), 543-544 (Q527-531); William R. Wilson deposition, 11 July 1892, TLC-R, 3:801-803 (Q145-176); John H. Taylor deposition, 11 July 1892, TLC-R, 3:803 (Q14), 805-806 (Q46-60); Alexander Majors, "Seventy Years On The Frontier," *Journal of History* 10 (January 1917), 5. Two other testimonies tending in the same direction, albeit without similar specificity, are the William McCoy deposition, 9 February 1892, TLC-C, 2:364 (Q17), 365 (Q30-32); Robert Weston deposition, 21 April 1892, TLC-C, 2:578-579 (Q14-40), 586-588 (Q125-148).

The markerstone(s) of the temple site also deserves mention. The Church of Christ (Temple Lot) recovered the reputed 1831 markerstone on the elevated knoll during a 1929 excavation. The stone is on display at their Independence headquarters. See R. Jean Addams, *Upon the Temple Lot: The Church of Christ's Quest to Build the House of the Lord* (Independence: John Whitmer Books, 2010), 81-82, 86-88; Berrett and Parkin, *Sacred Places: Missouri*, 22, 34-35. At some point in the nineteenth-century, a pile of stones was reportedly laid to accentuate the site of the markerstone. See the Inez Smith Davis statement in B. C. Flint, *An Outline History of the Church of Christ (Temple Lot)* (Independence: The Board of Publications of the Church of Christ [Temple Lot], 1953), 46; Angela Wheaton letter, in Julius C. Billeter, *The Temple of Promise: Jackson County, Missouri* (Independence: Zion's Printing and Publishing Company, 1946), 137n9. There is also limited—to my mind, insufficient—evidence that the 1831 dedicatory party laid a markerstone at the southeastern corner of the prospective temple. W. W. Phelps mentioned a southeastern markerstone in his "Short History," 21 April 1864, in Romig, *Independence*, 15-16. In 1929, the Church of Christ (Temple Lot) excavated a second markerstone from the dedication site that read "SECT 1831," which they interpreted to mean "South East Corner Temple." See Addams, *Upon the Temple Lot*, 84, 88; Berrett and Parkin, *Sacred Places: Missouri*, 34-35. But Phelps didn't mention two markerstones at the 1831 dedication; like other eyewitnesses, he mentioned only one stone. Other than Phelps, moreover, no eyewitness spoke of a southeastern stone. It seems probable, then, that Phelps remembered the geography incorrectly and simply confused the southeast for the northeast. If that is so, however, it leaves open the question of the origin of the "SECT 1831" stone.

⁸¹ The record is set straight in Berrett and Parkin, *Sacred Places: Missouri*, 21; Price and Price, *Temple of the Lord*, 18-19.

⁸² A nineteenth-century visitor described it as “the summit of a crowning hill, the slope of which to the south and west is quite abrupt, but very gradual toward the north and east.” See Andrew Jenson, “The Temple Lot,” *The Historical Record* 7 (December 1888), 648. See also James A. Little to editor, 15 November 1875, in “Correspondence,” *MS* 38 (17 January 1876), 37.

⁸³ William McCoy deposition, 9 February 1892, TLC-C, 2:365 (Q30). By the time individuals started sketching and photographing the knoll decades later, most of its timber and brush had been removed, and its natural elevation had become somewhat obscured by the increasing numbers of structures on the landscape. But one can perhaps get a sense of its original appeal from photograph 15 in R. Jean Addams and Alexander L. Baugh, “‘Upon a Lot...Not Far From the Courthouse’: A Photographic History of the Temple Lot in Independence, Jackson County, Missouri,” *MHS* 9 (Fall 2008), 44-45.

⁸⁴ Joseph Smith revelations, 20 May and 11 September 1831, in *MRB*, 146-147/594-595, 192-193; *BC* 65:27; *D&C* (LDS) 51:16-17 and 64:21; *D&C* (RLDS) 51:4c-d and 64:4c. The May revelation wasn’t included in the 1833 *Book of Commandments*.

⁸⁵ Levi Hancock journal, November 1831, in Romig, *Independence*, 16-17.

⁸⁶ United States to State of Missouri, approved by Congress 24 January 1827, dated 6 June 1828, in Price and Price, *Temple of the Lord*, 29-32, summarized in Arthur M. Smith, ed., *Temple Lot Deed: A complete record of all legal transfers of that interesting spot of ground known as The Temple Lot* 2d ed. (Independence: The Board of Publications of the Church of Christ [Temple Lot], 1954), 5, and discussed in O. B. and Joanne Chiles Eakin, eds., *Record of Original Entries to Lands in Jackson County Missouri with Additional Records Relating to First Land Ownership* (Independence: by the authors, 1985), 22-24.

⁸⁷ Ezra Booth to Ira Eddy, 1831, in Howe, *Mormonism Unveiled*, 199; William H. Kelley to editor, 16 January 1882, in “Letter from Elder W. H. Kelley,” *SH* 29 (1 March 1882), 67.

⁸⁸ Price and Price, *Temple of the Lord*, 32-33, 35; Berrett and Parkin, *Sacred Places: Missouri*, 37-38. Romig, *Independence*, 17, argues that a local resident named Jones H. Flournoy claimed the grounds before the Mormons.

⁸⁹ Romig, *Independence*, 16. Contrariwise, W. W. Phelps recalled in 1864 “we planted a Stone at the Southeast corner of the ten acres for the first Temple.” But Phelps’ references to “ten acres” and a “first temple” probably reflect a post-1831 understanding. See Phelps, “Short History,” in Ronald E. Romig and John H. Siebert, “Jackson County, 1831-1833: A Look at the Development of Zion,” in *RS*, 3:299; Ronald E. Romig, “Temple Lot Discoveries and the RLDS Temple,” in Arnold K. Garr and Clark V. Johnson, eds., *Regional Studies in Latter-day Saint Church History: Missouri* (Provo: Department of Church History and Doctrine, Brigham Young University, 1994), 325.

⁹⁰ Oliver Cowdery to Joseph Smith, 28 January 1832, in *FWR*, 233-236; William Smith deposition, 29 January 1892, TLC-C, 1:168 (Q74), 169 (Q80-88), 179-183 (Q261-303); John Taylor deposition, 15 March 1892, TLC-C, 2:394-396 (Q34-49), 401-403 (Q106-129); Hiram Rathbun Sr. deposition, 20 April 1892, TLC-C, 2:544-546 (Q531-576); Arrington, Fox, and May, *City of God*, 15-33, 366, 373.

⁹¹ Campbell, *New Jerusalem*, 40-42, 58-60; Eakin and Eakin, *Lands in Jackson County*, 4-5, 112; Berrett and Parkin, *Sacred Places: Missouri*, 7-140, particularly 10-11; Rollin J. Britton, “Mormon Land Titles: A Story of Jackson County Real Estate,” *Annals of Kansas City* 1/3 (1922), 147.

⁹² Eakin and Eakin, *Lands in Jackson County*, 25.

⁹³ The State of Missouri to Jones H. Flournoy, transacted 12 December 1831 and certified 29 May 1833, in Price and Price, *Temple of the Lord*, 33-34, and summarized in Smith, *Temple Lot Deed*, 5.

⁹⁴ Price and Price, *Temple of the Lord*, 35-36; Campbell, *New Jerusalem*, 47.

⁹⁵ Jones and Clara Flournoy to Edward Partridge, 19 December 1831 [sometimes incorrectly dated 19 December 1832], in the Edmund L. Kelley deposition, 20 April 1892, TLC-C, 2:553-556 (Q26), and Price and Price, *Temple of the Lord*, 35, 37-38, and summarized in Smith, *Temple Lot Deed*, 5, and Eakin and Eakin, *Lands in Jackson County*, 35.

⁹⁶ Campbell, *New Jerusalem*, 47. Price and Price, *Temple of the Lord*, 35-36, suspect that the couple recognized they had jumped the prior land claim of the Mormons. Conversely, Romig, *Independence*, 17, argues that Flournoy had an even earlier land claim than the Mormons.

⁹⁷ Emily Dow Partridge deposition, 14 March 1892, TLC-C, 2:370 (Q10), 371 (Q23-24, 27), 372 (Q40); John Taylor deposition, 15 March 1892, TLC-C, 2:394-396 (Q30-49), 401 (Q112-113); Hiram Rathbun Sr. deposition, 20 April 1892, TLC-C, 2:545-546 (Q546-559); D. Brent Collette, "In Search of Zion: A Description of Early Mormon Millennial Utopianism as Revealed Through the Life of Edward Partridge" (M. A. thesis: Brigham Young University, 1977), 56-60; Price and Price, *Temple of the Lord*, 38-39, 47-48. For a similar private/communal dynamic, see the Edward Partridge-Levi Jackman deed of consecration and stewardship, undated [c. 1831-1833], in Arrington, Fox, and May, *City of God*, 28-29; Oliver Cowdery to Joseph Smith, 28 January 1832, in *FWR*, 234.

⁹⁸ Missouri Constitution of 1820, Article 13, § 5, in Francis Newton Thorpe, ed., *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America* 7 vols. (Washington D. C.: Government Printing Office, 1909), 4:2163, and *E&MS* 2 (July 1833), 109; Carl Zollman, *American Church Law* (St. Paul: West Publishing, 1933), 62-65; R. H. Tyler, *American Ecclesiastical Law: The Law of Religious Societies, Church Government and Creeds, Disturbing Religious Meetings, and the Law of Burial Grounds in the United States* (Albany: William Gould, 1866), 308, ch. 62. Missouri would soften its prohibition somewhat in 1865 and 1875.

⁹⁹ The legal status of charitable trusts in Missouri wouldn't receive a stable foundation until the 1860 case of *Chambers v. St. Louis*, 29 Missouri 543. See Paul R. Stinson, "Modern Charitable Trusts and the Law," *St. Louis Law Review* 17 (April 1932), 307-319; Bertram W. Tremayne, "Definiteness of Charitable Purpose in Missouri," *Washington University Law Quarterly* 23 (1938), 556-563; Thomas E. Blackwell, "The Charitable Corporation and the Charitable Trust," *Washington University Law Quarterly* 24 (1938), 1-36; William F. Fratcher, "Powers of Appointment to Unspecified Charities," *Missouri Law Review* 32 (Summer 1967), 443-458.

¹⁰⁰ Several witnesses would testify of these matters in the Temple Lot Case. See, most notably, the Emily Dow Partridge deposition, 14 March 1892, TLC-C, 2:369-373 (Q1-58).

¹⁰¹ LDS Journal History, 26 April 1848, in Price and Price, *Temple of the Lord*, 44-46, and H. Michael Marquardt, "The Independence Temple of Zion," *Restoration: The Journal of Latter Day Saint History* 5 (October 1986), 14; Berrett and Parkin, *Sacred Places: Missouri*, 27; Campbell, *New Jerusalem*, 372n1. For additional reports, see the William E. McLellin letter fragment, c. May 1869, and William E. McLellin to "Our very dear friends," 12 July 1869, in Larson and Passey, *McLellin Papers*, 449 and 453, respectively; W. W. Blair to Edmund L. Kelley, 12 May 1887, typescript, P16, f15, CofC Archives. The Partridge-Harris transaction, if it occurred at all, almost certainly took place before Harris's alienation from the church in 1837-1838. Given the silence of Jackson County records on the matter, it stands to reason that the transaction took place following the Mormon expulsion from the county in 1833.

¹⁰² To differentiate the sixty-three acres from the smaller portion at issue in the Temple Lot Case, I will hereinafter refer to the sixty-three-acres as the "Temple Tract."

¹⁰³ Ezra Booth to Ira Eddy, 1831, in Howe, *Mormonism Unveiled*, 198-199; Pratt, *Autobiography*, 166; William E. McLellin letter fragment, c. May 1869, in Larson and Passey, *McLellin Papers*, 449; Orson Pratt to Marian Stevens House, 18 September 1878, in Carter, *Heart Throbs*, 5:417; John Taylor deposition, 15 March 1892, TLC-C, 2:398-399 (Q79-86), 400 (Q98); Hiram Rathbun Sr. deposition, 19-20 April 1892, TLC-C, 2:504-505 (Q37), 513-514 (Q106-110), 540-542 (Q486-496), 543-544 (Q527-531); William R. Wilson deposition, 11 July 1892, TLC-R, 3:801-803 (Q145-176); John H. Taylor deposition, 11 July 1892, TLC-R, 3:803 (Q14), 805-806 (Q46-60); Majors, "Seventy Years On The Frontier," 4-5.

¹⁰⁴ Such is clear based the actual uses to which the Mormons put the property, as well as the non-temple spaces reserved in Joseph Smith's 1833 plats for Zion (which I will detail later in this chapter). For explicit statements of this understanding, see Phelps, "Short History," in Romig, *Independence*, 15-16; Hiram Rathbun Sr. deposition, 20 April 1892, TLC-C, 2:540-542 (Q486-488), 543-544 (Q527-531).

¹⁰⁵ Nathan Porter journal, 1842, in Ronald E. Romig and John H. Siebert, “Historic Views of the Temple Lot,” *JWJ* 7 (1987), 22; Robert Weston deposition, 21 April 1892, TLC-C, 2:585 (Q118).

¹⁰⁶ Duncan Chapman statement, in Romig and Siebert, “Temple Lot,” 24.

¹⁰⁷ John Taylor deposition, 15 March 1892, TLC-C, 2:393-394 (Q24-25), 398 (Q76-77), 399-400 (Q83-98); Romig and Siebert, “Temple Lot,” 22-24. See photograph 11 in Addams and Baugh, “Photographic History,” 41-42, for a glimpse of the rock available on the Temple Tract.

¹⁰⁸ Pratt, *Autobiography*, 166; Nathan Porter journal, 1842, in Romig and Siebert, “Temple Lot,” 22; Hiram Rathbun Sr. deposition, 19-20 April 1892, TLC-C, 2:504-505 (Q29, 37), 541-542 (Q488-504) 543 (Q516, 519); Robert Weston deposition, 21 April 1892, TLC-C, 2:585 (Q118).

¹⁰⁹ John Taylor deposition, 15 March 1892, TLC-C, 2:393 (Q17-18), 398 (Q78); Hiram Rathbun Sr. deposition, 19-20 April 1892, TLC-C, 2:504 (Q29), 542 (Q501-503); Romig and Siebert, “Temple Lot,” 23-24; Romig, *Independence*, 27.

¹¹⁰ Emily Dow Partridge deposition, 14 March 1892, TLC-C, 2:372-373 (Q47-52); John Taylor deposition, 15 March 1892, TLC-C, 2:393-394 (Q23-28), 398 (Q78); Hiram Rathbun Sr. deposition, 19 April 1892, TLC-C, 2:504 (Q30-31); Robert Weston deposition, 21 April 1892, TLC-C, 2:588 (Q149-151), 592 (Q209-217); Elsie Barrett, “M. E. Rollins Lightner” and Duncan Chapman statement, in Romig and Siebert, “Temple Lot,” 26, 27n17. See also pgs. 22-24 of the latter, as well as Romig, *Independence*, 24.

¹¹¹ Hiram Rathbun Sr. deposition, 19-20 April 1892, TLC-C, 2:523 (Q242-249), 524 (Q255), 542 (Q498-509); Robert Weston deposition, 21 April 1892, TLC-C, 2:585 (Q118), 589 (Q171-174).

¹¹² Campbell, *New Jerusalem*, ch. 2. On the urban theme, also see Olsen, *Ideology of Place*, ch. 2.

¹¹³ Joseph Smith revelation, 22-23 September 1832, in *MRB*, 274-275/452-455, *D&C* (LDS) 84:2-5, *D&C* (RLDS) 83:1b-2b. This revelation wasn’t included in the 1833 *Book of Commandments*.

¹¹⁴ “Mormonism,” *Western Monitor* (Fayette, MO), 2 August 1833, in *HC*, 1:396.

¹¹⁵ W. D. Davies, “Reflections on the Mormon ‘Canon,’” *Harvard Theological Review* 79/1-3 (1986), 44-66; Barlow, *Mormons and the Bible*, ch. 1. For *Book of Mormon* passages foretelling the coming forth of additional books of scripture, see 1 Nephi 13:39 and 2 Nephi 29:13 (LDS); 1 Nephi 3:191 and 2 Nephi 12:71-72 (RLDS).

¹¹⁶ Robert J. Woodford, “The Historical Development of the Doctrine and Covenants” 3 vols. (Ph.D. dissertation: Brigham Young University, 1974), 3:1845-1846; Richard P. Howard, *Restoration Scriptures: A Study of Their Textual Development* rev. ed. (Independence: Herald Publishing House, 1995), 147; William D. Russell, “History and the Mormon Scriptures,” *JMH* 10 (1983), 57-59.

¹¹⁷ Howard, *Restoration Scriptures*, 147; Flake, “Conferences to Councils,” 1-8.

¹¹⁸ Far West Record, 1-2, 8, 12-13 November 1831, in *FWR*, 26-29, 31-33; John Whitmer history, in *BJW*, 102; *HC*, 1:229, 235, and *HRC*, 1:225, 229-230; Cook, *Law of Consecration*, 43-46; Howard, *Restoration Scriptures*, ch. 8.

¹¹⁹ The revelations published in *The Evening and Morning Star* are listed in H. Michael Marquardt, *The Joseph Smith Revelations: Text & Commentary* (Salt Lake City: Signature Books, 1999), appendix C.

¹²⁰ The original manuscripts of the project are available in *JST*. For a valuable supplement, see Kent P. Jackson, *The Book of Moses and the Joseph Smith Translation Manuscripts* (Provo: BYU Religious Studies Center, 2005). For secondary analyses, see Howard, *Restoration Scriptures*, chs. 4-7; Robert J. Matthews, “A Plainer Translation”: *Joseph Smith’s Translation of the Bible—A History and Commentary* (Provo: BYU Press, 1975).

Mormons have usually assumed that Joseph Smith restored texts found in the original biblical holographs. See Thomas E. Sherry, “Changing Attitudes Toward Joseph Smith’s Translation of the Bible,” in Robert L. Millet and Robert J. Matthews, eds., *Plain and Precious Truths Restored: The Doctrinal and Historical Significance of the Joseph Smith Translation* (Salt Lake City: Bookcraft, 1995), 190-191, 193, 202-203. For defenses of this position, see Robert L. Millet, “Joseph Smith’s Translation of the Bible and the Synoptic Problem,” *JWJ* 5 (1985), 41-46; Donald J. Miles, “Preservation of the Writing Approaches of the Four Gospel Writers in the Joseph Smith Translation of the Bible” (M. A. thesis: Brigham Young University, 1991). For critiques of this position, see Royal Skousen, “The Earliest Textual Sources for

Joseph Smith's 'New Translation' of the King James Bible," a review of the aforementioned pair of original source publications, in *FARMS Review* 17/2 (2005), 456-470; Anthony A. Hutchinson, "The Joseph Smith Revision and the Synoptic Problem: An Alternative View," *JWJ* 5 (1985), 47-53; Kevin L. Barney, "The Joseph Smith Translation and Ancient Texts of the Bible," *Dialogue* 19 (Fall 1986), 85-102.

¹²¹ Joseph Smith revelations, 2 August 1833 and 23 April 1834, in *MRB*, 322-323/544-545 and 368-369/626-627, *D&C* (1835) 83:3 and 98:10, *D&C* (LDS) 94:10 and 104:58, *D&C* (RLDS) 91:3 and 101:10c; Joseph Smith, Sidney Rigdon, and Frederick G. Williams to Edward Partridge, 6 August 1833, in *JST*, 7; Joseph Smith revelation, 19 January 1841, in "EXTRACTS," *T&S* 2 (1 June 1841), 428, and *D&C* (LDS) 124:89, and *D&C* (RLDS) 107:28b; Robert J. Matthews, "Joseph Smith's Efforts to Publish His Bible Translations," *Ensign* 13 (January 1983), 57-64.

¹²² Robert J. Matthews, "The Role of the Joseph Smith Translation of the Bible in the Restoration of Doctrine," in Stephen D. Ricks, Donald W. Parry, and Andrew H. Hedges, eds., *The Disciple as Witness: Essays on Latter-day Saint History and Doctrine in Honor of Richard Lloyd Anderson* (Provo: FARMS, 2000), 327-354.

¹²³ Joseph Smith and Sidney Rigdon revelation, 16 February 1832, in *MRB*, 242-255/414-433, *D&C* (1835) 91, *D&C* (LDS) 76, *D&C* (RLDS) 76. W. W. Phelps published the Vision in the inaugural issue of the *E&MS* 1 (July 1832), but it was not included in the 1833 *Book of Commandments*.

¹²⁴ Bushman, *Joseph Smith*, 195-202, 210, offers an insightful discussion of "The Vision." Even Mormons didn't know what to make of the Vision at first. Most continued to speak of the traditional heaven and hell as if the Vision never happened. See Grant Underwood, "'Saved or Damned': Tracing a Persistent Protestantism in Early Mormon Thought," *BYU Studies* 25/3 (1985), 85-103.

¹²⁵ Far West Record, 3 June 1831, in *FWR*, 6-8; Ezra Booth to Ira Eddy, 1831, in Howe, *Mormonism Unveiled*, 188; John Whitmer history, in *BJW*, ch. 7; Corrill, *Brief History*, 18; Pratt, *Autobiography*, 53.

¹²⁵ *T&S* 5 (1 February 1844), 416

¹²⁶ William E. McLellin journal, 25 October 1831, and William G. Hartley, "The McLellin Diaries and Early Mormon History: Contributions and Questions," in Jan Shippo and John W. Welch, eds., *The Journals of William E. McLellin, 1831-1836* (Urbana: University of Illinois Press/Provo: BYU Studies, 1994), 45 and 283, respectively.

¹²⁷ Joseph Smith and Sidney Rigdon revelation, 16 February 1832, in *MRB*, 248-249/422-423, *D&C* (1835) 91:5, *D&C* (LDS) 76:57, *D&C* (RLDS) 76:5g.

¹²⁸ Joseph Smith revelation, 22-23 September 1832, in *MRB*, 274-279/454-459; *D&C* (1835) 4:3, 5; *D&C* (LDS) 84:18, 30; *D&C* (RLDS) 83:3a, 5b.

¹²⁹ Joseph Smith revelation, 22-23 September 1832, in *MRB*, 276-277/458-459, *D&C* (1835) 4:5, *D&C* (LDS) 84:29-30, *D&C* (RLDS) 83:5.

¹³⁰ Joseph Smith revelation, 28 March 1835, in *D&C* (1835) 3:1-10, *D&C* (LDS) 107:1-20, *D&C* (RLDS) 104:1-10.

¹³¹ Joseph Smith revelation, 11 November 1831, in *MRB*, 218-219/588-589, *D&C* (1835) 3:38-41, *D&C* (LDS) 107:85-89; *D&C* (RLDS) 104:38-41a. This revelation, which wasn't included in the 1833 *Book of Commandments*, was subsequently inserted into the middle of a March 1835 revelation in the 1835 *Doctrine and Covenants*, where it has remained in all subsequent editions of the text.

¹³² Prince, *Power From On High*, 26-27.

¹³³ Joseph Smith revelation, 11 November 1831, in *MRB*, 216-219/584-585, 588-589; *D&C* (1835) 3:31, 42; *D&C* (LDS) 107:64-66, 91-92; *D&C* (RLDS) 104:31e, 42.

¹³⁴ Reynolds Cahoon and Samuel H. Smith diaries, 25 January 1832, in *MH*, 1:40; "History of Orson Pratt," *DN*, 2 June 1858, 62; *HC*, 1:243.

¹³⁵ Kirtland Revelation Book, 8 March 1832, in *MRB*, 432-435.

¹³⁶ On the development of the First Presidency, see *MH*, 1:39-46.

¹³⁷ *The Book of Mormon*, 2 Nephi 3 (LDS); 2 Nephi 2 (RLDS).

¹³⁸ Joseph Smith revelation, 3 November 1831, in *MRB*, 206-209/396-397, *D&C* (1835) 100:3, *D&C* (LDS) 133:30-34, *D&C* (RLDS) 108:6c-e.

¹³⁹ Joseph Smith revelation, 22-23 September 1832, in *MRB*, 274-277/454-457, *D&C* (1835) 4:2-3, *D&C* (LDS) 84:6-18, and *D&C* (RLDS) 83:2c-3a.

¹⁴⁰ Joseph Smith revelation, 6 December 1832, in *MRB*, 330-331/476-477, *D&C* (1835) 6:3-4, *D&C* (LDS) 86:8-11, *D&C* (RLDS) 84:3-4.

¹⁴¹ Armand L. Mauss, *All Abraham's Children: Changing Mormon Conceptions of Race and Lineage* (Urbana: University of Illinois Press, 2003), 21-24.

¹⁴² On early Mormon ordinances, see Prince, *Power From On High*, chs. 3, 5.

¹⁴³ Joseph Smith revelations, 27-28 December 1832 and 3 January 1833, in *MRB*, 306-309, 309-311/502-505, 506-509, *D&C* (1835) 7:36-46, *D&C* (LDS) 88:117-141, and *D&C* (RLDS) 85:36-46.

¹⁴⁴ Admission was restricted to the church's "first laborers," those who were ordained elders before the June 1831 conference. See the Joseph Smith revelation, 27-28 December 1832, in *MRB*, 300-303/492-497; *D&C* (1835) 7:19-20, 23; *D&C* (LDS) 88:70, 74, 85; *D&C* (RLDS) 85:19b, 20a, 23c; Backman, *Heavens Resound*, 265; Ellingson, "Becoming a People," 148-154.

¹⁴⁵ Joseph Smith to W. W. Phelps, 11 January 1833, in *PWJS*, 263, and *HC*, 1:316-317, and *HRC*, 1:265-272. Previously entire congregations, but not individuals, had been sealed up to eternal life.

¹⁴⁶ Joseph Smith revelation, 27 February 1833, in *MRB*, 310-313/510-515, *D&C* (1835) 80, *D&C* (LDS) 89, *D&C* (RLDS) 86; Brigham Young discourse, 8 February 1868, in *JD*, 12:158; Lester E. Bush Jr., "The Word of Wisdom in Early Nineteenth-Century Perspective," *Dialogue* 14 (Autumn 1981), 46-65. Strict compliance with the code was not a condition of membership. See Lester E. Bush Jr., *Health and Medicine among the Latter-day Saints: Science, Sense, and Scripture* (New York: Crossroad, 1993), 51-60.

¹⁴⁷ Joseph Smith revelation, 27-28 December 1832, in *MRB*, 306-307/502-505, *D&C* (1835) 7:36, *D&C* (LDS) 88:119, *D&C* (RLDS) 85:36b. See also Roger D. Launius, *The Kirtland Temple: A Historical Narrative* (Independence: Herald Publishing House, 1986), 36-42, 57; Prince, *Power From On High*, 31, 121-123; Backman, *Heavens Resound*, 142-149. Mormons initially didn't refer to the structure as a temple; instead they referred to it as "the Lord's House" or "the House of the Lord."

¹⁴⁸ Joseph Smith and Frederick G. Williams, plat of the City of Zion and Independence Temple design, in Joseph Smith, Sidney Rigdon, and Frederick G. Williams to W. W. Phelps and the church in Zion, 25 June 1833, typescripts in *HC*, 1:357-362, and, with the temple design omitted, in *HRC*, 1:297-298. These typescripts are not exact but include editorial modifications, as critically noted in Mario S. De Pillis, "Christ Comes to Jackson County: The Mormon City of Zion and Its Consequences," *JWJ* 23 (2003), 24-25n8. Olsen, *Ideology of Place*, Appendix B, Figure 3, provides the most legible reproduction of the plat that I can find in print, but the description accompanying the image mistakenly belongs to a different figure. For the text of the letter accompanying the plat and temple design, see *HC*, 1:362-268, and, in abridged form, *HRC*, 1:298-302.

¹⁴⁹ For secondary works on the plats of Zion, see C. Mark Hamilton, *Nineteenth-Century Mormon Architecture and City Planning* (New York: Oxford University Press, 1995), 14-20, 34-39; Ronald E. Romig and John H. Siebert, "The Genesis of Zion and Kirtland and the Concept of Temples," in *RS*, 4:99-123; Romig and Siebert, "Jackson County"; De Pillis, "Christ Comes to Jackson County," 21-44; Olsen, *Ideology of Place*, ch. 2; Campbell, *New Jerusalem*, 48-56.

¹⁵⁰ Sidney Rigdon, Frederick G. Williams, Joseph Smith to the church in Zion, 6 August 1833, in Lyndon W. Cook, *The Revelations of the Prophet Joseph Smith: A Historical and Biographical Commentary on the Doctrine and Covenants* (Salt Lake City: Deseret Book, 1985), 195-196. Instructions were also communicated orally between the First Presidency and Zion's leadership through elders Orson Hyde and John Gould. See Joseph Smith to Vienna Jacques, 4 September 1833, in *PWJS*, 296.

¹⁵¹ Joseph Smith and Frederick G. Williams, revised plat of the City of Zion, in Oliver Cowdery to the church in Zion, August 1833, in Hamilton, *Mormon Architecture and City Planning*, 17-19, 34, 147n13, and Romig and Siebert, "Jackson County," 300, 302.

¹⁵² Joseph Smith and Frederick G. Williams, revised Independence Temple design, c. August 1833, in Romig and Siebert, "Genesis," 114-115.

¹⁵³ For the Lord's endorsement of the Zion Temple design, see the Joseph Smith revelation, 2 August 1833, in *MRB*, 318-319/538-539, *D&C* (1835) 81:3, *D&C* (LDS) 97:10, and *D&C* (RLDS) 94:3a.

Romig and Siebert, "Genesis," 104-105, think it a historical accident that the designs for Zion and its temple weren't subsequently canonized in Mormon scripture, as were similar documents for Kirtland and its temple. One source they cite thought the dimensions of the Zion plat came from revelation.

¹⁵⁴ Joseph Smith and Frederick G. Williams, plat of the City of Zion, 25 June 1833, in Olsen, *Ideology of Place*, Appendix B, Figure 3, typescript in *HC*, 1:358, and *HRC*, 1:297; Romig and Siebert, "Genesis," 105-106, 111, and "Jackson County," 299; Campbell, *New Jerusalem*, 51, 370n6.

¹⁵⁵ Romig and Siebert, "Jackson County," 295-296, 298; Olsen, *Ideology of Place*, 32, 39.

¹⁵⁶ The north-south axis of the June 1833 plat would have produced three temples beyond the bounds of the Temple Tract, either atop or beyond the Osage Trail. See Romig and Siebert, "Genesis," 106, and "Jackson County," 294, in relation to the Temple Tract boundaries demarcated in Berrett and Parkin, *Sacred Places*, 18. The east-west axis of the August 1833 plat would have produced eight temples outside the Temple Tract, specifically, six beyond its eastern boundary and two atop or beyond the Osage Trail. See Romig and Siebert, "Jackson County," 301, in relation to Berrett and Parkin, *Sacred Places*, 18.

¹⁵⁷ Edward Partridge letter, c. August-September 1833, in Romig and Siebert, "Genesis," 111-113, 118; Hamilton, *Mormon Architecture and City Planning*, 19.

¹⁵⁸ Bushman, *Joseph Smith*, 220-222. For a more detailed presentation of Bushman's analysis, see his address, *Making Space for the Mormons* Leonard J. Arrington Mormon History Lecture Series #2 (Logan, UT: Special Collections and Archives, Utah State University, 1997).

¹⁵⁹ Joseph Smith and Frederick G. Williams, plat of the City of Zion, in Joseph Smith, Sidney Rigdon, and Frederick G. Williams to W. W. Phelps and the church in Zion, 25 June 1833, in *HC*, 1:358, and *HRC*, 1:298; Hamilton, *Mormon Architecture and City Planning*, 15.

¹⁶⁰ De Pillis, "Christ Comes to Jackson County," 26-31. De Pillis calculates that each city of Zion would be separated by roughly an area of thirty-six square miles, essentially the size of a township.

¹⁶¹ Hamilton, *Mormon Architecture and City Planning*, ch. 2.

¹⁶² Meinig, *Shaping of America*, 2:229, 236, 273-279, 285, 294, 451, 452, 483, and 488. See also Milton D. Rafferty, *Historical Atlas of Missouri* (Norman: University of Oklahoma Press, 1982), figures 33, 36, 39, 42, and 97; Warren A. Jennings, "Zion is Fled: The Expulsion of the Mormons from Jackson County, Missouri" (Ph.D. dissertation: University of Florida, 1962), 19-23. The influx of slaveholders began under Spanish rule, driven in part by the Ordinance of 1787, which banned slavery north of the Ohio River. See Stanley Vestal, *The Missouri* (New York: Rinehart & Co., 1945), 68.

¹⁶³ Meinig, *Shaping of America*, 2:225-228, 236, 269-273, and 3:90; Jennings, "Zion is Fled," 64.

¹⁶⁴ In "Free People of Color," an essay in *E&MS* 2 (July 1833), 109, Mormon editor W. W. Phelps urged caution in allowing Mormon blacks to emigrate to Zion, given Missouri's slave status and the state's constitutional clause that free blacks without certified proof of citizenship in another state would be punished or expelled. This was too much for local non-Mormon whites, who didn't want Mormons to exercise "wisdom" and "prudence" on the subject but just wanted an outright ban on free blacks. For more on the cultural divide, see Steven C. Harper, "'Overwhelmingly Democratic': Cultural Identity in Jackson County, Missouri, 1827-1833," *MHS* 9 (Fall 2008), 1-16.

¹⁶⁵ For the petition, see *E&MS* 2 (December 1833), 114, and *HC*, 1:374-376, and *HRC*, 1:312-315. For the resolutions, see the *Western Monitor*, 2 August 1833, in *HC*, 1:395-399.

¹⁶⁶ *E&MS* 2 (December 1833), 114-115; John Whitmer history, in *BJW*, 106-108; Corrill, *Brief History*, 19.

¹⁶⁷ Corrill, *Brief History*, 19; Pratt, *Autobiography*, 78; *HC*, 1:414-415, and *HRC*, 1:319.

¹⁶⁸ Joseph Smith revelation, 30 August 1831, in *MRB*, 184-185, *BC* 64:30-32, *D&C* (LDS) 63:29-31, *D&C* (RLDS) 63:8d-e.

¹⁶⁹ Joseph Smith revelation, 6 August 1833, in *MRB*, 326-331/550-559, *D&C* (1835) 85:5-7, *D&C* (LDS) 98:23-48, *D&C* (RLDS) 95:5-7. For commentary, see *MH*, 1:81-84, and Graham St. John Scott, "Just War, Holy War, and Joseph Smith, Jr.," in *RS*, 4:134-141.

¹⁷⁰ Joseph Smith to William Phelps, et. al., 18 August 1833, in *PWJS*, 282-291; Undersigned to Daniel Dunklin, 28 September 1833, in *E&MS* 2 (December 1833), 113-115, and *HC*, 1:410-415, and *HRC*, 1:309-320; "Extract of a letter dated, Independence, October 30, 1833," and John Corrill to Oliver

Cowdery, December 1833, both in *E&MS* 2 (January 1834), 119 and 124 respectively; Daniel Dunklin to Edward Partridge, et. al., 19 October 1833, in *E&MS* 2 (December 1833), 115, and *HC*, 1:423-424, and *HRC*, 1:320-321; William Wood, Amos Reese, Alexander Doniphan, David Atchison to “Gentlemen,” 30 October 1833, in *HC*, 1:424-425; Pratt, *Autobiography*, 78. See also Jennings, “Zion is Fled,” 161.

¹⁷¹ Daniel Dunklin to Edward Partridge, et. al., 19 October 1833, in *E&MS* 2 (December 1833), 115, and *HC*, 1:423-424, and *HRC*, 1:320-321; Robert W. Wells to Alexander Doniphan and David Atchison, 21 November 1833, in *HC*, 1:444-445, and *HRC*, 1:363-364.

¹⁷² John Corrill to Oliver Cowdery, December 1833, in *E&MS* 2 (December 1833), 124-126, and *HRC*, 1:338-350; Daniel Dunklin to W. W. Phelps, et. al., 4 February 1834, in *HC*, 1:476-478, and *HRC*, 1:404-407; Howe, *Mormonism Unveiled*, 143-144; John Whitmer history, in *BJW*, 108, 111; Corrill, *Brief History*, 20; Pratt, *Autobiography*, ch. 13; *HC*, 1:426-440. On the Temple Tract as cover, see Hiram Rathbun Sr. deposition, 19-20 April 1892, TLC-C, 2:506 (Q47); Elsie Barrett, “M. E. Rollins Lightner” in Romig and Siebert, “Temple Lot,” 26. As the latter source indicates, the cover did not always work; some men were found, strapped to trees in the Temple Tract, and whipped.

¹⁷³ *Deseret News 1997-98 Church Almanac* (Salt Lake City: Deseret News, 1996), 529.

¹⁷⁴ Orson Pratt discourse, 20 May 1855, in *JD*, 3:17. There were, nonetheless, some ominous tones in Smith’s earlier revelations on Jackson County. Before the Mormons had even settled in the area, for example, a revelation warned that Missouri was currently “the land of your enemies.” See the Joseph Smith revelation, 6 June 1831, in *MRB*, 150-151, *BC* 54:43, *D&C* (LDS) 52:42, *D&C* (RLDS) 52:9e.

¹⁷⁵ Frederick G. Williams to Mrs. Titus Billings, 10 October 1833, in *T&S* 6 (15 April 1845), 864-865, and *HC*, 1:417, and *HRC*, 1:373-376. See also Bushman, *Joseph Smith*, 229.

¹⁷⁶ A simple glance at the “Chronological Order of Contents” in the prefatory pages of the 1981 LDS edition of *The Doctrine and Covenants* reveals the declining frequency of Smith’s revelations. Even if we included Smith’s uncanonized revelations to the table, the general trend would remain the same.

¹⁷⁷ Joseph Smith revelation, 16-17 December 1833, in *MRB*, 342-343/562-563, *D&C* (1835) 97:1-3, *D&C* (LDS) 101:1-8, *D&C* (RLDS) 98:1-3.

Chapter Two
Kirtland Mormonism
1834-1838

The expulsion from Jackson County did not change the divine geography of Zion. In December 1833 Joseph Smith received a revelation forbidding the sale of Mormon properties in Jackson County. “Zion shall not be moved out of her place, notwithstanding her children are scattered,” the Lord assured. Indeed, the church was to expend all efforts to “redeem” Zion.¹ The Mormons tried various political and judicial measures to retrieve their lands.² Only one avenue showed promise. The December revelation urged the church to form a defense force for Zion.³ Weeks later Missouri governor Daniel Dunklin confirmed the Mormons could form their own militia.⁴ Mormon negotiators concluded, moreover, that Dunklin would call out the state militia to restore them to their homes.⁵ It seemed, then, that the church could redeem Zion with the temporary protection of the state militia and the permanent protection of a Mormon militia.

As spring approached, the Mormon militia became a reality. A 24 February 1834 revelation declared that “the redemption of Zion must needs come by power; Therefore, I will raise up unto my people a man, who shall lead them like as Moses led the children of Israel.”⁶ Accordingly, Smith assumed the position of “Commander in Chief of the Armies of Israel” and called for volunteers for Zion’s defense force.⁷ Over two hundred men took up the challenge. Many of the volunteers shall figure prominently in our story: Jedediah M. Grant, Martin Harris, Orson Hyde, Heber C. Kimball, Warren Parrish, Orson Pratt, Parley Pratt, George A. Smith, Hyrum Smith, Joseph Smith, Lyman Wight, Frederick G. Williams, and Brigham Young. Four in fact—Lyman O. Littlefield, Joseph

B. Noble, William Smith, and Wilford Woodruff—would testify in the Temple Lot Case fifty-eight years later. The Mormon army-militia would be called “Zion’s Camp.”⁸

Zion’s Camp left Kirtland in May 1834 and met up en route with another contingent from Michigan. Dedicated, earnest young men, the marchers saw themselves as godly defenders of Israel. Outsiders, however, likened the marchers to the zealous Crusaders.⁹ As Zion’s Camp approached northwestern Missouri, Jackson County became a garrison state. Residents incinerated Mormon structures and prepared for holy war.¹⁰ But fears of Mormon vengeance were overblown. Joseph Smith soberly recognized he did not have the manpower to reclaim Mormon lands on his own.¹¹ That being said, the tone of the campaign and its authorizing revelations was undeniably militant. Smith had to reassure Zion’s own worried leadership that “no blood is to be shed except in self defense.”¹² To most observers, civil war between the Mormons and Missourians seemed inevitable. To avoid a conflagration, on 12 June 1834 Governor Dunklin informed the Mormons that the state militia would *not* escort them back to their homes in Jackson County. Zion’s Camp would have to retreat or face the mobs alone.¹³ Fortunately, Joseph Smith did not think an orgy of bloodshed would hasten the millennium. Zion’s Camp did not enter Jackson County.¹⁴ The marchers distributed food and relief supplies to Mormon refugees in Clay County.¹⁵ The campaign ended with a terrifying cholera attack and the deaths of over a dozen people.¹⁶ Afterwards, on July 1st, Joseph Smith and some comrades were forced to sneak across the Missouri River to walk upon Zion’s sacred soil one more time. The Mormon holy land remained forbidden to Mormons.¹⁷

Zion's Camp marked the second major Mormon disappointment in several months. Joseph Smith's 22 June 1834 "Fishing River Revelation" placed the onus for the campaign's outcome on the failure of church members to provide sufficient manpower and resources. Until the church learned obedience, the Lord declared, it would have to "wait for a little season for the redemption of Zion." In the meantime, the Lord directed, church members were to receive endowments in the Kirtland House of the Lord and purchase land in the counties surrounding Jackson County.¹⁸ Smith told the Missouri Mormons to "be in readiness to move into Jackson County in two years from the eleventh of September next, which is the appointed time for the redemption of Zion."¹⁹ The significance of September 11th 1836 probably derived from a literal reading of the September 11th 1831 revelation declaring "I, the Lord, will to retain a strong hold in the land of Kirtland, for the space of five years."²⁰

Zion's Camp would become the first major contested memory of the Mormon experience. The gulf between the (always conditional) glorious promises and the meager outcome would slowly gnaw away at the faith of some members. For them, pinning the blame on the unworthiness of church members did not satisfy. They would suspect that, in some ways, Joseph Smith and his revelations had failed. Indeed, one of the churches in the Temple Lot Case would recoil at Mormonism's militant turn and conclude that Joseph Smith fell from grace on 24 February 1834, the day he became commander-in-chief and received the "revelation" authoring Zion's Camp. Most Zion's Camp members, by contrast, would remember the experience with great fondness. They would recall the privilege of working side-by-side each day with the Prophet. They would conclude,

along with the Lord, that the Saints, not Smith, had failed. Many of them, moreover, would apply the lessons learned in Zion's Camp in later hegiras.²¹ For those on both sides of the contested memory, the crisis in Zion would become a defining moment.

Three important ecclesiological developments took place during the Zion's Camp episode. In a Kirtland elders' conference on 3 May 1834, Sidney Rigdon proposed that the church change its name from "The Church of Christ" to "The Church of the Latter-day Saints." With Joseph Smith presiding, the measure passed unanimously.²² In some respects the change wasn't dramatic. Mormons had previously referred to themselves as "Saints" and afterwards they still referred to themselves as Christ's church.²³ Unlike the church's original name, however, the new name was not attributed to revelation.²⁴ The leadership may have wanted to differentiate the church from other Churches of Christ.²⁵ Otherwise the rationale isn't entirely clear.²⁶ Some would later accuse the leadership of betraying the directive that Christ's church must bear Christ's name. This too, they would conclude, indicated that at this point Joseph Smith was a fallen prophet.²⁷

Second, on 17 February 1834, Joseph Smith established a "high council" composed of twelve high priests and three presiding high priests to conduct the judicial and administrative affairs of the Kirtland "stake" of the tent of Zion.²⁸ The church would subsequently establish stakes, high councils, and stake presidencies wherever Mormons concentrated in large numbers. Before departing Missouri and returning to Ohio in July 1834, for example, Smith organized a stake high council in Missouri with David Whitmer, John Whitmer, and W. W. Phelps comprising the stake presidency.²⁹ The

Kirtland High Council was unique, however, insofar as the First Presidency itself—Joseph Smith, Sidney Rigdon, and now Frederick G. Williams—served as its presiding officers. Unlike the Missouri High Council (and all other subsequent stake high councils), the Kirtland High Council rendered decisions for the entire church.³⁰

Third, at the organization of the Missouri High Council on 7 July 1834, Joseph Smith ordained Missouri Stake President David Whitmer his successor in the prophetic office should Smith “not live to God himself.”³¹ Smith would have chosen Oliver Cowdery as his successor, Martin Harris recalled the Prophet saying, but Cowdery had fallen into transgression.³² Smith also indicated that the high council stood in the line of succession, that it would help the successor guide the church in his absence:

He also informed them if he should now be taken away that he had accomplished the great work which the Lord had laid before him...and that he now had done his duty in organizing the High Council, through which Council the will of the Lord might be known on all important occasions in the building up of Zion, and establishing truth in the earth.³³

Smith didn't specify whether he meant high councils generally or only the Missouri High Council, the high council of Zion. Whatever the case, Smith believed that with the organization of the high council and the appointment of a successor, revelation could continue to guide the church in the event of his death or apostasy.³⁴ This was the first time Smith had ever explicitly designated a successor. The brethren assembled on the occasion duly sustained Whitmer's succession.³⁵ But with no newspaper coverage of the event, most members never learned of Whitmer presidential appointment.³⁶

As Missouri Mormons quietly made do in Clay County, Joseph Smith, Oliver Cowdery, and their Kirtland colleagues consolidated the gains of Mormonism's formative years by fortifying the authority, government, canon, and history of the church.

Under the editorial direction of Oliver Cowdery, the Mormon press reached new heights of productivity. In September 1834, Cowdery published the final issue of the formerly Independence-based *Evening and Morning Star*.³⁷ In October, he founded the *Messenger and Advocate*, which served as the church's chief periodical for the next three years.³⁸ Therein, from October 1834-July 1835, Cowdery serialized his reflections on the founding of the movement. Cowdery's letters represented the first substantial published history of Mormonism.³⁹ In fall 1834 he founded a political newspaper, *The Northern Times*, to curry Mormon favor with the Democratic administration of Andrew Jackson.⁴⁰ And in January 1835, he began a reprint of the fourteen issues of *The Evening and Morning Star* W. W. Phelps published at Independence from June 1832-July 1833.⁴¹ Cowdery's star had dimmed a bit over the past couple of years, but his productivity in Kirtland in 1834 helped him regain his former status.

Concurrently, in September 1834, Smith, Cowdery, Sidney Rigdon, and Frederick G. Williams started work on a two-part compendium entitled the *Doctrine and Covenants of The Church of the Latter Day Saints*.⁴² For the doctrinal section, they produced a theological primer called the *Lectures on Faith*.⁴³ For the covenants section, they presented the Prophet's revelations. But whereas *The Evening and Morning Star* and the unpublished *Book of Commandments* had earlier offered relatively faithful transcripts of Smith's revelations, the publishing committee of the *Doctrine and Covenants* silently

altered the revelations, sometimes dramatically so. The committee retroactively inserted terms, concepts, events, and procedures of recent vintage into older revelations and variously added, deleted, and rearranged words, passages, paragraphs, and sometimes even larger segments of text.⁴⁴ Joseph Smith certainly bore primary, and likely sole, responsibility for the changes.⁴⁵ As with *The Bible*, so with his own revelations: He believed he had the prophetic authority to amend ancient and modern revelations alike if they did not reflect the greater light and knowledge given of the Lord.⁴⁶ But whereas Smith was completely up front about his revisions to *The Bible*, neither he nor his publishing committee colleagues publicly acknowledged the changes they made to the revelations. Cowdery, in fact, tried to cover their tracks by disingenuously editorializing that *The Evening and Morning Star* had not faithfully reproduced the original revelations, thereby insinuating that the revised versions of the revelations prepared by the *Doctrine and Covenants* publishing committee represented the original versions of the text.⁴⁷ He even went so far as to silently substitute the newer versions of the revelations in his 1835 “reprint” of the 1832-1833 *Evening and Morning Star*.⁴⁸

As they were revising revelations, Cowdery and Smith also revised the history of Mormon priesthood. As we’ve seen, Smith didn’t introduce the priesthood until June 1831. But between October 1834-October 1835, Smith and Cowdery incrementally disclosed to the public that they held priesthood long before June 1831; specifically, they claimed that they received the Aaronic Priesthood under the hands of John the Baptist on 15 May 1829 and the Melchizedek Priesthood under the hands of Peter, James, and John sometime thereafter.⁴⁹ Smith had mentioned an angelic ordination(s) in an 1832

autobiographical sketch.⁵⁰ But publicly at least, the two men at best had only alluded to it before 1834-35.⁵¹ Some Mormons would look upon the belated timing of these claims skeptically. Asked in 1885 if he were present at the Aaronic Priesthood ordination, David Whitmer replied, “No I was not—neither did I ever hear of such a thing as an angel ordaining them until I got into Ohio about the year 1834—or later.”⁵² Nonetheless the early angelic origins of priesthood would nonetheless gradually, if unevenly, seep into Mormon institutional memory.⁵³ That priesthood wasn’t introduced to the church until June 1831 was gradually forgotten, so much so that it wasn’t even a point of contention among the contending factions and contested memories of the Temple Lot Case.

Joseph Smith also rounded out the leadership structure of the church around this time. On 5 December 1834, Smith ordained Cowdery assistant president of the church.⁵⁴ The following day, Smith and Rigdon, respectively, ordained the Prophet’s brother and father, Hyrum and Joseph Sr., as assistant presidents. The church acquired three assistant presidents in two days.⁵⁵ But as D. Michael Quinn explains, Cowdery’s authority surpassed that of his fellow assistant presidents. It would be more appropriate, he suggests, to call Cowdery an “associate president,” for unlike Hyrum and Joseph Sr., Cowdery now presided over the church alongside Joseph Jr. Though never spelled out, Cowdery’s ordination probably superseded the previous July ordination of David Whitmer as the prophet’s successor. If something had happened to Joseph Smith at this point, Oliver Cowdery would likely have replaced him as head of the church.⁵⁶ At the end of 1834, therefore, the church presidency consisted of President Joseph Smith Jr.,

Assistant (associate) President Oliver Cowdery, Assistant Presidents Joseph Smith Sr. and Hyrum Smith, and counselors Sidney Rigdon and Frederick G. Williams.

Also on 6 December 1834, if not the previous December, Joseph Jr. ordained Joseph Sr. to the newfound office of presiding “patriarch” or “evangelist.”⁵⁷ Emulating the scriptural patriarchs, Patriarch Smith gave revelatory blessings to individuals.⁵⁸ He promised them imminent millennial glories, or sealed them up to eternal life, or identified the tribe of Israel to which they belonged.⁵⁹ Being Americans and Canadians generally, early Mormons initially considered themselves Gentiles *adopted* into the House of Israel. But Joseph Sr. identified many members, including his own family, as *literal* descendents of the Israelite patriarchs. Patriarchal blessings turned the Mormon identification with Israel into a genealogical fact.⁶⁰ Fittingly, the office of presiding patriarch was reserved for members of the Smith family exclusively. Like Joseph Jr., Joseph Sr. was considered a descendant of Joseph of Egypt. Like Joseph Jr., Father Smith held patriarchal priesthood by inheritance. In essence, the ordination of Father Smith to the Patriarchate was a mere formality, an institutional manifestation of an inherited right. In republican America, Mormonism offered a dynastic office, a royal family, and a modern Israel.⁶¹ Lineal priesthood generally and the office of presiding patriarch/evangelist specifically would be heavily debated in the course of the Temple Lot Case.

In February 1835, Joseph Smith and the Three Witnesses (Oliver Cowdery, David Whitmer, and Martin Harris) created a proselyting high council entitled the “Quorum of Twelve Apostles,” staffed exclusively with Zion’s Camp veterans like Brigham Young, Heber C. Kimball, and William Smith.⁶² An additional forty-five Zion’s Camp veterans

were appointed to another proselyting quorum, the Seventy.⁶³ In theory, the Twelve, Seventy, and stake high councils were equal in authority to the First Presidency.⁶⁴ In practice, the Seventy labored under the Twelve and the First Presidency presided over all.⁶⁵ The traveling high council (the Twelve Apostles) and the stake high councils (currently limited to Kirtland and Missouri) had parallel jurisdictions. Stake high councils had jurisdiction over church centers, while the Twelve Apostles presided over the mission field and the small branches of the church.⁶⁶ These distinctions would come into play in the Temple Lot Case debates over presidential succession. Indeed, one of the founding apostles—William Smith, the Prophet’s brother—would testify in the suit.

Just five years after its formation, Mormonism had one of the most elaborate and distinctive ecclesiastical structures in the United States. Revelation, individual and collective, remained the lifeblood of Mormonism, but by 1835 revelation was largely circumscribed within priesthoods, offices, quorums, and councils. Within Joseph Smith’s own lifetime, then, one can find evidence of the process that sociologist Max Weber called the “routinization of charisma.”⁶⁷ Smith didn’t have to receive so many revelations after a while because the initial flurry of revelations established the basic doctrines, practices, and institutions of the church. Once established, institutions could accomplish tasks formerly accomplished through revelation. Mormonism would never stagnate under Joseph’s dynamic leadership—far from it!—but his later revelations usually, if not always, modified or embellished features already established. Thus it was that Mormonism was among the most charismatic *and* the most structured of religions.⁶⁸

On 17 August 1835, Oliver Cowdery and Sidney Rigdon convened a General Assembly in Kirtland to canonize the *Doctrine and Covenants* as a third book of scripture alongside *The Bible* and *The Book of Mormon*.⁶⁹ Like most conferences during Joseph Smith's administration, the General Assembly had a democratic veneer and a theocratic essence.⁷⁰ All present had the opportunity to sustain or reject the text. But the voting process served more to ratify the prior decisions of leadership than spur questioning and debate. The *Doctrine and Covenants* wouldn't be printed for another few weeks. As a result, few attendees at the General Assembly had a chance to examine the text beforehand. Some members were therefore taken aback when they subsequently discovered that many revelations therein had been altered.⁷¹ Over time, though, the revelations in the *Doctrine and Covenants* would become the only version most members knew about. The earlier versions of the revelations contained in the 1832-1833 *Evening and Morning Star* and the unpublished 1833 *Book of Commandments* faded into obscurity, so much so that, while not unknown to some of the key participants, they didn't really enter into the debates of the Temple Lot Case.

Revising the 1828-1833 revelations to reflect the doctrines, terminology, and procedures of 1835 fostered an anachronistic seamlessness to Mormon retellings of early church history. Reading the 1835 *Doctrine and Covenants* (and all subsequent editions of the text) one would never know, for example, that originally the Mormons intended to locate Zion among the Indians, that originally Mormons were to consecrate all their property to the bishop, that priesthood wasn't introduced until 1831, that Smith and Cowdery didn't publicly disclose the angelic origins of their priesthoods until 1834-1835,

that Smith didn't reveal the name of the angel who gave him the plates until 1835. The *Doctrine and Covenants*, in sum, smoothed out the rough edges of early Mormon history.

From there Smith and Cowdery revisited their original collaboration, *The Book of Mormon*. In 1836, the duo prepared a second edition of the text, making roughly 3,000 changes altogether.⁷² Almost all the revisions were minor. Smith and Cowdery basically standardized the English, changing "saith" to "said" 229 times, for example, and "which" to "who" 707 times.⁷³ Only three revisions were narratively significant.⁷⁴ And four revisions were theologically significant insofar as they more clearly distinguished God the Father from God the Son.⁷⁵ Released in 1837, the second edition, more so than the first edition, became the standard edition of the text. Most subsequent editions would stand upon the shoulders of the 1837 Kirtland edition, not the 1830 Palmyra edition.⁷⁶

Ever the dynamic leader, Joseph Smith was never one to rest on past triumphs and failures. He constantly moved forward, embarking on new projects before his followers had barely taken stock of the older ones. Thus it was that even as the *Doctrine and Covenants* lent doctrinal stability and a certain historical seamlessness to the young religion, Joseph moved on to new texts and new doctrines.

In 1835, an Irish immigrant named Michael Chandler travelled through the Western Reserve displaying looted mummies and papyri from Egypt. Curious, Smith examined the papyri and proclaimed that they contained the writings of the biblical patriarchs Abraham and Joseph.⁷⁷ The church purchased the scrolls in July and Smith started translating.⁷⁸ He didn't get very far with the Joseph scroll.⁷⁹ But the Abraham

scroll revealed that the spheres of the cosmos are not random but ranked, that human souls preexisted before their earthly birth and in some sense have neither beginning nor end, that the Lord foreordains noble spirits to accomplish certain tasks, and that in ancient times at least, the descendants of Ham, Noah's disobedient son, were banned from the priesthood.⁸⁰ Smith was evidently unable to complete the Abraham scroll at this time.⁸¹ The church would learn little of the text and its doctrines for years to come.⁸²

Meanwhile, the practice and perception of Mormon marriage acquired newfound salience. In March 1835, Ohio's Geauga County denied Sidney Rigdon, and by inference all Mormon elders, a permit to perform weddings. In June, Rigdon was indicted for performing a wedding without a permit.⁸³ Meanwhile, talk may have arisen of an illicit relationship or polygamous marriage between Joseph Smith and one Fanny Alger.⁸⁴ To perhaps quash the rumors and meet requirements enabling Ohio ministers to perform marriages without licenses, the 17 August 1835 General Assembly added a statement to the *Doctrine and Covenants* declaring monogamy the church standard.⁸⁵ Yet as the year closed, Smith spoke of restoring "the ancient order of marriage."⁸⁶ He performed weddings for the first time and seemed unconcerned if he broke the law in doing so.⁸⁷ He declared that Mormon couples should be married under priesthood authority alone, that such marriages were of a superior order.⁸⁸ And he hinted that marriages could last beyond this mortal realm into the eternities.⁸⁹ The church's official position on marriage remained thoroughly conventional. But among trusted friends and wedding parties, the Prophet was beginning to challenge conventional notions of marriage.

Despite Smith's continuing fascination with ancient texts and orders, Zion's future remained of paramount concern. To muster an adequate force for the anticipated 1836 return to Jackson County, on 24 September 1835 the Kirtland High Council established a "war department" under Smith's direction. The commander-in-chief called for a force roughly four times the size of Zion's Camp. These deliberations, John Whitmer recorded, were carried out "by revelation."⁹⁰

Before the campaign could begin, however, the elders had to receive the third iteration of the endowment in the Lord's House.⁹¹ The 1836 endowment was distinctive for new preparatory rites: (1) the washing of the body; (2) the anointing of the head; (3) the pronouncement of a blessing; (4) and the sealing of the anointing. Then came the ritual capstones in solemn assembly: (5) foot-washing and (6) the Lord's Supper. If God saw fit, the rites would culminate in (7) a pentecostal endowment from on high.⁹² Mormons considered these rites a restoration of ordinances God revealed anciently.⁹³

The church dedicated the House of the Lord in Kirtland on 27 March 1836.⁹⁴ Smith began administering the preparatory rites two months earlier. He felt comfortable administering the washing of the body outside the temple.⁹⁵ He reserved the anointings, blessings, and sealings for the temple, yet felt fine administering them *before* the structure's completion and dedication.⁹⁶ He reserved the capstone rituals—foot-washing and the Lord's Supper in solemn assembly—until *after* the dedication.⁹⁷

The pentecostal experiences attending the 1836 endowment remain unparalleled in Mormon history.⁹⁸ Indeed, one of the participant churches in the Temple Lot Case would look upon the Kirtland Temple and the 1836 endowment as the pinnacle of early

Mormon temple activity. Joseph Smith's personal pentecostal experiences would have far-reaching theological implications. On 21 January 1836, he learned in vision that individuals who died without the gospel but who would have accepted it had they lived would enter the celestial kingdom.⁹⁹ And Smith and Cowdery experienced a joint-vision in the temple on April 3rd wherein Jesus Christ pronounced the temple acceptable, Moses delivered the keys of Israel's gathering, Elias promised the blessings of Abraham, and Elijah bestowed the cryptic authority, alluded to in the final pages of the Old Testament, to "turn the hearts of the Fathers to the children, and the children to the fathers." Unlike their angelic priesthood ordinations of 1829-1830, contemporary documentation exists of their 1836 vision of Christ, Moses, Elias, and Elijah. Nonetheless Smith and Cowdery didn't disclose the experience to the church at large. But several years later, they would serve as the basis for some remarkable theological innovations.¹⁰⁰

Despite the endowment, the campaign for Zion's redemption unraveled before it even began. By 1836, the influx of Mormon immigrants strained the sympathies of Missouri's Clay County residents.¹⁰¹ Without a secure base of operations, the Mormon plan to cross over into Jackson County became untenable. But cooler heads prevailed this time in Missouri. In fall 1836, the state established a Mormon refuge, Caldwell County, in the sparsely-populated prairies north of Clay County. Missouri Mormons quickly moved in and established a county seat, Far West. For the first time the Saints had a place almost entirely their own.¹⁰² It wasn't Jackson County, but then again Jackson County lay only a few dozen miles to the south. The Mormons held on to their Jackson County land titles and waited in hope for the time they could reoccupy Zion.

The command to build settlements for Israel's gathering necessitated temporal responsibilities beyond the scope of most American religions.¹⁰³ Initially, Mormon participation in politics was nominal.¹⁰⁴ But Mormons became the largest segment of the Kirtland population in 1836, and with that demographic advantage came political influence. In 1837, Mormons filled a majority of Kirtland's elected positions.¹⁰⁵

But like most farming communities, Kirtland was land-rich, cash-poor, and debt-ridden.¹⁰⁶ To inject liquidity into the economy, in the fall of 1836 the First Presidency decided to establish a bank.¹⁰⁷ It was a fiscally-sound option.¹⁰⁸ But the Ohio General Assembly denied the church a bank charter.¹⁰⁹ Joseph Smith was undeterred; he heard an audible voice assuring him all would work out if the Saints kept the commandments.¹¹⁰ So in January 1837, church leaders established a wildcat bank called the "Kirtland Safety Society Anti-Banking Company."¹¹¹ It was the worst decision of Smith's career. Unlike the successful wildcat banks of railroad and insurance companies, the Safety Society had poor underwriting and no corporate status whatsoever.¹¹² Newspapers quickly pronounced Safety Society currency unsafe.¹¹³ Customers inundated the firm to redeem the depreciating notes. The reeling firm had to suspend payments.¹¹⁴ Then, in May, at the worst possible time, the Panic of 1837 hit Ohio. The Kirtland economy collapsed.¹¹⁵

The bank failure unleashed a firestorm of disaffection among Kirtland Mormons and, eventually, Missouri Mormons. It sparked the tinder of the latent misgivings members variously had about Zion's Camp, the renaming of the church, the alteration of the revelations, the Fanny Alger rumors, and other matters. Underlying much of it was

unease with Joseph Smith's ever-expanding authority, particularly in temporal affairs.¹¹⁶ Loyalists like Wilford Woodruff, future apostle, were more than happy to submit their social, religious, financial, and political choices to a prophet of God.¹¹⁷ But dissenters like Warren A. Cowdery, Oliver's brother, preferred the freedom of republican citizens to choose their own pursuits of happiness.¹¹⁸ To over-generalize a bit, the Mormon divide of 1837-1838 represented a rupture between pluralism and theocracy, an open society and a closed society, moderate Mormonism and totalizing Mormonism, a figurative kingdom and a literal Kingdom of God.¹¹⁹ One could readily interpret the competing factions of the Temple Lot Case as embodiments of these competing tensions in early Mormonism.

The ranks of the Kirtland dissenters included some of the church's most prominent figures—Three Witnesses Oliver Cowdery, David Whitmer, and Martin Harris; First Presidency counselor Frederick G. Williams; apostles Parley Pratt, Luke Johnson, John F. Boynton, Lyman E. Johnson; *Messenger and Advocate* editor Warren Cowdery; Warren Parrish, the Prophet's former secretary. Church headquarters became so disunified that it seemed the center might not hold. Plans were hatched to replace Joseph Smith with David Whitmer.¹²⁰ Warren Parrish denounced the Prophet publicly in the temple.¹²¹ Sunday services in the Lord's House became forums for discontent.¹²² The *Messenger and Advocate* became a pulpit of dissent.¹²³ Dissidents and loyalists even drew weapons in the temple.¹²⁴ Yet conflicts of interest rendered the Kirtland High Council constitutionally impotent against the leading dissenters.¹²⁵ And Bishop Newel K. Whitney refused to convene a bishop's court against anyone, dissenters or loyalists.¹²⁶ Assaults also came from without. Anti-Mormon Grandison Newell sued Smith and

Rigdon for issuing the “bogus” currency of the Kirtland Safety Society.¹²⁷ He also sued Smith for conspiring to murder him.¹²⁸ As if recognizing the strength of the church now lay outside the toxic headquarters, in June 1837 Smith sent apostles Heber C. Kimball and Orson Hyde to preach the gospel in England, a mission that would prove wildly successful and bring much-needed invigoration to the suddenly-troubled movement.¹²⁹

In late summer, Joseph Smith regained his footing. Since the church’s judicial system hadn’t handled the crisis, the Prophet turned to the good graces of the general membership. At two extraordinary conferences in Kirtland (September) and Far West (November), he submitted the names of the divided leadership to the vote of the people. Smith and his supporters were unanimously sustained; dissenters were variously released, warned, or sustained after sufficient contrition. Hyrum Smith, Joseph’s eldest brother, replaced Frederick G. Williams as second counselor in the First Presidency.¹³⁰ Smith also discontinued the *Messenger and Advocate* and established an organ under his editorial control entitled *The Elders’ Journal*.¹³¹ It was the first editorial post of Smith’s career. The *Messenger and Advocate* commentaries of dissident Warren Cowdery convinced Smith that he needed to exercise greater control over the church periodical.¹³²

But Smith and Rigdon returned to Kirtland in December to find that conditions had worsened in their absence. A visionary eleven-year-old, James Colin Brewster, had attracted a following.¹³³ Warren Parrish, Martin Harris, and three disgruntled apostles were forming a rival church patterned after Mormonism’s “old standard” and setting their sights on the Lord’s House.¹³⁴ Grandison Newell’s bogus currency lawsuit resulted in \$1000 fines each for Smith and Rigdon.¹³⁵ The energetic Newell also obtained a lien on

the printing office, leaving the church without a press.¹³⁶ Increasingly, anti-Mormons and dissident Mormons found common cause in driving the church and its leaders out.

Ignoring the technicalities that paralyzed it months earlier, the Kirtland High Council excommunicated dozens of hardened dissenters in December.¹³⁷ Nonetheless, Joseph Smith announced that the leadership would be moving to Missouri.¹³⁸ Fearing arrest and much worse, Smith and Rigdon fled under cover of darkness on 12 January 1838.¹³⁹ The bulk of Kirtland Mormons followed in their wake. By the end of summer 1838, only about one hundred Mormons remained in Kirtland, most of them dissenters.¹⁴⁰ The “Old Standard” movement confiscated the Lord’s House, purchased the printing press, and incorporated as the “Church of Christ.”¹⁴¹ But it quickly divided and floundered over the question of the authenticity of *The Book of Mormon*.¹⁴²



The 1834-1837 period was, in certain respects, good years for The Church of the Latter Day Saints. The church had stabilized its doctrine, streamlined its revelations, and smoothed out its history with the canonization of a third book of scripture, the *Doctrine and Covenants*. The organizational structure of the movement had filled out with the establishment of a presiding patriarch/evangelist, stake high councils, the Quorum of the Twelve Apostles, and the Quorum of the Seventy. The church had dedicated its first temple and enjoyed the attendant spiritual blessings. The displaced of Zion had obtained a county of their own in northwestern Missouri. The church had found a wildly receptive audience in England, the first overseas mission. And the message of the Mormon

restoration continued to resonate: At the end of 1833 the church had just 3,000 members; at the end of 1837, the church had over 16,000 members.¹⁴³

At the same time, The Church of the Latter Day Saints had experienced severe trauma. The period was bookended by the expulsion from Jackson County in November 1833 and the expulsion from Kirtland in 1838. Despite the formation of an Army of Israel in 1834 and bestowal of the Kirtland endowment of 1836, thus far all attempts to reclaim Zion had failed. The chief temporal program of church headquarters, the formation of the Kirtland Safety Society Anti-Banking Company, had ended disastrously. Even more disturbing, the Saints now faced not only external opposition but also a destabilizing level of internal dissent among the leadership. Whereas Missouri Mormons had been almost completely united against their Jackson County persecutors in 1833, a disturbing number of Kirtland Mormons colluded with the church's enemies.

By spring 1838 it seemed that Joseph Smith had weathered the storm. Efforts to topple the Prophet, to disconnect the Mormon movement from its founder, had thus far failed. The crisis of 1837-1838 left Smith with a more loyal and zealous leadership cadre. The cost, nonetheless, had been high. Smith lost some capable individuals in the purge, men and women of experience, good will, and spiritual commitment. David Whitmer, for one, would never rejoin the Latter Day Saints. He settled down instead in Richmond, Clay County, Missouri, north of Jackson County. If not already, he would soon conclude that Smith had early on forfeited the Lord's favor. Yet throughout the remaining half-century of his life, Whitmer would testify with deep conviction of the reality of the gold plates and of the truthfulness of *The Book of Mormon*.¹⁴⁴

In the years following the Kirtland expulsion, the Mormon church would acquire a new name, new stakes, new revelations, and an astonishing array of new doctrines. It would also spawn new dissenters, new enemies, and new hatreds. Joseph Smith had already led the movement far from the American mainstream. By 1838, Mormonism lived in high tension with the surrounding culture. But Smith would lead the church even further down that path in the years to come, so much so that he increasingly would have to implement his spiritual and temporal projects in secret. The result would be a deeply divisive and contested legacy for the opposing churches of the Temple Lot Case.

Endnotes

¹ Joseph Smith revelation, 16-17 December 1833, in *MRB*, 344-345, 350-351, 354-355/564-565, 576-577, 582-583; *D&C* (1835) 97:4, 9-10, 13; *D&C* (LDS) 101:17-21, 67-75, 96-101; *D&C* (RLDS) 98:4g-i, 9-10c, 13. Cf. Joseph Smith to William Phelps, et. al., 18 August 1833, in *PWJS*, 282-291.

² See, for example, the Kirtland High Council minutes, 24 February 1834, in *KHCM*, 34-35, and *HC*, 2:39-40; W. W. Phelps to “Dear Brethren,” 27 February 1834, in *E&MS* 2 (March 1834), 139, and *HC*, 1:481-483, and *HRC*, 1:407-409; Lewis Cass to Sidney Gilbert, et. al., 2 May 1834, in *HC*, 2:493, and *HRC*, 1:417.

³ Joseph Smith revelation, 16-17 December 1833, in *MRB*, 346-351/568-575, *D&C* (1835) 97:6-8, *D&C* (LDS) 101:43-62, *D&C* (RLDS) 98:6-8.

⁴ Daniel Dunklin to W. W. Phelps, et. al., 4 February 1834, in John Whitmer history, in *BJW*, 115-118, and *HC*, 1:476-478, and *HRC*, 1:404-407.

⁵ W. W. Phelps to “Dear Brethren,” 15 December 1833, in *E&MS* 2 (January 1834), 128, and *HC*, 1:457-458, and *HRC*, 1:392; Sidney Gilbert, et. al. to Daniel Dunklin, 24 April 1834, in John Whitmer history, in *BJW*, 121-124, and *HC*, 1:490, and *HRC*, 1:418-419; John Corrill to Oliver Cowdery, 14 June 1834, in *E&MS* 2 (June 1834), 168, and *HC*, 2:92-93. Whether the Mormons correctly understood Dunklin’s intentions on this point is a matter of dispute among historians. Roger D. Launius, *Zion’s Camp: Expedition to Missouri, 1834* (Independence: Herald Publishing House, 1984), 35-37, 108, points out that we have no explicit first-hand record of Governor Dunklin promising to use force on behalf of the Saints. For a differing interpretation of the matter, see Peter Crawley and Richard L. Anderson, “The Political and Social Realities of Zion’s Camp,” *BYU Studies* 14 (Summer 1974), 407-410.

⁶ Joseph Smith revelation, 24 February 1834, in *MRB*, 354-361/630-639, *D&C* (LDS) 103, *D&C* (RLDS) 100. This revelation wasn’t published in the 1835 *Doctrine and Covenants*, probably to avoid alarming the non-Mormon residents of Jackson County.

⁷ Kirtland High Council minutes, 24 February 1834, in *KHCM*, 34-35 and *HC*, 2:39-40, but not *HRC*.

⁸ The standard works on Zion’s Camp are Warren A. Jennings, “The Army of Israel Marches Into Missouri,” *MHR* 62 (Winter 1968), 107-135; Crawley and Anderson, “Zion’s Camp,” 406-420; Launius, *Zion’s Camp*. For a list of Zion’s Camp participants, see appendix A of the latter work. For a helpful visual aid, see Kenneth R. Mays, “On the Road with Zion’s Camp: A Photographic Essay of the 1834 Missouri Expedition,” *MHS* 8 (Spring/Fall 2007), 55-75.

⁹ *Missouri Intelligencer and Boon's Lick Advertiser*, 7 June 1834, in Crawley and Anderson, "Zion's Camp," 413, and Launius, *Zion's Camp*, 49-50; *Niles Weekly Register*, 7 June 1834, in Launius, *Zion's Camp*, 99; *Painesville Telegraph* (Ohio), 9 May 1834, in Richard Lyman Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 238.

¹⁰ John Corrill to Oliver Cowdery, 14 June 1834, in *E&MS* 2 (June 1834), 168, and *HC*, 2:92-93; W. W. Phelps to "Dear Brethren," 1 May 1834, in *E&MS* 2 (May 1834), 160, and *HC*, 2:61-62; John Corrill to Oliver Cowdery, 14 June 1834, in *E&MS* 2 (June 1834), 168, and *HC*, 2:92-93; Sidney Gilbert, et. al., to Daniel Dunklin, 7 May 1834, in John Whitmer history, in *BJW*, 128-129; Crawley and Anderson, "Zion's Camp," 412-413, 418.

¹¹ Joseph Smith to Emma Smith, 4 June 1834, in *PWJS*, 323-325.

¹² Joseph Smith to Edward Partridge, et. al., 30 March 1834, in *PWJS*, 319. See also Launius, *Zion's Camp*, 51; Bushman, *Joseph Smith*, 236; Eber D. Howe, *Mormonism Unveiled: or, A Faithful Account of That Singular Imposition and Delusion, From Its Rise To The Present Time....* (Painesville, OH: by the author, 1834), 166-172.

¹³ Parley P. Pratt, *The Autobiography of Parley Parker Pratt* Classics in Mormon Literature (Salt Lake City: Deseret Book, 1985), 94; Launius, *Zion's Camp*, 113-114.

¹⁴ Crawley and Anderson, "Zion's Camp," 416-420; Launius, *Zion's Camp*, 115; Howe, *Mormonism Unveiled*, 174c.

¹⁵ Far West Record, 23 June 1834, in *FWR*, 68-70; John Whitmer history, in *BJW*, 133; *HC*, 2:112-113.

¹⁶ *E&MS* 2 (July 1834), 176; John Whitmer history, in *BJW*, 132; Pratt, *Autobiography*, 95; Launius, *Zion's Camp*, 145-153; Bushman, *Joseph Smith*, 245-246.

¹⁷ *HC*, 2:120, but not included in *HRC*.

¹⁸ Joseph Smith revelation, 22 June 1834, in *MRB*, 374-379/610-617, *D&C* (LDS) 105, *D&C* (RLDS) 102. This revelation was not published in the 1835 *Doctrine and Covenants*, probably because its subject matter remained a source of disquiet at the time.

¹⁹ Joseph Smith to Lyman Wight, et. al., 16 August 1834, in *PWJS*, 330, and *HC*, 2:144-146.

²⁰ Joseph Smith revelation, 11 September 1831, in *MRB*, 192-193, *BC* 65:27, *D&C* (LDS) 64:21, *D&C* (RLDS) 64:4c.

²¹ Launius, *Zion's Camp*, 166-176; Bushman, *Joseph Smith*, 233, 247.

²² Elders' conference minutes, 3 May 1834, in *E&MS* 2 (May 1834), 160, and *HC*, 2:62-63, and *HRC*, 1:453-454.

²³ Richard Lloyd Anderson, "I Have a Question: What Changes Have Been Made in the Name of the Church?," *Ensign* 9 (January 1979), 13. Sometimes the two titles were combined to form "the church of Christ of Latter Day saints" or some such construction.

²⁴ Howe, *Mormonism Unveiled*, 157, commented: "The Lord had before given them directions not to chew tobacco, nor feed corn to their horses; but in the important matter of giving them a *name*, by which they were ever after to be known, he had wholly refused to interfere, or they had not time to ask him."

²⁵ Oliver Cowdery hinted as much in *E&MS* 2 (June 1834), 164. For an example of the confusion that could ensue between two competing Churches of Christ, see the William E. McLellin journal, 15 April 1833, in Jan Shippo and John W. Welch, eds., *The Journals of William E. McLellin, 1831-1836* (Urbana: University of Illinois Press/Provo: *BYU Studies*, 1994), 115.

²⁶ For other possible motivations, see Richard S. Van Wagoner, *Sidney Rigdon: A Portrait of Religious Excess* (Salt Lake City: Signature Books, 1994), 149; Howe, *Mormonism Unveiled*, 157; H. Michael Marquardt, "An Appraisal of Manchester as Location for the Organization of the Church," *Sunstone* 16/1 (1992), 54.

²⁷ Far West Record, 24 April 1837, in *FWR*, 111; William E. McLellin, "The Name of the Church," *Ensign of Liberty* 1 (April 1847), 20-24; David Whitmer, *An Address to All Believers in Christ* (Richmond, MO: by the author, 1887), 61-62, 73-75.

²⁸ Kirtland High Council minutes, 17 February 1834, in *KHCM*, 23-29, and *MRB*, 638-647, and *D&C* (1835) 5, *D&C* (LDS) 102, and *D&C* (RLDS) 99. On high councils, see Edwin Brown Firmage and

Richard Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830-1900* (Urbana: University of Illinois Press, 1988), ch. 2.

²⁹ Far West Record, 3, 7 June 1834, in *FWR*, 70-74; Lyman Wight journal, 7 July 1834, in *HRC*, 1:515-516; John Whitmer history, in *BJW*, 135, 195-197.

³⁰ Milton V. Backman Jr., *The Heavens Resound: A History of the Latter-day Saints in Ohio, 1830-1838* (Salt Lake City: Deseret Book, 1983), 244-248; Gregory A. Prince, *Power From On High: The Development of Mormon Priesthood* (Salt Lake City: Signature Books, 1995), 22-24; Bushman, *Joseph Smith*, 309.

³¹ Far West Record, 7 June 1834 and 15 March 1838, in *FWR*, 71-74, 151 (quote); John Whitmer history, in *BJW*, 135, 195-197; William E. McLellin to David Whitmer, 2 December 1846, in *Ensign of Liberty* 1 (April 1847), 17-20; Whitmer, *Address*, 55; Benjamin Winchester, "Primitive Mormonism," *SLT*, 22 September 1889, 2; *MH*, 1:187-188.

³² *Ensign of Liberty* 1 (December 1847), 43. See Brian C. Hales, "'Guilty of Such Folly?': Accusations of Adultery and Polygamy Against Oliver Cowdery," *MHS* 9 (Fall 2008), 19-28.

³³ Far West Record, 7 June 1834, in *FWR*, 71-74 (quote); Lyman Wight journal, 7 July 1834, in *HRC*, 1:515-516; John Whitmer history, in *BJW*, 135, 195-197.

³⁴ For some insightful remarks in this regard, see Bushman, *Joseph Smith*, 254-257.

³⁵ Far West Record, 7 June 1834, in *FWR*, 74.

³⁶ *MH*, 1:188.

³⁷ *E&MS* 2 (September 1834).

³⁸ *M&A* 1 (October 1834)-3 (September 1837).

³⁹ Oliver Cowdery to W. W. Phelps, 7 September 1834, in *M&A* 1 (October 1834), 13-16; Oliver Cowdery to W. W. Phelps, December 1834, in *M&A* 1 (December 1834), 41-43; Oliver Cowdery to W. W. Phelps, February 1835, in *M&A* 1 (February 1835), 77-80; Oliver Cowdery to W. W. Phelps, March 1835, in *M&A* 1 (March 1835), 95-96; Oliver Cowdery to W. W. Phelps, April 1835, in *M&A* 1 (April 1835), 108-112; Oliver Cowdery to W. W. Phelps, July 1835, in *M&A* 1 (July 1835), 155-159. Dan Vogel conveniently reprints Cowdery's letters in *EMD*, 2:416-450.

⁴⁰ Lyndon W. Cook, *Joseph Smith and the Law of Consecration* (Provo: Grandin Book, 1985), 48, 53n25; Max H. Parkin, "Mormon Political Involvement in Ohio," *BYU Studies* 9 (Summer 1969), 488-492.

⁴¹ The reprint of *The Evening and the Morning Star* ran from January 1835-October 1836.

⁴² Kirtland High Council minutes, 24 September 1834, in *KHCM*, 62-63, and *D&C* (1835) 255, and *M&A* 1 (August 1835), 161, and *HC*, 2:165, and summarized in *HRC*, 1:523.

⁴³ *Lectures on Faith*, in *D&C* (1835), pp. 5-74. The primary author of the text has never been conclusively determined. Larry E. Dahl and Charles D. Tate, eds., *The Lectures on Faith in Historical Perspective* (Provo: BYU Religious Studies Center, 1990) lean towards Joseph Smith as the author; Noel B. Reynolds, "The Case for Sidney Rigdon as Author of the *Lectures on Faith*," *JMH* 31 (Fall 2005), 1-41, leans towards Smith's first counselor. I personally find Rigdon more likely.

⁴⁴ Robert J. Woodford, "Historical Development of the Doctrine and Covenants" 3 vols. (Ph.D. dissertation: Brigham Young University, 1974), passim; Melvin J. Petersen, "A Study of the Nature of and the Significance of the Changes in the Revelations as Found in a Comparison of the Book of Commandments and Subsequent Editions of the Doctrine and Covenants" (M. S. thesis: Brigham Young University, 1955); Richard P. Howard, *Restoration Scriptures: A Study of Their Textual Development* rev. ed. (Independence: Herald Publishing House, 1995), ch. 9; Karl F. Best, "Changes in the Revelations, 1833 to 1835," *Dialogue* 25 (Spring 1992), 87-112; H. Michael Marquardt, *The Joseph Smith Revelations: Text & Commentary* (Salt Lake City: Signature Books, 1999), passim.

⁴⁵ Noel Reynolds ("Case for Sidney Rigdon," 19-21) suggests the changes in the revelations came from the unwarranted efforts of Sidney Rigdon and Oliver Cowdery. While that scenario is possible, I don't find the evidence convincing. Joseph Smith, I think, was too protective of his revelations and his leadership prerogatives than to have tolerated the severe modifications introduced in the *Doctrine and Covenants*. Besides, he had the chance to amend the revelations back to their original versions for the 1844 edition of *The Doctrine and Covenants* but chose not to do so.

⁴⁶ When it came to others critiquing or potentially altering his revelations, Smith seemed to subscribe to a propositional view of revelation wherein the words of the revealed texts were the unalterable words of God. See Joseph Smith to W. W. Phelps, 31 July 1832, in *PWJS*, 247-248; Joseph Smith history, 1838-1839, in *PJS*, 1:260; *HC*, 1:104-105 and *HRC*, 1:113-114. But Smith readily changed his own revelations, indicating that, for himself, he held a more dynamic view of the process.

⁴⁷ *E&MS(R)* 1 (January 1835), 16. See Howard, *Restoration Scriptures*, 151; Best, "Changes in the Revelations," 103-105; Marquardt, *Joseph Smith Revelations*, 336; Woodford, "Doctrine and Covenants," 1:15-18 and 3:1842-1843.

⁴⁸ Compare, for example, the version of the 9 February 1831 revelation found in *E&MS* 1 (July 1832), 9, with the revised version found in *E&MS(R)* 1 (February 1835), 30-31, and *D&C* (1835) 13. The 1832 printing more faithfully renders the early manuscript versions found in *MRB*, 95-107, 650-653.

⁴⁹ Oliver Cowdery to W. W. Phelps, 7 September 1834, in *M&A* 1 (October 1834), 13-16, and *EMD* 416-421, and Brian Q. Cannon and *BYU Studies* Staff, "Seventy Contemporaneous Priesthood Restoration Documents," in John W. Welch, ed., *Opening the Heavens: Accounts of Divine Manifestations, 1820-1844* (Provo: BYU Press/Salt Lake City: Deseret Book, 2005), 242; Joseph Smith history, 5 December 1834, in *PJS*, 1:21-22, and Cannon, "Priesthood Restoration Documents," 242; Joseph Smith, 1834-1835 revision of August 1830 revelation, in *D&C* (1835) 50:2-3; *D&C* (LDS) 27:7-8, 12-14; *D&C* (RLDS) 26:2c-d, 3:a-c; Oliver Cowdery introduction, Patriarchal Blessing Book, September 1835, in *EMD*, 2:452, and Cannon, "Priesthood Restoration Documents," 243; Oliver Cowdery, 2 October 1835 expansion of Joseph Smith 18 December 1833 blessing, Patriarchal Blessing Book, in *EMD*, 2:454, and Cannon, "Priesthood Restoration Documents," 236.

Smith and Cowdery never specified the time and the place of the Melchizedek Priesthood restoration. Mormon historians debate whether it occurred in 1829 or 1830. Proponents of the earlier date include William G. Hartley, "'Upon You My Fellow Servants': Restoration of the Priesthood," in Larry C. Porter and Susan Easton Black, eds., *The Prophet Joseph: Essays on the Life and Mission of Joseph Smith* (Salt Lake City: Deseret Book, 1988), 55-57; Larry C. Porter, "The Restoration of the Aaronic and Melchizedek Priesthoods," *Ensign* 26 (December 1996), 30-47. Proponents of the 1830 date include Bushman, *Joseph Smith*, 118, 588n35; *MH*, 1:17-18, 22-26, 30-32; Dan Vogel, *Joseph Smith: The Making of a Prophet* (Salt Lake City: Signature Books, 2003), 519-523.

⁵⁰ Joseph Smith history, 1832, in *PJS*, 1:3 and *APR*, 3-4; Cannon, "Priesthood Restoration Documents," 236.

⁵¹ For three possible instances, see the *Painesville Telegraph*, 16 November 1830, and Richmond Taggart to Jonathon Goings, 2 March 1833, and the Kirtland High Council minutes, 21 April 1834, respectively in Cannon, "Priesthood Restoration Documents," 241, 236, and 237.

⁵² David Whitmer interview with Zenas H. Gurley Jr., 14 January 1885, in *EMD*, 5:136-137, and Lyndon W. Cook, ed., *David Whitmer Interviews: A Restoration Witness* (Orem, UT: Grandin Book, 1991), 154. Cf. William E. McLellin to Joseph Smith III, July and September 1872, in *EMD*, 5:329; William E. McLellin notebook, in *EMD*, 5:329n9. For examples of other early converts who apparently knew nothing of the angelic ordinations, see the Joseph Knight Sr. reminiscence, c.1835-1847, in *EMD*, 4:18-20; Lucy Mack Smith autobiography, 1845, in Lavina Fielding Anderson, ed., *Lucy's Book: A Critical Edition of Lucy Mack Smith's Family Memoir* (Salt Lake City: Signature Books, 2001), 439. For the Prophet's explanation for his and Cowdery's belated timing of their disclosure, see the Joseph Smith history, 1838-1839, in *PJS*, 1:291, and reprinted in slightly altered form in *HC*, 1:43-44 and *HRC*, 1:36-37.

⁵³ Cannon, "Priesthood Restoration Documents," documents all the early references to the angelic priesthood restorations. See also Janet Ellingson, "Becoming a People: The Beliefs and Practices of the Early Mormons, 1830-1845" (Ph.D. dissertation: University of Utah, 1997), 94-96.

⁵⁴ Joseph Smith journal, 5 December 1834, in *JSJ*, 1:47-48; Joseph Smith history, 5 December 1834, in *PJS*, 1:21-25; *HC*, 2:176-177.

⁵⁵ Joseph Smith history, 6 December 1834, in *PJS*, 1:25.

⁵⁶ *MH*, 1:45, 189.

⁵⁷ On the founding of the Patriarchate, see Irene M. Bates and E. Gary Smith, *Lost Legacy: The Mormon Office of Presiding Patriarch* (Urbana: University of Illinois Press, 1996), 32-34, 41-42; *MH*, 1:46-50; Prince, *Power From On High*, 33, 73-74. The evidence for the founding date is ambiguous, so scholars almost invariably go with the traditional December 1833 dating. For reasons too complex to delve into here, I personally find December 1834 more likely.

The term “patriarch” became standard in the LDS Church and the term “evangelist” became standard in the RLDS Church. Both terms were used in Joseph Smith’s era. See H. Michael Marquardt, comp., *Early Patriarchal Blessings of The Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Smith-Pettit Foundation, 2007), viii.

⁵⁸ For scriptural antecedents, see the patriarchal blessings administered by Adam described in the Joseph Smith revelation, 28 March 1835, in *D&C* (1835) 3:28, *D&C* (LDS) 107:53-55, and *D&C* (RLDS) 104:28; by Isaac in Genesis 27; by Jacob in Genesis 48-49; by Lehi in *The Book of Mormon*, 2 Nephi 1:28-4:11 (LDS); 2 Nephi 1:52-3:21 (RLDS).

⁵⁹ Bates and Smith, *Lost Legacy*, 48-50; Irene M. Bates, “Patriarchal Blessings and the Routinization of Charisma,” *Dialogue* 26 (Fall 1993), 1-29.

⁶⁰ Michael Marquardt provides the text of 376 of Father Smith’s blessings in *Early Patriarchal Blessings*. For analysis, see Armand L. Mauss, *All Abraham’s Children: Changing Mormon Conceptions of Race and Lineage* (Urbana: University of Illinois Press, 2003), ch. 2; Rex Eugene Cooper, *Promises Made to the Fathers: Mormon Covenant Organization* Publications in Mormon Studies (Salt Lake City: University of Utah, 1990), 73-77, 116-122; Ellingson, “Becoming a People,” 222-237; Prince, *Power From On High*, 177.

⁶¹ Bates and Smith, *Lost Legacy*, 7-8, 222-223. Richard Bushman places the hereditary rights of the Patriarchate within the context of American republicanism in *Joseph Smith*, 265-269.

⁶² Kirtland High Council minutes, 14-15, 21, and 27 February 1835, in *KHCM*, 70-87, and *HC*, 2:180-200, and *HRC*, 1:540-549; Backman, *Heavens Resound*, 248-251; *MH*, 1:57-60; Prince, *Power From On High*, 56-62.

⁶³ Kirtland High Council minutes, 28 February and 1 March 1835, in *KHCM*, 87-104, and in abbreviated form in *HC*, 2:201-204 and *HRC*, 1:549-550; Backman, *Heavens Resound*, 252-253; *MH*, 1:67-69; Prince, *Power From On High*, 75-78. Pertinent biblical antecedents to the Mormon office of seventies include Exodus 24:1-11 and Luke 10:1-20.

⁶⁴ Joseph Smith revelation, 28 March 1835, in *D&C* (1835) 3:11, 14-15; *D&C* (LDS) 107:24, 26, 32, 36; *D&C* (RLDS) 104:11d-e, j, 14-15.

⁶⁵ Joseph Smith revelation, 28 March 1835, in *D&C* (1835) 3:13, 16, 42; *D&C* (LDS) 107:34, 38, 91-92; *D&C* (RLDS) 104:13a, 16, 42.

⁶⁶ Joseph Smith revelation, 28 March 1835, in *D&C* (1835) 3:12-17, *D&C* (LDS) 107:33-39, *D&C* (RLDS) 104:12-17; Kirtland High Council minutes, 2 May 1835, in *KHCM*, 112, and *HC*, 2:220, and *HRC*, 1:560-561.

⁶⁷ Max Weber, *The Theory of Social and Economic Organization*, ed. by Talcott Parsons (New York: The Free Press, 1947), 358-373.

⁶⁸ For an enduring sociological treatment of these themes, see Thomas F. O’Dea, *The Mormons* (Chicago: University of Chicago Press, 1957), 155-160. See also Bushman, *Joseph Smith*, ch. 13.

⁶⁹ The following is based upon the Kirtland High Council minutes, 17 August 1835, in *KHCM*, 122-129, and the public accounts in *M&A* 1 (August 1835), 161-164, *D&C* (1835) 255-257, and Ebenezer Robinson’s recollection in *The Return* 1 (June 1889), 88-89. Joseph Smith was in Michigan at the time.

⁷⁰ On conferences in the early church, see Kathleen Flake, “From Conferences to Councils: The Development of LDS Church Organization, 1830-1835,” in *Archive of Restoration Culture: Summer Fellows’ Papers, 1997-1999* (Provo: Joseph Fielding Smith Institute for Latter-day Saint History, 2000), 5; Bushman, *Joseph Smith*, 309. Questioning and debate did break out on occasion. See, for example, the Joseph Smith journal, 15 January 1836, in *JSJ*, 1:153-156.

⁷¹ Far West Record, 24 April 1837, in *FWR*, 111 and *HC*, 2:481; Whitmer, *Address*, chs. 7-8.

⁷² David J. Whittaker, “‘That Most Important of All Books’: A Printing History of The Book of Mormon,” *MHS* 6 (Fall 2005), 108-110; Stan Larson, “A Study of Some Textual Variations in the Book of Mormon Comparing the Original and the Printer’s Manuscripts and the 1830, the 1837, and 1840 Editions” (M. A. thesis: Brigham Young University, 1974), passim, and “Changes in Early Texts of the Book of Mormon,” *Ensign* 6 (September 1976), 79-81; Howard, *Restoration Scriptures*, 27-33, 40.

⁷³ Howard, *Restoration Scriptures*, 27-32, 35.

⁷⁴ In two passages [Mosiah 21:28 and Ether 4:1 (LDS)/Mosiah 9:170 and Ether 1:95 (RLDS)], the name “Benjamin” was changed to “Mosiah.” In another passage [1 Nephi 12:18 (LDS)/1 Nephi 3:127 (RLDS)], the name “Jesus Christ” was changed to “the Messiah.”

⁷⁵ In all four passages [1 Nephi 11:18, 21, 32, and 13:40 (LDS)/1 Nephi 3:58, 62, 86, and 3:193 (RLDS)], the clause “the Son of” was inserted into the text.

⁷⁶ Howard, *Restoration Scriptures*, 34-35; Whittaker, “Printing History of The Book of Mormon,” 110-113.

⁷⁷ W. W. Phelps to Sally Phelps, July 19-20 1835, in H. Michael Marquardt, *The Rise of Mormonism: 1816-1844* (Longwood, FL: Xulon Press, 2005), 391; Oliver Cowdery to William Frye, 22 December 1835, in *M&A* 2 (December 1835), 233-237. For secondary overviews, see Jay M. Todd, *The Saga of the Book of Abraham* (Salt Lake City: Deseret Book, 1969); H. Donl Peterson, *The Story of the Book of Abraham: Mummies, Manuscripts, and Mormonism* (Salt Lake City: Deseret Book, 1995).

⁷⁸ On the purchase, see Joseph Coe to Joseph Smith, 1 January 1844, in Marquardt, *Mormonism*, 390-391; *HC*, 2:235-236 and *HRC*, 1:568-569. On the translation, see the Joseph Smith journal, 3 October, 17, 23 November, 10, 12, 16, 20, 23 December 1835, 12, 30 January, 3, 11, 17 February 1836, in *JSJ*, 1:68, 105, 109, 120, 123-124, 135, 147, 178, 180, 184, 186; Warren Parrish to editor, 5 February 1838, in *Painesville Republican*, 15 February 1838, in John Gee, “Eyewitness, Hearsay, and Physical Evidence of the Joseph Smith Papyri,” in Stephen D. Ricks, Donald W. Parry, and Andrew H. Hedges, eds., *The Disciple as Witness: Essays on Latter-Day Saint History and Doctrine in Honor of Richard Lloyd Anderson* (Provo: FARMS, 2000), 203.

⁷⁹ Judging by the language of some of Oliver Cowdery fall 1835 writings, it seems that Joseph Smith at the very least uncovered a prophecy in the Joseph scroll concerning the angelic priesthood ordinations of Smith and Cowdery. See Cowdery’s introduction, September 1835, and Cowdery’s 2 October 1835 expansion of Joseph Smith’s 18 December 1833 blessing, in the Patriarchal Blessing Book, in *EMD*, 2:452-454.

⁸⁰ This summary is based upon the first two installments of the *Book of Abraham* published in *T&S* 3 (1 March 1842), 704-706, and (15 March 1842), 719-720, corresponding to 1:1-3:23 in the *PGP*.

⁸¹ This, for example, is the conclusion of Bushman, *Joseph Smith*, 286. For a contrary view, see John Gee, *A Guide to the Joseph Smith Papyri* (Provo: FARMS, 2000), 4, and “Eyewitness, Hearsay, and Physical Evidence,” 197-201. Based on the following sources, I think all we can say with confidence is that Smith and his scribes progressed as far as the astronomical section of the text in 1835: Oliver Cowdery introduction, September 1835, Patriarchal Blessing Book, in *EMD*, 2:452-453; W. W. Phelps manuscript and Warren Parrish manuscript, 1835, in Jerald and Sandra Tanner, eds., *Joseph Smith’s Egyptian Alphabet & Grammar* (Salt Lake City: Modern Microfilm Company, 1966), pages J-M and S-0, respectively; Joseph Smith journal, 1 October and 16 December 1835, in *JSJ*, 1:67, 123-124.

⁸² That being said, one of Smith’s scribes on the project, W. W. Phelps, mentioned the doctrine of preexistence in *M&A* 1 (June 1835), 130.

⁸³ M. Scott Bradshaw, “Joseph Smith’s Performance of Marriages in Ohio,” *BYU Studies* 39/4 (2000), 23-24, 40-46. Rigdon was acquitted of the charges in October 1835, given that the license from his days as a Campbellite minister remained technically valid.

⁸⁴ Far West Record, 6 November 1837 and 12 April 1838, in *FWR*, 120, 162-171; Oliver Cowdery to Warren Cowdery, 21 January 1838, in Danel W. Bachman, “A Study of the Mormon Practice of Plural Marriage Before the Death of Joseph Smith” (M. A. thesis: Purdue University, 1975), 84-85; Fanny Brewer affidavit, 13 September 1842, in Charles A. Shook, *The True Origin of Mormon Polygamy* (Cincinnati: Standard Publishing, 1914), 41-42; William E. McLellin to Joseph Smith III, July 1872, in Marquardt,

Mormonism, 452; *SLT*, 6 October 1875; Ann Eliza [Webb] Young, *Wife No. 19, or, The Story of a Life in Bondage, being a Complete Exposé of Mormonism, and Revealing the Sorrows, Sacrifices, and Sufferings of Women in Polygamy* (Hartford, CT: Dustin, Gilman, and Co., 1876), 66-67; Wilhelm Wyl, *Mormon Portraits or The Truth About The Mormon Leaders from 1830 to 1880* (Salt Lake City: Tribune Printing and Publishing, 1886), 57; Winchester, "Primitive Mormonism"; Benjamin F. Johnson to George S. Gibbs, 1903, in Dean R. Zimmerman, *I Knew the Prophets: An Analysis of the Letter of Benjamin F. Johnson to George F. [sic] Gibbs, Reporting Doctrinal View of Joseph Smith and Brigham Young* (Bountiful, UT: Horizon, 1976), 38. For scholarly discussion, see Todd Compton, "Fanny Alger Smith Custer: Mormonism's First Plural Wife?" *JMH* 22 (Spring 1996), 174-207; Janet Ellingson, "Alger Marriage Questioned," *JHM* 23 (Spring 1997), vi-vii; Todd Compton, "Response to Janet Ellingson," *JHM* 23 (Fall 1997), xvii-xix.

⁸⁵ *D&C* (1835) 101; *M&A* 1 (August 1835), 162-163; Bradshaw, "Marriages in Ohio," 57-59; William G. Hartley, "Newel and Lydia Bailey Knight's Kirtland Love Story and Historic Wedding," *BYU Studies* 39/4 (2000), 18, and *Stand By My Servant Joseph: The Story of the Joseph Knight Family and the Restoration* (Provo: Joseph Fielding Smith Institute for Latter-day Saint History/Salt Lake City: Deseret Book, 2003), 227-229.

Despite the innocuous character of the 1835 statement on marriage, its authorship and authority later became a source of contention after polygamy became a practice within the LDS Church. Oliver Cowdery has long been considered the primary author of the document. But Bruce A. Van Orden makes a good case that W. W. Phelps assisted in the writing process. See Van Orden, "W. W. Phelps: His Ohio Contributions, 1835-36," in Milton V. Backman Jr., ed., *Regional Studies in Latter-day Saint Church History: Ohio* (Provo: BYU Department of Church History and Doctrine, 1990), 45-62. The foremost question, however, is whether Joseph Smith approved the 1835 document or contributed to its formulation. Combating RLDS accusations that the Prophet never approved anything other than monogamous marriage, LDS leaders later asserted that Oliver Cowdery wrote the statement against Joseph Smith's wishes. See, for example, the Joseph F. Smith journal, 9 October 1869, in Richard S. Van Wagoner, *Mormon Polygamy: A History* 2nd ed. (Salt Lake City: Signature Books, 1989), 14n8. But if Smith disapproved of the statement, he didn't feel passionately enough about the matter to have it removed from the *Doctrine and Covenants*. Following the August 17th General Assembly, there remained enough time before the book's early September release for the editors to add a concluding errata containing an inconsequential alteration to the statement on marriage. See the *D&C* (1835), xxv. Smith, for his part, arrived back in Kirtland in August 23rd. See *HC*, 2:253. It stands to reason, therefore, that he probably had enough time had he so desired to excise the entire statement from the book. Then again, given the church's public endorsement of the statement, it's possible he concluded that removing the text would provoke too many questions and suspicions. Whatever the case, in the years that followed, Smith solemnized marriages using (although not slavishly reciting) the ceremonial language prescribed in the 1835 statement, an indication that he not only approved the wording, but, conceivably, authored the ceremonial section of the Cowdery-Phelps statement. See the Joseph Smith journal, 24 November 1835, in *JSJ*, 1:109-110. Moreover, Smith kept the 1835 statement in place when he prepared a second edition of *The Doctrine and Covenants* several years later in Nauvoo. See the *D&C* (1844) 109. If Smith did not originally approve the 1835 statement, as LDS leaders later alleged, at the very least it seems he came to see it as ceremonially and politically useful.

⁸⁶ Joseph Smith journal, 24 November 1835, in *JSJ*, 1:109-110 and *HC*, 2:320; Newel Knight autobiography, in Hartley, "Historic Wedding," 17, and Hartley, *Servant Joseph*, 221-222.

⁸⁷ Joseph Smith journal, 24 November and 3, 13 December 1835 and 14, 17, 19-20 January 1836, in *JSJ*, 1:109-110, 114-115, 121-122, 153, 161, 164-166. On Smith's defiant attitude, see the Newel Knight autobiography, in Bachman, "Plural Marriage" 100-101; Homespun [Susa Young Gates], *Lydia Knight's History: The First Book of Noble Women's Lives Series* (Salt Lake City: Juvenile Instructor Office, 1883), 31, in *PJS* 2:89-90n3, and Hartley, "Historic Wedding," 17.

⁸⁸ The implications of Smith's remarks are spelled out in Bachman, "Plural Marriage," 98-99, 125-128; Lawrence Foster, *Religion and Sexuality: The Shakers, the Mormons, and the Oneida Community*

(Urbana: University of Illinois Press, 1984), 161-163; Todd Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1997), 17-20.

⁸⁹ W. W. Phelps to Sally Phelps, 16 September 1835, in Van Wagoner, *Mormon Polygamy*, 6. See also Phelps' remarks in *M&A* 1 (June 1835), 130.

⁹⁰ John Whitmer history, 24 September 1835, in *BJW*, 173; Joseph Smith journal, 24 September 1835, in *JSJ*, 1:64, and *HC*, 2:281-282.

⁹¹ Kirtland High Council minutes, 4 August 1835, in *HC*, 2:239.

⁹² For other breakdowns of the Kirtland endowment, some with slightly different emphases than my own, see David John Buerger, *The Mysteries of Godliness: A History of Mormon Temple Worship* (San Francisco: Smith Research Associates, 1994), ch. 2; Andrew F. Ehat, "Joseph Smith's Introduction of Temple Ordinances and the 1844 Mormon Succession Question" (M.A. thesis: Brigham Young University, 1982), 169; Lyndon W. Cook, *The Revelations of the Prophet Joseph Smith: A Historical and Biographical Commentary on the Doctrine and Covenants* (Salt Lake City: Deseret Book, 1985), 216-217; Backman, *Heavens Resound*, 285-302. The most detailed primary account can be found in the Wilford Woodruff journal, 3-6 April 1837, in *WWJ*, 1:128-136, and *HC*, 2:475-480.

⁹³ Oliver Cowdery journal, 21 January 1836, in Leonard J. Arrington, ed., "Oliver Cowdery's Kirtland, Ohio, 'Sketch Book,'" *BYU Studies* 12 (Summer 1972), 419; Stephen Post journal, 30 March 1836, in Steven C. Harper, ed., "'A Pentecost and Endowment Indeed': Six Eyewitness Accounts of the Kirtland Temple Experience," in Welch, *Opening the Heavens*, 352.

⁹⁴ Roger D. Launius, *The Kirtland Temple: A Historical Narrative* (Independence: Herald Publishing House, 1986), ch. 2 and 151n31; Backman, *Heavens Resound*, ch. 9. For architectural studies, see Elwin C. Robison, *First Mormon Temple: Design, Construction, and Historic Context of the Kirtland Temple* (Provo: BYU Press, 1997) and C. Mark Hamilton, *Nineteenth-Century Mormon Architecture and City Planning* (New York: Oxford University Press, 1995), 37-40.

⁹⁵ Oliver Cowdery journal, 16, 21 January 1836, in Arrington, "'Sketch Book,'" 416, 418-419; Joseph Smith journal, 21 January 1836, in *JSJ*, 1:166-171, and *HC*, 2:379; Edward Partridge journal, 21 January 1836, in Buerger, *Mysteries of Godliness*, 17, 31. See also Backman, *Heavens Resound*, 286.

⁹⁶ Joseph Smith journal, 21-22, 28 January and 6 February 1836, in *JSJ*, 1:166-172, 174-175, 180-182, and *HC*, 2:379-383, 386-387, 391-392, and *HRC*, 2:19-20, 23-24; Oliver Cowdery journal, 21-22, 25 January and 6 February 1836, in Arrington, "'Sketch Book,'" 418-422; Edward Partridge diary, 21-22 January, undated January entry, and 6 February 1836, in Harper, "Eyewitness Accounts," 344-345; Kirtland Elders' Quorum minutes, 25, 28 January, 6, 8, 11, 19 February and 2, 9, 16, 18-19, 26 March 1836, in Lyndon W. Cook and Milton V. Backman, Jr., eds., *Kirtland Elders' Quorum Record, 1836-1841* Distinctive Mormon Documents Series (Provo: Grandin Book, 1985), 3-4, 6-8, 9-13.

⁹⁷ Joseph Smith journal, 29-30 March 1836, in *JSJ*, 1:212-216, and *HC*, 2:429-433; W. W. Phelps to Sally Phelps, 1-6 April 1836, and Edward Partridge diary, 29-30 March 1836, and Stephen Post journal, 30 March 1836, and Benjamin Brown notes, all in Harper, "Eyewitness Accounts," 347, 337, 352, 345, respectively.

⁹⁸ Backman, *Heavens Resound*, 285; Fawn M. Brodie, *No Man Knows My History: The Life of Joseph Smith* 2d ed. (New York: Alfred A. Knopf, 1971), 180. Not all were satisfied. See William Harris, *Mormonism Portrayed*, in Buerger, *Mysteries of Godliness*, 28-29; William E. McLellin to Orson Pratt, 29 April 1854, in Ellingson, "Becoming a People," 161; David Whitmer's comments in *The Omaha Herald*, 17 October 1886, in Cook, *Whitmer Interviews*, 204-205.

⁹⁹ Joseph Smith journal, 21 January 1836, in *JSJ*, 1:166-168, and with some revisions in *HC*, 2:380-381, and *HRC*, 2:16.

¹⁰⁰ Warren A. Cowdery, Oliver's brother and one of Joseph's scribes, recorded the Kirtland Temple vision in the Joseph Smith journal, 3 April 1836, in *JSJ*, 1:219-222. W. W. Phelps betrayed knowledge of the event in his letter to Sally Phelps, 1-6 April 1836, in Harper, "Eyewitness Accounts," 349. As far as we know, Warren Cowdery and the Phelps couple were the only individuals to learn of the vision at the time.

¹⁰¹ “Minutes of a Public Meeting at Liberty, Missouri,” 29 June 1836, in *HC*, 2:448-452, and *HRC*, 2:56-62; John Corrill, *A Brief History of the Church of Christ of Latter Day Saints (Commonly Called Mormons,) Including an Account of Their Doctrine and Discipline, with the Reasons of the Author for Leaving the Church* (St. Louis: n. p., 1839), 26.

¹⁰² Stephen C. LeSueur, “Missouri’s Failed Compromise: The Creation of Caldwell County for the Mormons,” *JMH* 31 (Fall 2005), 113-144; John Hamer, “Mapping Mormon Settlement in Caldwell County, Missouri,” *MHS* 9 (Spring 2008), 15-38.

¹⁰³ Jan Shippo, *Mormonism: The Story of a New Religious Tradition* (Urbana: University of Illinois Press, 1984), 53-56, 75-85; Melodie Moench Charles, “Mormons: The New Israel,” *Dialogue* 12 (Spring 1979), 42-56.

¹⁰⁴ Marvin S. Hill, *Quest for Refuge: The Mormon Flight from American Pluralism* (Salt Lake City: Signature Books, 1989), 64.

¹⁰⁵ Backman, *Heavens Resound*, 140, 339.

¹⁰⁶ Larry T. Wimmer, “Kirtland Economy,” in Daniel H. Ludlow, ed., *The Encyclopedia of Mormonism: The History, Scripture, Doctrine, and Procedure of the Church of Jesus Christ of Latter-day Saints* 4 vols. (New York: Macmillan Publishing Co., 1992), 2:792-793.

¹⁰⁷ D. Paul Sampson and Larry T. Wimmer, “The Kirtland Safety Society: The Stock Ledger Book and the Bank Failure,” *BYU Studies* 12 (Summer 1972), 427-428; Dale W. Adams, “Chartering the Kirtland Bank,” *BYU Studies* 23 (Fall 1983), 467-482; Marvin S. Hill, C. Keith Rooker, and Larry T. Wimmer, “The Kirtland Economy Revisited: A Market Critique of Sectarian Economics,” *BYU Studies* 17 (Summer 1977), 449.

¹⁰⁸ Hill, Rooker, and Wimmer, “Kirtland Economy Revisited,” 433, 460; Backman, *Heavens Resound*, 311-313.

¹⁰⁹ *M&A* 3 (June 1837), 535. For various explanations of the denial, see Hill, Rooker, and Wimmer, “Kirtland Economy Revisited,” 437, 451; Adams, “Chartering the Kirtland Bank”; Backman, *Heavens Resound*, 315; Bushman, *Joseph Smith*, 330.

¹¹⁰ Wilford Woodruff journal, 6 January 1837, in *WWJ*, 1:120; conference minutes, 3 September 1837, in Joseph Smith to John Corrill and “the whole church in Zion,” 4 September 1837, in *JSJ*, 1:242-243; Warren Parrish to the editor, *Painesville Republican*, reprinted in *The Ohio Repository*, 22 March 1838, in Van Wagoner, *Sidney Rigdon*, 184.

¹¹¹ For the Articles of Agreement of the Kirtland Safety Society Anti-Banking Company, see *M&A* 3 (January 1837), 441-443, (March 1837), 475-477, and *HC*, 2:470-472, and *HRC*, 2:89-92.

¹¹² Hill, Rooker, and Wimmer, “Kirtland Economy Revisited,” 435-436; *M&A* 3 (June 1837), 535-537.

¹¹³ See, for example, the *Cleveland Daily Gazette*, 12 January 1837, in Van Wagoner, *Sidney Rigdon*, 184-185.

¹¹⁴ *M&A* 3 (June 1837), 535-537; Hill, Rooker, and Wimmer, “Kirtland Economy Revisited,” 436; Bushman, *Joseph Smith*, 330; Van Wagoner, *Sidney Rigdon*, 185.

¹¹⁵ Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America* (New York: The Noonday Press, 1990), 205-207; Hill, Rooker, and Wimmer, “Kirtland Economy Revisited,” 442; Backman, *Heavens Resound*, 321.

¹¹⁶ Marvin S. Hill, “Cultural Crisis in the Mormon Kingdom: A Reconsideration of the Causes of Kirtland Dissent,” *Church History* 49 (September 1980), 286-297; Hill, *Quest for Refuge*, 57-61.

¹¹⁷ Wilford Woodruff journal, 2 April 1837, in *WWJ*, 1:127-128; Thomas G. Alexander, *Things in Heaven and Earth: The Life and Times of Wilford Woodruff, a Mormon Prophet* (Salt Lake City: Signature Books, 1991), 45-56.

¹¹⁸ See Warren Cowdery’s editorial in *M&A* 3 (July 1837), 527-538.

¹¹⁹ Hill, “Cultural Crisis,” 296; Kenneth H. Winn, *Exiles in a Land of Liberty: Mormons in America, 1830-1846* Studies in Religion (Chapel Hill: University of North Carolina Press, 1989), ch. 6. Jan Shippo has explored this theme in several venues: *Mormonism*, 81-83, and “Another Side of Early

Mormonism,” in Shippo and Welch, *McLellin*, 7-10, and most fully in *Sojourner in the Promised Land: Forty Years Among the Mormons* (Urbana: University of Illinois Press, 2000), chs. 14-15.

¹²⁰ Wilford Woodruff journal, 19 February 1837, in *WWJ*, 1:124-125; “History of Wilford Woodruff,” *DN*, 14 July 1858, 85; “History of Brigham Young,” *DN*, 10 February 1858, 386; Ronald K. Esplin, “The Emergence of Brigham Young and the Twelve to Mormon Leadership, 1830-1841” (Ph.D. dissertation: Brigham Young University, 1981), 250-251, 269-270n68. Even though Oliver Cowdery now held a better succession claim than David Whitmer, dissenters may have preferred Whitmer as a potential replacement for Smith due to Cowdery’s involvement in the Kirtland Safety Society debacle.

¹²¹ Wilford Woodruff journal, 28 May 1837, in *WWJ*, 1:147-148; Mary Fielding to Mercy Fielding Thompson, c. 25 June 1837, in Esplin, “Brigham Young and the Twelve,” 278.

¹²² Wilford Woodruff journal, 28 May 1837, in *WWJ*, 1:147-148; Mary Fielding to Mercy Fielding Thompson, c. 15 June 1837, in Marquardt, *Mormonism*, 448; Mary Fielding to Mercy Fielding Thompson, c. 25 June 1837, in Esplin, “Brigham Young and the Twelve,” 278.

¹²³ *M&A* 3 (July 1837), 529-538, and (August 1837), 553-557, and (September 1837), 571.

¹²⁴ Mary Fielding to Mercy Fielding Thompson, c. 1 September 1837, in Esplin, “Brigham Young and the Twelve,” 293-294; Lucy Mack Smith autobiography, 1845, in Anderson, *Lucy’s Book*, 190, 597-599; Eliza R. Snow, *Biography and Family History of Lorenzo Snow* (Salt Lake City: George Q. Cannon & Sons, 1884), 20-21.

¹²⁵ Kirtland High Council minutes, 29 May 1837, in *KHCM*, 181-184, and *HC*, 2:484-486, but not *HRC*; Wilford Woodruff journal, 29 May 1837, in *WWJ*, 1:148; Bushman, *Joseph Smith*, 337.

¹²⁶ A wayward church president could be tried in a bishop’s court. See the Joseph Smith revelation, 11 November 1831, in *M RB*, 218-219/586-589 and slightly revised in the 28 March 1835 revelation in *D&C* (1835) 3:36-37, *D&C* (LDS) 107:81-84, *D&C* (RLDS) 104:36-37. So could First Presidency counselors. See the Kirtland High Council minutes, 29 May 1837, in *KHCM*, 182-183, and *HC*, 2:485, but not *HRC*; Far West Record, 12 April 1838, in *FWR*, 162-171. It wasn’t as clear if stake presidents should be tried in a bishop’s court or a high council instead. See the Far West Record, 5-9 February 1838, in *FWR*, 137-141. At any rate, Bishop Whitney refused to convene a court against either Joseph Smith and Sidney Rigdon on the one hand or dissidents Frederick G. Williams of the First Presidency and Missouri Stake President David Whitmer on the other.

¹²⁷ Dale W. Adams, “Grandison Newell’s Obsession,” *JMH* 30 (Spring 2004), 173-175, 185; Firmage and Mangrum, *Zion in the Courts*, 56-57.

¹²⁸ Smith vented to his colleagues that he wished to see Newell killed, but the non-Mormon judge nonetheless acquitted him of all charges. See Firmage and Mangrum, *Zion in the Courts*, 55-56, 383-384n17; Van Wagoner, *Sidney Rigdon*, 193-194; *MH*, 1:91-92; Adams, “Grandison Newell’s Obsession,” 176.

¹²⁹ Heber C. Kimball diary, 4 June 1837, in *HCK*, 4. By the time Kimball and Hyde completed their mission in April 1838, the English membership numbered over 1,500, more than making up for the membership losses in Kirtland. See James B. Allen, Ronald K. Esplin, and David J. Whittaker, *Men With A Mission: The Quorum of the Twelve Apostles in the British Isles, 1837-1841* (Salt Lake City: Deseret Book, 1992), 53.

¹³⁰ For the Kirtland conference, see the conference minutes, 3 September 1837, in *KHCM*, 184-187; Joseph Smith to John Corry and “the whole Church in Zion,” “Dear Brotheren,” and the Joseph Smith revelation, in the Joseph Smith journal, 4 September 1837, in *JSJ*, 1:240-245, and *HC*, 2:508-511, and *HRC*, 2:107-108. For the Missouri conference, see the Far West Record, 7 November 1837, in *FWR*, 121-125, and *HC*, 2:522-524, and *HRC*, 2:117-120; *EJ* 1 (November 1837), 29-30.

¹³¹ Smith announced the new newspaper in *M&A* 3 (August 1837), 545-547. The prospectus for *The Elders’ Journal* was published in *M&A* 3 (September 1837), 571-574. Due to Smith’s absence in Missouri, his brother Don Carlos Smith edited the inaugural October issue of the paper.

¹³² Smith explained his reasons in *EJ* 1 (November 1837), 27.

¹³³ Kirtland High Council minutes, 30 October and 20 November 1837, in *KHCM*, 199-200, 204-206, and *HC*, 2:520, 525-526, but not *HRC*; Dan Vogel, “James Colin Brewster: The Boy Prophet Who

Challenged Mormon Authority,” in Roger D. Launius and Linda Thatcher, eds., *Differing Voices: Dissenters in Mormon History* (Urbana: University of Illinois Press, 1994), ch. 5.

¹³⁴ Hepzibah Richards to Willard Richards, 18 January 1838, in Kenneth W. Godfrey, Audrey M. Godfrey, and Jill Mulvay Derr, *Women’s Voices: An Untold History of the Latter-day Saints, 1830-1900* (Salt Lake City: Deseret Book, 1982), 71; Thomas B. Marsh to Wilford Woodruff, 30 April 1838, in *EJ* 1 (July 1838), 36-37; *HC*, 2:528.

¹³⁵ Geauga County Court of Common Pleas, in Backman, *Heavens Resound*, 318, 320.

¹³⁶ *HC*, 2:528; Adams, “Grandison Newell’s Obsession,” 178-179. Only two issues of *The Elders’ Journal* were published before the loss of the printing press.

¹³⁷ John and Clarissa Smith to George A. Smith, 1 January 1838, in Marquardt, *Mormonism*, 441.

¹³⁸ *EJ* 1 (November 1837), 28. This issue was delayed until December.

¹³⁹ *HC*, 3:1-2, and *HRC*, 2:136; “History of Luke Johnson,” *DN*, 26 May 1858, 57; Lucy Mack Smith autobiography, 1845, in Anderson, *Lucy’s Book*, 615-616.

¹⁴⁰ Milton V. Backman Jr., “Flight from Kirtland,” in idem., *Regional Studies in Latter-day Saint History: Ohio*, 150; Backman, *Heavens Resound*, 140, 342, 348-349.

¹⁴¹ Geauga County Execution Docket, in Marquardt, *Mormonism*, 442, and Adams, “Newell’s Obsession,” 178-179; Hepzibah Richards to Willard Richards, 18 January 1838, in Godfrey, et. al., *Women’s Voices*, 71.

¹⁴² Stephen Burnett to Lyman Johnson, 15 April 1838, in *EMD*, 2:291-293; George A. Smith to Josiah Flemming, 30 March 1838, in H. Michael Marquardt, “Martin Harris: The Kirtland Years, 1831-1870,” *Dialogue* 35 (Fall 2002), 15; Warren Parrish letter, 11 August 1838, in *Evangelist* 6 (1 October 1838), in *EMD*, 2:289; Heber C. Kimball to Vilate Kimball, 16 November 1839, in Stanley B. Kimball, *Heber C. Kimball: Mormon Patriarch and Pioneer* (Urbana: University of Illinois Press, 1982), 68.

¹⁴³ *Deseret News 1997-98 Church Almanac* (Salt Lake City: Deseret News, 1996), 529.

¹⁴⁴ Whitmer, *Address*; Cook, *Whitmer Interviews*; Ronald E. Romig, “David Whitmer: Faithful Dissenter, Witness Apart,” in Launius and Thatcher, *Differing Visions*, ch. 1.

Chapter Three
Militant Mormonism
1838-1839

As Joseph Smith and Sidney Rigdon saw it, the expulsion from Zion, the Zion's Camp failure, the Kirtland bank collapse, and the Kirtland expulsion resulted largely from Mormon disunity and unworthiness. If the Saints were unified in obedience, they believed, the Lord would protect them from their enemies.¹ Settling down in Caldwell County in March 1838, Smith and Rigdon determined to prevent a repeat of the pattern. Here they would no longer tolerate traitors. Here they would no longer tolerate mobs. Here they would no longer submit to vexatious lawsuits and unjust governments. Here—with a county of their own and sparsely-populated lands all around—the Saints could quite possibly determine their own fate. Here they could establish the kingdom spoken of by Daniel, a veritable nation within a nation. Here, in northwestern Missouri in 1838, Mormonism would assume a particularly rigorous, militant, and nationalistic character. The Temple Lot Case combatants would debate some features of this period at great length; other features they would treat with telling silence.

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Smith and Rigdon arrived in Caldwell County in the middle of an unprecedented leadership purge. Missouri had fewer dissenters than Kirtland, but by 1838 it had the most prominent—Oliver Cowdery, co-founder of the church; David Whitmer, president of the Far West Stake; John Whitmer, church historian and counselor in the Far West Stake; W. W. Phelps, counselor in the Far West Stake; Frederick G. Williams, former First Presidency counselor; and William E. McLellin and Lyman E. Johnson, former

members of the Quorum of Twelve Apostles. Their grievances were by no means identical. Cowdery accused Joseph Smith of committing adultery with Fanny Alger.² David Whitmer seemed particularly nostalgic for early Mormonism.³ But all concurred that the church had become too temporal-minded, too autocratic, and too deferent to Smith. To reform the church, they planned a newspaper and shared strategies with Kirtland dissenters.⁴ They also challenged the very heart of the church's millennial and communitarian aspirations: In January 1838, Cowdery, Phelps, and John Whitmer sold their Jackson County land titles. To Mormons, this was a virtual denial of the faith.⁵

The Missouri church moved aggressively against its dissenters. On 5 February 1838, the Far West Stake deposed David Whitmer, John Whitmer, and W. W. Phelps from the stake presidency.⁶ On February 24th, the high council stipulated that one had to be "a friend to Joseph Smith" to hold a leadership position.⁷ On March 10th, the high council excommunicated W. W. Phelps and John Whitmer.⁸ On the 14th, Joseph Smith arrived in Far West, reviewed the proceedings, and approved the measures.⁹ On April 12th, the court of Bishop Partridge excommunicated Oliver Cowdery.¹⁰ And on April 13th, the high council excommunicated David Whitmer and Apostle Lyman Johnson.¹¹ Apostles Thomas B. Marsh, David W. Patten, and Brigham Young became presidents *pro tempore* of the stake in place of David Whitmer, John Whitmer, and W. W. Phelps.¹²

The 1837-1838 purge reached high and low alike. "Between November 1837 and June 1838," summarizes Milton V. Backman Jr., "possibly two or three hundred Kirtland Saints [including those whom, like Oliver Cowdery, relocated to Far West] withdrew from the Church, representing from 10 to 15 percent of the membership there." The

attrition rate among the leadership reached nearly a third. Not all were permanently lost. Almost half the deposed leadership in time would return to the church.¹³

Mormons streamed into northwestern Missouri at a pace dwarfing previous gathering efforts.¹⁴ Estimates vary, but when Joseph Smith arrived in Missouri in March, the Mormon population of the state numbered at most a few thousand. By the end of the year, the number had swelled to roughly ten thousand. The Saints quickly moved beyond their Caldwell County base and established settlements in several surrounding counties, particularly Daviess County to the north.¹⁵ Smith's spiritual revolution netted him temporal influence few Americans could match.

Revelations sacralized the landscape. On 26 April 1838, Smith identified Far West by revelation as "holy ground" and commanded the Saints to build a temple therein. The revelation stipulated that additional stakes would be established in the "regions round about."¹⁶ In May, twenty-five miles north of Far West, Smith identified an enchanting bend in Daviess County's Grand River valley as "Adam-ondi-Ahman," the place, he said, that God prepared for Adam after the expulsion from Eden and where Adam would relinquish stewardship over the keys of salvation to Christ in the last days.¹⁷ In the wake of Smith's startling disclosure, "Diahman," the colloquial name for Adam-ondi-Ahman, became the premier destination for Mormon immigrants.¹⁸ The Diahman Stake was founded on 28 June 1838 with John Smith, the Prophet's uncle and First Presidency colleague, serving as president, and firebrand Lyman Wight, Zion's Camp second-in-command, serving as second counselor.¹⁹ Church leaders envisioned a north-south

Mormon corridor stretching from Far West, Caldwell County, to Diahman, Daviess County.²⁰ Displaced from the land of Zion in 1833, the Saints had now found a different but related sacred territory to the north. To complete the cycle, the Prophet reportedly indicated in October that Jackson County was also the site of the Garden of Eden.²¹ Northwestern Missouri, in effect, was the place where temporal time and salvation began and ended. As we shall see, the churches of the Temple Lot Case would have varied takes on Joseph Smith's 1838 expansion of the Mormon sacred landscape.

Settling into his new home, Joseph Smith employed various means to prevent another outbreak of dissent. By revelation in April 1838, he changed the name of the church to the "Church of Jesus Christ of Latter Day Saints," effectively uniting its earlier names, the "Church of Christ" (1830-1834) and "The Church of the Latter Day Saints" (1834-1838).²² The new title negated two of the major criticisms of the dissenters, insofar as it included Christ's name and carried the force of revelation. With three official names in the first eight years of the movement, however, the proper name of the church, not surprisingly, would be debated at considerable length in the Temple Lot Case.

Smith also secured his place in the story of the Restoration. Heretofore he had relied upon Oliver Cowdery, John Whitmer, and other lieutenants to tell the Mormon story.²³ With Smith's acquiescence, these writers had often spoken of the church's revelations in passive voice, as something that came down through an often nameless intermediary.²⁴ Now those men were outside the church, along with whatever historical records—John Whitmer's history most importantly—they retained in their possession.²⁵

With their departure, Smith took greater control of the historical presentation. In spring 1838, he dictated to scribe George W. Robinson, Sidney Rigdon's son-in-law, the beginnings of what is widely considered the most compelling account of Mormon origins.²⁶ Depicting his life story and the story of the Restoration as one and the same, Smith described his formative visions and those of Three Witnesses Martin Harris, Oliver Cowdery, and David Whitmer with a brisk matter-of-fact tone that, compared to Cowdery's flowery effusions and John Whitmer's brusque observations, reads well even today.²⁷ Smith interspersed revelations into the narrative, moreover, giving it a backbone of primary source materials. The historical precision of the narrative nonetheless leaves something to be desired. Researchers have found that, like many pre-critical nineteenth-century historians, Smith sanitized, harmonized, compressed, and retrofitted his subject material.²⁸ The revelations Smith interspersed in the text, for example, were the revised revelations of the 1835 *Doctrine and Covenants*, not the original versions of the revelations. Similarly, Smith retrofitted the story of Mormonism's 1820s origins, which hitherto had consisted almost entirely of an angel and the miraculous translation of gold plates, by incorporating events he and Cowdery hadn't disclosed until 1832-1835: The First Vision of the Father and the Son, the restoration of the Aaronic Priesthood through John the Baptist, the restoration of the Melchizedek Priesthood through Peter, James, and John.²⁹ Published in 1842, Smith's narrative would nonetheless become the portrait of Mormon origins most Mormons subsequently recognized.³⁰ As a means of combating dissent, Smith's narrative made it much more difficult to disentangle the movement from its founder. Its powerful influence over Mormon memory helps explain why the Temple

Lot Case participants of the 1890s did not debate the founding events of the 1820s, did not debate how, for example, Joseph translated the gold plates, or when the First Vision took place, or if angels bestowed priesthood upon Joseph and Oliver. As far as they knew or cared to question, Mormonism emerged as Smith described it in 1838.

Of more immediate benefit for combating dissent, in July 1838 Joseph Smith resumed publication of *The Elders' Journal*. Smith used the platform to underline his continuing prophetic authority. In the July issue, Smith printed a letter from Wilford Woodruff declaring: "We ask in the name of reason and revelation, who has power to take from Joseph the keys delivered to him by the God of Abraham, Isaac, and Jacob, and deprive him of the work that God has said he should perform? We answer, none but God alone."³¹ Smith also included an epistle from Apostle David W. Patten enumerating passages of Scripture testifying of the latter-day seer. Patten concluded: "Now my readers, you can see in some degree, the grace given to this man of God, to us-ward. That we, by the great mercy of God, should receive from under his hand, the gospel of Jesus Christ."³² For the August issue, Smith wrote a blistering tirade against Warren Parrish and other Kirtland traitors.³³ Dissenters haunted Smith's mental landscape.

Despite their excommunications, Oliver Cowdery, David Whitmer, John Whitmer, W. W. Phelps, Lyman Johnson, and Frederick G. Williams remained residents of Far West and remained capable of attracting aspiring Mormon reformers to their banner. To deal with the threat, in June 1838 Far West High Council member Jared Carter, Joseph Smith scribe George W. Robinson, English physician Sampson Avard, and

constable Dimick Huntington formed a not-so-secret society to get rid of dissenters.³⁴ The organization was variously called the “Daughters of Zion,” inspired by the violent imagery of Micah 4:13, or the “Brother of Gideon,” an allusion to Jared Carter, who had a brother named Gideon.³⁵ The *Old Testament* pseudonyms lent a mysterious and frightening air to these aspiring enforcers of Mormon orthodoxy.³⁶

In a fiery June 17th sermon, Sidney Rigdon described the dissenters as salt that had lost its savor and should be trodden under foot.³⁷ Taking their cue, the Gideonites drew up a statement signed by eighty-three community members threatening violence on the dissenters should they remain in the area.³⁸ George W. Robinson also filed writs of attachment against the dissenters’ property.³⁹ John Corrill, longtime counselor of Bishop Edward Partridge, warned the dissenters to take the threat seriously, as he had attended one of the Gideonite meetings and heard proposals to kill the dissenters.⁴⁰ But Cowdery and company chose instead to obtain legal representation in Liberty, Clay County.⁴¹ Returning to Far West, they found the Cowdery and Johnson families stranded out on the prairie, expelled from their homes; while the men were away, the Gideonites had harassed and threatened their families. Thus on 19 June 1838, Oliver Cowdery, David Whitmer, John Whitmer, Lyman Johnson and their families fled Far West and took refuge in the Clay County home of former apostle William E. McLellin. The Gideonites promptly confiscated the dissenters’ property and turned it over to the bishop’s storehouse for the poor.⁴² George W. Robinson exulted in the Prophet’s journal:

These men took warning, and soon they were seen bounding over the prairie like the scape Goat to carry of[f] their own sins we have not seen them since, their influence is gone, and they are in a miserable condition, so also it [is] with all who turn from the truth to Lying cheating defrauding & swindeling.⁴³

In the aftermath, the Gideonites convened tribunals of intimidation for minor dissidents and the chastened W. W. Phelps and Frederick G. Williams.⁴⁴ The heavy-handed tactics worked: Latter Day Saints troubled by these measures felt afraid to speak their minds.⁴⁵

Flush with success, the Gideonites subsequently broadened their mission to include enforcing the will of the First Presidency in all things and defending the Kingdom of God against all enemies foreign and domestic.⁴⁶ They renamed themselves the “Danites” in reference to the *Old Testament* Book of Daniel, which speaks of a kingdom breaking apart all other kingdoms.⁴⁷ John Corrill explained the thinking:

This Mormon church has been represented as being the little stone spoken of by Daniel, which should roll on and crush all opposition to it, and ultimately should be established as a temporal as well as a spiritual kingdom. These things were to be carried on through the instrumentality of the Danite band, as far as force was necessary.⁴⁸

The Danites organized themselves into companies and established a military chain-of-command.⁴⁹ They introduced passwords and hand-signals to distinguish insiders from outsiders.⁵⁰ They pledged to always stand behind their fellow Danite, even if their brother had committed a wrong.⁵¹ And they vowed to obey the First Presidency in right and wrong, or risk death or expulsion.⁵² Alexander McRae affirmed: “If Joseph [Smith] should tell me to kill [Martin] Van Buren in his presidential chair I would immediately start and do my best to assassinate him.”⁵³ The Danites, in effect, were an irregular religiously-based militia operating parallel to the regular state-authorized Caldwell County militia. The distinctions between the two organizations were not always readily apparent, however, as many Danites were also commissioned militia officers.⁵⁴

In July, Jared Carter, the Brother of Gideon himself, committed a capital crime for a Danite: He criticized a Sidney Rigdon speech to Joseph Smith's face. Despite calls for his head, Carter wasn't punished by death or expulsion, but he was removed as Captain General of the organization and replaced by Elias Higbee, Caldwell County judge, member of the Far West High Council, and someone in whom the Temple Lot Case antagonists would take inordinate interest.⁵⁵ Subsequently, if not earlier, however, the driving spirit of the Caldwell County Danites became the zealous, abrasive, and conspiratorial physician, Sampson Avard.⁵⁶ That same month in Diahman, meanwhile, stake second counselor Lyman Wight organized a Diahman chapter of the Danites.⁵⁷ With Avard in Far West and Wight in Diahman, the Danites did not lack for intensity.

With dissent currently in check, Avard, and to a lesser extent Wight, turned the focus of their Danite chapters to the First Presidency's economic and political policies. On 8 July 1838, Joseph Smith received a revelation reinstating the law of consecration, albeit in revised form. The revelation commanded the Saints to make a one-time consecration of all their surplus property to the bishop, after which they were to pay ten percent of their annual net income.⁵⁸ Setting an example, the Danites dutifully consecrated their surpluses by companies; they also pressured foot-dragging Mormons to comply with the commandment.⁵⁹ Consecrations alone, however, proved unable to meet the needs of the community. So in late summer the church organized cooperative firms wherein individuals worked on collective farms in exchange for lodging and provisions. Church leaders hoped that, in time, the cooperatives would render the Saints independent

of the local Gentile economy.⁶⁰ As with consecrations, so with cooperatives—the Danites pressured Mormons to join and muzzled the critics of the program.⁶¹

Prior to the state and county elections scheduled for 6 August 1838, meanwhile, Sampson Avard solicited the First Presidency's list of preferred candidates. Avard printed the list and had the Danites distribute copies throughout Caldwell County with the reminder that the selections represented the will of God. The chosen candidates won handily. Most Mormons would have voted for the Democratic ticket anyway, but many Saints resented the church's political meddling. The Danites quickly quashed the murmuring.⁶² In Daviess County, by contrast, the First Presidency didn't draw up a candidate list. But politicians and residents resentful of Mormon political clout talked of interfering with the Mormon vote. The Danites set out to make sure that didn't happen.⁶³

In all these things, the Danites operated with the sanction, though not usually the immediate supervision, of the First Presidency. As John Corrill observed, the presidency would "go into their meetings occasionally, and sanction their doings."⁶⁴ Joseph Smith and Sidney Rigdon attended several Danite meetings through the summer, including the tribunal of W. W. Phelps, the blessing of Avard's officers, and Wight's inaugural meetings in Diahman.⁶⁵ John Whitmer and his fellow dissenters held Smith and Rigdon personally responsible for their expulsion.⁶⁶ Indeed, First Presidency members Hyrum Smith and John Smith were two of the eighty-three signatories of the Danite warning against the dissenters.⁶⁷ As Diahman stake president, moreover, John Smith nonchalantly made note of Danite meetings in his diary, fully aware they were conducted by his first counselor, Lyman Wight.⁶⁸ The First Presidency looked upon the Danites as a tool for

carrying out necessary, if sometimes unpleasant, tasks for the establishment, protection, and unification of the Kingdom of God on earth. As George W. Robinson wrote in the Prophet's journal, "we have a company of Danites in these times, to put to rights physically that which is not righ[t], and to cleanse the Church of verry great evils which hath hitherto existed among us, inasmuch as they cannot be put to rights by teachings & persuaysons."⁶⁹ The Danites were essentially a militant auxiliary of the church.

The Danites would have had no place in Mormonism's earliest years.⁷⁰ Even after Zion's Camp, most Missourians rightly considered the Saints a pacific people.⁷¹ But by 1838, mob violence, abject sufferings, judicial injustices, and governmental indifference had scarred many a Latter Day Saint, turning gentle souls into embattled would-be warriors. Joseph Smith, for example, had never been known as a violent man. But his tone grew grim his last years in Kirtland. In March 1836, he had the priesthood quorums covenant "that if any more of our brethren are slain or driven from their lands in Missouri by the mob that we will give ourselves no rest until we are avenged of our enimies to the uttermost."⁷² The following November, he and sixty-nine other church members signed an ultimatum ordering a non-Mormon justice of the peace to "depart forthwith out of Kirtland."⁷³ In February 1837, Smith told apostles Orson Hyde and Luke Johnson that killing anti-Mormon Grandison Newell "would be justifiable in the sight of God, that it was the will of God, &c."⁷⁴ Smith's rhetoric became darker still in 1838. He insisted he did not want his followers to do anything illegal.⁷⁵ Yet he declared himself above the law and intimidated officials who tried to serve him writs.⁷⁶ He condoned violence moreover, lethal and otherwise, against the church's internal critics

and external enemies. The Apostle Peter, he told the Saints, killed Judas for betraying Christ.⁷⁷ The Danites would not have existed had it not been for Smith's beleaguered turn-of-mind.

Northwestern Missouri didn't have many non-Mormon settlers in 1838, but it had enough to register opposition to the Mormon influx.⁷⁸ The settlers protested: Hadn't the Mormons agreed to restrict themselves to Caldwell County? That was the assumption upon which the legislature had created the county. In fact the Saints had never agreed to any such condition. As American citizens, they felt free to settle wherever they desired.⁷⁹

Lest Missourians think they could attack the Saints again without reprisal, Sidney Rigdon declared at the groundbreaking ceremony of the Far West Temple on Independence Day 1838 that the Saints would no longer meekly bear persecution:

We take God and all the holy angels to witness this day, that we warn all men in the name of Jesus Christ, to come on us no more forever, for from this hour, we will bear it no more, our rights shall no longer be trampled on with impunity. The man or the set of men, who attempts it, does it at the expense of their own lives. And that mob that comes on us to disturb us; it shall be between us and them a war of extermination; for we will follow them, till the last drop of their blood is spilled, or else they will have to exterminate us: for we will carry the seat of war to their own houses, and their own families, and one party or the other shall be utterly destroyed.⁸⁰

This was no off-the-cuff remark. The entire event had a military color about it, with militia leaders and Danite generals Jared Carter, Sampson Avard, and Cornelius P. Lott (the latter the father of Temple Lot Case deponent Melissa Lott) seated on the reviewing stand beside the First Presidency.⁸¹ Rigdon, in fact, prepared his text in collaboration with his presidential colleagues. Danite printer Ebenezer Robinson published the oration

on behalf of the church, the only tract the church ever published in Far West.⁸² Joseph Smith recommended the speech to all church members in the August issue of *The Elders' Journal*.⁸³ Some Mormons found the militancy disconcerting, even delusional.⁸⁴ And rather than cow Missourians into acquiescence, it aroused their ire.⁸⁵

Violence erupted between the Mormons and the Missourians in Gallatin, Daviess County, on election day August 6th, after a crowd of local men tried to prevent Mormons from voting. John L. Butler flashed the Danite sign of distress: "The first thing that came to my mind was the covenants entered into by the Danites to the effect that they were to protect each other, etc., and I hallowed out to the top of my voice saying 'O yes, you Danites, here is a job for us.'" A dozen Danites rallied to Butler's side. The outnumbered Mormons held their ground.⁸⁶

Acting on reports of Mormon fatalities, a Mormon posse consisting of Danites, Caldwell County militia, the First Presidency, and others sped to Daviess County. To their relief, the reports were erroneous. But what was to be done now? Influential Daviess County men would probably exploit the fracas to mobilize the citizenry against the Mormons. To head off that possibility, the posse decided to procure signatures from Daviess County's leading citizens disavowing hostile intent. At their first destination, Lyman Wight and Sampson Avard pressured justice of the peace Adam Black to sign the document while Joseph Smith waited outside. It was a serious lapse of judgment on Smith's part. If he intended to defuse tensions, he shouldn't have let Avard and Wight, who were better at threatening than negotiating, do the talking or the decision-making, particularly with intimidating armed men in tow. Avard threatened Black's life, a move

that Smith subsequently disavowed to Black's face and which may have precipitated Avar's subsequent Danite demotion. If Smith intended to intimidate the leading citizens of Daviess County, on the other hand, he should have known it would backfire.⁸⁷

Backfire it did. Adam Black filed charges against Smith and Wight, exaggerating the size of the Mormon posse for good measure. Smith refused to stand trial in hostile Daviess County, however, while Wight, unwisely, announced he refused to stand trial anywhere, lending credence to reports that Mormon leaders disregarded the law. Procuring the legal representation of Alexander Doniphan and David R. Atchison, two widely-respected Clay County attorneys who represented Jackson County Mormons in 1833-1834, Smith and Wight finally appeared before circuit court judge Austin A. King and were ordered to stand trial on misdemeanor charges. The crisis might have ended there. But embroidered reporting of these events, disclosures of Danite skullduggery, the Mormon capture of an arsenal bound for Daviess County anti-Mormons, and trumped-up reports of Mormon-Indian collusion inflamed the region. Delegations from Chariton and Howard Counties concluded that reports of Mormon malfeasance were greatly exaggerated, but by then it was too late. Vigilantes from Carroll and Livingston Counties targeted isolated Mormon homes in Daviess County, forcing outlying Mormons to rally to Diahman and prompting many non-Mormons to desert the county for fear of war. Judge King had to call out Major-General David R. Atchison's Third Division of the Missouri State Militia in mid-September to defuse the Daviess County crisis.⁸⁸

Retreating from Daviess County, the vigilantes turned elsewhere. On October 1st, vigilantes from multiple counties attacked the outlying Mormon community of DeWitt,

Carroll County. The siege took on the shape of an organized military campaign, as decommissioned militia members took charge of the effort. General David R. Atchison and Brigadier General Hiram Parks pled with Governor Lilburn Boggs to suppress the vigilantism and restore civil order, but Boggs, a Jackson County native, decided to let the Mormons fend for themselves. Parks might have intervened anyway, but his Ray County regulars were so infused with anti-Mormon sentiments that they threatened to mutiny if he acted. Isolated, outnumbered, and bereft of provisions, the Mormons of DeWitt surrendered after a harrowing eleven day siege. They abandoned the county, losing property in the process, and straggled seventy miles in the cold to Caldwell County, losing lives in the process. It was a distressing turn-of-events for the Mormons. With Atchison's militia no longer in the way, emboldened anti-Mormon vigilantes and militia regulars set out to expel the Mormons from Daviess County.⁸⁹

The sight of sick, hungry, traumatized DeWitt Mormons staggering into Far West outraged the Mormon capital. Mormons had now been expelled thrice in Missouri—from Jackson County (1833), Clay County (1836), and Carroll County (1838).⁹⁰ Cognizant the same thing could soon happen in Daviess County, on October 15th, Joseph Smith and Sidney Rigdon called upon Caldwell County Mormons to rally to the defense of their Daviess County brethren. Smith spoke the thoughts of many:

[T]he law we have tried long enough, who is so big a fool as to cry the law! the law! when it is always administered against us and never in our favor. I do not intend to regard the law hereafter as we are made a set of outlaws by having no protection from it[.] We will take our affairs into our own hands and manage for ourselves[.] We have applied to the Gov[erno]r and he will do nothing for us, the

militia of the county we have tried and they will do nothing, all are mob the Governor is mob [and] the militia are mob and the whole state is mob.⁹¹

Smith's war resolution passed resoundingly. "Ours lives Honours & Fortunes are pledged to defend the constitution of the U.S.A. and our individual rights and our Holy Religion," wrote local member Albert P. Rockwood.⁹² Rigdon followed and decried the treachery of "O don't" Mormons who worried about breaking the law while others risked their lives protecting the Saints. Rigdon recommended the immediate execution of "O don't" men, but before a vote was called, Smith proposed that anyone who refused to join the Daviess County defense should be fastened on horses with bayonets and placed at the front of the line, their property confiscated for the use of willing warriors. Smith's alternative measure carried the day.⁹³ Lest anyone think of fleeing to the enemy, Smith and Rigdon placed Far West under martial law.⁹⁴ In closing, Smith encouraged the Army of Israel to live off the "spoils of the Gentiles" in Daviess County. Stealing was wrong, he argued, but this was wartime, and the army needed provisions.⁹⁵ Confirming that Mormons could currently rely on no outside help, sympathetic general Alexander Doniphan arrived in Far West shortly thereafter and reported that his Clay County militia would mutiny if he intervened on their behalf in Daviess County.⁹⁶

Under the nominal command of Caldwell County militia chief George M. Hinkle, Joseph Smith, Hyrum Smith, and the Mormons' Caldwell County forces arrived in Diahman on October 16th, Sidney Rigdon remaining behind in Far West. On the 18th, the Mormons conducted a preemptive strike against their Daviess County foes and the communities that harbored them. Companies led by Apostle David W. Patten, Lyman Wight, and Seymour Brunson looted and torched non-Mormon properties in Gallatin,

Millport, and Grindstone Forks, respectively, driving families out of their homes and into the snow. A fourth company led by Jonathan Dunham “consecrated” the goods of the victims to Bishop Vinson Knight as compensation for previous Mormon losses. The assaults were neither altogether indiscriminate nor altogether controlled. Some people friendly to the Mormons had their properties spared; other had theirs’ lit up. After the Prophet returned to Far West on the 22nd, Lyman Wight and the Diahman Danites conducted a more indiscriminate campaign of pillage and arson, which was matched on the opposing side by anti-Mormon forces. Lawlessness prevailed through the county, the result being that Gentiles fled the county and Daviess Mormons rallied to Diahman.⁹⁷

The bloodless success of the Mormon strike, coupled with Apostle Patten’s stunning capture of the anti-Mormons’ cannon on October 21st, fostered martial millennial fervor among Mormon militants. They sensed that the Lord was helping them fight their battles, that they would triumph over their enemies and establish the Kingdom at last. Before leaving Daviess County, Joseph Smith notified the Far West Saints by courier that “the enemy was delivered into their hands, and that they need not fear; that this had been given to him by the spirit of prophesy, in the name of Jesus Christ.”⁹⁸ Albert P. Rockwood expressed wonderment at the Saints’ newfound military success, reporting “the Brethren are fast returning from the Northern Campaign with hearts overflowing with joy not a drop of blood has been spilt nor a gun fired as I have heard of, the Mob dispersed by 100ds on the approach of the Danites.”⁹⁹ Decades later, Danite John D. Lee described his mindset at the time of the Daviess County campaign:

I had considered that all the battles between Danites and Gentiles would end like the election fight at Gallatin, and that the only ones to be injured would be

Gentiles. We had been promised and taught by the Prophet and his priesthood that henceforth God would fight our battles, and I looked as a consequence for a bloodless victory on the side of the Lord, and that nothing but disobedience to the teachings of the priesthood could render a Mormon subject to injury from Gentile forces.¹⁰⁰

Joseph Smith and Lyman Wight expected that most Missourians would see the justice of the Mormons' belated turn to aggressive self-defense, and that those who mobilized against them could be overtaken by force if necessary.¹⁰¹ Smith wasn't planning on attacking other locales unless attacked first; then again, he figured such attacks would probably come.¹⁰² Smith, Wight, and others spoke variously of taking Jackson County, northwestern Missouri, the entire state of Missouri, and more.¹⁰³

The plundering of Daviess County fomented another wave of dissension.¹⁰⁴ Apostles Thomas B. Marsh and Orson Hyde did a nighttime escape from Far West with their families.¹⁰⁵ On the 24th, Marsh swore an affidavit in Richmond County confirming the existence of the Danites, describing the Mormon attack on Daviess County, and warning that the Saints would do similarly against any county that molested them.

I have heard the prophet say that he should yet tread down his enemies, and walk over their dead bodies; that if he was not let alone he would be a second Mahomet [Muhammad] to this generation, and that he would make it one gore of blood from the Rocky Mountains to the Atlantic Ocean; that, like Mahomet, whose motto, in treating for peace, was 'the Alcoran [Qur'an], or the Sword,' so should it be eventually with us, 'Joseph Smith or the Sword.'"¹⁰⁶

Apostle Hyde seconded Marsh's testimony.¹⁰⁷ Mormon aggression and authoritarianism also alienated John Correll, Caldwell County's elected representative and for a brief moment in 1838 the church's third historian after Oliver Cowdery and John Whitmer.¹⁰⁸

The expulsion of Daviess County Gentiles raised apprehensions the Mormons would do likewise elsewhere. In anticipation, Captain Samuel Bogart's Ray County militia entered Caldwell County, expelled outlying Mormons from their homes, and captured Mormon spies on October 25th. Seeking to rescue the men, Apostle Patten's cavalry engaged Bogart along Crooked River in Ray County. The Mormons emerged victorious, killing one of Bogart's men—the fatal shot reportedly fired by Apostle Parley Pratt—and mutilating the face of another. The cost, however, was dear. The Mormons had unwittingly attacked a legally-constituted militia, reinforcing their burgeoning image as a band of lawless insurrectionists. Three Mormons died from the battle moreover, including “Captain Fearnought” himself, the seemingly-indestructible Patten, and Gideon Carter, namesake of the Danites' original moniker, “Brother of Gideon.”¹⁰⁹

The Mormon strike in Daviess County and exaggerated reports of the Crooked River battle turned public opinion decisively against the Mormons. Judicious Missourians like David R. Atchison and Alexander Doniphan recognized that Missourians once again struck the first blows against the Mormons. But even they had to acknowledge that Missourian attacks “have at length goaded the mormons into a state of desperation that has now made them aggressors instead of acting on the defensive.”¹¹⁰ General Atchison sensed that local residents would not stop until the Mormons were expelled. Lest Governor Lilburn Boggs think of ordering him to carry out the illegal operation, Atchison told Boggs on October 22nd that he wanted no part of it:

I do not feel disposed to disgrace myself, or permit the troops under my command to disgrace the State or themselves by acting the part of a mob. If the Mormons are to be driven from their homes, let it be done without any color of law, and in

open defiance thereof; let it be done by volunteers acting upon their own responsibilities.¹¹¹

Since Atchison wouldn't get his hands dirty, on October 26th Governor Boggs replaced Atchison with Major General John B. Clark of Howard County.¹¹² The next day, Governor Boggs issued the following order to General Clark: "The Mormons must be treated as enemies, and must be *exterminated or driven from the State* if necessary for the public peace."¹¹³ As lieutenant governor in 1833 and state governor in 1838, Boggs had never raised a finger in defense of Mormon victims of Missourian aggression. Now that Mormons were exacting some retribution, he leapt to his constituents' defense.¹¹⁴ The extermination order would be of great importance to the Temple Lot Case.

Unaware of the governor's order but animated by a similar grim determination, on October 30th two hundred vigilantes comprised of Daviess County refugees and Livingston County sympathizers descended upon the isolated Mormon village of Haun's Mill in eastern Caldwell County and ruthlessly slaughtered sixteen men and two boys. William Reynolds of Livingston County blew the head off ten-year old Sardius Smith at point-blank range. Displaced Daviess County resident Jacob Rogers mangled the body of sixty-two year old Thomas McBride with a corn-cutter. The next day, unwilling to take the time for proper burials, fearful survivors dumped the bodies of the dead into a well and covered it with dirt and straw.¹¹⁵ The gruesome Haun's Mill Massacre would be the prime subject of some of the depositions in the Temple Lot Case.

That same day, October 30th, state troops, many itching to attack Mormons, approached Far West. With Major General Clark en route from Howard County, Major General Samuel D. Lucas usurped command of the troops.¹¹⁶ Atchison's removal from

command and Lucas's presence on the field were ominous signs for the Saints. Atchison was moderately sympathetic to the Saints; Lucas, a Jackson County native, was a principal in the 1833 Mormon expulsion.¹¹⁷ Joseph Smith defiantly rallied his troops, assuring them that "for every one we lacked in number of those who came against us, the Lord would send angels, who would fight for us; and that we should be victorious."¹¹⁸ Mormons constructed breastworks through the night along the southern end of town.¹¹⁹

The next day, October 31st, additional state troops arrived, bringing the total number to an intimidating 2,500.¹²⁰ Then news of the Haun's Mill Massacre hit Far West, sending a chill throughout the Mormon community.¹²¹ Cognizant that an even greater slaughter could ensue should he lead his people into battle against Lucas's forces, Joseph Smith told Mormon negotiators John Corrill, Reed Peck, W. W. Phelps, George M. Hinkle, and Arthur Morrison to "sue like a dog for peace." Smith told Corrill "he had rather go to States-prison for twenty years, or had rather die himself than have the people exterminated."¹²² As with Zion's Camp four years earlier, the Prophet pragmatically pulled back from the brink of apocalyptic catastrophe.

General Lucas didn't have any orders to engage the Mormons. Governor Boggs expected him and the other commanders to march to Far West and await General Clark.¹²³ Disregarding protocol, Lucas unilaterally demanded the Mormons surrender their arms, surrender their leaders, pay compensation, and leave the state. Lucas gave the Mormons one night to decide whether to accept his non-negotiable terms; in the meantime, they would have to give up Joseph Smith, Sidney Rigdon, Lyman Wight, Parley Pratt, and George W. Robinson as collateral—or face extermination.¹²⁴ Lucas

quickly made good on his threat: Less than a half hour after Mormon negotiators returned to Far West, Lucas mobilized his forces to attack the town. Seeing that Lucas was deadly serious, Mormon leaders quickly gave themselves up. The Prophet and his colleagues spent a fitful night among the threatening Missouri troops.¹²⁵ Meanwhile, in Far West, Hyrum Smith and Brigham Young used the cover of darkness to spirit Mormon soldiers away who were implicated in the Battle of Crooked River.¹²⁶

The next day, November 1st, Joseph Smith ordered the Mormons to stand down.¹²⁷ The Army of Israel surrendered their arms and Lucas took control of Far West, subjecting the now-defenseless Mormons to tauntings, beatings, searches, requisitions, and reportedly even rapes.¹²⁸ Later that evening, Lucas court-martialed Joseph Smith, Sidney Rigdon, Hyrum Smith, Lyman Wight, Parley Pratt, Amasa Lyman, and George W. Robinson. Finding the men guilty of treason, Lucas ordered General Alexander Doniphan to execute them the next morning in Far West. Doniphan, well aware the First Presidency had a military exemption and could not be tried in a military court, bravely refused to carry out the order, calling it “cold-blooded murder” and threatening legal action should Lucas carry it out. Lucas backed down and didn’t even carry out the execution of Wight, Pratt, Lyman, and Robinson, all of whom held militia posts.¹²⁹

On November 2nd, Mormon men one by one “voluntarily” signed away their properties to the state at the point of a bayonet.¹³⁰ Leaving sufficient forces behind, Lucas left Far West later that day—again, without orders. Taking another liberty, the unpredictable Lucas took Mormon leaders out of the way to Independence, Jackson

County, where he paraded them before the delighted populous on the 4th. Having ordered the prisoners executed a few days earlier, Lucas now allowed them to walk about town for three days and mingle almost freely with curious residents.¹³¹ The men even visited the Temple Tract. “Oh, how many feelings did this spot awaken in our bosoms!” Parley Pratt wrote. “When we saw it last it was a wilderness, but now our enemies had robbed it of every stick of timber, and it presented a beautiful rolling field of pasture, being covered with grass.” Not a vestige of their former habitations remained.¹³²

General John B. Clark assumed control of Far West occupation forces on November 4th.¹³³ The next day, he arrested forty-six additional Mormon leaders and announced that the remaining Mormons were free to return to their homes. Clark told the beleaguered population that he concurred with Lucas’s surrender terms, and that having relinquished their arms, their leaders, and their property to the state, the Mormons would need to leave the state by spring or risk a more calamitous fate:

I do not say that you shall go now, but you must not think of staying here another season, or of putting in crops, for the moment you do this the citizens will be upon you. If I am called here again, in case of a noncompliance of a treaty made, do not think that I shall act any more as I have done—you need not expect any mercy, but extermination, for I am determined the governor’s order shall be executed.

Clark blamed the recent troubles entirely on the Mormons. “You have always been the aggressors,” he accused. He advised the Mormons hereafter to refrain from gathering and simply “scatter abroad.”¹³⁴ Neither he nor the state made any effort to bring to justice the non-Mormon perpetrators of the expulsion of DeWitt Mormons, the interminable assaults on outlying Mormon settlers, and the massacre at Haun’s Mill. Justice, if it could be called that, was and would remain entirely one-sided.¹³⁵

General Clark's forty-six prisoners and General Lucas's seven prisoners were incarcerated in Richmond, Ray County on November 9th.¹³⁶ Three days later, circuit court judge Austin King convened a preliminary court of inquiry, lasting through the 29th, to determine if sufficient evidence existed to hold the prisoners over for full trials. During the course of the trial, Captain Bogart arrested eleven more Mormons, bringing the total number under inquiry to sixty-four.¹³⁷ The state focused their inquiry on Mormon looting and arson in Daviess County, the Mormon attack on Samuel Bogart's militia force at Crooked River, and the allegedly treasonous activities of Mormon leaders. The state called forty-two witnesses in all, twenty Missourians and twenty-two Mormons. The most incriminating testimony came from disillusioned Mormon insiders like Sampson Avard, John Corrill, W. W. Phelps, George M. Hinkle, and John Whitmer. Defense attorneys Alexander Doniphan and Amos Reed called only seven witnesses, as state officials intimidated prospective defense witnesses and the attorneys probably didn't wish to tip their hand in a preliminary hearing anyway. In the end, Judge King ruled that twenty-nine prisoners could go free for insufficient evidence; twenty-four would stand trial for arson, burglary, robbery, and larceny; five, including Apostle Parley Pratt, would stand trial for murder in the Battle of Crooked River; and six, including Joseph Smith, Hyrum Smith, Sidney Rigdon, and Lyman Wight, would stand trial for treason. Grand jury trials were scheduled for March 1839. The twenty-four accused of minor offenses posted bail; the eleven accused of capital offenses were incarcerated for the winter.¹³⁸

Impoverished, defenseless, continually harassed, ordered to leave the state, and uncertain where to go, Missouri's ten thousand Mormons desperately needed leadership. Yet the core of the First Presidency languished in Liberty Jail, facing the possibility that, if convicted, they would remain imprisoned for years. Given his performance the past two years, moreover, many Mormons wondered if Joseph Smith was a fallen prophet.¹³⁹ Fortunately for Smith, loyalists filled the breach. In December, Apostles Heber C. Kimball and Brigham Young, the latter the acting Far West stake president, revived the Far West High Council, which hadn't met since the troubles began, and the Quorum of Twelve, which had been decimated by death and apostasy.¹⁴⁰ Some high councilmen opined that Joseph Smith acted unwisely of late, in Daviess County particularly, but otherwise they assured Young and Kimball they believed Joseph remained the Lord's prophet.¹⁴¹ On the 19th, the council sustained the Prophet's July 1838 apostolic nominations of John E. Page and John Taylor. Senior apostles Young and Heber C. Kimball duly ordained the two men to the apostleship.¹⁴² On January 16th, the First Presidency told Young and Kimball in writing that "the management of the affairs of the Church devolves on you[,] that is the Twelve." The Presidency stipulated that the oldest of the original apostles must serve as the quorum president, effectively making Brigham Young, thirty-eight, the new president of the Quorum of the Twelve.¹⁴³

Some Mormons left the state immediately, but most remained in Caldwell County into the winter hoping they could stay in the state.¹⁴⁴ In December 1838, Far West leaders petitioned the legislature to rescind the expulsion order and provide reparations for Mormon losses.¹⁴⁵ They had reason for hope: Governor Boggs's order, praised in

northwestern Missouri, received criticism in eastern Missouri.¹⁴⁶ David R. Atchison, representing Clay County, demanded a legislative review of the order's constitutionality: "If the Governor of the state, or any other power, had the authority to issue such orders, he wished to know it, for, if so, he would not live in any state where such authority was given."¹⁴⁷ In January 1839, the state Senate voted to investigate the conflict. But in February, the House tabled the Senate resolution until July, insuring the Mormons would be gone before any official recriminations could begin.¹⁴⁸

Uncle John Smith, the one First Presidency member capable of providing hands-on leadership at this time, chaired meetings in late January to coordinate the Mormon exodus from the state.¹⁴⁹ Many destitute members were unable to relocate on their own; the leadership therefore mobilized those with means behind those without. On Brigham Young's motion, the conference covenanted "to stand by and assist each other to the utmost of our abilities in removing from this state, and that we will never desert the poor who are worthy, till they shall be out of the reach of the exterminating order." The conference appointed a Committee on Removal to oversee the logistics of the Mormon evacuation.¹⁵⁰ Between January and April, most Missouri Mormons straggled 200 miles eastward in inclement weather towards Quincy, Illinois, the nearest outside city. It was, for many, a traumatic experience; more than a few died from wintertime exposure.¹⁵¹ Quincy became the *de facto* church headquarters.¹⁵² But Edward Partridge, William Marks, and even Sidney Rigdon (who won an early release from jail in late January) wished to avoid another hostility-generating gathering unless ordered by the Prophet. So the Saints spread out up-and-down the Mississippi River basin.¹⁵³

Joseph Smith, Hyrum Smith, and Lyman Wight spent five months in Liberty Jail. State officials weren't so interested in prosecuting the men as in getting Mormons to leave the state. Thus in April 1839, when few Mormons remained, the Prophet and his brethren were allowed to escape and flee the state.¹⁵⁴ Two events during their prison experience are noteworthy for our purposes. First, with the Saints in desperate need of supplies and no prospects for reclaiming Zion anytime soon, the Prophet decided in March 1839 that church members could sell their Jackson County land titles.¹⁵⁵ The redemption of Zion, in effect, was postponed indefinitely. Mormons retained the conviction that the City of Zion would be established someday in Jackson County, but hereinafter they would identify Zion more as the abode of the Saints—wherever that might be—than as a geographically-specific place.¹⁵⁶ Second, during a family visit, Hyrum pronounced a blessing upon his newborn, Joseph Fielding. Shortly after the escape, moreover, Joseph, with Lyman Wight assisting, blessed his eldest son, six-year-old Joseph III, to succeed him.¹⁵⁷ As their fathers intended, cousins Joseph III and Joseph F. would both achieve high ecclesiastical stations in their lifetime. Both of the men would have profound impacts on the context and conduct of the Temple Lot Case.

The resuscitation of the Quorum of the Twelve continued in the new year. Demonstrating renewed *esprit de corps*, Brigham Young, Heber C. Kimball, Orson Pratt, John E. Page, John Taylor, and apostle-designates Wilford Woodruff and George A. Smith reentered Missouri and dedicated the Far West temple site on April 26th, risking their lives to comply with a July 1838 revelation. Woodruff and George A. received their apostolic ordinations on site.¹⁵⁸ Orson Hyde returned to the fold in June.¹⁵⁹ Later that

summer, seven of the apostles—William Smith, the Prophet’s truculent brother, a notable holdout—left for missions in the British Isles.¹⁶⁰ Upon arrival they ordained Willard Richards, first counselor in the English Mission presidency, to the apostleship.¹⁶¹ The apostles would enjoy enormous success overseas, bringing thousands into the church.¹⁶² Finally, in 1841, former Danite Lyman Wight joined the quorum.¹⁶³ Hereinafter Brigham Young and his Quorum of the Twelve—Heber C. Kimball, Orson Hyde, Parley Pratt, William Smith, Orson Pratt, John E. Page, Wilford Woodruff, John Taylor, George A. Smith, Willard Richards, and Lyman Wight—will figure prominently in this work. As I mentioned earlier, Woodruff and Smith would both testify in the Temple Lot Case. And so too would the widows of Brigham Young, John E. Page, and George A Smith.

It took remarkably little time for Mormons to establish an enduring narrative frame for the militant months in northwestern Missouri. The process began with the legislative petition signed by Edward Partridge, Heber Kimball, and other Far West Mormon leaders on 10 December 1838. The petitioners could have made a nuanced and convincing case that Missourians were more to blame for the recent troubles than Mormons, but that Mormons, given their history of persecution, regrettably but perhaps understandably overreacted at times with aggressions of their own. Instead, the petitioners chose to focus exclusively on Missourian aggressions. The petition made no mention of the Danites, for example, or the intimidation of Adam Black. Referring to the episode in which Mormons looted and committed arson in Daviess County, the petition breezily mentioned that “some of our people” went “to help protect their brethren,” the

result being “[t]he mob soon fled.”¹⁶⁴ The petition was so one-sided that Representative John Corrill had to withdraw it from legislative consideration.¹⁶⁵

A prison epistle by Joseph Smith six days later employed a similarly Manichean frame. Instead of accepting a modicum of responsibility for the recent troubles, Smith portrayed himself, the presidency, and the church as largely blameless. He charged that Sampson Avarad propagated Danite teachings without First Presidency knowledge. He insisted that Mormon defenders acted in lawful self-defense. He attributed the hostility of dissenters and Missourians to their opposition to the Christian gospel. He concluded of Missourian violence: “Such a piece of inhumanity and relentless cruelty and barbarity cannot be found in all the annals of history.” The Prophet portrayed Missouri Mormons as guiltless victims and their internal critics and external opponents as barbaric devils.¹⁶⁶

Mormons perfected the form the next year. Joseph urged the Saints to document the persecutions in writing. Only by getting the word out to sympathetic non-Mormons could the Saints possibly obtain reparations for their losses.¹⁶⁷ John P. Greene, Parley P. Pratt, John Taylor, Sidney Rigdon—one Mormon writer after another detailed the crimes of the Missourians and the sufferings of the Saints.¹⁶⁸ In fall 1839, Joseph Smith and former Danite chief Elias Higbee presented President Martin Van Buren and the U. S. Congress the affidavits of 491 Mormons detailing their sufferings and losses in Missouri.¹⁶⁹ Reparations never materialized, but the repeated spotlighting of Missouri barbarism and Mormon suffering, coupled with the persistent minimizing of Mormon aggression, enabled Mormons to draw strength from the awful events of 1838. The deaths of three dozen Mormons in the conflict fostered a burgeoning Mormon

martyrology.¹⁷⁰ The collective memory of the Missourian War deepened the Mormons' cultural identity as the persecuted people of God besieged by treacherous apostates, vicious mobs, and corrupt governments.¹⁷¹ Not all Mormon writers over the following decades would sidestep the more troubling Mormon actions in northwestern Missouri, but by and large the theme of innocence persecuted prevailed.¹⁷²

The selective parameters of Mormon cultural memory of the 1838 conflict may have carried over into the Temple Lot Case. The participants debated the comparatively modest tithing commandment of the July 1838 revelation and the April 1838 change to the name of the church. They spent much time detailing the hatreds of the Missourians, the sufferings of the Mormons, and the oppressive hand of Governor Boggs. By contrast, they said virtually nothing about the Danites, the expulsion of the dissenters, the coercive consecration and cooperative programs, the preemptive strike on Daviess County, and other indices of Mormon extremism. To be sure, a number of factors probably shaped the contours of the courtroom discussion. The few canonical texts that emerged from 1838 didn't touch on Mormon militancy, for example. By the 1890s, none of the suit's participants claimed the mantle of militancy, bloc voting, and communitarianism. The plaintiffs, particularly, had legal reasons to focus on Missourian hostility and Mormon victimization. All other considerations notwithstanding, however, Mormon cultural memory probably also shaped the discussion. One of the participating factions in the Temple Lot Case had good legal and apologetic reasons to draw the court's attention to the Mormon militancy of 1838. Yet they didn't do it, probably because it wasn't something that Mormon churches, even this one faction, didn't typically focus upon.

Endnotes

¹ Joseph Smith revelations, 2 January 1831 and 22 June 1834, in *MRB* 73 and 375/611, *D&C* (1835) 12:6, *D&C* (LDS) 38:27 and 105:2-6, *D&C* (RLDS) 38:6a and 102:2; Wilford Woodruff journal, 9 April 1837, in *WWJ*, 1:138; John Corrill, *A Brief History of the Church of Christ of Latter Day Saints (Commonly Called Mormons,) Including an Account of Their Doctrine and Discipline, with the Reasons of the Author for Leaving the Church* (St. Louis: n. p., 1839), 29.

² Far West Record, 6 November 1837 and 12 April 1838, in *FWR*, 120, 167-168, and *HC*, 2:521, 3:16, but not *HRC*, 2:117, 150-151; Oliver Cowdery to Warren Cowdery, 21 January 1838, in H. Michael Marquardt, *The Rise of Mormonism: 1816-1844* (Longwood, FL: Xulon Press, 2005), 455.

³ David Whitmer, *An Address to All Believers in Christ* (Richmond, MO: by the author, 1887), *passim*.

⁴ “Letters of Oliver Cowdery,” 1837-1838, in the *New Mormon Studies CD-ROM: A Comprehensive Resource Library* (Salt Lake City: Signature Books and Smith Research Associates, 1998), *passim* (hereafter abbreviated as *NMS*); Far West Record, 5-9 February 1838, in *FWR*, 137-139, and *HC*, 3:3-5, and *HRC*, 140-142.

⁵ Oliver Cowdery to Warren A. Cowdery, 4 February 1838, in *FWR*, 140n5.

⁶ Far West Record, 5-9 February 1838, in *FWR*, 137-140, and *HC*, 3:3-6, and *HRC*, 140-142.

⁷ Far West Record, 24 February 1838, in *FWR*, 142-143. See also Oliver Cowdery to Warren Cowdery and Lyman Cowdery, 24 February 1838, in *NMS*; Wilford Woodruff, James Townsend, and Joseph Ball to Edward Partridge, Joseph Smith, Sidney Rigdon, Hyrum Smith, and the Saints in Zion, 9 March 1838, in *EJ* 1 (July 1838), 36.

⁸ Far West Record, 10 March 1838, in *FWR*, 146-150, and *HC*, 3:6-8, and *HRC*, 143-145.

⁹ Joseph Smith journal, 14 March 1838, in *JSJ*, 1:237; Joseph Smith to the Kirtland Stake Presidency, 29 March 1838, in *PWJS*, 355-356, and *HC*, 3:10-12, and *HRC*, 2:145-148; *HC*, 3:8-9.

¹⁰ Far West Record, 12 April 1838, in *FWR*, 162-171; Joseph Smith journal, 12 April 1838, in *JSJ*, 1:251-256.

¹¹ Far West Record, 13 April 1838, in *FWR*, 171-179; Joseph Smith journal, 13 April 1838, in *JSJ*, 1:256-257.

¹² Far West Record, 10 February and 6 April 1838, in *FWR*, 141, 158, and *HC*, 3:6, 14, and *HRC*, 2:142-143, 149; Ronald K. Esplin, “The Emergence of Brigham Young and the Twelve to Mormon Leadership, 1830-1841” (Ph.D. dissertation: Brigham Young University, 1981), 329, 352-353n21-22.

¹³ Milton V. Backman Jr., *The Heavens Resound: A History of the Latter-day Saints in Ohio, 1830-1838* (Salt Lake City: Deseret Book, 1983), 328.

¹⁴ Comments like the following from the Joseph Smith journal, 22 August 1838, in *JSJ*, 1:306, are common in the records of the period: “Bretheren continue to gather into Zion daily.”

¹⁵ Stephen C. LeSueur, *The 1838 Mormon War in Missouri* (Columbia: University of Missouri Press, 1987), 29.

¹⁶ Joseph Smith revelation, 26 April 1838, in *JSJ*, 1:258-260, and *EJ* 1 (August 1838), 52-53, and *D&C* (LDS) 115:7-18; Thomas B. Marsh to Wilford Woodruff, 30 April 1838, in *EJ* 1 (July 1838), 38.

¹⁷ Joseph Smith journal, 19 May 1838, in *JSJ*, 1:271, and *D&C* (LDS) 116. For more on Adam-ondi-Ahman, see *D&C* (1835) 50:2, *D&C* (LDS) 107:53-57, and *D&C* (RLDS) 104:28-29b; Robert J. Matthews, “Adam-ondi-Ahman,” *BYU Studies* 13 (Autumn 1972), 27-35.

¹⁸ Joseph Smith journal, 28 July 1838, in *JSJ*, 1:294; Corrill, *Brief History*, 28; William Swartzell, *Mormonism Exposed, Being A Journal of a Residence in Missouri from the 28th of May to the 20th of August, 1838, Together With An Appendix, Containing the Revelation Concerning the Golden Bible, with Numerous Extracts from the ‘Book of Covenants,’ &C., &C.* (Pekin, OH: by the author, 1840), 13 (23 June 1838), 16 (2 July 1838).

¹⁹ Diahman Stake organizational minutes, 28 June 1838, in *EJ* 1 (August 1838), 60-61, and *HC* 3:38-39, and *HRC*, 156-157. Reynolds Cahoon served as stake first counselor.

²⁰ Joseph Smith journal, 21 May and 1 September 1838, in *JSJ*, 1:273, 311-312.

²¹ Brigham Young discourse, 7 October 1860, and Heber C. Kimball discourse, 27 June 1863, in *JD*, 8:195 and 10:235, respectively; Wilford Woodruff journal, 15 March 1857 and 30 March 1873, in *WWJ*, 5:33, 7:129; Orson F. Whitney, *Life of Heber C. Kimball, An Apostle; The Father and Founder of the British Mission* (Salt Lake City: Kimball Family, 1888), ch. 29; Edward Stevenson, *Reminiscences of Joseph the Prophet, and the Coming Forth of the Book of Mormon* (Salt Lake City: by the author, 1893), 40.

²² Joseph Smith journal, 26 April 1838, in *JSJ*, 1:258; *D&C* (LDS) 115:3-4. The name-change was noted for the church at large in Thomas B. Marsh to Wilford Woodruff, 30 April 1838, in *EJ* 1 (July 1838), 38, and the revelation published in full in *EJ* 1 (August 1838), 52-53.

²³ Dean C. Jessee, "The Writing of Joseph Smith's History," *BYU Studies* 11 (Summer 1971), 440-449, 460-462; Howard Clair Searle, "Early Mormon Historiography: Writing the History of the Mormons, 1830-1858" (Ph.D. dissertation: University of California at Los Angeles, 1979), 174-190; Ronald W. Walker, David J. Whittaker, and James B. Allen, *Mormon History* (Urbana: University of Illinois Press, 2001), 5-7.

²⁴ Richard Lyman Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 282, 389-390, 401-402. Many of the headings above the revelations in the *D&C* (1835), for example, either do not identify the name of the recipient or only identify the name of the individual to whom Joseph Smith addressed the revelation (e. g. Oliver Cowdery, Edward Partridge, and so on). With similar indirection, Oliver Cowdery's serialized history of the movement published in the *M&A* in 1834-1835 refers to Joseph Smith by name quite infrequently, choosing instead to rely on pronouns or allusions.

²⁵ John Whitmer turned over abundant meeting minutes to Ebenezer Robinson, the new clerk of the Far West Stake. These would form the basis of the invaluable Far West Record. See *FWR*, viii3, xi-xii; Ebenezer Robinson, "Items of Personal History of the Editor," *The Return* 1 (September 1889), 133. But Whitmer refused to relinquish his historical account of Mormonism. See Joseph Smith and Sidney Rigdon to John Whitmer, 9 April 1838, in *JSJ*, 1:249, and *HC*, 3:15-16, but only mentioned in *HRC*, 2:148; Bruce N. Westergren, introduction, in *BJW*, xi-xii. As a result, the church still had no official history.

²⁶ Smith dictated for several days in April and May before discontinuing. See the Joseph Smith journal, 27, 30 April-4 May 1838, in *JSJ*, 1:260, 263-266; *HC*, 3:25-26; *HRC*, 2:151. He continued the project in 1839. See the James Mulholland diary, 10-11 June 1839, in *PJS*, 1:267. The original manuscript of Smith's 1838 narrative is no longer extant. But when Smith resumed his narrative in 1839, his new scribe, James Mulholland, made a copy of the 1838 manuscript, and that copy survives in the LDS Archives. For a transcript, see *PJS*, 1:267-284ff.

²⁷ Arthur Henry King, a literature professor and LDS convert, recounted his impressions reading Smith's 1838-1839 narrative in the mid-twentieth-century: "He is not trying to make me cry or feel ecstatic. That struck me, and that began to build my testimony, for I could see that this man was telling the truth." See King's *The Abundance of the Heart* (Salt Lake City: Bookcraft, 1986), 200-201.

²⁸ Dean C. Jessee, "The Reliability of Joseph Smith's History," *JMH* 3 (1976), 23-46.

²⁹ The scholarship touching on the 1838-1839 narrative is voluminous. For a bibliographic guide, see Roger D. Launius, "Mormon Origins: The Church in New York and Ohio," in Newell G. Bringhurst and Lavina Fielding Anderson, eds., *Excavating Mormon Pasts: The New Historiography of the Last Half Century* (Salt Lake City: Greg Kofford Books, 2004), ch. 3.

³⁰ The LDS Church canonized the text in 1880 as the Joseph Smith-History of *The Pearl of Great Price*.

³¹ Wilford Woodruff, et. al., to Edward Partridge, et. al., 9 March 1838, in *EJ* 1 (July 1838), 35-36.

³² David W. Patten, "To the Saints scattered abroad," in *EJ* 1 (July 1838), 39-42. In addition, see Alanson Ripley, "To the Elders abroad," May 1838, *EJ* 1 (July 1838), 38-39.

³³ *EJ* 1 (August 1838), 55-60.

³⁴ On the founding of the group, see the John Corrill deposition, November 1838, in *Document*, 110, and Corrill, *Brief History*, 31-33. Corrill focuses on Avard, but the Reed Peck manuscript, September 1839, in *RPM*, 6-7, 9-12, also highlights the roles of Carter, Robinson, and Huntington.

³⁵ Micah 4:13: “Arise and thresh, O daughter of Zion: for I will make thine horn iron, and I will make thine hoofs brass: and thou shalt beat in pieces many people: and I will consecrate their gain unto the Lord, and their substance unto the Lord of the whole earth.” On the term “Brother of Gideon,” see the Reed Peck manuscript, September 1839, in *RPM*, 11; John Whitmer history, in *BJW*, 184, 200.

³⁶ See, for example, the reaction described in the W. W. Phelps deposition, November 1838, in *Document*, 121.

³⁷ No copies of Rigdon’s sermon exist, but several individuals described its contents in journals, publications, and reminiscences. See John E. Thompson, “The Far West Dissenters and the Gamblers at Vicksburg: An Examination of the Documentary Evidence and Historical Context of Sidney Rigdon’s Salt Sermon,” *Restoration* 5 (January 1986), 21-27.

³⁸ Sampson Avard, et. al. to Oliver Cowdery, David Whitmer, John Whitmer, William W. Phelps, and Lyman E. Johnson, June 1838, in *Document*, 103-106.

³⁹ John Whitmer history, in *BJW*, 184; Corrill, *Brief History*, 30; Reed Peck manuscript, September 1839, in *RPM*, 7.

⁴⁰ John Corrill deposition, November 1838, in *Document*, 110; Reed Peck manuscript, September 1839, in *RPM*, 7. Peck thought the threats were just a scare tactic, but Corrill, the dissenters, and others took them seriously.

⁴¹ John Whitmer history, in *BJW*, 184.

⁴² John Corrill deposition, November 1838, in *Document*, 110, 113; John Whitmer deposition, November 1838, in *Document*, 139; Corrill, *Brief History*, 30-31; Reed Peck manuscript, September 1839, in *RPM*, 7; John Whitmer history, in *BJW*, 183-184; Whitmer, *Address*, 27-28; Robinson, “Personal History,” *The Return* 1 (November 1889), 171, and (February 1890), 219.

⁴³ Joseph Smith journal, 4 July 1838, in *JSJ*, 1:276, 278.

⁴⁴ W. W. Phelps deposition, November 1838, in *Document*, 121; Corrill, *Brief History*, 30.

⁴⁵ John Corrill deposition, November 1838, in *Document*, 111; Reed Peck manuscript, September 1839, in *RPM*, 7-8.

⁴⁶ Notable interpretations of the Danites include Leland H. Gentry, “The Danite Band of 1838,” *BYU Studies* 14 (Summer 1974), 421-450; John E. Thompson, “A Chronology of the Danite Meetings in Adam-ondi-Ahman, Missouri, July to September 1838,” *Restoration* 4 (January 1985), 11-14; LeSueur, *Mormon War*, 37-47; Dean C. Jessee and David J. Whittaker, eds., “The Last Months of Mormonism in Missouri: The Albert Perry Rockwood Journal,” *BYU Studies* 28 (Winter 1988), 5-41; William G. Hartley, *My Best for the Kingdom: History and Autobiography of John Lowe Butler, A Mormon Frontiersman* (Salt Lake City: Aspen Books, 1993), ch. 5; *MH*, 1:92-103, appendix 3; Stephen C. LeSueur, “The Danites Reconsidered: Were They Vigilantes or Just the Mormon Version of the Elks Club?,” *JWJ* 14 (1994), 35-52; Alexander L. Baugh, *A Call to Arms: The 1838 Mormon Defense of Northern Missouri* Dissertations in Latter-day Saint History (Provo: Joseph Fielding Smith Institute for Latter-day Saint History and *BYU Studies*, 2000), ch. 4; Corwin L. Nimer, “Sampson Avard: The First Danite,” *MHS* 5 (Fall 2004), 37-60; Stephen C. LeSueur, “The Mormon Experience in Missouri, 1830-39,” in Bringhurst and Anderson, *Excavating Mormon Pasts*, 98-104; Bushman, *Joseph Smith*, 349-372; John E. Thompson, “Sampson Avard and Danite Leadership (June-October 1838): A Reinterpretation,” *JWJ* 26 (2006), 222-233; “Danites,” in *JSJ*, 1:464.

On the Danites seeing themselves as defenders of the Kingdom of God, see the Albert Perry Rockwood journal, 22 October 1838, in Jessee and Whittaker, “Last Months,” 23; Thomas B. Marsh affidavit, 24 October 1838, in *Document*, 58; and the Sampson Avard, John Corrill, and George M. Hinkle depositions, November 1838, in *Document*, 102 and 111, 113, and 128, respectively.

On enforcing the will of the First Presidency, see the Thomas B. Marsh affidavit, 24 October 1838, in *Document*, 58; John Corrill, John Cleminson, and Reed Peck depositions, November 1838, in *Document*, 111, 113, and 114 and 116, respectively; Corrill, *Brief History*, 31-33; Reed Peck manuscript, September 1839, in *RPM*, 10-14, 34; John D. Lee, *Mormonism Unveiled; or The Life and Confessions of the Late Mormon Bishop, John D. Lee...* (St. Louis: Bryan, Brand & Company, 1877), 57-58.

On suppressing internal dissent, see Sampson Avard, et. al. to Oliver Cowdery, David Whitmer, John Whitmer, William W. Phelps, and Lyman E. Johnson, June 1838, in *Document*, 103-106; Joseph Smith journal, 27 July 1838, in *JSJ*, 1:292-293; Sampson Avard, John Corrill, John Cleminson, Reed Peck, and John Whitmer depositions, November 1838, in *Document*, 97, 113, 114, 120, 138-139, respectively; Corrill, *Brief History*, 30-31; Reed Peck manuscript, September 1839, in *RPM*, 10; John Whitmer history, in *BJW*, 183-184; Robinson, "Personal History," *The Return* 1 (October 1889), 146.

On fighting the church's external enemies, see the Albert Perry Rockwood journal, 23 October 1838, in Jesse and Whittaker, "Last Months," 23; Reed Peck deposition, November 1838, in *Document*, 116; Corrill, *Brief History*, 31; Ebenezer Robinson, "'Saints' Herald,' Again," *The Return* 1 (February 1890), 217.

⁴⁷ Daniel 2:44. Cf. David J. Whittaker, "The Book of Daniel in Early Mormon Thought," in John M. Lundquist and Stephen D. Ricks, eds., *By Study and Also By Faith: Essays in Honor of Hugh W. Nibley* 2 vols. (Salt Lake City: Deseret Book/Provo: FARMS, 1990), 1:155-201.

⁴⁸ John Corrill deposition, November 1838, in *Document*, 111. For similar interpretations, see the Albert Perry Rockwood journal, 22 October 1838, in Jesse and Whittaker, "Last Months," 23; Thomas B. Marsh affidavit, 24 October 1838, in *Document*, 58; Sampson Avard and George M. Hinkle depositions, November 1838, in *Document*, 99, 128, respectively.

⁴⁹ *EJ* 1 (August 1838), 60-61; Reed Peck deposition, November 1838, in *Document*, 116-117; Corrill, *Brief History*, 31; Reed Peck manuscript, September 1839, in *RPM*, 11-12; Thompson, "Sampson Avard," 225-226, 231-233.

⁵⁰ Reed Peck manuscript, September 1839, in *RPM*, 10; Swartzell, *Mormonism Exposed*, 22 (21 July 1838); Lee, *Mormonism Unveiled*, 57.

⁵¹ John Corrill, Reed Peck, and George M. Hinkle depositions, November 1838, in *Document*, 110-111, 116, 129, respectively.

⁵² Thomas B. Marsh affidavit, 24 October 1838, in *Document*, 58; John Corrill, John Cleminson, and Reed Peck depositions, November 1838, in *Document*, 111, 114, 120, respectively; Corrill, *Brief History*, 31-32; Reed Peck manuscript, September 1839, in *RPM*, 10, 12; John Whitmer history, in *BJW*, 183; Lee, *Mormonism Unveiled*, 57-58.

⁵³ Reed Peck manuscript, September 1839, in *RPM*, 10.

⁵⁴ Compare the list of Danite members in *MH*, 1:appendix 3, with the list of Mormon militia officers in Baugh, *Mormon Defense*, appendix A.

⁵⁵ Reed Peck deposition, November 1838, in *Document*, 120; Reed Peck manuscript, September 1839, in *RPM*, 11-12.

⁵⁶ For more on this controversial figure, see Nimer, "Sampson Avard"; Thompson, "Sampson Avard." Corrill, *Brief History*, 31, wrote that Avard "devoted his whole talents to it, and spared no pains; and, I thought, was as grand a villain as his wit and ability would admit of."

⁵⁷ Swartzell, *Mormonism Exposed*, 17-18 (14 July 1838). Wight's preeminent role within the Diahman Danites is also evident in the John N. Sapp affidavit, 4 September 1838, in *Document*, 17-18. Thompson, "Danite Meetings," 11-14, chronicles the meeting schedule of the Diahman Danites.

⁵⁸ Joseph Smith journal, 8 July 1838, in *JSJ*, 1:288, and *D&C* (1844) 107, *D&C* (LDS) 119, and *D&C* (RLDS) 106; Lee, *Mormonism Unveiled*, 60-63. The plan resembled an earlier proposal from Bishop Edward Partridge. See the Far West Record, 7 December 1837, in *FWR*, 129-131; Lyndon W. Cook, *Joseph Smith and the Law of Consecration* (Provo: Grandin Book, 1985), 76-77.

⁵⁹ Joseph Smith journal, 27 July 1838, in *JSJ*, 1:292-293; Reed Peck deposition, November 1838, in *Document*, 117; Corrill, *Brief History*, 46; Swartzell, *Mormonism Exposed*, 24 (22 July 1838).

⁶⁰ Joseph Smith journal, 20-21 August 1838, in *JSJ*, 1:305; Albert Perry Rockwood journal, 6 October 1838, in Jesse and Whittaker, "Last Months," 20; Corrill, *Brief History*, 46; Reed Peck manuscript, September 1839, in *RPM*, 12-13; Swartzell, *Mormonism Exposed*, 19 (19 July 1838), 23-24 (22 July 1838); Lee, *Mormonism Unveiled*, 60-61. For secondary analyses, see Leonard J. Arrington, Feramorz Y. Fox, and Dean L. May, *Building the City of God: Community and Cooperation among the Mormons* (Salt Lake City: Deseret Book, 1976), 36-37; Cook, *Law of Consecration*, 79-83; Ronald E. Romig and

Michael Riggs, "Far West Stewardship and Cooperative Firms, Caldwell County, Missouri, 1838," 2003, available online at <http://farwesthistory.com>.

⁶¹ Joseph Smith journal, 31 August 1838, in *JSJ*, 1:309-310; Corrill, *Brief History*, 46; Reed Peck manuscript, September 1839, in *RPM*, 13, 34; Swartzell, *Mormonism Exposed*, 24 (22 July 1838).

⁶² Corrill, *Brief History*, 32-33; Reed Peck manuscript, September 1839, in *RPM*, 14-15.

⁶³ LeSueur, *Mormon War*, 58-60; Baugh, *Mormon Defense*, 37-38.

⁶⁴ Corrill, *Brief History*, 31.

⁶⁵ On Smith's attendance, see the John Corrill, John Cleminson, Reed Peck, and W. W. Phelps depositions, November 1838, in *Document*, 110-111, 114, 117, 121-122, respectively; Reed Peck manuscript, September 1839, in *RPM*, 11, 12; Swartzell, *Mormonism Exposed*, 18 (14 July 1838), 21 (21 July 1838); Lee, *Mormonism Unveiled*, 54. On Rigdon's attendance, see the John Corrill, W. W. Phelps, and Burr Riggs depositions, November 1838, in *Document*, 110-112, and 121, 124, and 134-135, respectively; Reed Peck manuscript, September 1839, in *RPM*, 6-9, 19-20.

⁶⁶ John Whitmer history, in *BJW*, 183-184; Whitmer, *Address*, 27-28.

⁶⁷ Sampson Avard, et. al. to Oliver Cowdery, David Whitmer, John Whitmer, William W. Phelps, and Lyman E. Johnson, June 1838, in *Document*, 103-106. For more on Hyrum Smith and the Danites, see the Sampson Avard, John Cleminson, and W. W. Phelps depositions, November 1838, in *Document*, 107, 116, and 121, respectively.

⁶⁸ John Smith diary, 4, 18 August, 1 September 1838, in *MH*, 1:488, and Thompson, "Danite Meetings," 11-14.

⁶⁹ Joseph Smith journal, 27 July 1838, in *JSJ*, 1:292-293.

⁷⁰ George M. Hinkle deposition, November 1838, in *Document*, 128: "Until lately, the teachings of the church appeared to be peaceable, and that the kingdom was to be set up peaceably; but lately a different idea has been advanced—that the time had come when this kingdom was to be set up by forcible means, if necessary." See also Corrill, *Brief History*, 19.

⁷¹ Reed Peck manuscript, September 1839, in *RPM*, 22.

⁷² Joseph Smith journal, 30 March 1836, in *JSJ*, 1:215, and *HC*, 2:432, but not *HRC*, 2:46; Ebenezer Robinson, "Avenge," *The Return* 2 (May 1890), 271.

⁷³ "Petition of Joseph Smith Jr. to Ariel Hanson," 7 November 1836, in *MH*, 1:91.

⁷⁴ *Painesville Telegraph*, 9 June 1837, in *MH*, 1:91-92. See also Edwin Brown Firmage and Richard Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830-1900* (Urbana: University of Illinois Press, 1988), 384n17. Smith may have even hatched a plot to kill Newell, though the Court of Common Pleas found the evidence insubstantial. See the *Painesville Telegraph*, 16 June 1837, in Richard S. Van Wagoner, *Sidney Rigdon: A Portrait of Religious Excess* (Salt Lake City: Signature Books, 1994), 194.

⁷⁵ John Corrill, Reed Peck, and Burr Riggs depositions, November 1838, in *Document*, 111, 120, 135, respectively; Reed Peck manuscript, September 1839, in *RPM*, 7, 19.

⁷⁶ Thomas B. Marsh affidavit, 24 October 1838, in *Document*, 58; John Corrill, James C. Owens, John Cleminson, Reed Peck, W. W. Phelps, and John Whitmer depositions, November 1838, in *Document*, 111, 113, 114-115, 117-120, 121-123, 138-139, respectively; Corrill, *Brief History*, 47; Reed Peck manuscript, September 1839, in *RPM*, 9, 18-19; Swartzell, *Mormonism Exposed*, 25 (23 July 1838), 32 (11 August 1838).

⁷⁷ Adam Black affidavit, 8 August 1838, in Swartzell, *Mormonism Exposed*, 43; Thomas B. Marsh affidavit, 24 October 1838, in *Document*, 58; John Corrill, James C. Owens, John Cleminson, Reed Peck, W. W. Phelps, George M. Hinkle, Burr Riggs, and John Whitmer depositions, November 1838, in *Document*, 111, 113, 114, 120, 121-123, 127-129, 134, and 138-139, respectively; Reed Peck manuscript, September 1839, in *RPM*, 7, 9, 12, 13, 34; Swartzell, *Mormonism Exposed*, 30 (8 August 1838), 33 (12 August 1838).

⁷⁸ Corrill, *Brief History*, 28.

⁷⁹ LeSueur, *Mormon War*, 25-26, 34-36; Richard Lloyd Anderson, "Clarifications of Bogg's [sic] 'Order' and Joseph Smith's Constitutionalism," in Arnold K. Garr and Clark V. Johnson, eds., *Regional*

Studies in Latter-day Saint Church History: Missouri (Provo: BYU Department of Church History and Doctrine, 1994), 31-39.

⁸⁰ *Oration Delivered by Mr. S. Rigdon, on The 4th of July, 1838, at Far West, Caldwell County, Missouri* (Far West: Printed at the Journal Office, 1838), reprinted in Peter Crawley, "Two Rare Missouri Documents," *BYU Studies* 14 (Summer 1974), 517-527.

⁸¹ Joseph Smith journal, 27 July 1838, in *JSJ*, 1:292-293; Bushman, *Joseph Smith*, 355. Compare the names of the proceeding's principals in *EJ* 1 (August 1838), 60-61, with the militia members listed in Baugh, *Mormon Defense*, 45n50, and the Danite members listed in *MH*, 1:appendix 3.

⁸² Robinson, "Personal History," *The Return* 1 (November 1889), 171, and 1 (February 1890), 218. On the unique status of the publication, see Crawley, "Two Rare Missouri Documents," 504.

⁸³ *EJ* 1 (August 1838), 54.

⁸⁴ W. W. Phelps deposition, November 1838, in *Document*, 122; Corrill, *Brief History*, 29; Swartzell, *Mormonism Exposed*, 16 (4 July 1838).

⁸⁵ Rigdon's oration was published in *Far West*, a non-Mormon Clay County newspaper. See the Joseph Smith journal, 1-3 August 1838, in *JSJ*, 1:296; Robinson, "Personal History," *The Return* 1 (November 1889), 171.

⁸⁶ LDS Journal History, 6 August 1838, LDS Archives (quote); Lee, *Mormonism Unveiled*, 56-60, 67; Hartley, *John Lowe Butler*, ch. 6; LeSueur, *Mormon War*, 58-64; *MH*, 1:337n76; Reed C. Durham Jr., "The Election Day Battle at Gallatin," *BYU Studies* 13 (Autumn 1972), 36-61.

⁸⁷ Joseph Smith journal, 7-9 August 1838, in *JSJ*, 1:298-301; LeSueur, *Mormon War*, 65-67; Baugh, *Mormon Defense*, 47-49; Thompson, "Sampson Avard," 229-232. The Adam Black visit went so poorly that the posse may not have visited any other Daviess County citizens.

On Avard's subsequent demotion from Danite captain to surgeon, see the Sampson Avard deposition, November 1838, in *Document*, 3.

⁸⁸ Joseph Smith journal, 16-18 August, 2-10 September 1838, in *JSJ*, 1:304-305, 312-319; LeSueur, *Mormon War*, 67-101; Baugh, *Mormon Defense*, 49-64. On the multi-faceted public lives of Atchison and Doniphan, see Roger D. Launius, *Alexander William Doniphan: Portrait of a Missouri Moderate* (Columbia: University of Missouri Press, 1997); William E. Parrish, *David Rice Atchison of Missouri: Border Politician* (Columbia: University of Missouri Press, 1961).

⁸⁹ LeSueur, *Mormon War*, 101-111; Baugh, *Mormon Defense*, ch. 6; Albert Perry Rockwood journal, 14 October 1838, in Jessee and Whittaker, "Last Months," 21.

⁹⁰ According to even the strictest reading of the terms of the August 1833 revelation, they were now permitted to resist. See the Joseph Smith revelation, 6 August 1833, in *MRB* 326-331/550-559, *D&C* (1835) 85:5-7, *D&C* (LDS) 98:23-48, *D&C* (RLDS) 95:5-7; LeSueur, *Mormon War*, 114n7.

⁹¹ Reed Peck manuscript, September 1839, in *RPM*, 18-19. For other accounts, see the Sampson Avard, John Corrill, and W. W. Phelps depositions, November 1838, in *Document*, 98-99, 111-112, and 122-123, respectively; Corrill, *Brief History*, 36-37.

⁹² Albert Perry Rockwood journal, 15 October 1838, in Jessee and Whittaker, "Last Months," 22.

⁹³ Thomas B. Marsh affidavit, 24 October 1838, in *Document*, 57; Morris Phelps, John Corrill, Reed Peck, John Cleminson, and W. W. Phelps depositions, November 1838, in *Document*, 110, 112, 117, 115, and 122-123, respectively; Reed Peck manuscript, September 1839, in *RPM*, 19-20; Corrill, *Brief History*, 37. Some of the above accounts attribute the execution order to Smith rather than Rigdon.

⁹⁴ Thomas B. Marsh affidavit, 24 October 1838, in *Document*, 58; John Corrill deposition, November 1838, in *Document*, 112; Corrill, *Brief History*, 37.

⁹⁵ Sampson Avard, Morris Phelps, John Corrill, Reed Peck, and W. W. Phelps depositions, November 1838, in *Document*, 98-99, 110, 112, 117, 123, respectively; Reed Peck manuscript, September 1839, in *RPM*, 19, 20. See also the Thomas B. Marsh affidavit, 24 October 1838, in *Document*, 57-58; Lee, *Mormonism Unveiled*, 70-71, 90.

⁹⁶ Mormons subsequently claimed that Doniphan authorized the Mormons to send a military force to Daviess County. But Doniphan didn't hold such authority, and however much he may have thought

Caldwell County Mormons should help their Daviess County brethren, it is unlikely he so authorized them. See LeSueur, *Mormon War*, 115-116; Baugh, *Mormon Defense*, 84-85; Launius, *Doniphan*, 54-55.

⁹⁷ LeSueur, *Mormon War*, 116-128; Baugh, *Mormon Defense*, 85-93, appendices E-F; Bushman, *Joseph Smith*, 362-363; Lee, *Mormonism Unveiled*, 67-72. The Mormons didn't set out to kill non-Mormons, but to drive them out of the county. The distinction is evident, for example, in the depositions of non-Mormons Charles Bleckley and Jesse Kelly, November 1838, in *Document*, 136, 137. Forcing people from their homes is nonetheless nasty business with great potential for loss of life, however unintentional.

⁹⁸ This is the recollection of the James C. Owens deposition, November 1838, in *Document*, 113. For similar sentiments and recollections, see the Albert Perry Rockwood journal, 19 October 1838, in Jesse and Whittaker, "Last Months," 22; Sampson Avard, Nathaniel Carr, and George M. Hinkle depositions, November 1838, in *Document*, 99, 114, 129, respectively.

⁹⁹ Albert Perry Rockwood journal, 23 October 1838, in Jesse and Whittaker, "Last Months," 23.

¹⁰⁰ Lee, *Mormonism Unveiled*, 75.

¹⁰¹ James B. Turner deposition, November 1838, in *Document*, 140; Corroll, *Brief History*, 36, 38. Smith thought he could attract the support of thousands of local residents by making Far West a bastion of toleration for all religions. See the George M. Hinkle deposition, November 1838, in *Document*, 128.

¹⁰² George M. Hinkle deposition, November 1838, in *Document*, 129; LeSueur, *Mormon War*, 153.

¹⁰³ Henry Marks, Thomas B. Marsh, and Orson Hyde affidavits, 24 October 1838, in *Document*, 55-59; George M. Hinkle, Jesse Kelly and Addison Price depositions, November 1838, in *Document*, 129, 137, 138, respectively; Corroll, *Brief History*, 38; Lee, *Mormonism Unveiled*, 90.

¹⁰⁴ Albert Perry Rockwood journal, 6 November 1838, in Jesse and Whittaker, "Last Months," 27.

¹⁰⁵ Albert Perry Rockwood journal, 21 October 1838, in Jesse and Whittaker, "Last Months," 22; Corroll, *Brief History*, 39. For another defection, see Swartzell, *Mormonism Exposed*, 34-37 (19 August-7 September 1838).

¹⁰⁶ Thomas B. Marsh affidavit, 24 October 1838, in *Document*, 58, and excerpted in *HC*, 3:167, but only summarized and denounced in *HRC*, 2:212; Thomas B. Marsh to "Brother and Sister Abbott," 25 October 1838, in Esplin, "Young and the Twelve," 342-343, and *MH*, 1:338n79. For other accounts of Smith's remarks on Muhammad, see the John Corroll deposition, November 1838, in *Document*, 111; George Walter and Abner Scovil depositions, November 1838, in James H. Hunt, *Mormonism: Embracing the Origin, Rise and Progress of the Sect, with an Examination of the Book of Mormon; Also, Their Troubles in Missouri, and Final expulsion from the State; With and Appendix, Giving an Account of the Late Disturbances in Illinois, Which Resulted in the Death of Joseph and Hyrum Smith*, by G. W. Westbrook (St. Louis: Ustick & Davies, 1844), 217, 227. Marsh joined Brigham Young's LDS Church two decades later. See Lyndon W. Cook, "'I Have Sinned Against Heaven, and Am Unworthy of Your Confidence, But I Cannot Live without a Reconciliation': Thomas B. Marsh Returns to the Church," *BYU Studies* 20 (Spring 1980), 389-400.

¹⁰⁷ Orson Hyde affidavit, 24 October 1838, in *Document*, 59, and *HC*, 3:167, and summarized in *HRC*, 2:212. See also Hyde's postscript in Thomas B. Marsh to "Brother and Sister Abbott," 25 October 1838, in Esplin, "Young and the Twelve," 343.

¹⁰⁸ Kenneth H. Winn, "'Such Republicanism as This': John Corroll's Rejection of Prophetic Rule," in Roger D. Launius and Linda Thatcher, eds., *Differing Visions: Dissenters in Mormon History* (Urbana: University of Illinois Press, 1994), ch. 2. Corroll subsequently recounted his Mormon experience in 1839's *A Brief History of the Church of Christ of Latter Day Saints*. He died in 1842.

¹⁰⁹ Albert Perry Rockwood journal, 25, 27-28 October 1838, in Jesse and Whittaker, "Last Months," 24-25; Reed Peck manuscript, September 1839, in *RPM*, 22-24; Hunt, *Mormonism*, 190-191; Andrew Jensen, "Caldwell County, Missouri," *The Historical Record* 8 (January 1888), 702; LeSueur, *Mormon War*, 131-134, 137-142; Baugh, *Mormon Defense*, ch. 8, appendices G, H.

¹¹⁰ David R. Atchison and Alexander W. Doniphan to Lt. Col. R. B. Mason, 27 October 1838, in LeSueur, *Mormon War*, 145. See also Hiram G. Parks to David R. Atchison, 21 October 1838, in *Document*, 47-48.

¹¹¹ David R. Atchison to Lilburn W. Boggs, 22 October 1838, in *Document*, 46-47. Atchison was speaking here of expelling the Saints from Daviess County, not the entire state. Statewide expulsion didn't become a salient choice until a few days later. For more, see Richard Lloyd Anderson, "Atchison's Letters and the Causes of Mormon Expulsion from Missouri," *BYU Studies* 26 (Summer 1986), 3-47.

¹¹² Lilburn W. Boggs to John B. Clark, 1 November 1838, and Samuel D. Lucas to Lilburn W. Boggs, 2 November 1838, in *Document*, 77, 72, respectively; LeSueur, *Mormon War*, 157-158; Baugh, *Mormon Defense*, 136-137, 152.

¹¹³ Lilburn W. Boggs to John B. Clark, 27 October 1838, in *Document*, 61. Italics added for emphasis. Boggs charged the Mormons with treason, arguing that recent reports indicated they "were in the attitude of an open and avowed defiance of the laws, and of having made war upon the people of this State."

¹¹⁴ Anderson, "Clarification," 27-83; William G. Hartley, "Missouri's 1838 Extermination Order and the Mormons' Forced Removal to Illinois," *MHS* 2 (Spring 2001), 5-27. Albert Perry Rockwood noticed the incongruity in his journal, 14, 31 October 1838, in Jessee and Whittaker, "Last Months," 22, 26.

¹¹⁵ Alma Blair, "The Haun's Mill Massacre," *BYU Studies* 13 (Autumn 1972), 62-67; Alexander L. Baugh, "The Haun's Mill Massacre and the Extermination Order of Missouri Governor Lilburn W. Boggs," *MHS* 10 (Spring 2009), 21-30, and *Mormon Defense*, ch. 9, appendices I-J.

¹¹⁶ Samuel D. Lucas to Lilburn W. Boggs, 5 November 1838, and Lilburn W. Boggs to John B. Clark, 6 November 1838, in *Document*, 71, 69, respectively; Baugh, *Mormon Defense*, 137.

¹¹⁷ LeSueur, *Mormon War*, 162.

¹¹⁸ Sampson Avard (quote), James C. Owens, George M. Hinkle, and Samuel Kinnibel depositions, November 1838, in *Document*, 100, 113, 128, 138, respectively; Robinson, "Personal History," *The Return* 2 (January 1890), 206.

¹¹⁹ LeSueur, *Mormon War*, 160; Baugh, *Mormon Defense*, 139.

¹²⁰ Baugh, *Mormon Defense*, 140.

¹²¹ LeSueur, *Mormon War*, 162, 168; Baugh, *Mormon Defense*, 140.

¹²² Corrill, *Brief History*, 41; Reed Peck manuscript, September 1839, in *RPM*, 24.

¹²³ Lilburn W. Boggs to John B. Clark, 26 October and 6 November 1838, in *Document*, 62-63, 69, respectively; LeSueur, *Mormon War*, 160; Baugh, *Mormon Defense*, 137.

¹²⁴ LeSueur, *Mormon War*, 168-170; Baugh, *Mormon Defense*, 140-141.

¹²⁵ LeSueur, *Mormon War*, 170-173, 175; Baugh, *Mormon Defense*, 141-142.

¹²⁶ LeSueur, *Mormon War*, 174; Baugh, *Mormon Defense*, 142.

¹²⁷ LeSueur, *Mormon War*, 175-177; Baugh, *Mormon Defense*, 149.

¹²⁸ LeSueur, *Mormon War*, 177-181, 232-234; Baugh, *Mormon Defense*, 149-152, 157-160.

¹²⁹ Launius, *Doniphan*, 62-66; LeSueur, *Mormon War*, 181-183; Baugh, *Mormon Defense*, 150-151.

¹³⁰ LeSueur, *Mormon War*, 183-184; Baugh, *Mormon Defense*, 151. Mormon forces in Diahman surrendered their arms and property in a similar process on November 9th-10th, though Diahman Mormons were able to retain their personal effects if they vacated to Caldwell County within ten days. See LeSueur, *Mormon War*, 191-194; Baugh, *Mormon Defense*, 154-157.

¹³¹ LeSueur, *Mormon War*, 184-186; Baugh, *Mormon Defense*, 152, 160.

¹³² Parley P. Pratt, *History of the Late Persecution Inflicted By the State of Missouri Upon the Mormons, In which Ten Thousand American Citizens were Robbed, Plundered, and Driven from the State, and Many Others Murdered, Martyred, &c. for Their Religion, and All This By Military Force, By Order of the Executive* (Detroit: Dawson and Bates, 1839), 46-47.

¹³³ LeSueur, *Mormon War*, 188-189; Baugh, *Mormon Defense*, 152.

¹³⁴ John B. Clark address, 5 November 1838, in *HC*, 3:202-204, and *HRC*, 2:264-266; LeSueur, *Mormon War*, 189-191; Baugh, *Mormon Defense*, 152-154.

¹³⁵ LeSueur, *Mormon War*, 195, 216-218, 225-234.

¹³⁶ Baugh, *Mormon Defense*, 160.

¹³⁷ Baugh, *Mormon Defense*, 160-161.

¹³⁸ Stephen LeSueur, "'High Treason and Murder': The Examination of Mormon Prisoners at Richmond, Missouri in November 1838," *BYU Studies* 26 (Spring 1986), 3-30, and *Mormon War*, ch. 12, 231-234; Launius, *Doniphan*, 66-71; Baugh, *Mormon Defense*, 160-161; Gordon A. Madsen, "Joseph Smith and the Missouri Court of Inquiry: Austin A. King's Quest for Hostages," *BYU Studies* 23/4 (2004), 92-136. Doniphan and Rees received 1,080 acres of Jackson County land (located in present-day Kansas City) from the Mormons as compensation for their services.

¹³⁹ Of disillusioned Mormons, General Clark observed to Governor Boggs in a 10 November 1838 letter (*Document*, 65) that "there are not a few at this time." LeSueur, *Mormon War*, 223, estimates that 200-300 Missouri Mormons left the church. See, for example, the excommunications listed in the Wilford Woodruff journal, 26 April 1838, in *WWJ*, 1:326.

¹⁴⁰ Young and Kimball were unknowns to the mobs, at least initially. Kimball had just arrived in the area, returning from the English Mission. Young, by contrast, had been in Caldwell County for several months, yet he had stayed out of the limelight all that time having been ordered by revelation in spring 1838 to focus on his home and family. Neither man joined the Danites and neither played much of a role in the Mormon-Missourian War. Unlike so many Mormon leaders, then, Young and Kimball weren't arrested and were free to provide wintertime leadership. See *President Heber C. Kimball's Journal. Seventh Book of the Faith-Promoting Series. Designed for the Instruction and Encouragement of Young Latter-Day Saints* (Salt Lake City: Juvenile Instructor Office, 1882), 65; Esplin, "Young and the Twelve," ch. 7.

¹⁴¹ Far West Record, 13, 19 December 1838, in *FWR*, 221-224, and *HC*, 3:224-226, 240-241, but not even mentioned in *HRC*, 2:309; *Heber C. Kimball's Journal*, 65.

¹⁴² Far West Record, 19 December 1838, in *FWR*, 224, and *HC*, 3:240-241, and summarized in *HRC*, 2:779, 780; *Heber C. Kimball's Journal*, 65; Joseph Smith revelation, 8 July 1838, in *JSJ*, 1:285, and *D&C* (LDS) 118:6. Taylor had earlier been sustained but not ordained in the apostolic office. See the Far West Record, 6 October 1838, in *FWR*, 210.

¹⁴³ Sidney Rigdon, Joseph Smith, and Hyrum Smith to Heber C. Kimball and Brigham Young, 16 January 1839, in Esplin, "Young and the Twelve," 360-362, and *Heber C. Kimball's Journal*, 66-67.

¹⁴⁴ LeSueur, *Mormon War*, 234.

¹⁴⁵ Edward Partridge, et. al. to the Missouri State Legislature, 10 December 1838, in *FWR*, 211-220, and *HC*, 3:217-224, but not *HRC*; *HC*, 3:238, 242.

¹⁴⁶ LeSueur, *Mormon War*, 195, 225, 230-231.

¹⁴⁷ *Missouri Republican*, 27 December 1838, in LeSueur, *Mormon War*, 226.

¹⁴⁸ LeSueur, *Mormon War*, 225-231; Baugh, *Mormon Defense*, 161-162.

¹⁴⁹ Joseph Smith Sr., Presiding Patriarch and First Presidency assistant, was ailing at the time.

¹⁵⁰ Far West conference minutes, 26, 29 January 1839, and Committee on Removal minutes, 29 January 1838, in *HC*, 3:249-255, and condensed in *HRC*, 2:313-314.

¹⁵¹ William G. Hartley, "'Almost Too Intolerable a Burthen': The Winter Exodus From Missouri, 1838-1839," *JMH* 18 (Fall 1992), 6-40, and "Missouri's 1838 Extermination Order and the Mormons' Forced Removal to Illinois." A limited number of Mormons remained in the state.

¹⁵² Richard E. Bennett, "'Quincy-the Home of Our Adoption': A Study of the Mormons in Quincy, Illinois, 1838-40," *MHS* 2 (Spring 2001), 103-118.

¹⁵³ Esplin, "Young and the Twelve," 371-374. On Rigdon's release, see Launius, *Doniphan*, 70.

¹⁵⁴ Dean C. Jessee, "'Walls, Grates and Screeching Iron Doors': The Prison Experience of Mormon Leaders in Missouri, 1838-1839," in Davis Bitton and Maureen Ursenbach Beecher, eds., *New Views of Mormon History: A Collection of Essays in Honor of Leonard J. Arrington* (Salt Lake City: University of Utah Press, 1987), 19-42; Alexander L. Baugh, "'We Took Our Change of Venue to the State of Illinois': The Gallatin Hearing and the Escape of Joseph Smith and the Mormon Prisoners from Missouri, April 1839," *MHS* 2 (Spring 2001), 59-82; Launius, *Doniphan*, 70-71.

¹⁵⁵ *HC*, 3:284-285, 315, but not in *HRC*.

¹⁵⁶ Craig S. Campbell, *Images of the New Jerusalem: Latter Day Saint Faction Interpretations of Independence, Missouri* (Knoxville: University of Tennessee Press, 2004), 84-89.

¹⁵⁷ For the Joseph F. Smith blessing, see Alexander L. Baugh, "Was Joseph F. Smith Blessed by His Father Hyrum Smith in Liberty Jail?," *MHS* 4 (Spring 2003), 101-105. For the Joseph Smith III blessing, see Lyman Wight to Frank Cooper and Edward Chidester, 18 July 1855, in *HRC*, 2:789 but not *HC*; Joseph Smith III statement, 1 October 1868, in *HRC*, 3:506; Rebecca J. Ballantyne affidavit, 10 August 1908, in Heman C. Smith, "Succession in the Presidency," *Journal of History* 2 (January 1909), 8. Joseph III remembered the blessing taking place within the jail proper.

¹⁵⁸ Wilford Woodruff journal, 17-26 April 1838, in *WWJ*, 1:324-327; W. W. Phelps to Sally Phelps, 1 May 1839, in Alexander L. Baugh, "A Community Abandoned: W. W. Phelps' 1839 Letter to Sally Waterman Phelps from Far West, Missouri," *Nauvoo Journal* 10 (Fall 1998), 25-27; *Heber C. Kimball's Journal*, 56, 74-75. For the inspiration behind the trip, see the Joseph Smith revelation, 8 July 1838, in *JSJ*, 1:285-287, and *D&C* (LDS) 118:4-6; Sidney Rigdon, Joseph Smith, and Hyrum Smith to Heber C. Kimball and Brigham Young, 16 January 1839, in Esplin, "Young and the Twelve," 360-362, and *Heber C. Kimball's Journal*, 66-67.

¹⁵⁹ Wilford Woodruff journal, 25-27 June 1839, in *WWJ*, 1:339-341; *Heber C. Kimball's Journal*, 69; Gary James Bergera, "The Personal Cost of the 1838 Mormon War in Missouri: One Mormon's Plea for Forgiveness," *MHS* 4 (Spring 2003), 139-144.

¹⁶⁰ James B. Allen, Ronald K. Esplin, and David J. Whittaker, *Men with a Mission: The Quorum of the Twelve Apostles in the British Isles, 1837-1841* (Salt Lake City: Deseret Book, 1992), chs. 3-4, 6. John E. Page, like William Smith, pleaded poverty and did not fulfill the call to the British Isles, nor did he fulfill a subsequent call to Palestine. Orson Hyde, who helped open the English Mission in 1837, did not return for the second apostolic mission to British Isles, but he did fulfill the call to Palestine.

¹⁶¹ Willard Richards diary, 14 April 1840, in Esplin, "Young and the Twelve," 419; Wilford Woodruff journal, 14 April 1840, in *WWJ*, 1:435; *Heber C. Kimball's Journal*, 98. For Richards's apostolic call, see the Joseph Smith revelation, 8 July 1838, in *JSJ*, 1:285, 287, and *D&C* (LDS) 118:6.

¹⁶² Allen, Esplin, and Whittaker, *Men with a Mission*, chs. 7-10, 12-13.

¹⁶³ *MH*, 1:466, 603. Fittingly, Wight replaced the late David W. Patten.

¹⁶⁴ Edward Partridge, et. al. to the Missouri State Legislature, 10 December 1838, in *FWR*, 211-220, and *HC*, 3:217-224, but not *HRC*.

¹⁶⁵ LeSueur, *Mormon War*, 226-227.

¹⁶⁶ Joseph Smith to the Church of Latter Day Saints, 16 December 1838, in *PWJS*, 374-382.

¹⁶⁷ Joseph Smith, et. al. to Edward Partridge and the Church, 20 March 1839, in *PWJS*, 404.

¹⁶⁸ John P. Green, *Facts Relative to the Expulsion of the Mormons, or Latter-day Saints from the State of Missouri* (Cincinnati: R. P. Brooks, 1839); Pratt, *Late Persecution*; John Taylor, *A Short Account of the Murders, Roberies [sic], Burnings, Thefts, and Other Outrages Committed by the Mob and Militia of the State of Missouri Upon the Latter Day Saints* (Springfield, IL [?]: n.p., 1839); Sidney Rigdon, *An Appeal to the American People: Being an Account of the Persecutions of the Church of Latter Day Saints* (Cincinnati: Glezen and Shepard, 1840).

¹⁶⁹ Bushman, *Joseph Smith*, ch. 22. For transcripts of the affidavits and petitions, see Clark V. Johnson, ed., *Mormon Redress Petitions: Documents of the 1833-1838 Missouri Conflict* (Provo: BYU Religious Studies Center, 1992).

¹⁷⁰ See, for example, the Wilford Woodruff journal, 26 April 1838, in *WWJ*, 1:326, 329.

¹⁷¹ David W. Grua, "Memoirs of the Persecuted: Persecution, Memory, and the West as a Mormon Refuge (M. A. thesis: Brigham Young University, 2008); Zachary L. Largey, "The Rhetoric of Persecution: Mormon Crisis Rhetoric from 1838-1871" (M. A. thesis: Brigham Young University, 2006); R. Laurence Moore, *Religious Outsiders and the Making of Americans* (New York: Oxford University Press, 1986), 34-35.

¹⁷² Grua, "Memoirs of the Persecuted," 71-72. One exception was Pratt, *Late Persecution*, 32-33. As Grua points out, Pratt omitted his admission from his subsequent autobiography.

Chapter Four
Nauvoo Mormonism
1839-1844

The Mormons reestablished themselves in Hancock County, Illinois on a swampy but picturesque bend of the Mississippi River Joseph Smith christened “Nauvoo.”¹ If the Missouri experience provided the pretext for much of the Temple Lot Case, the Nauvoo experience supplied most of the remaining ingredients. The identities of the three churches involved in the Temple Lot Case were based in large part upon their different understandings of Nauvoo. Depending on one’s vantage point, it was in Nauvoo that the Prophet most thoroughly realized, complicated, or betrayed his vision of the Kingdom of God. Here Joseph would introduce his most unconventional and divisive teachings.²

By virtue of the gathering, Nauvoo became the second largest city in Illinois, just behind Chicago. The population of Nauvoo proper rose from approximately 100 in 1839, to 4,000 in 1842, to 12,000 in 1844.³ In addition to the usual influx of American and Canadian converts, there was, for the first time, a substantial overseas contribution: Over 4,000 British converts, roughly one-fourth of all British Mormons, emigrated to Nauvoo by summer 1844.⁴ With the help of a capable and connected newcomer, John C. Bennett, Joseph Smith secured a city charter in December 1840 that the Prophet adroitly used to turn Nauvoo into a semi-autonomous theocratic city-state.⁵ The U. S. Army at the time consisted of less than 8,500 troops, yet Nauvoo formed a militia (“the Nauvoo Legion”) of nearly 3,000.⁶ Priesthood leaders, moreover, dominated civil government. In 1844, the Prophet served simultaneously as mayor, registrar of deeds, municipal chief justice, and militia lieutenant general.⁷ Mormons usually, if not always, voted as a bloc in accord

with the recommendations of church leaders.⁸ For all that, however, Smith refused to revive the economic consecration programs of the past. He simply urged members to donate as much time and means to the needy and the church as possible.⁹

Despite the renewed prosperity of the Saints, Missouri remained an ever-present threat to the Prophet. On 6 May 1842, former Missouri governor Lilburn W. Boggs was shot in the head by an unknown assailant at his home in Independence, blocks away from the Temple Tract. Boggs miraculously survived and emigrated to a new life in Sonoma, California in 1846. But many Missourians suspected that Joseph Smith ordered his bodyguard, Porter Rockwell, to kill the governor.¹⁰ Missouri and Illinois officials repeatedly tried to extradite Smith to Missouri for trial.¹¹ But the Nauvoo municipal court protected Smith with writs of habeas corpus, frustrating efforts to retain him.¹² Joseph Smith and the Mormons enjoyed greater autonomy than ever before in Nauvoo.

Many documents of import to the Temple Lot Case emerged during the Nauvoo period, published and unpublished. In November 1839, Ebenezer Robinson and Joseph Smith's brother, Don Carlos, established a central organ for the church entitled the *Times and Seasons*.¹³ In May 1840, the Quorum of the Twelve established a newspaper in England entitled *The Latter Day Saints' Millennial Star*.¹⁴ In fall 1840, Robinson and Don Carlos published the third edition of *The Book of Mormon*, a slightly modified version of the second edition (Kirtland, 1837) insofar as Joseph Smith made four dozen new, generally minor, changes to the text.¹⁵ In October 1840, Robinson announced plans for a second printing of *The Doctrine and Covenants*.¹⁶ In February 1841, apostles

Brigham Young, Heber C. Kimball, and Parley Pratt published the first British edition of *The Book of Mormon*, using the second edition (1837) as their source rather than the newly-issued and slightly-different third edition (1840).¹⁷ In March 1842, Joseph Smith published an influential thirteen-point summary of Mormon doctrine known variously as the “Articles of Faith” or “Epitome of Faith.”¹⁸ That same month, he published his long-awaited translation of the Egyptian papyrus, *The Book of Abraham*.¹⁹ All these texts would have a significant impact on the Temple Lot Case and its participant churches.

Mormon recordkeeping started coming of age at Nauvoo. Joseph Smith retained a stable of scribes in Nauvoo, adding more every year it seemed, to keep his journal, write his history, document his discourses, maintain financial records, and perform myriad other clerical duties. As he commented in a discourse in May 1844:

For the last three years I have a record of all my acts and proceedings, for I have kept several good, faithful, and efficient clerks in constant employ: they have accompanied me everywhere, and carefully kept my history, and they have written down what I have done, where I have been, and what I have said.²⁰

Thanks to Smith’s clerks, as well as diligent independent diarists like Apostle Wilford Woodruff, we have much better contemporaneous documentation of Joseph’s Nauvoo teachings than any other period.²¹ This is particularly important insofar as Joseph, at Nauvoo, was more apt to reveal doctrines and ordinances through public discourses and private conversations than through written revelations.

Two of Joseph Smith’s clerks merit particular mention: Apostle Willard Richards and English immigrant William Clayton. On 13 December 1841, the Prophet appointed Richards his personal secretary and the financial recorder for the temple-building committee.²² Richards immediately started keeping a journal for the Prophet.²³ On 10

February 1842, Richards hired Clayton, his former colleague in the British Mission presidency, as his assistant.²⁴ When Richards departed for the East on June 29th, he entrusted his clerical responsibilities to Clayton.²⁵ When Joseph went into hiding in the fall to avoid arrest and extradition, he appointed Clayton his personal secretary and Temple Recorder.²⁶ On December 21st, the Prophet reappointed the returned Richards to the post.²⁷ Richards kept the Prophet's journal the following nineteen months; Clayton remained in Joseph's employ during that time and kept a personal journal that revealed as much about Joseph as it did himself.²⁸ Thanks to Richards and Clayton, the documentation for this period of the Prophet's life is particularly rich.²⁹

The most influential product of all the scribal activity was the "History of Joseph Smith."³⁰ As recounted in the previous chapter, Joseph started the project with scribe George W. Robinson in spring 1838.³¹ But conflict and incarceration interrupted the effort for over a year. Smith resumed the project in 1839 with a new scribe, James Mulholland.³² Mulholland recorded fifty-nine pages from June-September, spanning the years 1805-September 1830, but died suddenly on 3 November 1839.³³ In time Joseph resumed the narrative with Robert B. Thompson, husband of Temple Lot Case deponent Mercy Rachel Thompson. But Thompson recorded just fifteen pages, inching the narrative through October 1830, before dying prematurely himself on 27 August 1841.³⁴ Former dissident W. W. Phelps next took dictation, recording eighty-two pages by December 1842 and advancing the chronicle to November 1831.³⁵

Smith published the first serial installment of the "History" in the 15 March 1842 *Times and Seasons*.³⁶ The *Millennial Star* started its own serial installments in June

1842.³⁷ But if the “History” was to meet a regular publication schedule, the production of the manuscript had to accelerate, as after four-and-a-half years, the narrative still hadn’t progressed beyond the church’s infancy.³⁸ To meet the challenge, Joseph not only reenlisted Willard Richards as secretary on 21 December 1842, but appointed him church historian.³⁹ With Richards at the helm, the “History of Joseph Smith” took off. Over the next one-and-a-half years, Richards produced 655 pages of text, advancing the narrative to 5 August 1838.⁴⁰ In that same time, by comparison, the *Times and Seasons* narrative advanced only as far as 7 January 1832, the *Millennial Star* to just October 1830.⁴¹

The “History of Joseph Smith” had much to recommend it. For one thing, it offered readers a running scrapbook of valuable contemporary documentary sources—letters, minutes, journal excerpts, newspaper reports, government documents. For another, the narrative broadened far beyond the Prophet proper, giving readers a sense of the entire church, not just its leader. On the other hand, the gentlemen historians who produced the work partook of antebellum historical conventions that render it somewhat problematic for modern readers, the most nettlesome being that the editors embedded diverse source materials in the narrative without attribution and rendered them in first-person language as if Joseph Smith wrote them himself. Later generations, unaware of the antiquated narrative structure, commonly mistook the text to be the Prophet’s own writing, which in most instances it was not. Still, for its time and place, the “History of Joseph Smith” was a monumental undertaking and achievement.⁴²

Pertinent ecclesiastical appointments took place during the Nauvoo period. At October 1839 general conference, William Marks, who served as stake president in Kirtland in 1838 and was called (but did not arrive in time) to fill the same position in Far West, was appointed president of the Nauvoo Stake, the “corner-stone of Zion.”⁴³ At that same conference, Uncle John Smith stepped down from the First Presidency to serve as president of the Zarahemla Stake in Lee County, Iowa, across from Nauvoo on the opposing shore of the Mississippi.⁴⁴ In January 1841, Irish immigrant William Law replaced Hyrum Smith as second counselor in the First Presidency.⁴⁵ That same month, Vinson Knight, veteran of bishoprics in Kirtland, Diahman, and Nauvoo, was designated by revelation as the first presiding bishop over all the bishops of the church, establishing a precedent of particular significance for one of the top figures in the Temple Lot Case.⁴⁶ At April 1841 general conference, John C. Bennett was sustained as assistant counselor in the First Presidency.⁴⁷ In that same conference, militant firebrand Lyman Wight joined the Quorum of Twelve Apostles in place of, fittingly, the late David W. Patten.⁴⁸

At Nauvoo, Hyrum Smith became the highest official in the church save his brother Joseph. Upon the death of their father, Joseph Smith Sr., in September 1840, Hyrum became the presiding patriarch of the church “by blessing and also by right.”⁴⁹ The position held such honor that a January 1841 revelation listed Patriarch Hyrum first among church leaders.⁵⁰ By order of that same revelation, Hyrum also became assistant church president, a position held previously only by the now-excommunicated Oliver Cowdery. The Lord declared Hyrum a “prophet, and a seer, and a revelator unto my church.”⁵¹ In July 1843, Joseph publicly indicated that Hyrum could very well serve as

the church's prophet.⁵² Joseph may have blessed his son Joseph III in 1839 to succeed him someday, but the Prophet clearly wanted his steady and experienced brother Hyrum to lead the church in the immediate future should he be taken away.⁵³

Sidney Rigdon's star fell in Nauvoo. Like Joseph and Hyrum, Rigdon was designated a prophet, seer, and revelator in 1841.⁵⁴ But Rigdon was also chastened by revelation that year for not living up to his high calling.⁵⁵ Joseph had John C. Bennett serve as "spokesman pro tempore" in Rigdon's stead.⁵⁶ Their personal and professional relationship deteriorating, Joseph disfellowshipped Sidney by unanimous vote on 13 August 1843.⁵⁷ He sought to remove Rigdon from the First Presidency at the following general conference, telling the assembly he had not "received any material benefit from his labors or counsels since their escape from Missouri." But Rigdon eloquently pleaded for leniency and, much to Smith's disgust, the church body voted to retain Rigdon in office.⁵⁸ The two men kept each other at arms' length thereafter.

The Quorum of Twelve Apostles travelled almost the inverse path of Rigdon's. Frequently unreliable beforehand, the Twelve under Brigham Young's leadership became Joseph Smith's most capable and dependable quorum. By April 1841, all the apostles save holdouts William Smith and John E. Page were in the British Isles, shepherding thousands into the church, establishing a sophisticated printing operation, and supervising mass emigrations to the American Zion.⁵⁹ Apostle Wilford Woodruff marveled:

I am asstonished when I look at it for during our stay here we have esestablished churches in all the most noted cities & towns in this Kingdom have Baptized more than 5000 souls Printed 5000 Books of Mormon 3000 Hymn Books 2500 Volumes of the Millennial Star & about 50,000 tracts, & gatherd to the land of Joseph 1000 Souls[.]⁶⁰

In a church with great organizational needs, the Twelve had proven themselves masters of organization. Thus it was that even though the Twelve were scripturally limited to the mission field, the Prophet called the bulk of them back to Nauvoo in 1841 and declared at a special conference on August 16th that “the time had come when the twelve should be called upon to stand in their place next to the first presidency, and attend to the settling of emigrants [sic] and the business of the church at the stakes, and assist to bear off the kingdom victorious to the nations.” The conference duly sustained Smith’s proposal.⁶¹ The Twelve subsequently ran church finances in concert with trustee-in-trust Smith.⁶² With Smith they supervised the financing of the Nauvoo Temple.⁶³ They edited and published all church publications.⁶⁴ They supervised the settlement of immigrants.⁶⁵ Eleven apostles served on the city council.⁶⁶ And we will soon see, they took a leading role in the ritual work of the Nauvoo Temple. The Twelve had charge of the missions of the church; now they also stood at the epicenter of church headquarters.

In August 1840, almost as quickly as they drained Nauvoo’s swamplands, the Saints started work on a new House of the Lord.⁶⁷ The structure would require years of effort. But impatient to share his latest insights, Joseph Smith introduced the teachings and practices of the Nauvoo Temple even as the edifice was being constructed.

On 15 August 1840, Smith revealed that the living could be baptized vicariously on behalf of the dead, granting the souls who died without the gospel a posthumous chance at salvation.⁶⁸ The doctrine tasted sweet to the Saints: Nearly seven thousand proxy baptisms were performed in 1841 alone, usually in the Mississippi River.⁶⁹ But a

January 1841 revelation stipulated that the Saints could perform the rite outside the temple only temporarily; should they fail to build the temple within an allotted (but unspecified) amount of time, the Lord warned “ye shall be rejected as a church with your dead.”⁷⁰ Accordingly, craftsmen carved a temporary but extraordinary baptismal font on the backs of twelve wooden oxen in the temple basement.⁷¹ The Prophet suspended non-temple proxy baptisms on 3 October 1841 and dedicated the temple font with Brigham Young five weeks later on November 8th.⁷² The font began regular service on November 21st.⁷³ From that day forward, proxy baptisms were almost exclusively performed in the temple.⁷⁴ Thousands of proxy baptisms were performed therein by 1844.⁷⁵ A permanent limestone font of similar design replaced the wooden font in winter 1845-46.⁷⁶ By order of the Prophet, the Quorum of Twelve Apostles supervised the proxy baptism program.⁷⁷ The Twelve and other church leaders took the Lord’s rejection warning quite seriously.⁷⁸

From the most palatable temple doctrine, Joseph leapt to the most unpalatable. Beginning in winter 1840-1841, he privately disclosed to trusted individuals that God required him to restore the Abrahamic practice of “patriarchal celestial marriage” whereby one or more women could be “sealed” for “time and all eternity” to a righteous priesthood holder.⁷⁹ Only couples sealed for eternity by priesthood authority, the Prophet explained, could attain the highest heavenly glory.⁸⁰ The more wives and posterity a patriarch possessed, he added, the greater his eternal kingdom.⁸¹ Leading by example, the Prophet clandestinely wed more than thirty women between spring 1841 and fall 1843, some of whom already had a husband.⁸² He also performed or authorized the plural marriage sealings of several dozen men and women.⁸³ Smith sealed a handful of

couples for eternity without requiring the husband to take additional wives, at least not immediately, but generally he treated eternal marriage and plural marriage as coterminous.⁸⁴ Mormon leaders, several of whom were already related, tended to marry the female relatives of their leadership colleagues. As a result, plural marriage gave the Mormon hierarchy a pronounced dynastic character, reinforcing their identity as a chosen elite of God and lengthening their distance from the American cultural mainstream.⁸⁵

Celestial marriage and baptism for the dead weren't the only temple doctrines Joseph Smith revealed in Nauvoo. In his red brick store on 4 May 1842, he administered the fourth iteration of the endowment and the first in six years.⁸⁶ Like its predecessors, the Nauvoo endowment offered a blend of old, new, and modified. The ordinance began with washings, anointings, and sealings similar to the Kirtland endowment. What followed was completely new: Progressing through partitioned theme-rooms, initiates participated in a dramatic rendering of the creation, fall, and atonement. They received a priesthood garment and a new name, covenanted to be virtuous and obedient, and learned priesthood signs, tokens, and passwords by which to discern true from false revelations on earth and enter the celestial kingdom in the hereafter. The ceremony concluded with a prayer circle. Unlike previous endowments, Smith wanted the details of the Nauvoo endowment kept secret. Initiates symbolically enacted fatal penalties they would suffer should they reveal the rites to the uninitiated.⁸⁷ Ultimately, Smith wanted all worthy Saints endowed in the temple.⁸⁸ In the meantime, he limited the ordinance to a vanguard of nine men: Assistant President Hyrum Smith, First Presidency second counselor William Law, apostles Brigham Young, Heber C. Kimball and Willard Richards, Nauvoo

Stake President William Marks, bishops George Miller and Newell K. Whitney, and James Adams, Deputy Grand Master of the Masonic Grand Lodge of Illinois. Whenever possible, this “Anointed Quorum” met for ordinances, instruction, and prayer circles.⁸⁹

On 28 September 1843, Joseph Smith introduced the “second anointing” or “fulness of the priesthood,” the highest priesthood ordinance of all.⁹⁰ Whereas the preparatory anointing of the endowment offered initiates a conditional promise, the second anointing bestowed upon them an (almost) unconditional status. The endowment anointing *promised* recipients that, if faithful, they would be exalted as kings/queens and priests/priestesses in the celestial kingdom; the second anointing *ordained* recipients kings/queens and priests/priestesses in the celestial kingdom. The second anointing, in effect, sealed recipients to eternal exaltation, “making their calling & election sure.”⁹¹ Only by committing the unpardonable sin—shedding innocent blood after receiving the Holy Ghost—could a second anointing recipient forfeit exaltation and suffer damnation. Recipients who committed heinous acts short of the unpardonable sin would be “destroyed in the flesh” and would suffer the “buffetings of Satan” for a period, but would not forfeit their exaltation.⁹² With the introduction of this ordinance, the Prophet gradually expanded the Anointed Quorum beyond its initial membership to some sixty-six men and (for the first time) women. Thirty-six received the second anointing.⁹³

Rounding out his temple theology, Joseph Smith further revealed that the living had to perform not only baptism on behalf of the dead, but *all* salvific ordinances. Smith spoke of “the redeeming of the dead,” for example, at the April 1844 general conference:

When the House is done, Baptism font erected and finished & the worthy are washed, anointed, endowed & ordained kings & priests, which must be done in

this life, when the place is prepared you must go through all the ordinances of the house of the Lord so that you who have any dead friends must go through all the ordinances for them the same as for yourselves.⁹⁴

Smith indicated that the priesthood authority for the work for the dead derived from the keys Elijah delivered to him and Oliver Cowdery in the Kirtland Temple in 1836. The linking of the living and the dead through vicarious temple ordinances, he explained, fulfilled Malachi's eschatological prophecy that Elijah would "turn the heart of the fathers to the children, and the heart of the children to their fathers."⁹⁵ Smith administered proxy baptisms and proxy marriages before the completion of the temple. On 29 May 1843, he presided over the proxy eternal sealings of Hyrum Smith, Brigham Young, and Temple Lot Case deponent Mercy Rachel Thompson to their late spouses.⁹⁶ But he deferred proxy endowments and proxy second anointings to the completed temple.

Underpinning Joseph Smith's distinctive Nauvoo temple rites was an increasingly distinctive theology of God and humanity. *The Book of Mormon* (1830) contained a conventional Trinitarian theology (one God in three persons) or closely-related Modalist theology (one God in three interchangeable modes).⁹⁷ Smith's first extant account of his "First Vision," produced in 1832, mentioned only one divine personage.⁹⁸ But the 1834-35 *Lectures of Faith* drew starker distinctions between the members of the godhead.⁹⁹ And Smith's subsequent First Vision accounts all spoke of two personages.¹⁰⁰ In Edinburgh, Scotland in 1840, Apostle Orson Pratt published *A[n] Interesting Account of Several Remarkable Visions, and of the Late Discovery of Ancient American Records*, containing the first published account of the (two-personage) First Vision.¹⁰¹ Beginning in January 1841, Smith explicitly declared that God the Father and Jesus the Son have

separate bodies of flesh and bones.¹⁰² In the 1842 *Times and Seasons*, Smith presented his unconventional theology to North American readers. The March 1st issue contained the first published stateside reference to the (two-personage) First Vision.¹⁰³ The March 15th excerpt of *The Book of Abraham* revealed that multiple “Gods” formed the heavens and earth.¹⁰⁴ That same issue and the one following presented the first two installments of “The History of Joseph Smith,” containing Smith’s 1838 (two-personage) First Vision account.¹⁰⁵ By the early Nauvoo period, then, it seems the Prophet had moved towards a form of Tritheism (three Gods in one godhead).¹⁰⁶

From there Smith proceeded to an unabashed “plurality of gods.”¹⁰⁷ In the 1843 celestial marriage revelation, the Lord promised that should a couple be sealed in eternal marriage, receive their second anointings, and avoid the unpardonable sin, “Then shall they be gods, because they have all power, and the angels are subject unto them.”¹⁰⁸ Before a gathering of thousands at the 7 April 1844 funeral of one King Follett, Smith revealed that God the Father is “a man like yourselves.” God was not always a god, Smith explained, but “was once as one of us,” a mortal living on an earth. But he worked out his salvation and was exalted as a god. We too, Smith declared, can follow the same path.¹⁰⁹ Lorenzo Snow, a future apostle who would testify in the Temple Lot Case five decades later, coined a handy couplet for this startling doctrine: “As man now is, God once was; as God now is, man may be.”¹¹⁰ The temple rites—endowment, celestial marriage, second anointing—were gateways to godhood. In the eternities, couples so exalted would procreate spirit children, populate worlds of their own, and serve as gods and goddesses to their mortalized children as our heavenly parents do for us.¹¹¹

Looking at his sundry doctrines, ordinances, and programs synoptically, we see that at Nauvoo, Joseph Smith worked towards nothing less than the potential binding and exalting of the entire human race, living and dead. Missionaries went out into the world, retrieved the repentant, and gathered them to Zion. Once the Nauvoo Temple was completed, the Saints would receive an endowment from the Lord, marry for time and all eternity, and possibly ensure the exaltation of their family through the second anointing. If authorized, certain men would take more wives than one. Intermarriage would bind all living Saints together by blood as well as faith. Having received the temple ordinances for themselves, the Saints would perform proxy baptisms, endowments, marriages, and second anointings on behalf of all the previous generations of the human family, giving the dead in the spirit world the chance to cleanse their sins, unite their families, and attain exaltation. In time, all of God's worthy children who so desired would be linked to one another across generations through the salvific sealing ordinances of the priesthood. In this manner, Smith believed, the Saints would fulfill Elijah's end-times mission of turning the hearts of the children to the fathers and the fathers to the children. Couples who attained exaltation would become gods themselves and begin the cycle anew. Needless to say, the Prophet's sweeping and unconventional Nauvoo teachings were the subject of extended debate and depositions in the Temple Lot Case.

The promulgation of plural marriage for the most part took place out of public view. Bigamy violated Illinois law.¹¹² And Joseph bemoaned that many Saints weren't willing to forsake their cultural traditions and obey the Lord in all things.¹¹³ So Joseph

never revealed the doctrine publicly, either to the church or to the world.¹¹⁴ The closest he came was printing a non-Mormon defense of polygamy in fall 1842.¹¹⁵ Joseph was understandably more open about the doctrine of eternal—not plural—marriage. He broached the subject on a few public occasions, but cautioned that “he could not reveal the fulness of these things until the Temple is completed.”¹¹⁶ Privately, Joseph was laying the groundwork for a veritable revolution in the Western practice of marriage; publicly, he did no such thing.¹¹⁷ The discrepancy between Smith’s private and public actions fueled much of the debate in the Temple Lot Case.

Despite the secrecy, plural marriage spawned public controversy in 1842. A gaggle of male members, most notoriously assistant First Presidency counselor John C. Bennett, twisted the doctrine of celestial marriage to justify illicit intercourse.¹¹⁸ In response, Emma Smith, founding president of the newly-organized Female Relief Society, used her organization to suppress all forms of unconventional marital and sexual partnering, unaware that her own husband had been sealed to some of her colleagues.¹¹⁹ The Nauvoo High Council disciplined Bennett and other guilty parties, including Temple Lot Case deponent Lyman Littlefield.¹²⁰ Bennett quickly published an expose of the Mormons, with details on polygamy and the endowment.¹²¹ Joseph Smith also had a falling out that year with Sidney Rigdon and Orson Pratt, allegedly for making advances on their daughter and wife, respectively. Apostle Pratt reconciled with Joseph within months; Smith’s and Rigdon’s relationship never fully recovered.¹²²

The public controversy later subsided. But behind the scenes, Emma Smith, Hyrum Smith, and William Marks kept up a quiet opposition to polygamy.¹²³ In May

1843, however, Hyrum reversed course and became a passionate advocate of the doctrine.¹²⁴ Hyrum took plural wives of his own, the first of them being Temple Lot Case deponent Mercy Rachel Thompson.¹²⁵ Joseph also had Hyrum perform most subsequent eternal and plural marriage sealings.¹²⁶ At Hyrum's request, Joseph belatedly dictated a revelation authorizing plural marriage to William Clayton on 12 July 1843. With revelation in hand, Hyrum tried to persuade Emma of the doctrine. But as Joseph anticipated, Emma gave Hyrum a verbal thrashing, declaring "she did not believe a word of it."¹²⁷ To placate Emma, Joseph allowed the revelation to be burned.¹²⁸ Not that it mattered much: Joseph assured Clayton he could dictate its contents at any time.¹²⁹ Besides, Bishop Newel K. Whitney, with Joseph's permission, had already had his assistant, Joseph C. Kingsbury, copy the text, an experience Kingsbury recounted in the Temple Lot Case.¹³⁰ A month later, on 12 August 1843, Hyrum presented the revelation to the Nauvoo High Council.¹³¹ But the council never formally voted on it; at least three of its members, in fact, opposed plural marriage.¹³² Hyrum also shared the revelation with First Presidency counselor William Law. But Law recoiled from its contents. Concluding in time that the Prophet considered himself above law and morality, on 21 April 1844 Law organized an opposition "Reformed Mormon Church."¹³³ To avoid giving Law and his dissident allies a public platform from which to expose the secret of plural marriage, they were summarily excommunicated without notice, without minutes, and without the right of defense by an irregular conglomeration of the Twelve Apostles, the Nauvoo High Council, and the Council of Fifty, presided over by Brigham Young.¹³⁴

Amidst these waves of suspicion and opposition, Joseph Smith and his circle of polygamist colleagues consistently denied that they practiced anything but monogamy. Sometimes they flatly denied the practice of “polygamy” or “plurality of wives” outright. On 5 October 1843, for example, the Prophet “gave instructions to try those who were preaching, teaching, or practicing the doctrine of plurality of wives on this Law. Joseph forbids it and the practice thereof. No man shall have but one wife.”¹³⁵ At other times church leaders denounced only Bennett’s “spiritual wifery” or other unauthorized forms of marital or sexual experimentation and were careful not to include “plural marriage,” “celestial marriage,” “patriarchal marriage,” “plurality of wives,” or any of the other various labels for Joseph Smith’s system in their denunciation. In the 15 March 1844 *Times and Seasons*, for example, Hyrum Smith said this to the China Creek Branch:

Whereas brother Richard Hewitt has called on me to-day, to know my views concerning some doctrines that are preached in your place, and states to me that some of your elders say, that a man *having a certain priesthood*, may have as many wives as he pleases, and that doctrine is taught here: I say unto you that that man teaches *false doctrine*, for there is no such doctrine taught here; neither is there any such thing practised here.

Technically Hyrum was on the mark: Neither he nor Joseph taught that a particular priesthood entitled a man to as many wives as he pleased. What he neglected to say was that select individuals could have more than one wife *if the Prophet gave his command or authorization*. Hyrum even hinted there were complexities he couldn’t disclose:

[T]he mysteries of God are not given to all men; and unto those to whom they are given they are placed under restrictions to impart only such as God will command them; and the residue is to be kept in a faithful breast, otherwise he will be brought under condemnation.¹³⁶

Some rebuttals offered both sweeping denials and technical quibbling. The October 1st 1842 *Times and Seasons*, for instance, reprinted the *Doctrine and Covenants's* affirmation of monogamy and added the following affidavit signed by, among others, Bishop Newel K. Whitney and apostles John Taylor and Wilford Woodruff:

We the undersigned members of the church of Jesus Christ of Latter-Day Saints and residents of the city of Nauvoo, persons of families do hereby certify and declare that we know of no other rule or system of marriage than the one published from the Book of Doctrine and Covenants, and we give this certificate to show that Dr. J. C. Bennett's "secret wife system" is a creature of his own make as we know of no such society in this place nor never did.

The statement was technical insofar as it explicitly denied the legitimacy of only Bennett's "secret wife system." Otherwise the tone was fairly sweeping.¹³⁷ Much Temple Lot Case testimony revolved around these sundry denials.

One final note on plural marriage. Some individuals close to Joseph Smith later claimed that he turned against the doctrine. William Marks recounted in 1853:

I met him one morning in the street, and he said to me, Brother Marks, I have something to communicate to you, we retired to a by-place, and set down together, when he said: "We are a ruined people." I asked, how so? He said: "This doctrine of polygamy, or Spiritual-wife system, that has been taught and practiced among us, will prove our destruction and overthrow. I have been deceived," said he, "in reference to its practice; it is wrong; it is a curse to mankind, and we shall have to leave the United States soon, unless it can be put down, and its practice stopped in the church. Now," said he, "Brother Marks, you have not received this doctrine, and how glad I am. I want you to go into the high council, and I will have charges preferred against all who practice this doctrine, and I want you to try them by the laws of the church, and cut them off, if they will not repent, and cease the practice of this doctrine; and" said he, "I will go into the stand, and preach against it, with all my might, and in this way we may rid the church of this damnable heresy."¹³⁸

There may have been some substance to Marks's recollection.¹³⁹ The pace of new plural marriages slowed in the first half of 1844.¹⁴⁰ Evidence suggests that Joseph didn't take

another plural wife after November 1843.¹⁴¹ Joseph increasingly relied upon Hyrum Smith and Brigham Young to seal plural marriages.¹⁴² And in March 1844, Hyrum Smith tried to placate anti-polygamy First Presidency counselor William Law by assuring him that he and Joseph “were not doing anything in the plurality of wife business now.”¹⁴³

Yet I’m unpersuaded that Joseph Smith turned against polygamy. Smith had slowed the pace of polygamy before: He didn’t take any plural wives from August 1842 to February 1843.¹⁴⁴ Moreover, there’s no contemporaneous evidence from 1844 indicating that he intended to press charges against his polygamous inner circle. On the contrary, charges were pressed against his anti-polygamy critics.¹⁴⁵ Joseph had plenty of opportunities in 1844 to admit his error and chart a new direction for his inner circle, yet he didn’t take them. William Law saw no evidence that Joseph and Hyrum had forsaken polygamy.¹⁴⁶ Thus if Smith actually had this conversation with William Marks, he may have done so to deflect the opposition. Smith was not above sham trials: He told William Clayton in 1843 that should the pregnancy of Clayton’s polygamous wife become public knowledge, “I will give you an awful scourging and probably cut you off from the church and then I will baptise you and set you ahead as good as ever.”¹⁴⁷ I therefore find Brigham Young’s rumination on Joseph’s polygamy more plausible than Marks’s: “Joseph was worn out with it, but as to his denying any such thing I never knew that he denied the doctrine of polygamy. Some have said that he did, but I do not believe he ever did.”¹⁴⁸ Whatever the truth of the matter, the relevance of this issue for the churches of the Temple Lot Case was that in addition to Mormons who believed Joseph

Smith practiced polygamy and Mormons who believed he didn't practice polygamy, there were Mormons who believed he did practice polygamy but ultimately repented of it.

Over time the non-Mormons of Hancock County, like those of Ohio and Missouri before them, grew alarmed by the temporal power of the Saints. The Mormons had the largest militia in the state of Illinois. They voted as a bloc and were quickly becoming the dominant political force in the county. Most worrisome, all that power was controlled, as many saw it, by one deluded and deceitful man. Joseph Smith concentrated political, military, judicial, economic, and religious power in himself like no Illinoisan had ever seen.¹⁴⁹ The day before the congressional elections of 7 August 1843, for example, Joseph informed the Saints that his brother Hyrum had received a revelation favoring the Democratic candidate over the Whig. As a result, the Saints voted for the Democrat and the Whig candidate lost. This infuriated the Whigs, of course, but William Law and more than a few Democrats found it worrisome as well. Who knew what else such concentrated power would lead to?¹⁵⁰ Yet the Nauvoo Municipal Court rendered Joseph seemingly invulnerable to prosecution and extradition orders.¹⁵¹

To protect the church, Joseph Smith jumped deeper into the political fray. On 29 January 1844, the Twelve Apostles nominated Smith as a presidential candidate for the 1844 election.¹⁵² The Saints had repeatedly petitioned Washington to redress their losses in Missouri. But though all agreed the Mormons had been wronged, nobody would do anything about it because of the states' rights doctrine.¹⁵³ Now the Saints could vote for a candidate who would use the powers of the federal government to protect themselves

and other downtrodden peoples.¹⁵⁴ The church sustained Smith's nomination on March 7th.¹⁵⁵ In April, the Twelve sent hundreds of missionaries across the country, its largest force yet, preaching the gospel of Christ Jesus and the platform of Candidate Smith.¹⁵⁶ Most Mormons recognized that Smith probably wouldn't win. But the campaign could draw attention to the Mormon plight, give Smith some national leverage should the race prove tight, and possibly lay the foundation for a more successful run in the future.¹⁵⁷

Even as Smith aspired to the American presidency, he prepared to relocate church headquarters to the fringes of or even outside the United States.¹⁵⁸ Mormons had long dreamt of a trans-Mississippi refuge where they could live in peace and share the gospel with the Indians.¹⁵⁹ Towards that end, Smith quietly dispatched elders from Nauvoo to build diplomatic relations with westward tribes.¹⁶⁰ On 20 February 1844, he asked the Twelve to assign a team to find a place in Alta California or the Oregon Country where the Saints could build a government of their own after completing the temple.¹⁶¹ Reflecting on their deliberations a few days later, he prophesied that "within five years we should be rid of our old enemies."¹⁶² That didn't mean Smith intended to abandon Nauvoo altogether. Even as the bulk of the church moved westward, he hoped to keep the Nauvoo Temple operational for temple ordinances.¹⁶³ Indeed, Smith was thinking about supplementing the central gathering hub with regional gathering centers. At April 1844 general conference, he redefined Zion as *all* of North and South America and declared that the church would hereafter establish stakes throughout the hemisphere.¹⁶⁴

With these various political and diplomatic concerns in mind, on 11 March 1844 Smith established a secret theocratic body, the "Kingdom of God" or "Council of Fifty,"

to protect the Mormons, establish an independent Mormon enclave, and serve as the world government of Christ's millennial reign. The Fifty sent emissaries to the governments of France, Russia, the Texas Republic, the United States, and the United Kingdom to assess potential gathering sites along the seams of their contested North American territories in Texas-Mexico, Alta California, and the Oregon Country. In May, Smith sanctioned Apostle Lyman Wight's request to form a settlement in Texas.¹⁶⁵ In the end, Smith believed, the Fifty—the prefigurative government of the Kingdom of God—would replace all other governments. With that ultimate purpose in mind, the Fifty anointed Joseph on 11 April 1844 as “Prophet, Priest, and King” over the kingdom of Israel, the very ruler, under Christ, of the Kingdom of God on earth.¹⁶⁶ Given the ambivalent loyalties of its mission, Smith staffed the Fifty with apostles, Masons, former Danites, Anointed Quorum members, and other individuals adept at keeping secrets.¹⁶⁷

The theocratic Kingdom of God was the literal and figurative setting for three critical succession pronouncements in 1844. In March, Joseph Smith issued his “Last Charge” before a gathering of Council of Fifty members. Benjamin F. Johnson recalled:

At one of the last meetings of the Council of Fifty after all had been completed and the keys of power committed and in the presence of the Quorum of the Twelve and others who were encircled around him, he arose, gave a review of his life and sufferings, and of the testimonies he had borne, and said that the Lord had now accepted his labors and sacrifices, and did not require him longer to carry the responsibilities and burden and bearing of this kingdom. Turning to those around him, including the Twelve, he said, “and in the name of the Lord Jesus Christ I now place it upon my brethren of this council, and I shake my skirts clear of all responsibility from this time forth.”¹⁶⁸

Soon thereafter, Joseph learned that Emma was pregnant. Since the child would be born “under the covenant” (i.e. after the parents' celestial marriage and second anointing),

Joseph anticipated that the boy would be the David spoken of in Scripture who would preside over the theocratic Kingdom of Israel in the last days. “I shall have a son born to ~~him~~ [sic] me,” Brigham Young remembered Joseph saying, “and his name should shall be called David; and on him, in some future time, will rest the responsibility that now rests upon me.”¹⁶⁹ Joseph may have envisioned one son ruling in Jerusalem and the other in the New Jerusalem, for in 1844 he also blessed his eldest son, Joseph III, to assume the mantle of theocratic king and church president. James Whitehead, Temple Lot Case deponent and financial clerk for the Prophet, described young Joseph’s blessing:

Hyrum Smith, the patriarch anointed him, and Joseph his father, blessed him and ordained him, and Newel K. Whitney held the horn and poured the oil on his head, and he was ordained to be his father’s successor in the office, holding all the blessings and powers that his father held.¹⁷⁰

Joseph’s hopes for his posterity were in keeping with a revelation he received four years earlier in January 1841. Therein the Lord declared of the Prophet:

For this anointing have I put upon his head, that his blessing shall also be put upon the head of his posterity after him. And as I said unto Abraham concerning the kindreds of the earth, even so I say unto my servant Joseph: In thee and in thy seed shall the kindred of the earth be blessed.¹⁷¹

The Prophet didn’t have the church sustain these selections.¹⁷² Nonetheless word of the Last Charge, Joseph III’s blessing, and the Prophet’s hopes for unborn David got around. The Council of Fifty and Joseph Smith’s presidential campaign and relocation plans wouldn’t receive much attention in the Temple Lot Case, but the Last Charge, and even more so the succession rights of Joseph’s posterity, would receive enormous attention.

Despite the Prophet's concern for secrecy, on 7 June 1844, William Law and his band of dissidents established a newspaper, the *Nauvoo Expositor*, detailing the polygamous practices, theocratic aspirations, and heretical polytheism of Joseph and Hyrum.¹⁷³ Recognizing that outright denial wouldn't work this time, the Smith brothers told the Nauvoo City Council that a revelation authorizing polygamy did exist, but that it only pertained to ancient times and the afterlife.¹⁷⁴ After hearing (one side of) the evidence, on June 10th the council declared the *Expositor* a public nuisance and ordered it destroyed.¹⁷⁵ Mayor Joseph Smith destroyed the press that same day with the muscle of the Nauvoo Police and Nauvoo Legion.¹⁷⁶ The act infuriated Hancock County non-Mormons.¹⁷⁷ The *Warsaw Signal* proclaimed: "War and extermination is inevitable! Citizens arise ONE and ALL!!!"¹⁷⁸ The *Expositor* owners filed charges against Smith and company on June 11th.¹⁷⁹ Fearing mob action, Smith declared martial law on the 18th.¹⁸⁰ Trying to stave off civil war, Governor Thomas Ford urged the accused to surrender for trial in Carthage, the county seat.¹⁸¹ Ford promised to protect the accused, but Smith recognized he would be a lamb at the slaughter in anti-Mormon Carthage.¹⁸² Joseph fled westward with Hyrum and Willard Richards, but upon hearing the Saints feared the mobs would target them in his absence, he returned and surrendered.¹⁸³ On 27 June 1844, disbanded militia overpowered the Carthage Jail guards and fired shots into the cell of Joseph, Hyrum, and their voluntary jail-mates, apostles Richards and John Taylor. The corpulent Richards walked away unscathed. Taylor survived four gunshot blasts. Joseph and Hyrum were killed. The Prophet was just thirty-eight years old.¹⁸⁴

Endnotes

¹ The First Presidency called the Saints to gather to Nauvoo in “A Proclamation, to the Saints Scattered Abroad,” *T&S* 2 (15 January 1841), 273-277, also in *CIC*, 24-29.

² Standard works on the Nauvoo period include Robert B. Flanders, *Nauvoo: Kingdom on the Mississippi* (Urbana: University of Illinois Press, 1965); John E. Hallwas and Roger D. Launius, eds., *Cultures in Conflict: A Documentary History of the Mormon War in Illinois* (Logan: Utah State University Press, 1995); Roger D. Launius and John E. Hallwas, eds., *Kingdom on the Mississippi Revisited: Nauvoo in Mormon History* (Urbana: University of Illinois Press, 1996); Glen M. Leonard, *Nauvoo: A Place of Peace, A People of Promise* (Salt Lake City: Deseret Book/Provo: Brigham Young University Press, 2002).

³ Susan Easton Black, “How Large Was the Population of Nauvoo?,” *BYU Studies* 35/2 (1995), 91-94.

⁴ Richard L. Jensen, “Transplanted to Zion: The Impact of British Latter-day Saint Immigration on Nauvoo,” *BYU Studies* 31 (Winter 1991), 77-78; Fred Woods, “Gathering to Nauvoo: Mormon Immigration 1840-1846,” *Nauvoo Journal* 11 (Fall 1999), 43-63.

⁵ “An Act to Incorporate the City of Nauvoo,” in *T&S* 2 (15 January 1841), 281-289, and *CIC*, 21-24. For analyses, see James L. Kimball, Jr., “The Nauvoo Charter: A Reinterpretation,” and Robert B. Flanders, “The Kingdom of God in Illinois: Politics in Utopia,” in Launius and Hallwas, *Kingdom on the Mississippi Revisited*, 38-47 and 149, respectively.

⁶ Hamilton Gardner, “Nauvoo Legion, 1840-1845: A Unique Military Organization,” in Launius and Hallwas, *Kingdom on the Mississippi Revisited*, ch. 3; *MH*, 1:105-106. See also Richard E. Bennett, Susan Easton Black, and Donald Q. Cannon, *The Nauvoo Legion in Illinois: A History of the Mormon Militia, 1841-1846* (Spokane, WA: Arthur H. Clark Company, forthcoming in 2010).

⁷ Arnold K. Garr, “Joseph Smith: Mayor of Nauvoo,” *MHS* 3 (Spring 2002), 29-46.

⁸ *MH*, 1:105-110. In February 1843, for instance, Nauvoo voters failed to elect general authorities William Law and Albert P. Rockwood to political office.

⁹ Joseph Smith to the Quincy Branch, 20 March 1839, in *PWJS*, 403; Joseph Smith to the editor, 22 January 1840, in *PWJS*, 457-458; Iowa High Council minutes, 6 March 1840, in *HC*, 4:93; General Conference minutes, 3 October 1840, in *HC*, 4:205. Lyndon W. Cook points out in *Joseph Smith and the Law of Consecration* (Provo: Grandin Books, 1985), 90-95, that select members of the church individually covenanted to obey the law of consecration in the Nauvoo endowment.

¹⁰ Monte B. McLaws, “The Attempted Assassination of Missouri’s Ex-Governor Lilburn W. Boggs,” *MHR* 60 (October 1965), 50-62. For more on the man, see Alexander L. Baugh, “Missouri Governor Lilburn W. Boggs and the Mormons,” *JWJ* 18 (1998), 111-132.

¹¹ George R. Gayler, “The Attempts of the State of Missouri to Extradite Joseph Smith, 1841-1843,” *MHS* 58 (October 1963), 21-36.

¹² Edwin B. Firmage and Richard Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830-1900* (Urbana: University of Illinois Press, 1988), 92-105; Wilford Woodruff journal, 30 June 1843, in *WJS*, 216-222.

¹³ *T&S* 1 (November 1839).

¹⁴ *MS* 1 (May 1840).

¹⁵ David J. Whittaker, “‘That Most Important of All Books’: A Printing History of The Book of Mormon,” *MHS* 6 (Fall 2005), 110; Richard P. Howard, *Restoration Scriptures: A Study of Their Textual Development* 2d. ed. (Independence: Herald Publishing House, 1995), 33-34. Some textual changes were significant. In one passage [2 Nephi 30:6 (LDS)/2 Nephi 12:84 (RLDS)], the promise of the 1830 and 1837 editions that repentant Lamanites would become “a white and a delightsome people” was changed to “a pure and a delightsome people.” Elsewhere [1 Nephi 20:1 (LDS)/1 Nephi 6:8 (RLDS)], Smith added a clause clarifying that the “waters of Judah” signified the “waters of baptism.” In another passage [1 Nephi 8:18 (LDS)/1 Nephi 2:61 (RLDS)], Smith inserted “and partake of the fruit,” a clause present in the original manuscript but inadvertently dropped in the printer’s manuscript and the 1830 and 1837 editions.

In August 1842, Joseph Smith issued the fourth American printing of *The Book of Mormon*, essentially a reprint of the third American edition (1840). The only difference between the 1840 and the

1842 printings was the title page. See Whittaker, "Printing History of The Book of Mormon," 111-112; Howard, *Restoration Scriptures*, 35.

¹⁶ General Conference minutes, 4 October 1840, in *T&S* 1 (October 1840), 186.

¹⁷ Whittaker, "Printing History of The Book of Mormon," 113-115; Howard, *Restoration Scriptures*, 37.

¹⁸ Joseph Smith to John Wentworth, in "Church History," *T&S* 3 (1 March 1842), 706-707. For an historical analysis of the text, see David J. Whittaker, "The 'Articles of Faith' in Early Mormon Literature and Thought," in Davis Bitton and Maureen Ursenbach Beecher, eds., *New Views of Mormon History: Essays in Honor of Leonard J. Arrington* (Salt Lake City: University of Utah, 1987), 63-92.

¹⁹ "The Book of Abraham," *T&S* 3 (1 March 1842), 703-706, and (15 March 1842), 719-722, and (16 May 1842), 783-784.

²⁰ Joseph Smith discourse, 26 May 1844, in *HC*, 6:409.

²¹ Dean C. Jessee, "Priceless Words and Fallible Memories: Joseph Smith as Seen in the Effort to Preserve His Discourses," *BYU Studies* 31 (Spring 1991), 23-28. For typescripts of the contemporary reports of the Prophet's Nauvoo discourses, see *WJS*.

²² Joseph Smith journal, 13 December 1841, in *JSJ*, 2:11,12; Willard Richards journal, 13 December 1841, in Howard Clair Searle, "Early Mormon Historiography: Writing the History of the Mormons, 1830-1858" (Ph.D. dissertation: University of California at Los Angeles, 1979), 87; Willard Richards to Levi Richards, 9 March 1842, in *HMH*, 82; *HC*, 4:470; "An Interesting Journal, by William Clayton," in *JWC*, 530-531.

²³ For the entire document, see the Joseph Smith journal, 13 December 1841-20 December 1842, in *JSJ*, 2:2-183. For Richards's contribution (13 December 1841-29 June 1842), see *JSJ*, 2:10-73.

²⁴ William Clayton affidavit, 16 February 1874, and "An Interesting Journal, by William Clayton," in *JWC*, 555-556 and 531, respectively.

²⁵ Joseph Smith journal, 29 June 1842, in *PJS*, 2:395; *HC*, 5:49; William Clayton affidavit, 16 February 1874, and "An Interesting Journal, by William Clayton," in *JWC*, 556 and 535, respectively. Clayton, with the periodic assistance of scribes Eliza R. Snow and Erastus Derby, maintained the Joseph Smith journal from 29 June-20 December 1842, in *JSJ*, 2:73-183.

²⁶ William Clayton affidavit, 16 February 1874, and "An Interesting Journal, by William Clayton," in *JWC*, 556 and 535-536, respectively. "When I have any revelations to write," Smith told Clayton, "you are the one to write them." On Clayton, see James B. Allen, *No Toil Nor Labor Fear: The Story of William Clayton* Biographies in Latter-day Saint History (Provo: Brigham Young University Press, 2002).

²⁷ Joseph Smith journal, 21 December 1842, in *JSJ*, 2:191; Willard Richards journal, 21 December 1842, in Searle, "Mormon Historiography," 222.

²⁸ Joseph Smith journal, 21 December 1842-22 June 1844, in *JSJ*, 2:189-375 (up to 30 April 1843), and vol. 3 (forthcoming), and in full in *APR*, 256-496. The William Clayton journal for this period has never been published in full. It remains subject to restricted access in the office of the LDS First Presidency. Many excerpts have nonetheless been published. See the William Clayton journal, 27 November 1842-27 June 1844, in *JWC*, 93-135, and Jerald and Sandra Tanner, *Clayton's Secret Writings Uncovered* (Salt Lake City: Modern Microfilm Company, 1982).

²⁹ To appreciate how much popular knowledge of Joseph Smith during this period relies on, for example, William Clayton's journal, see appendix 1 of Allen, *William Clayton*, documenting the dependency of the "History of Joseph Smith" on Clayton's journal.

³⁰ For analyses, see Dean C. Jessee, "The Writing of Joseph Smith's History," *BYU Studies* 11 (Summer 1971), 439-473; Searle, "Mormon Historiography," ch. 6; Ronald W. Walker, David J. Whittaker, and James B. Allen, *Mormon History* (Urbana: University of Illinois Press, 2001), 7-9.

³¹ Joseph Smith journal, 27, 30 April-4 May 1838, in *JSJ*, 1:260, 263-266, and *HC*, 3:25-26, and *HRC*, 2:151.

³² James Mulholland journal, 10-14 June 1839, in Searle, "Mormon Historiography," 202, and partially in *PJS*, 1:267. Before taking new dictation, Mulholland copied Robinson's manuscript at least in part, if not completely. Mulholland's copy remains the only extant manuscript of the 1838 dictation. At

minimum, portions of the first eight pages of Mulholland's manuscript rely on Robinson's text (*PJS*, 1:286). How much further Mulholland depended on Robinson's text isn't clear. For a transcript of Mulholland's manuscript, see the Joseph Smith history, 1838-1839, in *PJS*, 1:265ff.

³³ For the Mulholland section of the manuscript, see the Joseph Smith history, 1839, in *PJS*, 1:267-324. For Mulholland's earlier draft of the work, see *PJS*, 1:230-264. For analyses, see Jessee, "Writing of Joseph Smith's History," 441, 450, 464; Searle, "Mormon Historiography," 201-205, 228.

³⁴ For the Thompson section of the manuscript, see the Joseph Smith history, 1840-1841, in *PJS*, 1:324-343. For analyses, see Jessee, "Writing of Joseph Smith's History," 441, 450, 452, 464, 466; Searle, "Mormon Historiography," 204-208, 228. Howard Coray also contributed to the effort, though his contribution is more difficult to discern, as none of the extant manuscript is in his hand. See Jessee, "Writing of Joseph Smith's History," 452-453; Searle, "Mormon Historiography," 208-211, 228.

³⁵ For the Phelps section of the manuscript, see the Joseph Smith history, 1841-1842, in *PJS*, 1:343-367. For analyses, see Jessee, "Writing of Joseph Smith's History," 441, 446, 466; Searle, "Mormon Historiography," 205, 211-217, 228.

³⁶ "History of Joseph Smith," *T&S* 3 (15 March 1842), 726-728.

³⁷ "History of Joseph Smith," *MS* 3 (June 1842), 21-23.

³⁸ Searle, "Mormon Historiography," 221-222.

³⁹ Joseph Smith journal, 21 December 1842, in *JSJ*, 2:191; Willard Richards journal, 21 December 1842, in Searle, "Mormon Historiography," 87, 222.

⁴⁰ For the beginning portion of Richards' section of the manuscript, see the Joseph Smith history, 1842-1843, in *PJS*, 1:367-386. A critical edition of the vast remaining portion of Richards's manuscript has never been published. For analyses of Richards's historical work under Smith, see Jessee, "Writing of Joseph Smith's History," 441, 454-456, 466; Searle, "Mormon Historiography," 205, 217-229.

⁴¹ "History of Joseph Smith," *T&S* 5 (1 May 1844), 512-514; "History of Joseph Smith," *MS* 5 (June 1844), 4-7. See also Searle, "Mormon Historiography," 220.

⁴² Dean C. Jessee, "The Reliability of Joseph Smith's History," *JMH* 3 (1976), 23-46; Searle, "Mormon Historiography," 200, 234-237, 311, 332-336; Walker, Whittaker, and Allen, *Mormon History*, 7-9; Jerald and Sandra Tanner, *Changes in Joseph Smith's History* (Salt Lake City: Modern Microfilm, n.d.); Jerald and Sandra Tanner, *Falsification of Joseph Smith's History* (Salt Lake City: Modern Microfilm, 1971).

⁴³ General Conference minutes, 5 October 1839, in *HC*, 4:12; "Biographical Dictionary," in *JSJ*, 421-422. For the Nauvoo Stake as a "corner-stone of Zion," see the Joseph Smith revelation, 19 January 1841, in "EXTRACTS," *T&S* 2 (1 June 1841), 424-425, 427, and *D&C* (LDS) 124:2, 23, 60, 131, and *D&C* (RLDS) 107:1b, 9b, 18e, 41a.

⁴⁴ General Conference minutes, 5 October 1839, in *HC*, 4:12; *MH*, 1:466-467, 586.

⁴⁵ Joseph Smith revelation, 19 January 1841, in "EXTRACTS," *T&S* 2 (1 June 1841), 428, and *D&C* (LDS) 124:91, 126, and *D&C* (RLDS) 107:29a, 39b; *MH*, 1:466, 560.

⁴⁶ Joseph Smith revelation, 19 January 1841, in *D&C* (LDS) 124:141 and *D&C* (RLDS) 107:45; *MH*, 1:466, 468, 559. Despite the revelatory precedent, in practice neither Knight nor anyone else ever served as a presiding bishop during Joseph Smith's administration.

⁴⁷ General conference minutes, 8 April 1841, in *HC*, 4:341; *MH*, 1:466, 537.

⁴⁸ General conference minutes, 8 April 1841, in *HC*, 4:341; *MH*, 1:466, 603.

⁴⁹ Joseph Smith revelation, 19 January 1841, in "EXTRACTS," *T&S* 2 (1 June 1841), 428, and *D&C* (LDS) 124:91-93, 124, and *D&C* (RLDS) 107:29a-c, 38. Joseph Sr. and his sons held the patriarchal priesthood by birthright. Nonetheless, on 14 September 1840 Joseph Sr. privately ordained Hyrum his successor as presiding patriarch. On 24 January 1841, moreover, the Prophet Joseph ordained Hyrum both presiding patriarch and assistant president of the church. See *MH*, 1:32-34, 46-57, 218-219, 229-230, 583-585, 631; Irene M. Bates and E. Gary Smith, *Lost Legacy: The Mormon Office of Presiding Patriarch* (Urbana: University of Illinois Press, 1996), ch. 2-3.

⁵⁰ Joseph Smith revelation, 19 January 1841, in *D&C* (LDS) 124:123-124 and *D&C* (RLDS) 107:37-38.

⁵¹ Joseph Smith revelation, 19 January 1841, in “EXTRACTS,” *T&S* 2 (1 June 1841), 428, and *D&C* (LDS) 124:94-96, and *D&C* (RLDS) 107:29c-e.

⁵² Joseph Smith journal, 16, 23 July 1843, and William Clayton journal, 16 July 1843, and Willard Richards to Brigham Young, 19 July 1843, in *WJS*, 232-234; Charlotte Haven to “My Dear Friends at home,” 8 September 1843, in *CIC*, 129-130.

⁵³ On Hyrum’s succession rights, see the Brigham Young discourse, 6 October 1844, in *T&S* 5 (15 October 1844), 683, and *HC*, 7:288.

⁵⁴ Sidney Rigdon ordination notice, in *T&S* 2 (1 June 1841), 431, and *HC*, 4:364.

⁵⁵ Joseph Smith revelation, 19 January 1841, in “EXTRACTS,” *T&S* 2 (1 June 1841), 429, and *D&C* (LDS) 124:103-110, and *D&C* (RLDS) 107:32.

⁵⁶ General Conference minutes, 8 April 1841, in *HC*, 4:341; Sidney Rigdon to Stephen Post, March 1867, in *MH*, 1:162.

⁵⁷ William Clayton journal, 13 August 1843, in *JWC*, 116.

⁵⁸ General Conference minutes, 7-8 October 1843, in *HC*, 6:47-49. See also “Continuation of Elder Rigdon’s Trial,” *T&S* 5 (1 October 1844), 663-664.

⁵⁹ James B. Allen, Ronald K. Esplin, and David J. Whittaker, *Men With A Mission: The Quorum of the Twelve Apostles in the British Isles, 1837-1841* (Salt Lake City: Deseret Book, 1992), chs. 6-10.

⁶⁰ Wilford Woodruff journal, 19 April 1841, in *WWJ*, 2:90.

⁶¹ Conference minutes, 16 August 1841, in “Conference Minutes,” *T&S* 2 (1 September 1841), 521-522, and *HC*, 4:403. See also “An Epistle of the twelve, to the saints scattered abroad among the nations,” 26 August 1841, in *T&S* 2 (1 September 1841), 520-521, and *HC*, 4:409-410; Quorum of the Twelve Apostles minutes, 31 August 1841, in *HC*, 4:412-413; Wilford Woodruff journal, 8 October 1841, in *WWJ*, 2:132; Quorum of the Twelve Apostles to the British Mission, 15 November 1841, in “Communications,” *T&S* 3 (15 November 1841), 600-602, and *HC*, 4:448-453.

⁶² Quorum of the Twelve Apostles minutes, 31 August 1841, in *HC*, 4:412-413; General Conference minutes, 4-5 October 1841, in *T&S* 2 (15 October 1841), 579, and *HC*, 4:427-428; Joseph Smith journal, 13 December 1841, in *JSJ*, 2:10, 12; Joseph Smith, “To Whom It May Concern,” *T&S* 3 (15 December 1841), 638. Joseph and the Twelve quickly liberalized the tithing program to one-tenth of an individual’s initial consecration and one-tenth thereafter of one’s increase. See the minutes of a meeting of the Quorum of the Twelve and Joseph Fielding, 31 November 1841, in *MH*, 2:199; Quorum of the Twelve Apostles to “the Saints of the Last Days,” 13 December 1841, in “Baptism for the Dead,” *T&S* 3 (15 December 1841), 626; Quorum of the Twelve Apostles to the Church of Jesus Christ of Latter-day Saints, 14 January 1845, in *T&S* 6 (15 January 1845), 779-780.

⁶³ Quorum of the Twelve Apostles to the British Mission, 15 November 1841, in *T&S* 3 (15 November 1841), 600-602, and *HC*, 4:448-453; Joseph Smith journal, 13 December 1841, in *JSJ*, 2:11, and *HC*, 4:470, 472; Quorum of the Twelve Apostles to “the Saints of the Last Days,” 13 December 1841, in “Baptism for the Dead,” *T&S* 3 (15 December 1841), 625-627, and *HC*, 4:472-475; “An Epistle of the Twelve to the Saints in America,” *T&S* 3 (2 May 1842), 767-769, and *HC*, 4:589-593; Willard Richards, “Tithings and Consecrations for the Temple of the Lord,” 12 January 1842, in *T&S* 3 (15 January 1842), 667

⁶⁴ In January 1842, Joseph Smith received a revelation directing the Twelve to assume editorial responsibility for the *Times and Seasons*. The Twelve duly purchased the printing establishment in early February. Apostle John Taylor subsequently served as co-editor and editor of the paper, and Apostle Wilford Woodruff as business manager. Apostle William Smith edited its secular counterpart, *The Wasp*, from April 1842 to April 1843. Taylor and Woodruff ran the renamed-*Wasp* as the *Nauvoo Neighbor* from May 1843 to October 1845. See the Joseph Smith revelation, 28 January 1842, in *HC*, 4:503; Wilford Woodruff journal, 3 February 1842, in *WWJ*, 2:153; Terence A. Tanner, “The Mormon Press in Nauvoo, 1839-46,” in Launius and Hallwas, *Kingdom on the Mississippi Revisited*, ch. 6.

⁶⁵ Quorum of the Twelve Apostles to “the saints scattered abroad,” 26 August 1841, in *T&S* 2 (1 September 1841), 520-521, and *HC*, 4:409-410; Quorum of the Twelve Apostles minutes, 31 August 1841, in *HC*, 4:412; “An Epistle of the Twelve,” 12 October 1841, in *T&S* 2 (15 October 1841), 567-570, and

HC, 4:433-438; Quorum of the Twelve Apostles to the British Mission, 15 November 1841, in *T&S* 3 (15 November 1841), 600-602, and *HC*, 4:449; Wilford Woodruff journal, 18 June 1842, in *WWJ*, 2:179-180.

⁶⁶ The apostles who served on the Nauvoo City Council during Joseph Smith's presidency were Brigham Young, Heber C. Kimball, Orson Hyde, Parley P. Pratt, William Smith, Orson Pratt, Wilford Woodruff, John Taylor, George A. Smith, Willard Richards, and Lyman Wight. John E. Page and Amasa Lyman, who belonged to the quorum briefly from 1842-43, were the lone exceptions. See the Nauvoo City Council minutes, 1841-44, in *NCM*, 3-271; D. Michael Quinn, "The Mormon Hierarchy, 1832-1932: An American Elite" (Ph.D. dissertation: Yale University, 1976), 17. Joseph Smith was so eager to sit apostles on the city council that he nearly doubled the size of the council in October 1841 to accommodate them. See the Nauvoo City Council minutes, 23, 30 October 1841, in *NCM*, 30-31; *MH*, 1:108.

⁶⁷ *HMH*, ch. 1; "Celebration of the Anniversary of the Church—Military Parade—Prest. Rigdon's Address—Laying the Corner Stones of the Temple," *T&S* 2 (15 April 1841), 375-377, also in *CIC*, 55-58.

⁶⁸ Joseph Smith to the Quorum of Twelve Apostles, 15 December 1840, in *PWJS*, 486, and *HC* 4:231; Jane Neymon statement, 29 November 1854, and Simon Baker discourse, undated, in *LDS Journal History*, 15 August 1840, *LDS Archives*. Smith based the doctrine in part on 1 Corinthians 15:29. For secondary treatments, see M. Guy Bishop, "'What has Become of Our Fathers?': Baptism for the Dead at Mormon Nauvoo," *Dialogue* 23 (Summer 1990), 85-97; *HMH*, 28-36, 55-60, 69-70, 73-77, 112-115, 205-206, 233-237. Apart (usually) from baptisms for the dead, Joseph Smith also sanctioned baptisms for healing and rebaptism for the renewal of covenants and forgiveness of sins. See D. Michael Quinn, "The Practice of Rebaptism at Nauvoo," *BYU Studies* 18/2 (1978), 1-7.

⁶⁹ Nauvoo Baptisms for the Dead, Book A, 1841, summarized in Bishop, "Baptism for the Dead," 89; Alexander L. Baugh, "'For This Ordinance Belongeth to My House': The Practice of Baptism for the Dead Outside the Nauvoo Temple," *MHS* 3 (Spring 2002), 47-58.

⁷⁰ Joseph Smith revelation, 19 January 1841, in "EXTRACTS," *T&S* 2 (1 June 1841), 426, and *D&C* (LDS) 124:29-36 and *D&C* (RLDS) 107:10e-c; General Conference minutes, 7 April 1841, in *T&S* 2 (15 April 1841), 386. *HMH*, 35-36, points out that before the 1841 revelation, baptism for the dead was not explicitly linked to the temple, suggesting that perhaps Joseph Smith initially thought it could be performed anywhere, just like baptisms for the living.

⁷¹ "The Temple of the Lord," *T&S* 2 (1 July 1841), 455; *HC*, 4:446; "An Interesting Journal, by William Clayton," in *JWC*, 532. The "molten sea" of Solomon's Temple described in 1 Kings 7:23-26 sat upon twelve oxen. The unusual design of the Nauvoo Temple baptismal font attracted national attention. See *HMH*, 57-58.

⁷² For the suspension, see the General Conference minutes, 3 October 1841, in *T&S* 2 (15 October 1841), 578, and *HC*, 4:426; Hyrum Smith to the Kirtland Branch, October 1841, in "Conference Minutes," *T&S* 3 (15 November 1841), 589, and *HC*, 4:443-444. For the dedication, see the Quorum of the Twelve Apostles to "the Saints of the Last Days," 13 December 1841, in "Baptism for the Dead," *T&S* 3 (15 December 1841), 625-627; Manuscript History of Brigham Young, c. 1856-1857, in Elden J. Watson, ed., *Manuscript History of Brigham Young, 1801-1844* (Salt Lake City: Smith Secretarial Service, 1968), 111-112 (8 November 1841); *HC*, 4:446-447; "An Interesting Journal, by William Clayton," in *JWC*, 532; Reuben McBride to Martha Knight, 1 November 1886, in *HMH*, 75.

⁷³ Wilford Woodruff journal, 21 November 1841, in *WWJ*, 2:138; *HC* 4:454; Manuscript History of Brigham Young, c. 1856-1857, in Watson, *Manuscript History*, 112 (21 November 1841); Alexander L. Baugh, "'Blessed Is the First Man Baptized in This Font': Reuben McBride, First Proxy to be Baptized for the Dead in the Nauvoo Temple," *MHS* 3 (Fall 2002), 253-261.

⁷⁴ Proxy baptisms were still performed in the river when the font was closed for cleaning, repair, renovation, or construction of the permanent stone font. See *HMH*, 77; Bishop, "Baptism for the Dead," 93. For one such exception, see "Elder's [sic] Conference," *T&S* 4 (1 April 1843), 158, and *HC* 5:350.

⁷⁵ The Nauvoo Saints usually documented their ordinances on loose slips of paper or in private journals. The data was not always reproduced into more secure ledger books. See the observations of the William Clayton journal, 5 December 1844, in *JWC*, 152. Despite the sometimes lax record-keeping, the cumulative results were still impressive. As an illustration, see Susan Easton Black and Harvey Bischoff

Black, eds., *Annotated Record of Baptisms for the Dead, 1840-1845, Nauvoo, Hancock County, Illinois* 7 vols. (Provo: Center for Family History and Genealogy, 2002).

⁷⁶ Joseph Fielding journal, December 1845, in Andrew F. Ehat, “‘They Might Have Known That He Was Not a Fallen Prophet’: The Nauvoo Journal of Joseph Fielding,” *BYU Studies* 19 (Winter 1979), 160; “January,” *T&S* 6 (15 January 1846), 1096; *Hancock Eagle*, 24 April 1846, in *HMH*, 237. McBride estimates that the stone font was completed in January 1846.

⁷⁷ Quorum of the Twelve Apostles to “the Saints of the Last Days,” 13 December 1841, in “Baptism for the Dead,” *T&S* 3 (15 December 1841), 625-627, and *HC*, 4:472-475.

⁷⁸ Hyrum Smith to the Kirtland Branch, October 1841, in “Conference Minutes,” *T&S* 3 (15 November 1841), 589, and *HC*, 4:443-444; Quorum of the Twelve Apostles to the British Mission, 15 November 1841, in “Communications,” *T&S* 3 (15 November 1841), 600-601, and *HC*, 4:449; Wilford Woodruff journal, 7 December 1841, in *WWJ*, 2:141; Quorum of the Twelve Apostles to “the Saints of the Last Days,” 13 December 1841, in “Baptism for the Dead,” *T&S* 3 (15 December 1841), 625, and *HC*, 4:472.

⁷⁹ Most of the evidence for Smith’s involvement in polygamy postdates his death. Most notably, Smith’s nephew, LDS apostle Joseph F. Smith, collected affidavits from the Prophet’s plural wives and polygamous colleagues in 1869-1870 in an effort to counter RLDS denials of the Prophet’s involvement in the practice. These affidavits, which are stored in the LDS archives, have yet to be published in an authoritative scholarly edition, but most nonetheless can be found in Andrew Jenson, “Plural Marriage,” *Historical Record* 6 (May 1887), 219-234; Joseph Fielding Smith, *Blood Atonement and the Origin of Plural Marriage* (Salt Lake City: Deseret News Press, 1905); and Charles A. Shook, *The True Origin of Mormon Polygamy* (Cincinnati: Standard Publishing Company, 1914).

Yet contemporaneous evidence produced *during Joseph Smith’s lifetime* leaves little, if any, doubt of his deep involvement in polygamy.

There are contemporary journals and diaries: Joseph Smith journal, in *APR*, 387 (12 June 1843), 396 (12 July 1843, and the list of plural marriages following the 14 July 1843 entry); William Clayton journal, in *JWC*, 94 (7, 9 March 1843), 99 (24, 27 April 1843), 100 (1 May 1843), 101-102 (7, 16 May 1843), 103 (17 May 1843), 105-106 (23 May 1843), 108 (23 June 1843), 110 (12 July 1843), 111 (17 July 1843), 112-113 (26, 27 July 1843), 114-115 (11 August 1843), 117 (16, 18 August 1843), 120 (15 September 1843), 121 (21 September 1843), 122-123 (19, 20 October and 21 November 1843); William Law diary, in Lyndon W. Cook, *William Law: Biographical Essay, Nauvoo Diary, Correspondence, Interview* (Orem, UT: Grandin Book, 1994), 46-47 (8 January 1844), 53 (13 May 1844); Wilford Woodruff journal, 21 January 1844, in *WWJ*, 2:340; Oliver Olney journal, 16 June 1842, in Richard S. Van Wagoner, *Mormon Polygamy: A History* 2d ed. (Salt Lake City: Signature Books, 1989), 24; Willard Richards diary, 12 June 1843, in Gary James Bergera, “Identifying the Earliest Mormon Polygamists, 1841-44,” *Dialogue* 38 (Fall 2005), 24-25; Erastus Snow journal, coded entry for 15 February 1844, in Danel W. Bachman, “A Study of the Mormon Practice of Plural Marriage Before the Death of Joseph Smith” (M. A. thesis: Purdue University, 1975), 191-192.

There are contemporary letters: Joseph Smith to Nancy Rigdon, c. 11 April 1842, in John C. Bennett, *History of the Saints; or, An Expose of Joe Smith and Mormonism* (Boston: Leland & Whiting, 1842), 243-245; Martha Brotherton to John C. Bennett, 13 July 1842, in Bennett, *History of the Saints*, 236-240; George W. Robinson to James Arlington Bennett, 27 July 1842, in Bennett, *History of the Saints*, 245-247; Joseph Smith to Newel K. and Elizabeth Ann Whitney “&c,” 18 August 1842, in *PWJS*, 538-542; Heber C. Kimball to Vilate Kimball, 25 October 1842, in Bachman, “Plural Marriage,” 184-185; Vilate Kimball to Heber C. Kimball, 27-29 June 1843, in Lawrence B. Foster, *Religion and Sexuality: The Shakers, the Mormons, and the Oneida Community* (Urbana: University of Illinois Press, 1984), 153-154; Charlotte Haven to “My Dear Friends at home,” 8 September 1843, in *CIC*, 129-130; Heber C. Kimball to Helen Mar Kimball, 9 June 1844, in Bachman, “Plural Marriage,” 152; Isaac and Sarah Scott to Abigail and Calvin Hall, 16 June 1844, in *CIC*, 170.

There are contemporary books and newspapers: The Martha Brotherton account, in the *American Bulletin* (St. Louis), 15 July 1842, in Van Wagoner, *Mormon Polygamy*, 20; John C. Bennett account, in

the *Sangamo Journal*, 15 July 1842, in Van Wagoner, *Mormon Polygamy*, 29-30; Bennett, *History of the Saints*, 217-256; “Buckeye’s Lamentation for Want of More Wives,” *Warsaw Message*, 4 February 1844, in Bachman, “Plural Marriage,” appendix E; *Nauvoo Expositor* 1 (7 June 1844), passim; *Nauvoo Neighbor Extra*, 19 June 1844, in Shook, *Mormon Polygamy*, 114-115, and Van Wagoner, *Mormon Polygamy*, 68, and photographically reproduced in Jerald and Sandra Tanner, *Changes in Joseph Smith’s History* (Salt Lake City: Modern Microfilm Company, [1965]), unpaginated page between pages 6 and 7.

Finally, there are contemporary revelations authorizing plural marriage: Joseph Smith revelation to Newel K. Whitney, 27 July 1842, in H. Michael Marquardt, *The Joseph Smith Revelations: Text & Commentary* (Salt Lake City: Signature Books, 1999), 315-316; Joseph Smith revelation, 12 July 1843, in *D&C* (LDS) 132. For a photographic reproduction of the latter, as copied by Joseph C. Kingsbury in 1843, see Figure 6 in Bachman, “Plural Marriage,” 209.

⁸⁰ William Clayton journal, 16 May 1843, in *JWC*, 102, and in abbreviated form as *D&C* (LDS) 131:1-4; Joseph Smith revelation, 12 July 1843, in *D&C* (LDS) 132:15-20; Franklin D. Richards, “Scriptural Items,” and William Clayton journal, 16 July 1843, both in *WJS*, 232, 233; Wilford Woodruff journal, 21 January 1844, in *WWJ*, 2:340-342.

⁸¹ William Clayton journal, 16 May and 11 August 1843, in *JWC*, 102, 115; Joseph Smith revelation, 12 July 1843, in *D&C* (LDS) 132:28-40, 55, 61-63; Samuel W. Richards record, 7 April 1844, in *WJS*, 361; Increase McGee and Maria Van Deusen McGee, *A Dialogue Between Adam and Eve, the Lord and the Devil, Called the Endowment* (Albany, NY: C. Killmer, 1847), 16; Benjamin F. Johnson affidavit, c. 1869-1870, in *WJS*, 269n9; Benjamin F. Johnson to George F. Gibbs, 1903, in Dean R. Zimmerman, *I Knew the Prophets: An Analysis of the Letter of Benjamin F. Johnson to George F. [sic] Gibbs, Reporting Doctrinal View of Joseph Smith and Brigham Young* (Bountiful, UT: Horizon, 1976), 47. The doctrine may also be inferred from *D&C* (LDS) 130:18-19.

⁸² Todd Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1997); George D. Smith, *Nauvoo Polygamy: “...but we called it celestial marriage”* (Salt Lake City: Signature Books, 2008), chs. 2-3; Bachman, “Plural Marriage.” Other tallies of Joseph Smith’s plural wives run higher, but these three studies, despite disagreements on this or that possible wife, chronicle the better documented marriages.

⁸³ Two listings are Smith, *Nauvoo Polygamy*, chs. 4-5; Bergera, “Earliest Mormon Polygamists.”

⁸⁴ Smith authorized the eternal sealing of several couples who remained monogamous during his lifetime, including Newel and Elizabeth Whitney, Howard and Martha Coray, Cornelius and Permelia Lott, William and Rosannah Marks, Wilford and Phoebe Woodruff, and George A. and Bathsheba Smith. But the Prophet used acceptance of the doctrine of plural marriage as a prerequisite for authorizing their eternal marriages. With the exception of William and Rosannah Marks, all the aforementioned couples were complicit in plural marriage or at least receptive to the doctrine. For more on this matter, see Gary James Bergera, “The Earliest Eternal Sealings for Civilly Married Couples,” *Dialogue* 35 (Fall 2002), 41-66.

⁸⁵ Quinn, “Mormon Hierarchy,” ch. 2; Kathryn M. Daynes, “Family Ties: Belief and Practice in Nauvoo,” *JW* 8 (1988), 63-75.

⁸⁶ See the following sources conveniently assembled in *JSQA*, 4-7: Joseph Smith journal, 4 May 1842; Willard Richards, expansion of 4 May 1842 entry in Joseph Smith’s journal, c. 1845; Heber C. Kimball, “Strange Events,” postscript to 1840-1845 diary, undated; Heber C. Kimball diary, 21 December 1845; George Miller to James J. Strang, 26 June 1855; Manuscript History of Brigham Young, c. 1856-1857 (4 May 1842); L. John Nuttall diary, 7 February 1877.

⁸⁷ The rites and secrecy, if not the purpose, of the Nauvoo endowment bore a resemblance to Masonry. Joseph Smith told initiates that Masonry was a degenerate remnant of God’s ancient endowment. See Heber C. Kimball to Parley P. Pratt, 17 June 1842, in David John Buerger, *The Mysteries of Godliness: A History of Mormon Temple Worship* (San Francisco: Smith Research Associates, 1994), 40.

⁸⁸ Wilford Woodruff journal, 28 December 1843 and 8 April 1844, in *WWJ*, 2:333, 388.

⁸⁹ For the activities of this initial composition of the quorum, see *JSQA*, 1-25. A tenth member, Vinson Knight, may have been admitted by August 1842. See George W. Robinson to John C. Bennett, in Bennett, *History of the Saints*, 247-248; *JSQA*, xxiv.

⁹⁰ See the following sources in *JSQA*, 25-27: Joseph Smith journal, 28 September 1843; “Meetings of Anointed Quorum,” 28 September 1843; William Clayton journal, 19 October 1843; *HC*, 6:39; Wilford Woodruff, historian’s private journal, 26 February 1867. On the second anointing as the highest ordinance of the gospel, see the Wilford Woodruff journal, 11 June 1843 and 10 March 1844, in *WJS*, 213, 329, 331; James Burgess notebook, 27 August 1843, in *WJS*, 246; Joseph Smith journal, 28 September 1843, in *APR*, 416. Also see the Wilford Woodruff journal, 6 August 1843, in *WWJ*, 2:271; Heber C. Kimball diary, 26 December 1845, in *NEC*, 192.

⁹¹ David John Buerger, “‘The Fulness of the Priesthood’: The Second Anointing in Latter-day Saint Theology and Practice,” *Dialogue* 26 (Spring 1983), 10-44, and *Mysteries of Godliness*, 58-68; Andrew F. Ehat, “Joseph Smith’s Introduction of Temple Ordinances and the 1844 Mormon Succession Question” (M.A. thesis: Brigham Young University, 1982), ch. 4 and 98-100, 102-103; *JSQA*, xxviii-xxix, xxxv-xxxvi, xxxix-xliii. For the general theology behind the second anointing, see the Joseph Smith discourses, 14, 17, 21 May and 13, 27 August 1843, in *WJS*, 200-208, 238-247; *D&C* (LDS) 132:19-20, 26. Quote, William Clayton journal, 13 August 1843, in *WJS*, 242.

⁹² *D&C* (LDS) 132:26-27. See also the Wilford Woodruff journal, James Burgess notebook, and Franklin D. Richards’s “Scriptural Items,” 10 March 1844, in *WJS*, 330-331, 334-335; Wilford Woodruff journal and Thomas Bullock notes, 7 April 1844, in *WJS*, 346-348, 353-355; William Clayton journal, 16 May 1843, in *JWC*, 102; Buerger, “Second Anointing,” 36-39; Isaac and Sarah Scott to Abigail and Calvin Hall, 16 June 1844, in *CIC*, 170. Receiving the second anointing narrowed one’s fate to exaltation or damnation; it removed the intermediate degrees of glory from consideration.

⁹³ For quorum membership and activities under Joseph Smith from 28 September 1843 onward, see *JSQA*, xxxiii-xxxvi, xxxix-xliii, 25-79.

⁹⁴ Wilford Woodruff journal (quote) and William Clayton notes, 8 April 1844, in *WJS*, 363-364. Similarly, see the Wilford Woodruff journal, 21 January 1844, and Thomas Bullock notes, 12 May 1844, in *WJS*, 318, 368, respectively. For a similar contemporaneous remark by chief apostle Brigham Young, see the Wilford Woodruff journal, 28 December 1843, in *WWJ*, 2:333.

⁹⁵ Joseph Smith discourse, 5 October 1840, in *WJS*, 43; Joseph Smith discourse, 3 October 1841, in *T&S* 2 (15 October 1841), in *WJS*, 78-79; Joseph Smith to The Church of Jesus Christ of Latter-day Saints, 6 September 1842, in *T&S* 3 (1 October 1842), and *D&C* (LDS) 128:17-18; Wilford Woodruff journal, 21 January and 10 March 1844, in *WJS*, 318, 329; Joseph Smith journal, Thomas Bullock notes, and William Clayton notes, 7 April 1844, in *WJS*, 342, 353, 360. The biblical reference is Malachi 4:5-6.

⁹⁶ Joseph Smith journal, 29 May 1843, in *JSQA*, 21-22; “Reminiscence of Mercy Rachel Fielding Thompson,” in Carol Cornwall Madsen, ed., *In Their Own Words: Women and the Story of Nauvoo* (Salt Lake City: Deseret Book, 1994), 195. On the decipherment of the Joseph Smith journal entry, see Ehat, “Temple Ordinances,” 61-63, 263-265n182.

There may have been earlier proxy eternal sealings. Joseph Smith took widows Agnes Coolbrith Smith and Delcena Johnson Sherman as plural wives in 1842, and circumstantial evidence indicates that the women were sealed to Smith for time and sealed to their late husbands by proxy for eternity. See Bergera, “Earliest Eternal Sealings,” 50-51; Compton, *Sacred Loneliness*, 154, 156, 295, 298, 675-676, 710. And in either March or May 1843, Smith sealed Joseph C. Kingsbury by proxy for eternity to his late wife. See Lyndon W. Cook, *Joseph C. Kingsbury: A Biography* (Provo: Grandin Book, 1985), 75-77; H. Michael Marquardt, *The Strange Marriages of Sarah Ann Whitney to Joseph Smith the Mormon Prophet, Joseph C. Kingsbury and Heber C. Kimball* rev. ed. (Salt Lake City: Modern Microfilm, 1982), updated in H. Michael Marquardt, *The Rise of Mormonism: 1816-1844* (Longwood, FL: Xulon Press, 2005), ch. 24; Compton, *Sacred Loneliness*, 351-353, 362, 719-720; Bergera, “Earliest Eternal Sealings,” 50-53.

⁹⁷ Melodie Moench Charles, “Book of Mormon Christology,” in Brent Lee Metcalfe, ed., *New Approaches to the Book of Mormon: Explorations in Critical Methodology* (Salt Lake City: Signature Books, 1993), 96-108; Dan Vogel, “The Earliest Mormon Concept of God,” in Gary James Bergera, ed., *Line Upon Line: Essays on Mormon Doctrine* (Salt Lake City: Signature Books, 1989), ch. 3. For contrary interpretations, see Robert L. Millet, “By What (Whose) Standards Shall We Judge the Text? A Closer Look at Jesus Christ in the Book of Mormon,” a review of Melodie Moench Charles, ‘Book of Mormon

Christology,' in *FARMS Review* 6/1 (1994), 81-114; Ari D. Bruening and David L. Paulsen, "The Development of the Mormon Understanding of God: Early Mormon Modalism and Other Myths," a review of Kurt Widmer, *Mormonism and the Nature of God: A Theological Evolution*, in *FARMS Review* 13/2 (2001), 109-169.

⁹⁸ Joseph Smith history, 1832, in *PJS*, 1:6-7, and *EMD*, 1:28.

⁹⁹ *Lecture of Faith* 5, in *D&C* (1835), 52-53.

¹⁰⁰ Joseph Smith journal, 9, 14 November 1835, in *JSJ*, 1:87-92, 100; Joseph Smith history, 1834-36, in *PJS*, 1:124-127, 1:136-137; Joseph Smith history, 1838-1839, in *PJS*, 1:270-275; Joseph Smith to John Wentworth, in "Church History," *T&S* 3 (1 March 1842), 706-707. For a convenient collection of all extant early First Vision accounts, see Dean C. Jessee, "The Early Accounts of Joseph Smith's First Vision," *BYU Studies* 9/3 (1969), 175-294, expanded in "The Earliest Documented Accounts of Joseph Smith's First Vision," in John W. Welch, ed., *Opening the Heavens: Accounts of Divine Manifestations, 1820-1844* (Provo: Brigham Young University Press/Salt Lake City: Deseret Book, 2005), 1-33.

¹⁰¹ Orson Pratt, *A[n] Interesting Account of Several Remarkable Visions, and of the Late Discovery of Ancient American Records* (Edinburgh: Ballantyne and Hughes, 1840), 3-5.

¹⁰² William Clayton notes, 5 January 1841, in *WJS*, 60, 83-84n9; Joseph Smith journal, 2 April 1843, in *JSJ*, 2:326, and *D&C* (LDS) 130:22; James Burgess notes, 9 July 1843, in *WJS*, 230-231; Thomas Bullock notes and George Laub journal, 16 June 1844, in *WJS*, 378, 380, 382.

¹⁰³ Joseph Smith to John Wentworth, in "Church History," *T&S* 3 (1 March 1842), 706-707.

¹⁰⁴ "The Book of Abraham," *T&S* 3 (15 March 1842), 719-722.

¹⁰⁵ "History of Joseph Smith," in *T&S* 3 (15 March 1842), 726-728, and (1 April 1842), 748-749. On the First Vision in Restoration memory, see James B. Allen, "The Significance of Joseph Smith's First Vision in Mormon Thought," *Dialogue* 1 (Autumn 1966), 28-45, and "Emergence of a Fundamental: The Expanding Role of Joseph Smith's First Vision in Mormon Religious Thought," *JMH* 7 (1980), 43-61; Richard P. Howard, "Joseph Smith's First Vision: The RLDS Tradition," *JMH* 7 (1980), 23-29.

¹⁰⁶ Thomas G. Alexander, "The Reconstruction of Mormon Doctrine: From Joseph Smith to Progressive Theology," *Sunstone* 10 (May 1985), 9-11; Vogel, "Earliest Mormon Concept of God," 17-33. For arguments stressing the overall continuity and consistency of Smith's godhead theology, see Robert L. Millet, "Joseph Smith and Modern Mormonism: Orthodoxy, Neoorthodoxy, Tension, and Tradition," *BYU Studies* 29 (Summer 1989), 49-68; David L. Paulsen, "The Doctrine of Divine Embodiment: Restoration, Judeo-Christian, and Philosophical Perspectives: Part I," *BYU Studies* 35/4 (1995-96), 6-39; James B. Allen and John W. Welch, "The Appearance of the Father and the Son to Joseph Smith in 1820," in Welch, *Opening the Heavens*, ch. 2. For a nuanced interpretation that sees both continuity and progression in Joseph Smith's concept of the godhood, see *WJS*, 83-84n9.

¹⁰⁷ Thomas Bullock quotes Smith to this effect in his 16 June 1844 notes in *WJS*, 378-381. A Nauvoo contemporary also described the doctrine with these words. See Isaac and Sarah Scott to Abigail and Calvin Hall, 16 June 1844, in *CIC*, 170.

¹⁰⁸ Joseph Smith revelation, 12 July 1843, in *D&C* (LDS) 132:20.

¹⁰⁹ Joseph Smith journal, Wilford Woodruff journal, Thomas Bullock notes, William Clayton notes, Samuel W. Richards notes, and Joseph Fielding journal, 7 April 1844, in *WJS*, 340-362; William Law diary, 15 April 1844, in Cook, *William Law*, 49. The quotations come from, in order, the Clayton notes (*WJS*, 357), Woodruff journal (*WJS*, 344), and Clayton notes (*WJS*, 357). Smith clarified our relation to the gods on 16 June 1844: "I say there are Gods many & L[or]ds many but to us only one & we are to be in subject to that one." See the Thomas Bullock notes, 16 June 1844, in *WJS*, 379. Pertinent here is Van Hale, "The Doctrinal Impact of the King Follett Discourse," *BYU Studies* 18 (Winter 1978), 209-225.

¹¹⁰ Eliza R. Snow, *Biography and Family Record of Lorenzo Snow* (Salt Lake City: Deseret News, 1884), 46-47. Snow claimed to have learned this doctrine by personal revelation years before the Prophet taught it to the Saints.

¹¹¹ For contemporary references and allusions to this doctrine of eternal "increase" and endless "lives" (offspring), see the William Clayton journal, 16 May 1843, in *JWC*, 102; Joseph Smith revelation, 12 July 1843, in *D&C* (LDS) 132:19, 30-31, 55, 63; Franklin D. Richards, "Scriptural Items," 16 July 1843,

in *WJS*, 232; Joseph Smith journal and William Clayton journal, 27 August 1844, in *WJS*, 244, 247. On the doctrine of generations of gods, see the William Law diary, 15 April 1844, in Cook, *William Law*, 49; Thomas Bullock report, 16 June 1844, in *WJS*, 380. For the doctrine of a heavenly mother, see Linda P. Wilcox, "The Mormon Concept of a Mother in Heaven," in Maureen Ursenbach Beecher and Lavina Fielding Anderson, eds., *Sisters in Spirit: Mormon Women in Historical and Cultural Perspective* (Urbana: University of Illinois Press, 1987), 64-77.

¹¹² *The Revised Laws of Illinois* (Vandalia: Greiner & Sherman, 1833), 198-199, in Van Wagoner, *Mormon Polygamy*, 18, 26n4, and H. Michael Marquardt, *The Rise of Mormonism: 1816-1844* (Longwood, FL: Xulon Press, 2005), 556.

¹¹³ Wilford Woodruff journal, 21 January 1844, in *WWJ*, 2:342.

¹¹⁴ One searches in vain for any explicit pro-polygamy statements in the contemporary documentation of Joseph Smith's Nauvoo discourses. Some later reminiscences, however, allege that on a few public occasions Smith favorably alluded to polygamy. See the Joseph Lee Robinson autobiography and journal, in Foster, *Religion and Sexuality*, 305n75, and Bachman, "Plural Marriage," 204; Benjamin F. Johnson affidavit, 4 March 1870, in concert with the Joseph Smith journal, 2 April 1843, both in *WJS*, 172-173, 269n9; Helen Mar Whitney, *Plural Marriage, as Taught by the Prophet Joseph; a reply to Joseph Smith, editor of the Lamoni (Iowa) "Herald"* (Salt Lake City: Juvenile Instructor Office, 1882), 11-12.

¹¹⁵ Udney Hay Jacob, *An Extract, From a Manuscript Entitled The Peace Maker, or the Doctrines of the Millennium: Being a Treatise on Religion and Jurisprudence. Or a New System of Religion and Politicks* (Nauvoo: J. Smith, 1842). Smith insisted in *T&S* 4 (1 December 1842), 132, that he did not know the contents of the tract before publishing it. For suspicions that Smith commissioned or penned the tract himself as a trial balloon to gauge public opinion, see Oliver H. Olney, *The Absurdities of Mormonism Portrayed* (Hancock County, IL: n.p., 1843), 10; John D. Lee, *Mormonism Unveiled; or The Life and Confessions of the Late Mormon Bishop, John D. Lee...* (St. Louis: Bryan, Brand & Company, 1877), 146; Shook, *Mormon Polygamy*, 79-82; Lawrence Foster, "A Little-Known Defense of Polygamy from the Mormon Press in 1842," *Dialogue* 9 (Winter 1974), 21-34, and *Religion and Sexuality*, 174-177.

¹¹⁶ Joseph Smith journal, Howard and Martha Coray notebook, and Franklin D. Richards's "Scriptural Items," 21 May 1843, in *WJS*, 205-208, 283n12, 284n30; Franklin D. Richards's "Scriptural Items," William Clayton journal, and the Levi Richards diary, 16 July 1843, in *WJS*, 232-233, 293n7, 294n11; Franklin D. Richards, "Scriptural Items," 27 August 1843, in *WJS*, 245, 303n21; John C. Bennett to James G. Edwards, 28 October 1843, in *The Hawk-Eye* [Burlington, IA], 7 December 1843, in Ehat, "Temple Ordinances," 63-64, 265n183; Jacob Scott to Mary Scott Warnock, 5 January 1844, in Bergera, "Earliest Eternal Sealings," 60-61. Quote, William Clayton journal, 16 July 1843, in *WJS*, 233.

¹¹⁷ For Joseph Smith's denials of polygamous behavior, see *EJ* 1 (July 1838); Joseph Smith to the Church of Latter Day Saints, 16 December 1838, in *PWJS*, 379; Joseph Smith journal, 21 February 1843, in *JSJ*, 2:274; Nauvoo Relief Society minutes, 30 March 1842, in Van Wagoner, *Mormon Polygamy*, 21, 26n8; General Conference minutes, 7 April 1842, in *HC*, 4:585-586; Joseph Smith to the Church of Jesus Christ of Latter-day Saints and "All The Honorable Part of Community," 23 June 1842, in *T&S* 3 (1 July 1842), 839-842; "John C. Bennett," *T&S* 3 (1 August 1842), 868-869; untitled editorial, *T&S* 3 (1 September 1842), 909; "On Marriage," *T&S* 3 (1 October 1842), 939; Joseph Smith journal, 5 October 1843 and 26 February 1844, in *APR*, 417, 448; Joseph Smith discourse, 26 May 1844, in *HC*, 6:410; Wilford Woodruff journal, 25 November 1843, in *WWJ*, 2:328.

¹¹⁸ Gary James Bergera, "John C. Bennett, Joseph Smith, and the Beginnings of Mormon Plural Marriage in Nauvoo," *JWJ* 25 (2005), 52-92. For more on the multi-faceted Bennett, see Andrew F. Smith, *Saintly Scoundrel: The Life and Times of Dr. John Cook Bennett* (Urbana: University of Illinois Press, 1997). Among other things, Bennett helped popularize the tomato in American culture.

¹¹⁹ Linda King Newell and Valeen Tippetts Avery, *Mormon Enigma: Emma Hale Smith* 2d ed. (Urbana: University of Illinois Press, 1994), ch. 8; Jill Mulvay Derr, Janath Russell Cannon, and Maureen Ursenbach Beecher, *Women of Covenant: The Story of Relief Society* (Salt Lake City: Deseret Book, 1992), 60-63.

¹²⁰ Nauvoo High Council minutes, 21, 24-25, 27-28 May, 3-4 September 1842, in *NCM*, 413-419, 424-426; Gary James Bergera, "'Illicit Intercourse,' Plural Marriage, and the Nauvoo Stake High Council, 1840-1844," *JWJ* 23 (2003), 59-90.

¹²¹ Bennett, *History of the Saints*; Smith, *Saintly Scoundrel*, chs. 7-9.

¹²² On the Smith-Rigdon imbroglio, see Richard S. Van Wagoner, *Sidney Rigdon: A Portrait of Religious Excess* (Salt Lake City: Signature Books, 1994), ch. 21; Richard S. Van Wagoner, "Sarah Pratt: The Shaping of an Apostate," *Dialogue* 19 (Summer 1986), 69-99. On the Smith-Pratt-Bennett controversy, see Gary James Bergera, *Conflict in the Quorum: Orson Pratt, Brigham Young, Joseph Smith* (Salt Lake City: Signature Books, 2002), chs. 1-2; Breck England, *The Life and Thought of Orson Pratt* (Salt Lake City: University of Utah, 1985), 75-86.

¹²³ Hyrum Smith discourse, 8 April 1844, and Levi Richards diary, 14 May 1843, in Ehat, "Temple Ordinances," 261n158 and 56, respectively; William Clayton journal, 23, 26 May, 23 June, 12, 13 July, 3, 11, 16, 18, 21 August, 19 October 1843, in *JWC*, 105-106, 108, 110, 114, 115, 117, 118, 122; Brigham Young discourse, 8 October 1866, in Bergera, "Earliest Mormon Polygamists," 28-29; Newell and Avery, *Mormon Enigma*, chs. 7-13.

¹²⁴ William Clayton journal, 26 May 1843, in *JWC*, 106; Brigham Young discourse, 8 October 1866, in Bergera, "Earliest Mormon Polygamists," 28-29.

¹²⁵ On Hyrum's first plural marriage, see the Mercy Rachel Thompson affidavit, 19 June 1869, and Mercy Rachel Thompson to Joseph Smith III, 5 September 1883, in Bergera, "Earliest Mormon Polygamists," 25-26; Mercy Rachel Thompson reminiscence, 20 December 1880, in *JSQA*, 21n8. On his subsequent plural marriages, see Bergera, "Earliest Mormon Polygamists," 27-28, 64-65; Smith, *Nauvoo Polygamy*, 335-336, 620-621, 650n346.

¹²⁶ Bergera, "Earliest Eternal Sealings," 53n50.

¹²⁷ Joseph Smith journal, 12 July 1843, in *APR*, 396; William Clayton journal, 12 July 1843, in *JWC*, 110 (quote); Brigham Young discourse, 29 August 1852, in *Deseret News, Extra*, 14 September 1852, 25; William Clayton to Madison M. Scott, 11 November 1871, in *JWC*, 110n42; William Clayton affidavit, 16 February 1874, in *PM*, 225-226, and *JWC*, 557-558; Joseph F. Smith discourse, 7 July 1878, in *JD*, 20:29.

¹²⁸ Brigham Young discourse, 29 August 1852, in *Deseret News, Extra*, 14 September 1852, 25; Isaac Sheen, "The Mormons Again," *SH* 1 (January 1860), 24; William Clayton to Madison M. Scott, 11 November 1871, in *JWC*, 110n42; William E. McLellin to Joseph Smith III, July 1872, in Stan Larson and Samuel J. Passey, eds., *The William E. McLellin Papers, 1854-1880* (Salt Lake City: Signature Books, 2007), 489; William Clayton affidavit, 16 February 1874, in *PM*, 225-226, and *JWC*, 557-558; Joseph Smith III journal, 20 April 1885, CofC Archives; Mary Bailey Smith Norman to Ina Coolbrith, 27 March 1908, in Newell and Avery, *Mormon Enigma*, 154; B. J. Smith interview with Robert J. Woodford, January 1971, in Robert J. Woodford, "The Historical Development of the Doctrine and Covenants" 3 vols. (Ph.D. dissertation: Brigham Young University, 1974), 3:1735. Sources conflict as to whether Emma burned it herself or if Joseph burned it on her behalf.

¹²⁹ William Clayton affidavit, 16 February 1874, in *PM*, 225-226, and *JWC*, 558.

¹³⁰ Brigham Young discourse, 29 August 1852, in *Deseret News, Extra*, 14 September 1852, 25; Joseph C. Kingsbury affidavit, 7 March 1870, in Bachman, "Plural Marriage," 207, 352; William Clayton affidavit, 16 February 1874, in *PM*, 225-226, and *JWC*, 558-559; Joseph C. Kingsbury affidavit, 22 May 1886, in *PM*, 226; Joseph C. Kingsbury deposition, 17 March 1892, in TLC-R, 1:178-180 (Q19-23, 29-30), 1:186-189 (Q176-233), 1:191 (Q276-280), 1:197-199 (Q404-478), 1:201 (Q513-515), 1:226 (1046-1063), 1:227-230 (Q1088-1096, 1102-1105, 1118-1163). Willard Richards wrote out another copy, which is now housed, like the Kingsbury copy, in the LDS archives. See Bachman, "Plural Marriage," 208. But a notation on the back of Richards' copy indicates that he may have written it on 7 August 1852, probably in preparation for its publication shortly thereafter in the *Deseret News*, of which he was the editor. See Woodford, "Doctrine and Covenants," 3:1738-1739.

¹³¹ Nauvoo High Council minutes, 12 August 1843, in *NCM*, 467-468; Austin Cowles affidavit, 4 May 1844, in "Affidavits," *Nauvoo Expositor* 1 (7 June 1844), 2; Nauvoo City Council minutes, 8, 10 June

1844, in *NCM*, 241, 255, respectively; RLDS Council of Twelve Apostles minutes, 2 May 1865, CofC Archives; David Fullmer affidavit, 15 June 1869, in *PM*, 227; Leonard Soby affidavit, 14 November 1883, in Shook, *Mormon Polygamy*, 98-99; Thomas Grover to A. M. Musser, 10 January 1885, in *PM*, 226-227; Mercy Rachel Thompson to A. M. Musser, 31 January 1886, in *PM*, 22; Leonard Soby affidavit, 23 March 1886, in Shook, *Mormon Polygamy*, 99n1; Mercy Rachel Thompson deposition, 18 March 1892, in TLC-R, 1:249-250 (Q215-239).

¹³² One of the councilmen who recoiled at the doctrine later recalled that “no vote was taken upon it, for the reason that the voice of the prophet, in such matters, was understood by us to be the voice of God to the church.” See the Leonard Soby affidavit, 14 November 1883, in Shook, *Mormon Polygamy*, 99.

¹³³ William Law, Jane Law, and Austin Cowles affidavits, 4 May 1844, in “Affidavits,” *Nauvoo Expositor* 1 (7 June 1844), 2; William Law diary, 13 May 1844, in Cook, *William Law*, 53; *Warsaw Signal*, 15 May 1844, in Cook, *William Law*, 54n41; *Warsaw Signal*, 8, 15 May 1844, in *CIC*, 131-132; Isaac and Sarah Scott to Abigail and Calvin Hall, 16 June 1844, in *CIC*, 171; Wilhelm Wyl interview with William Law, 30 March 1887, in Cook, *William Law*, 127-129. The name of Law’s church comes from Charles A. Foster to editor of the *St. Louis Daily Evening*, 12 June 1844, in Leonard, *Nauvoo*, 359, 720n74.

¹³⁴ Joseph Fielding journal, [18 April] 1844, in Ehat, “Joseph Fielding,” 8; Joseph Smith journal, 18 April 1844, in *APR*, 471-472; William Law diary, 19, 21-22 April 1844, in Cook, *William Law*, 50-52; “Preamble” and “Resolutions,” *Nauvoo Expositor* 1 (7 June 1844), 2; Isaac and Sarah Scott to Abigail and Calvin Hall, 16 June 1844, in *CIC*, 170-171. Joseph and Hyrum did not participate in the sham trial, but they condoned it. See William Law to Wilhelm Wyl, 20 January 1887, in Cook, *William Law*, 106-107.

¹³⁵ Joseph Smith journal, 5 October 1843, in *APR*, 417.

¹³⁶ Hyrum Smith to the China Creek Branch, 15 March 1844, in *T&S* 5 (15 March 1844), 474. For a technical distinction of another sort, see the Nauvoo Relief Society minutes, 16 March 1842, in Van Wagoner, *Mormon Polygamy*, 21

¹³⁷ “On Marriage,” *T&S* 3 (1 October 1842), 939-940. The text also included an almost identical affidavit from Emma Smith and the leading sisters of the Relief Society.

¹³⁸ William Marks to “Beloved Brethren,” 15 June 1853, in *Zion’s Harbinger and Baneemy’s Organ* 3 (July 1853), 53. See also William Marks, “Opposition to Polygamy, by the Prophet Joseph,” *SH* 1 (January 1860), 22-23; William Marks to Hiram Falk and Josiah Butterfield, 1 October 1865, in Roger D. Launius, *Joseph Smith III: Pragmatic Prophet* (Urbana: University of Illinois Press, 1988), 199. For similar understandings, see Isaac Sheen, “The Mormons Again,” *SH* 1 (January 1860), 23-24; William E. McLellin to Joseph Smith III, 10 January 1861 and July 1872, in Larson and Passey, *McLellin Papers*, 441-442, 488-489; David H. Smith to Sherman I. Smith, 27 July 1872, in Valeen Tippetts Avery, *From Mission to Madness: Last Son of the Mormon Prophet* (Urbana: University of Illinois Press, 1998), 176-177; Zenas H. Gurley Jr. to Joseph Smith III, 1 January 1874, in Charles Millard Turner, “Joseph Smith III and the Mormons of Utah” (Ph.D. dissertation: Graduate Theological Union, 1985), 586n134.

¹³⁹ D. Michael Quinn suggests that during the final two weeks of June 1844, Joseph Smith was ready to do away with all his secret works, at least temporarily if not permanently. See in *MH*, 1:144-148.

¹⁴⁰ Smith, *Nauvoo Polygamy*, 285, 311-312.

¹⁴¹ Compton, *Sacred Loneliness*, 2-3; Smith, *Nauvoo Polygamy*, 224, 621-623.

¹⁴² On Hyrum, see Bergera, “Earliest Mormon Polygamists,” 29, 53, 56, 63, 67-69, and “Earliest Eternal Sealings,” 53n50; Ehat, “Temple Ordinances,” 66. On Brigham, see Bergera, “Earliest Mormon Polygamists,” 66-68, 74.

¹⁴³ William Law diary, 29 March 1844, in Cook, *William Law*, 48.

¹⁴⁴ Compton, *Sacred Loneliness*, 2; Smith, *Nauvoo Polygamy*, 159, 163, 622.

¹⁴⁵ Joseph Fielding journal, [18 April] 1844, in Ehat, “Joseph Fielding,” 8; Joseph Smith journal, 18 April 1844, in *APR*, 471-472; William Law diary, 19, 21-22 April 1844, and William Law to Wilhelm Wyl, 20 January 1887, in Cook, *William Law*, 50-52, 106-107, respectively; “Preamble” and “Resolutions,” *Nauvoo Expositor* 1 (7 June 1844), 2; Isaac and Sarah Scott to Abigail and Calvin Hall, 16 June 1844, in *CIC*, 170-171.

¹⁴⁶ William Law diary, 8 January, 29 March, 7, 15, 19 April, and 13 May 1844, in Cook, *William Law*, 46-54.

¹⁴⁷ William Clayton journal, 19 October 1843, in *JWC*, 122.

¹⁴⁸ Brigham Young discourse, 8 October 1866, in Smith, *Nauvoo Polygamy*, 280, and Van Wagoner, *Mormon Polygamy*, 77, and *MH*, 1:146-147.

¹⁴⁹ John E. Hallwas, "Mormon Nauvoo from a Non-Mormon Perspective," in Launius and Hallwas, *Kingdom on the Mississippi Revisited*, ch. 10. For a sampling of local opposition opinion, see the following in *CIC*: Sylvester M. Bartlett editorials, *Quincy Whig*, 17 October 1840 and 22 January 1842 (pgs 78-79, 82-85); Thomas C. Sharp, "Our Position—Again," *Warsaw Signal*, 16 June 1841 (pgs. 80-81); George T. M. Davis, *An Authentic Account of the Massacre of Joseph Smith, the Mormon Prophet, and Hyrum Smith, His Brother, Together with a Brief History of the Rise and Progress of Mormonism, and All the Circumstances Which Led to Their Deaths* (St. Louis: Chambers and Knapp, 1844), 5-9 (pgs. 103-107).

¹⁵⁰ Joseph Smith journal, 6 August 1843, in *WJS*, 236-237; Charlotte Haven to "My Dear Friends at home," 8 September 1843, in *CIC*, 129-130; Wilhelm Wyl interview with William Law, 30 March 1887, in Cook, *William Law*, 124-125; Flanders, *Nauvoo*, 233-240.

¹⁵¹ Governor Thomas Carlin to Emma Smith, 7 September 1842, in *HC*, 5:154; Governor Thomas Ford to Joseph Smith, 22 June 1844, in *HC*, 6:533-536; Henry Brown, *History of Illinois from Its First Discovery and Settlement to the Present Time* (New York: J. Winchester, New World Press, 1844), 398.

¹⁵² Joseph Smith journal, 29 January 1844, in *APR*, 443. The public learned of it a couple of weeks later. See "Who Shall Be Our Next President?," *T&S* 5 (15 February 1844), 439-441.

¹⁵³ Clark V. Johnson, ed., *Mormon Redress Petitions: Documents of the 1833-1838 Missouri Conflict* Religious Studies Center Monograph Series (Provo: BYU Religious Studies Center, 1992).

¹⁵⁴ *General Smith's Views of the Powers and Policy of the Government of the United States* (Nauvoo: John Taylor, 1844).

¹⁵⁵ Joseph Smith journal, 7 March 1844, in *APR*, 454; "Minutes of a General Meeting in the Nauvoo Temple," 7 March 1844, in *HC*, 6:240.

¹⁵⁶ "Special Conference," 15 April 1844, in *T&S* 5 (15 April 1844), 504-506, and *HC*, 6:335-340; Margaret C. Robertson, "The Campaign and the Kingdom: The Activities of the Electioneers in Joseph Smith's Presidential Campaign," *BYU Studies* 39/3 (2000), 147-180.

¹⁵⁷ Newell G. Bringhurst and Craig L. Foster, *The Mormon Quest for the Presidency* (Independence: John Whitmer Books, 2008), ch. 1. For a more ambitious and speculative work, see Robert S. Wicks and Fred R. Foister, *Junius and Joseph: Presidential Politics and the Assassination of the First Mormon Prophet* (Logan: Utah State University Press, 2005).

¹⁵⁸ Lewis Clark Christian, "Mormon Foreknowledge of the West," *BYU Studies* 21 (Fall 1981), 403-415; Ronald K. Esplin, "'A Place Prepared': Joseph, Brigham and the Quest for Promised Refuge in the West," *JMH* 9 (1982), 85-111.

¹⁵⁹ *Painesville Telegraph*, 18 January 1831, in Christian, "Mormon Foreknowledge," 62; *E&MS*, October 1832; Eber D. Howe, *Mormonism Unveiled: or, A Faithful Account of That Singular Imposition and Delusion, From Its Rise To The Present Time....* (Painesville, OH: by the author, 1834), 111; Thomas Burdick letter, 28 August 1840, and Oliver Olney letters, 20 July, 4 and 6 October 1842, in Esplin, "Refuge," 90, 91, respectively.

¹⁶⁰ Ronald W. Walker, "Seeking the 'Remnant': The Native American during the Joseph Smith Period," *JMH* 19 (Spring 1992), 20-29. For one such mission, see the extracts from the Jonathan Dunham journal, 16 July-26 August 1843, in *HC*, 5:541-549.

¹⁶¹ Joseph Smith journal, 20-21, 23 February 1844, in *APR*, 447, 448, and *HC*, 6:222-223; Wilford Woodruff journal, 21 February 1844, in *WWJ*, 2:340-342. Before 1848, Alta California was the northern section of Mexico and included present-day California, Nevada, Utah and parts of Wyoming, Arizona, New Mexico, and Colorado. Before 1846, the Oregon Country was jointly occupied by the United States and United Kingdom and included present-day Washington, Oregon, Idaho and portions of Montana and Wyoming. The Twelve postponed the expedition due to the demands of Smith's presidential campaign.

¹⁶² Wilford Woodruff journal, 25 February 1844, in *WWJ*, 2:351. Several weeks later an apostle assured his daughter “it will not be long before this exodus will comence.” See Heber C. Kimball to Helen Mar Kimball, 9 June 1844, in Esplin, “Refuge,” 97.

¹⁶³ William Clayton notes, Wilford Woodruff journal, Thomas Bullock notes, and Joseph Smith journal, 8 April 1844, in *WJS*, 362-365; Willard Richards to Orson Hyde, 26 May 1844, in *HC*, 6:405-407.

¹⁶⁴ William Clayton notes, Wilford Woodruff journal, Thomas Bullock notes, and Joseph Smith journal, 8 April 1844, in *WJS*, 362-365. For an early anticipation of the temple-stake geography, see the Joseph Smith revelation, 16-17 December 1833, in *MRB*, 344-345/564-565, *D&C* (1835) 97:4, *D&C* (LDS) 101:20-21, *D&C* (RLDS) 98:4h-i.

¹⁶⁵ William Clayton journal, 11 March 1844 and 1 January 1845, in *JWC*, 126, 153-154; D. Michael Quinn, “The Council of Fifty and Its Members, 1844 to 1945,” *BYU Studies* 20 (Fall 1979), 163-197, and *MH*, 1:120-136; Klaus J. Hansen, *Quest for Empire: The Political Kingdom of God and the Council of Fifty in Mormon History* 2d ed. (Lincoln: University of Nebraska Press, 1974).

¹⁶⁶ William Clayton journal, 11 April 1844 and 1 January 1845, in *JWC*, 129, 154; Lyman Wight and Heber C. Kimball to Joseph Smith, 19 June 1844, in *MH*, 1:124; William Marks to “Beloved Brethren,” 15 June 1853, in *Zion’s Harbinger and Baneemy’s Organ* 3 (July 1853), 53.

¹⁶⁷ *MH*, 1:126-132. Joseph also admitted three trusted non-Mormons.

¹⁶⁸ Benjamin F. Johnson, “A Life’s Review,” in Ehat, “Temple Ordinances,” 163. For other accounts, see Orson Hyde, untitled certificate, c. fall-winter 1844-1845, in Ehat, “Temple Ordinances,” 165; Wilford Woodruff journal, 25 August 1844, in *WWJ*, 2:455; Heber C. Kimball diary, 25 August 1844, in *HCK*, 83; Samuel W. Richards to Franklin D. Richards, 23-26 August 1844, in Ehat, “Temple Ordinances,” 209; Joseph Fielding journal, in Ehat, “Joseph Fielding,” 153-155; “Trial of Elder Rigdon,” *T&S* 5 (15 September 1844), 651; Orson Hyde to Ebenezer Robinson, 19 September 1844, in *The Return* 2 (April 1890), 253; John S. Fullmer to “Uncle John,” 27 September 1844, in Ehat, “Temple Ordinances,” 210; Wilford Woodruff to The Church of Jesus Christ of Latter-Day Saints, 11 October 1844, in *T&S* 5 (1 November 1844), 698; Nauvoo High Council minutes, 30 November 1844, in *NCM*, 533; Heber C. Kimball discourse, 8 October 1852, in *JD*, 1:206; Benjamin F. Johnson to George F. Gibbs, 1903, in Zimmerman, *I Knew the Prophets*, 31-36. On the question of the exact dating of the Last Charge, see Ehat, “Temple Ordinances,” 290n629; *MH*, 1:194-195.

¹⁶⁹ Brigham Young discourse, 7 October 1863, in Ehat, “Temple Ordinances,” 143, 243-244, and *MH*, 1:230. For similar recollections, see the Wilford Woodruff journal, 10 March 1844, in *WJS*, 331; Oliver B. Huntington journal, undated entry between 10 December 1845-early 1846, in Ehat, “Temple Ordinances,” 279n408; LDS Church Historian’s Office journal, 15 August 1860, 1 September 1861, and 6 June 1868, in Ehat, “Temple Ordinances,” 143, 243, and *MH*, 1:230-231; Thomas B. H. Stenhouse, *The Rocky Mountain Saints* (New York: D. Appleton and Company, 1873), 213. The Prophet’s theocratic hopes for David are most clearly conveyed in the W. W. Blair journal, 17 June 1874, CofC Archives. For scriptural passages on the latter-day David, see 2 Samuel 7:8-19, Ezekiel 34:23-25, 37:21-28, Zechariah 3, Isaiah 55:3-5, Jeremiah 30:4-9, Psalms 89:1-4, and *D&C* (LDS) 113:5-6.

Joseph Smith taught that children born to worthy couples sealed through celestial marriage and the second anointing were sealed by the Holy Spirit of Promise like their parents. See the Howard and Martha Corey notebook, Franklin D. Richards’ “Scriptural Items,” and William Clayton journal, 13 August 1843, in *WJS*, 241-242, 300n19; Ehat, “Temple Ordinances,” 142.

¹⁷⁰ James Whitehead deposition, 26 January 1892, in TLC-C, 1:9 (Q41-53). For other accounts of the Joseph III blessing, see Brown, *History of Illinois*, 489; George J. Adams to Abijah R. Tewkesbury, 14 June 1845, in *New York Messenger* 2 (19 July 1845), in *MH*, 1:228, 232; William Smith, “Proclamation,” *Warsaw Signal*, 29 October 1845, in Ehat, “Temple Ordinances,” 240-241; W. W. Blair journal, 16 May 1865 and 17 June 1874, CofC Archives; Alexander H. Smith journal, undated entry opposite the torn page that follows the 15 May 1864 entry, CofC Archives; James Whitehead deposition, 26 January 1892, in TLC-C, 1:46 (Q729), 18-19 (Q241-252), 21-22 (Q299-308); Joseph Smith III deposition, 27-28 January 1892, in TLC-C, 1:52 (Q63-64), 126 (Q1049-1055). On the probable theocratic context of the blessing, see

MH, 1:228-230. On Jerusalem and New Jerusalem serving as potential seats of power for Joseph's sons, see Ehat, "Temple Ordinances," 143-144.

¹⁷¹ Joseph Smith revelation, 19 January 1841, in "EXTRACTS," *T&S* 2 (1 June 1841), 427, and *D&C* (LDS) 124:57-58, and *D&C* (RLDS) 107:18b-c.

¹⁷² Some later claimed that Joseph Smith publicly presented Joseph III to the Nauvoo Stake as his successor. See the James Whitehead deposition, 26 January 1892, in *TLC-C*, 1:27-28 (Q411-442); Joseph Smith III deposition, 27 January 1892, in *TLC-C*, 1:52 (Q63-64); John H. Carter deposition, 14 March 1892, in *TLC-C*, 2:376-378 (Q26-50), 2:382 (Q106-111). As one historian comments, "it seems impossible to conceive how a public action involving three thousand persons and determining the successor to the prophet could have been so universally ignored in the church records and recalled by such a small number of people in various degrees of conflicting detail." See W. Grant McMurray, "True Son of a True Father: Joseph Smith III and the Succession Question," *RS*, 1:142.

¹⁷³ *Nauvoo Expositor* 1 (7 June 1844).

¹⁷⁴ Nauvoo City Council minutes, 8, 10 June 1844, in *NCM*, 241 and 254-256, respectively, and in abbreviated form in the *Nauvoo Neighbor Extra*, 19 June 1844, and *CIC*, 150-152, and *HC*, 6:441-442. Those who were in the know about plural marriage recognized that Hyrum was not completely forthright about the contents of the revelation. See Sarah Scott to Abigail and Calvin Hall, 22 July 1844, in *CIC*, 257.

¹⁷⁵ Nauvoo City Council minutes, 8, 10 June 1844, in *NCM*, 238-266, and in abbreviated form in the *Nauvoo Neighbor Extra*, 19 June 1844, and *CIC*, 150-156, and *HC*, 6:433-448; Dallin H. Oaks, "The Suppression of the *Nauvoo Expositor*," *Utah Law Review* 9 (Winter 1965), 862-903.

¹⁷⁶ Mayor Joseph Smith to Nauvoo City Marshal J. P. Greene, 10 June 1844, in *HC*, 6:448; Lieutenant-General Joseph Smith to acting Major-General Jonathan Dunham, 10 June 1844, in *HC*, 6:448. For an eyewitness account from one of the *Expositor's* principals, see Charles A. Foster, "Tremendous Excitement—Unparalleled Outrage," *St. Louis Evening Gazette*, 12 June 1844, in *CIC*, 156-159.

¹⁷⁷ Hancock County mass meeting minutes, 13 June 1844, in *HC*, 6:462-466; Warsaw resolutions, 14 June 1844, in *CIC*, 181-185.

¹⁷⁸ *Warsaw Signal*, 12 June 1844, in Leonard, *Nauvoo*, 368.

¹⁷⁹ Thomas Morrison, "The People of the State of Illinois to All Constables, Sheriffs and Coroners of State," 11 June 1844, regarding the complaint of Francis M. Higbee vs. Joseph Smith and others, in *HC*, 6:453-454, 460-461; minutes of the trial of Joseph Smith et. al. before Justice of the Peace Daniel H. Wells, 17 June 1844, in *HC*, 6:488-491.

¹⁸⁰ Joseph Smith, "Proclamation," 18 June 1844, in *HC*, 6:497.

¹⁸¹ Governor Thomas Ford to the mayor and city council of Nauvoo, 21 June 1844 and 22 June 1844, in *HC*, 6:521, 6:533-537. See John Taylor's reflections on his meeting with the governor on behalf of the Prophet in *HC*, 6:543-545.

¹⁸² Governor Thomas Ford to the mayor and city council of Nauvoo, 22 June 1844, in *HC*, 6:537. On the Prophet's feelings of vulnerability, see Joseph Smith to Governor Thomas Ford, 22 June 1844, in *PWJS*, 592-595, and *HC*, 6:538-541; John Taylor eulogy for Joseph and Hyrum Smith, 1844, in *D&C* (LDS) 135:4 and *D&C* (RLDS) 113:4b; *HC*, 6:558.

¹⁸³ Joseph Smith and Hyrum Smith to Thomas Ford, 23 June 1844, in *PWJS*, 599-600, and *HC*, 6:550.

¹⁸⁴ Willard Richards and John Taylor to the Saints at Nauvoo, 27 June 1844, in *HC*, 6:621-622; Willard Richards, "Two Minutes in Jail," in *HC*, 6:619-621; *HC*, 6:617-619; John Taylor eulogy for Joseph and Hyrum Smith, 1844, in *D&C* (LDS) 135 and *D&C* (RLDS) 113; Samuel O. Williams to John Prickett, 10 July 1844, in *CIC*, 222-226; Dean C. Jessee, "Return to Carthage: Writing the History of Joseph Smith's Martyrdom," *JMH* 8 (1981), 3-19; Brian Q. Cannon, "'Long Shall His Blood...Stain Illinois': Carthage Jail in Mormon Memory," *MHS* 10 (Fall 2009), 1-19.

Chapter Five
Fissures of the Founding
1829-1844

Thirty-two days before his death, Joseph Smith taunted the Nauvoo dissenters by boasting, “I am the only man that has ever been able to keep a whole church together since the days of Adam. A large majority of the whole have stood by me.”¹ Smith obviously downplayed the seriousness of dissent in the church, particularly in Kirtland and Far West in 1837-38. That being said, many of the Kirtland dissenters had returned to the fold.² And nobody had established a lasting rival brand of Mormonism. The church of the Nauvoo dissenters, like the church of the Kirtland dissenters, dissipated rather quickly.³ To the end of his life, Smith’s remained about the only game in town. There weren’t viable varieties of Mormonism to choose from; there was only his.

With Joseph’s and Hyrum’s murders on 27 June 1844, the situation changed dramatically. Mormonism blew apart—not completely, but in significant measure nonetheless. Testifying in the Temple Lot Case in 1892, Joseph Smith III struggled to recount all the men who had claimed his father’s mantle in the half-century since his death. “There has been a great many of them—their name is almost legion,” Joseph III marveled.⁴ Dissent was not uncommon in his father’s church, but formal schismatic bodies rarely resulted. After the death of the Prophet and Patriarch, however, factions proliferated apace, a dynamic that has continued unabated to the present.⁵

Joseph and Hyrum left behind a movement ripe for fragmentation. Shorn of Joseph’s singularly dominating authority and Hyrum’s unparalleled succession rights, fault lines that formed during the Prophet’s tenure ripped asunder. Here, then, let us

briefly examine some of the fissures of the Joseph Smith era, focusing on five areas—doctrine, authority, canon, geography, and succession. One could readily identify other fissures and ambiguities of the Restoration during the founding generation.⁶ But an examination of these five areas will disclose most of the major fault lines that would shape the churches of the Temple Lot Case.

Doctrine. Joseph Smith did not translate *The Book of Mormon*, set up a church, and spend the rest of his career tinkering around the edges. He was a restless innovator who, by the doctrine of continuous revelation, repeatedly reinvented his movement and challenged his followers to keep up. As a result, the doctrinal configuration he left behind in 1844 differed in many respects from that of 1830. To cite one obvious example, the ordinances which Smith placed so much emphasis upon at the end of his life—endowment, celestial marriage, second anointing, and proxy work for the dead—are nowhere to be found in *The Book of Mormon*, at least not in any explicit form.⁷

But breaking down Smith’s doctrinal trajectory into discrete periods can be tricky, as his teachings usually contained sufficient continuity over time, explicitly or implicitly, to defy rigid distinctions between this period and that period.⁸ For a convenient shorthand, however, let’s consider the classifications of scholar Jan Shipps. As Shipps sees it, Mormonism began as a millennialist brand of Christian primitivism stressing the restoration of apostolic authority and Christ’s pure gospel. Later, Smith added a stratum of Hebraicized Christianity to the mix by devoting increased attention to temples, priesthoods, lineages, and patriarchs. Finally, at Nauvoo, the Prophet added an “esoteric”

layer comprised of such purportedly ancient practices as proxy baptism, the endowment, and celestial marriage. Christian restoration, Abrahamic restoration, and the restoration “of all things”—for Shippo, these are the three strata of the early Mormon bedrock.⁹

Whenever Smith introduced a new stratum of doctrine, he tried to integrate it with what came before. Many members readily accepted his doctrinal progression.¹⁰ No doubt Joseph’s revision of revelations for the 1835 *Doctrine and Covenants* lent a cohesiveness to his doctrinal evolution that otherwise would not have been so pronounced. Some Mormons, however, found Smith’s progression jarring. As Shippo comments, “each time a new stratum of theology and doctrine was imposed on existing belief and practice, a substantial number of Smith’s followers were disturbed enough to leave.”¹¹ David Whitmer didn’t like the Hebraicization of Mormon Christianity; William Law ultimately couldn’t stomach the introduction of plural marriage.¹² Smith was able to keep most Mormons with him. But once he was removed from the scene, the fissures in his complicated doctrinal evolution contributed to the fragmentation of the movement.

Authority. At the church’s founding in April 1830, the Lord told the members to “give heed unto all [Smith’s] words, and commandments, which he shall give unto you, as he receiveth them, walking in all holiness before me: For his word ye shall receive, as if from mine own mouth.”¹³ Five months later, when one Hiram Page tried to lead the church astray with revelations, the Lord told the membership (through Joseph) that “neither shall anything be appointed unto any of this church contrary to the church covenants. For all things must be done in order, and by common consent in the

church.”¹⁴ The first revelation instructed the church to obey all divinely-inspired words of a faithful prophet; the second reinforced the Prophet’s plenary authority on the grounds of procedural order and popular consent. All of these elements—prophetic authority, procedural authority, popular authority—worked hand-in-hand so long as Joseph Smith operated with church consent and did not do things out of order. As we’ve seen in the preceding chapters, however, that was not necessarily always the case.

Church leaders did not always adhere to procedural strictures and precedents. When disciplinary councils of the church seemed impotent against the 1837 dissenters, Joseph Smith bypassed the councils and appealed directly to the general church body.¹⁵ Apostles Thomas Marsh and David Patten used the same tactic in February 1838 to remove David Whitmer, John Whitmer, and W. W. Phelps from the Far West Stake Presidency.¹⁶ In the aftermath, Marsh, Patten, and Brigham Young became presidents *pro tempore* of the stake, even though, as apostles, they were not to intrude on stake jurisdictions.¹⁷ Phelps and the Whitmers were subsequently excommunicated by the high council, even though in less rancorous times they, as presiding officers, might very well have been tried by a bishop’s court.¹⁸ Finally, William Law and his dissident allies were summarily excommunicated without notice, without minutes, and without the right of defense by an irregular conglomeration of the Twelve Apostles, the Nauvoo High Council, and the political Council of Fifty.¹⁹ These anomalous measures weren’t the acts of rogue church leaders; Joseph Smith approved all these measures.²⁰

Church leaders did not do all things by common consent. Church members routinely sought the Lord’s will through the Prophet, and if and when he gave it, they

usually acted upon it with nary a thought of awaiting a sustaining vote.²¹ In addition, Smith introduced the various iterations of the endowment without formal sustaining. He organized the Anointed Quorum and Council of Fifty without sustaining votes. He introduced plural marriage and the second anointing without sustaining votes. He revised revelations for the *Doctrine and Covenants* (1835) without notifying the church of the extent of the changes. He didn't seek permission to make nearly three thousand changes to the second edition of *The Book of Mormon* (1837). He never sought approval to add several revelations to the second edition of *The Doctrine and Covenants* (1844). He introduced the doctrinal shocks of *The Book of Abraham* and the King Follett discourse without sustaining votes. He ordained multiple individuals as general authorities weeks, months, or even years before ever asking the church body to sustain their appointments.²²

At the time, few people other than dissenters urged Smith and his colleagues to follow more consistent protocols on procedural order and common consent. But the latent tensions between prophetic authority, procedural authority, and popular authority contributed to the fragmentation of the movement after his death.

Canon. The development of the canon under Joseph Smith also contributed to the fragmentation of his movement. Four editions of *The Book of Mormon* were printed in the United States in Smith's lifetime (1830, 1837, 1840, 1842) and, aside from the latter pair, their texts were not identical. The 1837 edition differed from the 1830 edition in nearly three thousand places, while the 1840 and 1842 editions differed from the second in roughly four dozen places. Most of the changes were grammatical and insignificant.

But a few had some doctrinal and narrative import. Thus the posthumous factions sometimes faced the question: Which edition to use or reprint?²³

Similar questions confronted the compilations of Smith's revelations. The *Book of Commandments* was slated for release in 1833, but the destruction of the printing press in Zion aborted the project. The revelations subsequently appeared in revised form as the *Doctrine and Covenants* (1835). Smith added a few more revelations for the second edition of *The Doctrine and Covenants*, but the text wasn't published until September 1844, three months after his death. Thus the factions that arose in the wake of Smith's death had to decide whether to embrace the revised revelations of the 1835 *Doctrine and Covenants*; the revised, expanded, and posthumously-published revelations of the 1844 *Doctrine and Covenants*; or—if they had any memory of it—the earlier texts of the revelations as found in the 1832-1833 *Evening and Morning Star* and 1833 *Book of Commandments*. They also had to determine what to do or how to read the *Lectures on Faith*, the *Doctrine and Covenants*' theological primer.²⁴

Finally, the posthumous factions had to decide what to do with Joseph Smith's translation of *The Bible* and *Book of Abraham*. Smith completed his *Bible* translation and wanted it published, but the church never had the funds to do so.²⁵ He published his Abraham translation in the *Times and Seasons* in 1842, but the text was never voted on by the church body.²⁶ How would posthumous factions regard these texts?

Geography. With each passing year of Joseph Smith's leadership, the Mormon experience at church headquarters, particularly among the leadership elite, differed from

the mission-field Mormon experience.²⁷ At church headquarters, members could interact with the Prophet and his closest associates, hear doctrinal expositions unavailable to outlying members, contribute time and talent to the construction of temples and, at Nauvoo, receive baptism for one's dead. For men, living at church headquarters could mean membership in a robust priesthood quorum, an endowment in the Kirtland Temple, participation in the Danites or the Nauvoo Legion, and the political power of a cohesive group. For women, life at Nauvoo might include membership in the Relief Society. Gathered Mormons, moreover, seemed a revolutionary threat wherever they congregated. They behaved so clannishly they acquired an almost ethnic-like sense of "otherness."

Smith's inner circle enjoyed access to exclusive councils, rites, and practices. At Kirtland, Smith invited select elders to join the School of the Prophets.²⁸ At Nauvoo, he initiated sixty-six men and women into the endowments, prayer circles, and second anointings of the Anointed Quorum.²⁹ He admitted fifty-three men, including three non-Mormons, into the theocratic Council of Fifty.³⁰ He married a handful of monogamous couples for time and all eternity.³¹ And he introduced, according to the most detailed tally, 157 individuals (33 husbands, 124 wives) into the practice of plural marriage.³² Kirtland residents knew of the School of the Prophets, but most Nauvoo residents knew nothing of celestial marriages, the Anointed Quorum, and the Council of Fifty.

For individuals and families who hadn't gathered to church headquarters, the Mormon experience was quite different. Outside of church headquarters, members rarely, if ever, enjoyed personal contact with the Prophet. They might come in contact with an apostle now and again, but by and large the only leadership they knew were

missionaries and the presiding elders of local branches. In the mission field, Mormon doctrine was pretty much limited to published Scripture, the church newspaper, and reports of travelling elders. Outlying members learned little, if anything, about such privileged matters as the Danites, Anointed Quorum, Council of Fifty, celestial marriage, and the doctrine of human deification.³³ Mormonism of the periphery seemed less threatening to outsiders than center-place Mormonism. Despite their distinctive beliefs, mission-field Mormons behaved little differently from their Baptist and Methodist neighbors. The doctrinal and experiential differences between headquarters Mormons and mission-field Mormons would play out in the years after the Prophet's death.

Succession. Had Hyrum Smith lived, he almost certainly would have succeeded Joseph.³⁴ He had served as co-president for three years and presiding patriarch for four years.³⁵ He was one of the original recipients of the Nauvoo endowment in 1842.³⁶ And after initial opposition, he embraced the doctrine of plural marriage whole-heartedly in May 1843.³⁷ In the aftermath, Joseph bestowed additional leadership responsibilities on his brother. He had Hyrum perform most subsequent eternal and plural marriage sealings in his stead.³⁸ He told the church in July 1843 that Hyrum could very well serve as the church's prophet.³⁹ He urged the church to follow Hyrum's revelation on the 1843 congressional election.⁴⁰ And he admitted Hyrum to the Council of Fifty in 1844.⁴¹ Hyrum was acceptable to both the public body and the private councils of the church.

Hyrum's murder left the general membership rudderless. Joseph didn't leave the church body with a viable, conference-sustained, backup plan for such a tragedy. Beyond

Hyrum, Joseph left church members with a confusing array of choices, for over the years, Joseph had designated *multiple* successors and established *multiple* succession precedents. D. Michael Quinn enumerates eight possible methods of succession:

1) by a counselor in the First Presidency, 2) by a special appointment, 3) through the office of Associate President, 4) by the Presiding Patriarch, 5) by the Council of Fifty, 6) by the Quorum of the Twelve Apostles, 7) by three priesthood councils, 8) by a descendant of Joseph Smith, Jr.⁴²

Thus nine days after the martyrdom, William Clayton fretted: “There are already 4 or 5 men pointed out as successors to the Trustee and President.”⁴³ Beginning in summer 1844 and escalating in subsequent years—one could say the process is still ongoing—the succession question rent the latent fissures of the Joseph Smith era asunder.

Endnotes

¹ Joseph Smith discourse, 26 May 1844, in *WJS*, 373, 406n1, and *HC*, 6:408-412.

² Milton V. Backman Jr., *The Heavens Resound: A History of the Latter-day Saints in Ohio, 1830-1838* (Salt Lake City: Deseret Book, 1983), 328.

³ William Law’s church folded in early 1845. See *MH*, 1:561.

⁴ Joseph Smith III deposition, 29 January 1892, in *TLC-C*, 1:142-143 (Q1294-1310).

⁵ Steven L. Shields, *Divergent Paths of the Restoration* 4th ed. (Independence: Herald Publishing House, 1990); Newell G. Bringhurst and John C. Hamer, eds., *Scattering of the Saints: Schism Within Mormonism* (Independence: John Whitmer Books, 2007); Danny L. Jorgensen, “Dissent and Schism in the Early Church: Explaining Mormon Fissiparousness,” *Dialogue* 28 (Fall 1995), 15-39; idem., “Studies of Mormon Fissiparousness: Conflict, Dissent, and Schism in the Early Church,” in Newell G. Bringhurst and Lavina Fielding Anderson, eds., *Excavating Mormon Pasts: The New Historiography of the Last Half Century* (Salt Lake City: Kofford Books, 2004), ch. 10.

⁶ See, for example, Newell G. Bringhurst, “Joseph Smith’s Ambiguous Legacy: Gender, Race, and Ethnicity as Dynamics for Schism within Mormonism after 1844,” *JWJ* 27 (2007), 1-48.

⁷ For an LDS reflection on the contrast between *The Book of Mormon* and the Prophet’s mature theology, see Daniel H. Ludlow’s essay in “I Have A Question,” *Ensign* 15 (September 1985), 17-19. For a sophisticated attempt to relate Mormon temple theology to *The Book of Mormon*, see John W. Welch, *The Sermon at the Temple and the Sermon on the Mount* (Salt Lake City: Deseret Book/Provo: FARMS, 1990).

⁸ For a sampling of sundry interpretations of the continuity and discontinuity of early Mormon doctrine and practice, see Jerald and Sandra Tanner, *The Changing World of Mormonism* (Chicago: Moody Press, 1979), passim; Thomas G. Alexander, “The Reconstruction of Mormon Doctrine: From Joseph Smith to Progressive Theology,” *Sunstone* 10 (May 1985), 9-11; Robert L. Millet, “Joseph Smith and Modern Mormonism: Orthodoxy, Neoorthodoxy, Tension, and Tradition,” *BYU Studies* 29 (Summer 1989), 49-68; Gary James Bergera, ed., *Line Upon Line: Essays on Mormon Doctrine* (Salt Lake City: Signature Books, 1989), passim; David John Buerger, *The Mysteries of Godliness: A History of Mormon Temple Worship* (San Francisco: Smith Research Associates, 1994); Richard Lyman Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005).

⁹ Jan Shippy, "Joseph Smith and the Creation of LDS Theology," in idem., *Sojourner in the Promised Land: Forty Years among the Mormons* (Urbana: University of Illinois Press, 2000), ch. 14.

¹⁰ For modern LDS reflections on doctrinal progression and continuous revelation, see James B. Allen, "Line Upon Line," *Ensign* 9 (July 1979), 32-39; Arnold K. Garr, "Growing with a Living Church," *Ensign* 26 (October 1996), 24-33.

¹¹ Shippy, "LDS Theology," 297.

¹² David Whitmer, *An Address to All Believers in Christ* (Richmond, MO: by the author, 1887); Lyndon W. Cook, *William Law: Biographical Essay, Nauvoo Diary, Correspondence, Interview* (Orem, UT: Grandin Book, 1994).

¹³ Joseph Smith revelation, 6 April 1830, in *MRB*, 26-27, *BC* 22:5, *D&C* (LDS) 21:5, *D&C* (RLDS) 19:2b.

¹⁴ Joseph Smith revelation, September 1830, in *MRB*, 52-53, *BC* 30:12-13, *D&C* (LDS) 28:12-13, *D&C* (RLDS) 27:4b-c.

¹⁵ For earlier disciplinary attempts, see the Kirtland High Council minutes, 29 May 1837, in *KHCM*, 181-184, and *HC*, 2:484-486, but not *HRC*; Wilford Woodruff journal, 29 May 1837, in *WWJ*, 1:148; Bushman, *Joseph Smith*, 337. For Joseph Smith's subsequent conferences, see Kirtland conference minutes, 3 September 1837, in *KHCM*, 184-187; Joseph Smith journal, 4 September 1837, in *JSJ*, 1:240-245, and *HC*, 2:508-511, and *HRC*, 2:107-108; Missouri conference minutes, in Far West Record, 7 November 1837, in *FWR*, 121-125, and *HC*, 2:522-524, and *HRC*, 2:117-120; *EJ* 1 (November 1837), 29-30.

¹⁶ Far West Record, 5-9 February 1838, in *FWR*, 137-140, and *HC*, 3:3-6, and *HRC*, 140-142.

¹⁷ On the jurisdictional limits of the Twelve, see the Joseph Smith revelation, 28 March 1835, in *D&C* (1835) 3:12-17, *D&C* (LDS) 107:33-39, *D&C* (RLDS) 104:12-17; Kirtland High Council minutes, 2 May 1835, in *KHCM*, 112, and *HC*, 2:220, and *HRC*, 1:560-561. For the appointments of Marsh, Patten, and Young, see the Far West Record, 10 February and 6 April 1838, in *FWR*, 141, 158, and *HC*, 3:6, 14, and *HRC*, 2:142-143, 149; Ronald K. Esplin, "The Emergence of Brigham Young and the Twelve to Mormon Leadership, 1830-1841" (Ph.D. dissertation: Brigham Young University, 1981), 329, 352-353n21-22.

¹⁸ For the jurisdiction of a bishop's court, see the Joseph Smith revelation, 11 November 1831, in *MRB*, 218-219/586-589, *D&C* (1835) 3:36-37, *D&C* (LDS) 107:81-84, *D&C* (RLDS) 104:36-37; Kirtland High Council minutes, 29 May 1837, in *KCMB*, 182-183, and *HC*, 2:485; Far West Record, 12 April 1838, in *FWR*, 162-171. For the excommunication of John Whitmer and W. W. Phelps, see the Far West Record, 10 March 1838, in *FWR*, 146-150, and *HC*, 3:6-8, and *HRC*, 143-145. For the excommunication of David Whitmer, see the Far West Record, 13 April 1838, in *FWR*, 171-179; Joseph Smith journal, 13 April 1838, in *JSJ*, 1:256-257.

¹⁹ Joseph Fielding journal, [18 April] 1844, in Andrew F. Ehat, ed., "'They Might Have Known That He Was Not a Fallen Prophet': The Nauvoo Journal of Joseph Fielding," *BYU Studies* 19/2 (1979), 8; Joseph Smith journal, 18 April 1844, in *APR*, 471-472; William Law diary, 19, 21-22 April 1844, and William Law to Wilhelm Wyl, 20 January 1887, in Cook, *William Law*, 50-52, 106-107, respectively.

²⁰ Joseph Smith journal, 14 March 1838, in *JSJ*, 1:237; Joseph Smith to the Kirtland Stake Presidency, 29 March 1838, in *PWJS*, 355-356, and *HC*, 3:10-12, and *HRC*, 2:145-148; *HC*, 3:8-9; William Law to Wilhelm Wyl, 20 January 1887, in Cook, *William Law*, 106-107.

²¹ Richard P. Howard, *Restoration Scriptures: A Study of Their Textual Development* (Independence: Herald Publishing House, 1995), 147.

²² The list of individuals who served as general authorities before being sustained in their respective offices includes Sidney Rigdon, Oliver Cowdery, Joseph Smith Sr., Hyrum Smith, Amasa Lyman, and several apostles. See D. Michael Quinn, "The Mormon Succession Crisis of 1844," *BYU Studies* 16 (Winter 1976), 193-194.

²³ David J. Whittaker, "'That Most Important of All Books': A Printing History of The Book of Mormon," *MHS* 6 (Fall 2005), 101-134; Howard, *Restoration Scriptures*, chs. 2-3.

²⁴ Robert J. Woodford, “Historical Development of the Doctrine and Covenants” 3 vols. (Ph.D. dissertation: Brigham Young University, 1974); Melvin J. Petersen, “A Study of the Nature of and the Significance of the Changes in the Revelations as Found in a Comparison of the Book of Commandments and Subsequent Editions of the Doctrine and Covenants” (M. S. thesis: Brigham Young University, 1955); Howard, *Restoration Scriptures*, ch. 9; Karl F. Best, “Changes in the Revelations, 1833 to 1835,” *Dialogue* 25 (Spring 1992), 87-112; H. Michael Marquardt, *The Joseph Smith Revelations: Text & Commentary* (Salt Lake City: Signature Books, 1999).

²⁵ Joseph Smith revelations, 2 August 1833 and 23 April 1834, in *MRB*, 322-323/544-545 and 368-369/626-627, *D&C* (1835) 83:3 and 98:10, *D&C* (LDS) 94:10 and 104:58, *D&C* (RLDS) 91:3 and 101:10c; Joseph Smith, Sidney Rigdon, and Frederick G. Williams to Edward Partridge, 6 August 1833, in *JST*, 7; Joseph Smith revelation, 19 January 1841, in “EXTRACTS,” *T&S* 2 (1 June 1841), 428, and *D&C* (LDS) 124:89, and *D&C* (RLDS) 107:28b; Robert J. Matthews, “Joseph Smith’s Efforts to Publish His Bible Translations,” *Ensign* 13 (January 1983), 57-64.

²⁶ “The Book of Abraham,” *T&S* 3 (1 March 1842), 703-706, and (15 March 1842), 719-722, and (16 May 1842), 783-784.

²⁷ The following discussion is based upon D. Michael Quinn, “LDS ‘Headquarters Culture’ and the Rest of Mormonism: Past and Present,” *Dialogue* 34 (Fall-Winter 2001), 135-164; Jan Shipps, “Difference and Otherness: Mormonism and the American Religious Mainstream,” in *Sojourner in the Promised Land*, 302-327; idem., “Another Side of Early Mormonism,” in Jan Shipps and John W. Welch, eds., *The Journals of William E. McLellin, 1831-1836* (Urbana: University of Illinois Press/Provo: *BYU Studies*, 1994), 3-12.

²⁸ Joseph Smith revelations, 27-28 December 1832 and 3 January 1833, in *MRB*, 306-309, 309-311/502-505, 506-509, *D&C* (1835) 7:36-46, *D&C* (LDS) 88:117-141, and *D&C* (RLDS) 85:36-46; Backman, *Heavens Resound*, 265; Janet Ellingson, “Becoming a People: The Beliefs and Practices of the Early Mormons, 1830-1845” (Ph.D. dissertation: University of Utah, 1997), 148-154.

²⁹ See the primary sources and helpful tables in *JSQA*.

³⁰ William Clayton journal, 11 March 1844 and 1 January 1845, in *JWC*, 126, 153-154; D. Michael Quinn, “The Council of Fifty and Its Members, 1844 to 1945,” *BYU Studies* 20 (Fall 1979), 163-197, and *MH*, 1:120-136.

³¹ Gary James Bergera, “The Earliest Eternal Sealings for Civilly Married Couples,” *Dialogue* 35 (Fall 2002), 41-66.

³² George D. Smith, *Nauvoo Polygamy: “...but we called it celestial marriage”* (Salt Lake City: Signature Books, 2008), 353.

³³ In one telling letter, for example, two Nauvoo Mormons describe the Prophet’s introduction of plural wives and plural gods, knowing full how unbelievable it will sound to their mission-field Mormon family. See Isaac and Sarah Scott to Abigail and Calvin Hall, 16 June 1844, in *CIC*, 169-172.

³⁴ Brigham Young discourse, 6 October 1844, in *T&S* 5 (15 October 1844), 683, and *HC*, 7:288

³⁵ On Hyrum in the Patriarchate, see the Joseph Smith revelation, 19 January 1841, in “EXTRACTS,” *T&S* 2 (1 June 1841), 428, and *D&C* (LDS) 124:91-93, 123-124, and *D&C* (RLDS) 107:29a-c, 37-38; *MH*, 1:32-34, 46-57, 218-219, 229-230, 583-585, 631; Irene M. Bates and E. Gary Smith, *Lost Legacy: The Mormon Office of Presiding Patriarch* (Urbana: University of Illinois Press, 1996), ch. 3. On Hyrum as assistant president, see the Joseph Smith revelation, 19 January 1841, in “EXTRACTS,” *T&S* 2 (1 June 1841), 428, and *D&C* (LDS) 124:94-96, and *D&C* (RLDS) 107:29c-e.

³⁶ See the following sources conveniently assembled in *JSQA*, 4-7: Joseph Smith journal, 4 May 1842; Willard Richards, expansion of 4 May 1842 entry in Joseph Smith’s journal, c. 1845; Heber C. Kimball, “Strange Events,” postscript to 1840-1845 diary, undated; Heber C. Kimball diary, 21 December 1845; George Miller to James J. Strang, 26 June 1855; Brigham Young manuscript history, 4 May 1842; L. John Nuttall diary, 7 February 1877.

³⁷ William Clayton journal, 26 May 1843, in *JWC*, 106; Brigham Young discourse, 8 October 1866, in Gary James Bergera, “Identifying the Earliest Mormon Polygamists, 1841-44,” *Dialogue* 38 (Fall 2005), 28-29.

³⁸ Bergera, "Earliest Eternal Sealings," 53n50

³⁹ Joseph Smith journal, 16, 23 July 1843, and William Clayton journal, 16 July 1843, and Willard Richards to Brigham Young, 19 July 1843, in *WJS*, 232-234; Charlotte Haven to "My Dear Friends at home," 8 September 1843, in *CIC*, 129-130.

⁴⁰ Joseph Smith journal, 6 August 1843, in *WJS*, 236-237; Charlotte Haven to "My Dear Friends at home," 8 September 1843, in *CIC*, 129-130; Wilhelm Wyl interview with William Law, 30 March 1887, in Cook, *William Law*, 124-125; Robert B. Flanders, *Nauvoo: Kingdom on the Mississippi* (Urbana: University of Illinois Press, 1965), 233-240.

⁴¹ William Clayton journal, 11 March 1844, in *JWC*, 126; *MH*, 1:524.

⁴² Quinn, "Succession Crisis," 187-233 (quote, 187), expanded and revised in *MH*, vol. 1, chs. 5-6.

⁴³ William Clayton journal, 6 July 1844, in *JWC*, 137.

Chapter Six
Succession Crisis
June-August 1844

The death of Joseph Smith and his likely successor Hyrum Smith on 27 June 1844 created an unprecedented vacuum in the top leadership of the church. Not only was it unclear whom would lead the church in their absence; most of the general authorities—the lone surviving member of the First Presidency and the bulk of the Quorum of Twelve Apostles, Quorum of Seventy, and Council of Fifty—were weeks away from Nauvoo on assignment for Joseph Smith’s presidential campaign. The church could not long withstand such a vacuum. Among his many other responsibilities, Joseph had been trustee-in-trust of the church, and financial and legal necessity, if nothing else, required that the church find someone soon to take his place.

Two of the sundry individuals whom Joseph Smith had designated as his successor were no longer viable candidates in 1844. A decade earlier, in July 1834, Smith ordained David Whitmer, president of the Missouri Stake and one of the Three Witnesses of the *Book of Mormon* plates, to succeed him.¹ But the Far West High Council excommunicated Whitmer in April 1838.² In December 1834, Smith ordained another *Book of Mormon* witness, Oliver Cowdery, as assistant president of the church and his implicit successor.³ But the court of Bishop Edward Partridge excommunicated Cowdery in April 1838.⁴ Whitmer and Cowdery remained vitally interested in Mormon affairs.⁵ But neither man embroiled themselves in the succession controversy of 1844.⁶

Two other individuals whom Smith designated as potential successors were not yet old enough to assume leadership. In his final months, Joseph believed that his wife,

Emma, would give birth to the David spoken of in Scripture who would preside over the kingdom of Israel in the last days.⁷ As anticipated, Emma gave birth to a son, David Hyrum Smith, on 17 November 1844, five months after her husband's murder. But whatever leadership potential David may have held, the newborn obviously could not provide any immediate leadership for the church.⁸ Yet David Hyrum wasn't the only child of promise in the Smith household. In his final months, you'll recall, Joseph Smith also ordained his eldest, Joseph III, as his successor.⁹ But given the dire circumstances confronting the church in 1844, and the inherent risks involved in succeeding a man felled by assassins' bullets, nobody at the time, not even the Smith family, considered twelve-year-old Joseph III a truly viable immediate successor. The sons might assume the helm down the road, but for now the church needed mature leadership.

Initially, the likeliest successor appeared to be William Marks, president of the Nauvoo Stake High Council.¹⁰ An 1835 revelation declared the stake high council of Zion equal in authority to the First Presidency and the Twelve Apostles, and with the dissolution of the Zion Stake in 1839, the stake high council of Nauvoo assumed its mantle.¹¹ Indeed, an 1841 revelation designated the Nauvoo Stake the "corner-stone of Zion."¹² To Emma Smith, it made perfect sense that Marks, the leading authority at the seat of church government, should assume control of church government.¹³ But Marks's qualifications weren't limited to his stake calling. As the first individual outside the Smith family to receive the second anointing, Marks had been a "king and priest" longer than any succession candidate.¹⁴ Within the age-based ranks of the Council of Fifty, moreover, the fifty-one-year-old Marks held seniority over all other contenders.¹⁵ Given

the local rather than general authority of his stake calling, furthermore, Marks was one of the few prominent church leaders present in Nauvoo at the time of the martyrdom, which meant that he could assume the presidential responsibilities of the trustee-in-trust immediately.¹⁶ At the very least, Marks could possibly serve as co-president alongside chief apostle Brigham Young. The 1835 revelation described the high council of Zion and the travelling high council (the Twelve) as parallel, co-equal branches, the former to govern the church's central stake, the latter to govern the mission field.¹⁷

But Marks had things going against him as well. He was a discreet but consistent opponent of polygamy, which set him at odds with most of the Twelve, the Anointed Quorum, and Joseph Smith's inner circle.¹⁸ He was an unassuming man who didn't seem all that interested in assuming the responsibilities of the presidency.¹⁹ Finally, the few church leaders present in Nauvoo after the martyrdom, foremost being the Prophet's secretary and historian, Apostle Willard Richards, thought it best to postpone any decision on the succession question until the bulk of the leadership returned to Nauvoo. They assured the Saints that "as soon as the 'Twelve' and other authorities can assemble, or a majority of them, the onward course to the great gathering of Israel, and the final consummation of the dispensation of the fulness of times, will be pointed out."²⁰

In the meantime, that same month, a report circulated within the Anointed Quorum that Joseph Smith intended his brother, Samuel H. Smith, to head the church should he and Hyrum perish.²¹ If true, Samuel seemed a curious pick—he held no high office in the church, nor did he belong to any of the Prophet's secret councils. A Samuel Smith presidency might mean the end of plural marriage, the secret temple rites, and the

Prophet's theocratic designs. Then again, Joseph Smith had repeatedly shown that he believed in the leadership prerogatives of his family. As with William Marks, then, so with Samuel Smith: Willard Richards and his allies defrayed any decision until the rest of the leadership returned.²² Then, suddenly, Samuel fell ill and died of "bilious fever" on July 30th, the third Smith brother to die in five weeks.²³ Samuel's death seemingly closed off the possibility of an immediate successor coming from the Smith family.

Nauvoo's leadership vacuum finally started to close in late July and early August as members of the First Presidency, Twelve Apostles, Council of Fifty, and Quorum of Seventy trickled into town. With enough members present to reestablish a functioning body, on July 30th George Miller and Alexander Badlam recommended that the Council of Fifty organize the church leadership. But apostles and fellow-Fifty members Willard Richards, John Taylor, and George A. Smith countered that the Council of Fifty was a political body distinct from the church. The Fifty admitted non-Mormons into its ranks, the apostles reminded their interlocutors. The Fifty could not select church leadership, they insisted, for "the organization of the church belonged to the priesthood alone." The apostles' arguments carried the day.²⁴ That the Fifty participated in the ecclesiastical excommunication of William Law three months earlier seemed of no moment.²⁵

Thus it was that through July, working mostly, if not entirely, behind closed doors, Willard Richards and his colleagues successfully postponed a decision on the succession question pending the return of the apostles and other general authorities. In early August, however, their delaying tactics met a stubborn opponent.

On August 3rd, Sidney Rigdon, first counselor in the First Presidency, arrived in Nauvoo, bypassed Richards and his allies, and summarily announced to the public the next day that the Lord had called him by vision in Pittsburgh to serve as “guardian” of the church.²⁶ Foregoing his own candidacy, Stake President William Marks immediately threw his support behind Rigdon and announced that an assembly would be held on Thursday the 8th to appoint a new head of the church.²⁷ By going public, Rigdon and Marks had circumvented Richards’ delaying tactics. Sensing that Rigdon wished to take speedy advantage of the current leadership vacuum, on August 5th Richards and his colleagues pressed Rigdon to explain why he seemed so impatient to settle the leadership question. In response, Rigdon assured the men that his August 8th assembly would be little more than a prayer meeting; it wouldn’t decide the leadership question.²⁸

The next evening, Tuesday, August 6th, five apostles, Brigham Young included, arrived in Nauvoo, bringing the number present to nine.²⁹ “This seems very providential,” William Clayton opined, wary of Rigdon’s leadership push.³⁰ The following day, the Twelve, high council, and high priests questioned Rigdon about his Pittsburgh revelation. In his vision, Rigdon related, he saw that Joseph Smith retained the same relationship to the church beyond the veil as he did on earth, and that as the Prophet’s divinely-chosen spokesman, Rigdon would guide the church under the revelatory direction of the Prophet. Rigdon’s interlocutors weren’t impressed; Wilford Woodruff deemed it “a kind of second Class vision.” Be that as it may, the brethren decided that the church would decide the leadership question in conference on Tuesday the 13th.³¹ With David Whitmer, Oliver Cowdery, Hyrum Smith, Samuel Smith, Joseph

Smith III, David Hyrum Smith, William Marks, and the Council of Fifty eliminated from contention, the succession question had come down at last to a choice between the Quorum of Twelve Apostles, led by forty-three-year-old Brigham Young, and fifty-one-year-old First Presidency counselor Sidney Rigdon.

Sidney Rigdon had served as Joseph Smith's counselor since 1832, making him, after Smith's death, the longest-serving general authority in the church.³² He was, by command of the Lord, the Prophet's spokesman.³³ As a presidential counselor, moreover, he was equal to Smith, at least a decade earlier, in the priesthood keys of the kingdom.³⁴ Rigdon had stood by Joseph through the turbulence of the Kirtland and Far West eras.³⁵ But at Nauvoo, their relationship became strained. In 1841, Rigdon was ordained a prophet, seer, and revelator.³⁶ But that same year, the Lord chastised Rigdon for not living up to his calling.³⁷ Smith had John C. Bennett serve as "spokesman pro tempore" in Rigdon's stead.³⁸ And Smith's unsuccessful plural marriage proposal to Rigdon's daughter, Nancy, in 1842 further frayed their relationship.³⁹ Joseph disfellowshipped Sidney with a unanimous public vote on 13 August 1843.⁴⁰ He sought to remove Rigdon from the First Presidency entirely in October, but Hyrum Smith pleaded for leniency and, to Joseph's disgust, the church body voted to retain Rigdon in office.⁴¹ In the aftermath, ironically, Joseph's relationship with Rigdon improved. In 1844, Smith selected Rigdon as his presidential running-mate and admitted him to the Council of Fifty.⁴² Rigdon also received an endowment in the Anointed Quorum.⁴³ And Smith ensured Rigdon's safety from the impending violence of June 1844 by assigning him to Pittsburgh. "I have sent Br. Ridgdon away," Joseph wrote five days before his

murder, “[and] I want to send Hiram away to save him, to avenge my Blood.”⁴⁴ But even though their relationship had improved, Smith still kept Rigdon at a distance. Rigdon was admitted to the Anointed Quorum through W. W. Phelps’s instigation, not Smith’s.⁴⁵ Rigdon never received the second anointing, he was never sealed in celestial marriage, and he was never admitted to the practice of plural marriage.⁴⁶ In this light, a Rigdon “guardianship” could potentially mean the end of Smith’s highest ordinances.⁴⁷

By contrast, Brigham Young’s Quorum of Twelve Apostles had become Joseph Smith’s most trusted, capable, and dependable quorum. As president *pro tempore* of the Far West Stake, Young directed the Mormon exodus from Missouri in 1839 in concert with Diahman Stake President John Smith.⁴⁸ In the British Isles, the Twelve brought thousands into the church and supervised their emigration to the American Zion.⁴⁹ Upon their return to Nauvoo in 1841, the Prophet declared “the time had come when the twelve should be called upon to stand in their place next to the first presidency, and attend to the settling of emigrants [sic] and the business of the church at the stakes, and assist to bear off the kingdom victorious to the nations.”⁵⁰ The Twelve subsequently ran church finances in concert with trustee-in-trust Smith.⁵¹ They took control of the proxy baptism program.⁵² They edited the church’s newspapers and prepared all church publications.⁵³ They supervised the settlement of immigrant Saints.⁵⁴ Eleven apostles served on the Nauvoo City Council.⁵⁵ Eleven joined the Anointed Quorum.⁵⁶ Nine received the second anointing.⁵⁷ Nine entered into plural marriage.⁵⁸ Eleven were admitted to the Council of Fifty.⁵⁹ Local disciplinary cases remained the province of the stake high council.⁶⁰ Yet on 18 April 1844, it was Brigham Young, not stake president William

Marks, who presided over the excommunication trial of William Law.⁶¹ To a degree unmatched by any other quorum or individual save Joseph and Hyrum themselves, the Twelve stood at the epicenter of both the mission field and church headquarters.⁶²

This was the context when thousands gathered for Sidney Rigdon's prayer meeting on the morning of Thursday, 8 August 1844. Only one apostle attended, Brigham Young; the others were in a private meeting reviewing the church's pressing finances.⁶³ Their presence was not deemed essential, as Rigdon had assured them that this was only to be a prayer meeting; the assembly to decide the leadership question wasn't to take place for another five days.⁶⁴ But Young was not naïve. He knew that Rigdon could very well use the prayer meeting to press his leadership claims.⁶⁵

Arising to address the crowd, Rigdon found a headwind muting his voice, so he abandoned the speaker's stand and spoke atop a wagon. Resuming his speech, it quickly became apparent that Rigdon didn't intend to restrict himself to words of prayer and comfort; instead, he expounded at length on the succession question. Rigdon argued that nobody could take Joseph Smith's place, but that should the church see fit, he would lead the church as Joseph's spokesman on earth. The Prophet's counselor spoke an hour-and-a-half in all, and had he left it at that, the meeting might have produced much comment but little immediate action. At the conclusion of his remarks, however, Rigdon asked the assembly to sustain him by vote as guardian of the church.

Young had held his tongue throughout Rigdon's discourse, but when Rigdon asked for a sustaining vote, Young had to act—immediately. Young had been in Nauvoo for little over thirty-six hours. He hadn't had a chance to address the Saints yet; he hadn't

presented his case for the Twelve's prospective leadership. His opportunity was scheduled to take place the following Tuesday, but now Rigdon was trying to step into the breach by preemptive action. Young could not allow this to happen.

With no time to lose, Young alighted atop the speaker's stand and interrupted Rigdon's vote. We should not rush such weighty decisions, Young reasoned; a decision like this should be done with order and deliberation. Young's dramatic appearance sent a charge through the crowd. Young was a respected veteran figure. Thousands in attendance had been brought into the church—indeed, the United States—through the ministrations of his quorum. But most residents hadn't seen the chief apostle since he departed three months earlier to stump for Candidate Joseph Smith; many probably weren't even aware that Young had returned to Nauvoo. Now suddenly, as if from out-of-nowhere, Young stood before them, cautioning them from settling for Rigdon's leadership. These were words to be taken seriously. Still, Young sensed that Rigdon's appeal had rendered the crowd impatient. He couldn't ask them to wait another five days to resolve the leadership question. Besides, what other machinations might Rigdon pull in that time? So Young proposed instead that the people reassemble in solemn assembly later that afternoon to resolve the crisis. The crowd duly sustained Young's motion.⁶⁶ As Wilford Woodruff explained, “in consequence of some excitement among the People and a dispositions by some spirits to try to divide the Church, it was thought best to attend to the business of the Church in the afternoon that was to be attended to on Tuesday.”⁶⁷

Thousands showed up for the afternoon assembly.⁶⁸ As Young recommended, priesthood holders sat in quorums in the manner of a solemn assembly. Rigdon had spoken in the morning, so now it was Young's turn to speak—his first formal Nauvoo address since the Prophet's murder. If we can encapsulate Young's discourse by one sentence, the following excerpt would suffice: "You cannot appoint a prophet, but if you let the Twelve remain and act in their place, the keys of the kingdom are with them and they can manage the affairs of the church and direct all things aright."⁶⁹ Like Rigdon, Young didn't present himself as Joseph's successor; like Rigdon, he depicted Smith's prophetic majesty as a singular phenomenon; like Rigdon, Young argued that only God could call another prophet in Smith's stead. But whereas Rigdon believed he could safeguard the church by continuing as Smith's spokesman, Young countered that it would be impossible for Rigdon to speak for a prophet who was no longer living on earth. If Rigdon would rely on the imagined counsels of a deceased prophet, Young contrasted, the Twelve would rely on the priesthood authority imparted by the prophet in life. Before his death, Young explained, the Prophet bestowed upon the Twelve all the priesthood authority necessary to build up the Kingdom of God on earth. With Joseph and Hyrum taken from the earth, Young asserted, nobody had more authority than the Twelve. And not only that, he added, the Twelve also had a track-record of steadiness and dependability, a veiled swipe at Rigdon's recent volatility. For these reasons, Young concluded, the Twelve should now serve as the acting presidency of the church.

Perhaps more interesting than the things Young said in his speech are the things he did not say. Most conspicuously, Young did not specify how the Twelve obtained

their purportedly preeminent authority. Young didn't delve into the Twelve's 1835 mandate or the canonical texts related to their office. He didn't explain how the Twelve's authority could supersede quorums mandated by scripture and employed in practice (until the last few years) as equals to the Twelve. He alluded repeatedly to Joseph Smith's "Last Charge" and the ordinances of the Anointed Quorum, but he didn't offer any concrete details on these matters, as most Nauvoo Mormons knew little, if anything, about them. One wonders how Young could confidently claim such authority for the Twelve and offer so little evidence to substantiate it. Then again, maybe that's the point: Perhaps Young didn't substantiate the Twelve's authority because the evidence for their authority had been so plain for his audience to see. During Joseph's final years, the Twelve had exercised a broader array of powers at home and abroad than any other quorum save the First Presidency, in fields as broad as church finances, doctrinal exposition, temple rites, temple construction, missionary work, publications, emigration, immigration, city politics, the presidential campaign, and the prospective settlement of the West. The Twelve had conducted all this activity, moreover, with remarkable competency and success. Young's listeners didn't need to know about plural marriage, the Anointed Quorum, the Council of Fifty, and the Last Charge to recognize the authority and responsibilities the Prophet bestowed upon them in his final years. What additional evidence need be cited, Young may have thought, to substantiate the capability and right of the Twelve to lead the church in the Prophet's absence?

Young was followed on the speaker's stand by assistant First Presidency counselor Amasa Lyman. Lyman's unusual ecclesiastical resume gave his take on the

succession question considerable weight. Lyman was ordained an apostle in the Quorum of the Twelve in place of Orson Pratt in August 1842. But with Pratt's subsequent reinstatement, Lyman became, in February 1843, an assistant First Presidency counselor. Joseph Smith tried on two occasions to promote Lyman, but as with Lyman's previous appointment to the Twelve, circumstances blocked the way. On 1 October 1843, Joseph anointed Lyman his first counselor in place of the ineffectual Rigdon, but the appointment was aborted when the subsequent October 8th general conference sustained Rigdon against Smith's wishes. Four months later, Smith privately selected Lyman to replace disaffected second counselor William Law, but in April 1844 Smith tried to make amends with Law, so Lyman wasn't sustained in conference and remained an assistant presidential counselor.⁷⁰ Having belonged to both the Quorum of Twelve under Brigham Young and the First Presidency alongside Sidney Rigdon, then, Lyman had a unique perspective on the church's current succession options. One might have thought that Lyman would endorse Rigdon, given that Lyman, the only other surviving First Presidency counselor, could potentially benefit from a succession precedent based on the counsellorship. But Lyman announced otherwise. "I have been at the back of the prophet Joseph, and I shall be at the back of the 'Twelve,'" he declared. "There is no need of choosing a guardian or head, the apostles have the power."⁷¹ Lyman's endorsement lent powerful support to the leadership claims of the Twelve.

Sidney Rigdon now had an opportunity to respond, but perhaps exhausted or dispirited, he asked Joseph Smith confidant W. W. Phelps to speak on his behalf.⁷² An Anointed Quorum member, Phelps had kindly facilitated Rigdon's endowment months

earlier in May 1844.⁷³ But if Rigdon thought Phelps would endorse him as prospective guardian of the church, he badly miscalculated. To the contrary, Phelps endorsed the Quorum of Twelve to the crowd, intimating that the Twelve received all the priesthood keys and ordinances (endowment, celestial and plural marriage, second anointing) Joseph Smith imparted to the Anointed Quorum, whereas Rigdon received only a portion (endowment). Uphold the Twelve, Phelps promised, and church members would receive their endowments in the temple. Earlier in the year, Phelps had witnessed the Prophet bless his son, Joseph III, as his successor.⁷⁴ But like almost everyone who witnessed that blessing, Phelps evidently did not consider an immediate Joseph Smith III presidency a viable option.⁷⁵ Phelps provided another powerful endorsement for the Twelve.

After some tangential comments by Apostle Parley Pratt, Brigham Young returned to the stand and affirmed that under the Twelve's leadership, the Saints would complete the Prophet's program and receive their promised endowments, whether in the still-to-be-completed Nauvoo Temple or, if need be, in the remote wilderness. And with that promise of continuity and fulfillment, Young asked those who wanted the Twelve to lead the church to show their support by uplifted hand. Thousands of hands went up. Then he asked for votes to the contrary from those who supported Sidney Rigdon as guardian of the church. Few, if any, hands went up.⁷⁶ As the *Times and Seasons* summarized for readers a few weeks later, "[Young] explained matters so satisfactorily that every saint could see that Elijah's mantle had truly fallen upon the Twelve."⁷⁷

Young's commanding performance on August 8th (and subsequent Nauvoo assemblies) reminded a number of Mormons of their late prophet. It wasn't because

Young bore a pronounced physical resemblance to Joseph Smith; Brigham was one of the best known men in the church, and few had ever physically confused him for Joseph. But something about Young's performance—the authoritative presence, the confident swagger, the cadence and mannerisms, the language of temple, keys, and kingdom—evoked memories of departed Joseph. Local resident Henry Brooks described Young to a distant church member in November 1844: "He is an excellent man, and favors Br. Joseph, both in person, and manner of speaking, more than any person ever you saw looks like another."⁷⁸ In December, Jesse Little recounted the impressions of a friend who saw Young address the Saints earlier that fall: "I rec[eive]d a Letter from Bro Egan at the time of the Conference he said 'if a man had been blinded he would hardly have known if it were not Joseph.'"⁷⁹ Some saw Young's commanding presence as evidence of a divine investiture of authority. "It was evident to the Saints that the mantle of Joseph had fallen upon him," Wilford Woodruff wrote the Saints of the British Isles in February 1845.⁸⁰ William Burton found a similar sentiment among Nauvoo residents in spring 1845: "The spirit of Joseph appeared to rest upon Brigham."⁸¹ Nobody had been a keener student of Smith's than Young, and to many observers it seemed the latter bore the imprint of the former, lending additional credibility to the Twelve's leadership.

And thus it was that six weeks after the death of church president Joseph Smith and his likely successor, Hyrum Smith, the general membership at church headquarters sustained the Quorum of the Twelve Apostles under senior apostle Brigham Young as the acting presidency of the Church of Jesus Christ of Latter Day Saints. Momentarily, it seemed, the succession crisis had ended. In truth, it had only begun.

In many respects, the elevation of the Quorum of Twelve Apostles to the acting presidency of the church represented a conservative resolution to the problem of post-martyrdom leadership. Joseph Smith wasn't replaced with another dynamic prophet-president; he was replaced by a committee. The Twelve didn't campaign to change the church; they vowed to complete the Prophet's work. The Twelve weren't unknown and untested; they were familiar and competent. The Twelve didn't have to master an array of new responsibilities to run the church; they already ran most of the key functions of the church. The Twelve didn't assume the presidency by some backroom bargain; they were sustained publicly by thousands of votes at church headquarters. Chief apostle Brigham Young, moreover, didn't try to copy Smith's visionary originality; Young led by authority, experience, deep conviction, and an intimidating personality. For these and other reasons, the Twelve were an eminently safe bet in August 1844 to keep the church running smoothly and efficiently. If anything, Young and the Twelve could be (and were) faulted for being too conservative a solution, as they offered comparatively little of the supernatural charisma that attracted so many individuals to Joseph Smith.⁸²

Despite the conservative appeals of the Twelve, in at least two critical respects, however, their ascendancy to the general church leadership represented a significant procedural innovation. First, the Twelve represented a dramatic change to the organizational composition of the presiding body. For twelve years, the general leadership of the church had resided in a tiny body consisting of a prophet-president, his counselors, and sometimes an assistant co-president; now it resided in twelve apostles

and their newfound counselors Amasa Lyman and (should he choose to go along with the new order) Sidney Rigdon. This was a leadership structure without precedent atop of the Mormon hierarchy. Second, the elevation of the Twelve to the acting presidency ran counter to the canonized 1835 revelation limiting the Twelve's authority to the missions and small branches of the church. The 1835 revelation declared the Twelve equal in authority to the First Presidency and stake high council of Zion, but it said nothing—in any contingency—about the Twelve assuming leadership over the entire church.⁸³ Later at Nauvoo, we've seen, Joseph Smith expanded the role of the Twelve far beyond their scriptural mandate. But the Prophet never updated the 1835 revelation nor canonized a new revelation reflecting the Twelve's expanded responsibilities. As a result, the vote of the August 8th assembly expanded the already-existing gulf between the church as it was to be governed in Scripture and the church as it was governed in practice.

In making this observation, we must keep in mind that virtually *any* conceivable solution to the post-martyrdom leadership dilemma would have necessitated some sort of procedural innovation and historical discontinuity. Had the Nauvoo membership voted for Sidney Rigdon, that would have created the specter of a “guardian” counselor speaking for a disembodied church president. Had Nauvoo Stake President William Marks become church president, that would have required a constitutional change whereby stake presidents ascend to the church presidency. Had Joseph Smith III been appointed church president, that would have required some sort of interim regency. We could multiply the hypothetical scenarios, but the point remains the same: There were no easy answers after 27 June 1844. The murder of Hyrum, probable successor; the youth of

Joseph III, envisioned successor; the death of Samuel, potential successor—these and other contingences left the church with no automatic solutions to the vacant presidency. Virtually any solution would have required a dose of innovation and discontinuity. In this light, it was eminently practical for church members to select the most trusted and capable quorum in the church, the Quorum of the Twelve, as an acting presidency.

The most revolutionary feature of the Twelve's presidential appointment didn't reside in assuming control over jurisdictions once held by other quorums, but rather in their oft-professed and seemingly plain-spoken determination to carry out the program of the late prophet. When the Twelve spoke of completing Joseph Smith's work, most attendees concluded that the Twelve intended to preach the gospel, complete the temple, endow the Saints, redeem the dead, and protect the church. The Twelve certainly had those projects in mind; they spoke about them incessantly. What few attendees realized was that when the Twelve spoke of completing the Prophet's program, they were also implicitly announcing their determination to disseminate Joseph Smith's secretive practices of celestial plural marriage, the priesthood ordinances of the Anointed Quorum, and the quasi-seditious politics of the Council of Fifty. Therein, the Saints would soon learn, lay the most radical aspects of the Twelve's presidency.

The leading apostles considered Joseph Smith's private Nauvoo teachings the pinnacle of his revelations. Indeed, Brigham Young and his closest apostolic colleagues believed the Prophet entrusted those sacred teachings to their care. For good reason: Apostles Young and Heber C. Kimball were the first men Joseph Smith ever sealed to plural wives.⁸⁴ Smith bestowed more plural wives on Young than any other man (four).⁸⁵

Kimball and his first wife, Vilate, were the first civilly-married couple sealed for eternity by the Prophet.⁸⁶ Smith, moreover, entrusted the proxy baptism program to the Twelve.⁸⁷ Young, Kimball, and Apostle Willard Richards were present at the founding of the Anointed Quorum.⁸⁸ Joseph allowed Brigham to preside over the Anointed Quorum in his absence, an honor only shared by the late Hyrum Smith.⁸⁹ Furthermore, Joseph authorized Young to administer the second anointing to the apostles, thereby leaving Young, after Joseph's and Hyrum's death, the only person living on earth to administer the highest ordinance of the priesthood.⁹⁰ Joseph also commissioned Young to retrofit the endowment ceremony for the dimensions of the Nauvoo Temple.⁹¹ Finally, the Prophet entrusted his presidential campaign and western settlement plans to the apostles weeks before sharing the assignments with the Council of Fifty.⁹² The Twelve, in sum, had good reason to believe they were stewards of the Prophet's secret teachings. In light of these unparalleled private and public responsibilities, when the Prophet delivered his Last Charge in March 1844, telling a gathering of Council of Fifty members that the kingdom now rested on their shoulders, most present concluded that he was addressing the apostles among them specifically, not the newly-organized and politically-oriented Fifty.⁹³ Stewards of the Prophet's highest teachings, the newly-empowered Twelve now set out to share that legacy with the rest of the church.

Only a tiny fraction of the Saints at the August 8th assembly had an inkling of the revolutionary ramifications inherent in the Twelve assuming control of the church.⁹⁴ Had Brigham Young revealed his deepest designs to the crowd, the outcome of the vote almost certainly would have been different—probably an outright triumph for Sidney

Rigdon, or at least a more diluted victory for the Twelve. But Young inherited Joseph Smith's penchant for holy secrecy, so he felt no compulsion to announce his designs publicly. Rigdon was similarly inclined to conspiratorial secrecy, so he didn't blow the whistle. William Marks had an aversion to conflict, so he kept mum as well. As a result, the vast majority of Mormons at the assembly had no idea what they were enabling by voting for the Twelve. But we shall see what ensued in the following chapters.

Endnotes

¹ Far West Record, 7 June 1834 and 15 March 1838, in *FWR*, 71-74, 151; John Whitmer history, in *BJW*, 135, 195-197; William E. McLellin to David Whitmer, 2 December 1846, in *The Ensign of Liberty* 1 (April 1847), 17-20; David Whitmer, *An Address to All Believers in Christ* (Richmond, MO: by the author, 1887), 55; Benjamin Winchester, "Primitive Mormonism," *SLT*, 22 September 1889, 2; *MH*, 1:187-188.

² Far West Record, 13 April 1838, in *FWR*, 171-179; Joseph Smith journal, 13 April 1838, in *JSJ*, 1:256-257.

³ Joseph Smith journal, 5 December 1834, in *JSJ*, 1:47-48; Joseph Smith history, 5 December 1834, in *PJS*, 1:21-25; *HC*, 2:176-177; *MH*, 1:45, 189.

⁴ Far West Record, 12 April 1838, in *FWR*, 162-171; Joseph Smith journal, 12 April 1838, in *JSJ*, 1:251-256.

⁵ Scott H. Faulring, "The Return of Oliver Cowdery," in John W. Welch and Larry E. Morris, eds., *Oliver Cowdery: Scribe, Elder, Witness* (Provo: The Neal A. Maxwell Institute for Religious Scholarship, 2006), 321-362; Whitmer, *Address*; Lyndon W. Cook, ed., *David Whitmer Interviews: A Restoration Witness* (Orem, UT: Grandin Book, 1991).

⁶ Later in the 1840s, and with greater conviction in the 1870s, Whitmer hesitantly entered the succession fray, prodded on by excommunicated apostle William McLellin. See *MH*, 1:188-189; Richard P. Howard, "William E. McLellin: Mormonism's Stormy Petrel," in Roger D. Launius and Linda Thatcher, eds., *Differing Visions: Dissenters in Mormon History* (Urbana: University of Illinois Press, 1994), 88-97.

⁷ In his final year, Joseph Smith taught that children born to worthy couples sealed by celestial marriage and the second anointing were sealed by the "Holy Spirit of Promise." See the 13 August 1843 entries in the Howard and Martha Corey notebook, Franklin D. Richards' "Scriptural Items," and William Clayton journal in *WJS*, 241-242, 300n19. Joseph and Emma were sealed in celestial marriage in May 1843 and by second anointing in September 1843 (*JSQA*, xlii). Over a year later, in November 1844, Emma gave birth to David Hyrum Smith.

Individuals familiar with the Prophet's mature temple and theocratic theology considered David, the Smiths' first and only child born "under the covenant," heir to spiritual blessings and promises unmatched by his siblings, Joseph Smith III included. See the Wilford Woodruff journal, 10 March 1844, in *WJS*, 331; Oliver B. Huntington journal, undated entry between 10 December 1845-early 1846, in Andrew F. Ehat, "Joseph Smith's Introduction of Temple Ordinances and the 1844 Mormon Succession Question" (M.A. thesis: Brigham Young University, 1982), 279; LDS Church Historian's Office journal, 15 August 1860, 1 September 1861, and 6 June 1868, in Ehat, "Temple Ordinances," 143, 243, and *MH*, 1:230-231; Brigham Young discourse, 7 October 1863, in Ehat, "Temple Ordinances," 143, 243-244, and *MH*, 1:230; T. B. H. Stenhouse, *The Rocky Mountain Saints* (New York: D. Appleton and Company, 1873), 213; W. W. Blair journal, 17 June 1874, CofC Archives.

⁸ The standard biography of David Hyrum Smith is Valeen Tippetts Avery, *From Mission to Madness: Last Son of the Mormon Prophet* (Urbana: University of Illinois Press, 1998).

⁹ Henry Brown, *History of Illinois* (New York: New York Press, 1844), 489, in *MH*, 1:232; George J. Adams to Abijah R. Tewkesbury, 14 June 1845, in *New York Messenger* 2 (19 July 1845), in *MH*, 1:228, 232; William Smith, "Proclamation," *Warsaw Signal*, 29 October 1845, in Ehat, "Temple Ordinances," 240-241; W. W. Blair journal, 16 May 1865 and 17 June 1874, CofC Archives; Alexander H. Smith journal, undated entry opposite the torn page that follows the 15 May 1864 entry, CofC Archives; James Whitehead deposition, 26 January 1892, in TLC-C, 1:9 (Q41-53), 1:46 (Q729), 18-19 (Q241-252), 21-22 (Q299-308); Joseph Smith III deposition, 27-28 January 1892, in TLC-C, 1:52 (Q63-64), 126 (Q1049-1055).

¹⁰ William Clayton journal, 4 July 1844, in *JWC*, 137.

¹¹ Joseph Smith revelation, 28 March 1835, in *D&C* (1835) 3:11, 14-15, *D&C* (LDS) 107:24, 26, 32, 36, and *D&C* (RLDS) 104:11d-e, j, 14-15.

¹² Joseph Smith revelation, 19 January 1841, in "EXTRACTS," *T&S* 2 (1 June 1841), 424-425, 427, *D&C* (LDS) 124:2, 23, 60, 131, and *D&C* (RLDS) 107:1b, 9b, 18e, 41a.

¹³ James M. Monroe diary, 24 April 1845, Beinecke Library, Yale University. Emma also claimed that Joseph Smith ordained William Marks his successor, a claim that has never been corroborated.

¹⁴ Joseph Smith journal, 22 October 1843, in *APR*, 423; Samuel James to Sidney Rigdon, 28 January 1845, in *Latter Day Saints' Messenger and Advocate* 1 (1 March 1845), 130, in *MH*, 1:172; Table 1, in Ehat, "Temple Ordinances," 102-103; *JSQA*, xxxix-xliii.

¹⁵ Appendix 5, in *MH*, 1:521-531.

¹⁶ William Clayton journal, 4, 12 July 1844, in *JWC*, 137-138.

¹⁷ Joseph Smith revelation, 28 March 1835, in *D&C* (1835) 3:12-17, *D&C* (LDS) 107:33-39, and *D&C* (RLDS) 104:12-17; Kirtland High Council minutes, 2 May 1835, in *KHCM*, 112, and *HC*, 2:220, and *HRC*, 1:560-561.

¹⁸ William Clayton journal, 23 May 1843 and 12 July 1844, in *JWC*, 105, 138.

¹⁹ See, for example, the development related in the William Clayton journal, 4, 7 August 1844, in *JWC*, 140-141.

²⁰ W. W. Phelps, Willard Richards, and John Taylor to The Church of Jesus Christ of Latter Day Saints, 1 July 1844, in *T&S* 5 (1 July 1844), 568.

²¹ William Clayton journal, 12 July 1844, in *JWC*, 138; Brigham Young manuscript history, 10 July 1844, in *HC*, 7:175, and *JSQA*, 81. Samuel H. Smith evidently did not discourage such talk.

²² William Clayton journal, 12, 14, 15 July 1844, in *JWC*, 139.

²³ Samuel H. Smith obituary, in *HC*, 7:215-222; William Clayton journal, 1 August 1844, in *JWC*, 140; Lyndon W. Cook, *Nauvoo Deaths and Marriages, 1839-1845* (Orem, UT: Grandin Book Company, 1994), 71. For some, the suddenness of Samuel's illness raised suspicions of poisoning. John M. Bernhisel told William Smith, the sole surviving Smith brother, that anti-Mormons poisoned Samuel. But years later William concluded that Nauvoo policeman Hosea Stout, a Mormon, poisoned Samuel on behalf of Willard Richards to prevent Samuel from becoming church president before the rest of the apostles returned. See William Smith to E. L. Kelley, 2 July 1892, CofC Archives; *MH*, 1:152-154, 383-385. For conventional explanations of Samuel's death, see Linda King Newell and Valeen Tippetts Avery, *Mormon Enigma: Emma Hale Smith* 2d ed. (Urbana: University of Illinois Press, 1994), 347n.13.

²⁴ *HC*, 7:213. *MH*, 1:193, 412n31, cautions that there is no contemporary evidence of this 1844 meeting; the account in the *History of the Church* was written by LDS apostles and historians in 1856. That being said, there probably was some truth to the matter, as the Council of Fifty did not select the post-martyrdom leadership of the church and the apostles and historians compiling the church history in 1856 had no compelling reason, as I see it, to invent such a story.

²⁵ Joseph Fielding journal, [18 April] 1844, in Andrew F. Ehat, ed., "'They Might Have Known That He Was Not a Fallen Prophet': The Nauvoo Journal of Joseph Fielding," *BYU Studies* 19/2 (1979), 8; Joseph Smith journal, 18 April 1844, in *APR*, 471-472, and *HC*, 6:341. Members of the Nauvoo High

Council and joint members of the Twelve and Fifty also participated in Law's excommunication. Joseph Smith and Hyrum Smith did not participate, though they clearly condoned the irregular action.

²⁶ William Clayton journal, 4 August 1844, in *JWC*, 140; Orson Hyde, *Speech of Elder Orson Hyde, Delivered Before the High Priest's Quorum, in Nauvoo, April 27th, 1845, Upon the Course and Conduct of Mr. Sidney Rigdon, and Upon the Merits of His Claims to the Presidency of the Church of Jesus Christ of Latter-day Saints* (Liverpool: James and Woodburn, 1845), 12-16; *HC*, 7:223-224.

²⁷ William Clayton journal, 4 August 1844, in *JWC*, 140; Hyde, *Speech*, 40-41; *HC*, 7:225, 231.

²⁸ William Clayton journal, 4, 6 August 1844, in *JWC*, 140; *HC*, 7:226-227.

²⁹ Heber C. Kimball diary, 6 August 1844, in *HCK*, 78; Wilford Woodruff journal, 6 August 1844, in *WWJ*, 2:434; William Clayton journal, 7 August 1844, in *JWC*, 141.

³⁰ William Clayton journal, 7 August 1844, in *JWC*, 141.

³¹ Wilford Woodruff journal, William Clayton journal, and Heber C. Kimball diary, 7 August 1844, respectively in *WWJ*, 2:434, *JWC*, 141-142, and *HCK*, 78; *HC*, 7:229-230.

³² Kirtland Revelation Book, 8 March 1832, in *MRB*, 432-435; Appendix 1, in *MH*, 1:465-466.

³³ Joseph Smith revelation, 12 October 1833, in *MRB*, 560-561, *D&C* (LDS) 100:9, and *D&C* (RLDS) 97:3a.

³⁴ Joseph Smith revelation, 8 March 1833, in *MRB*, 312-313, 516-517, *D&C* (LDS) 90:6, and *D&C* (RLDS) 87:3a; Kirtland High Priests Council minutes, 18 March 1833, in *KHCM*, 9-10.

³⁵ Richard S. Van Wagoner, *Sidney Rigdon: A Portrait of Religious Excess* (Salt Lake City: Signature Books, 1994), sections 2-3.

³⁶ Untitled announcement, *T&S* 2 (1 June 1841), 431.

³⁷ Joseph Smith revelation, 19 January 1841, in "EXTRACTS," *T&S* 2 (1 June 1841), 429, *D&C* (LDS) 124:103-110, and *D&C* (RLDS) 107:32.

³⁸ General conference minutes, 8 April 1841, in *HC*, 4:341, 364. The language comes from Sidney Rigdon to Stephen Post, March 1867, in *MH*, 1:162.

³⁹ Joseph Smith to Nancy Rigdon, c. 11 April 1842, in John C. Bennett, *History of the Saints; or, An Expose of Joe Smith and Mormonism* (Boston: Leland & Whiting, 1842), 243-245; Van Wagoner, *Sidney Rigdon*, ch. 21.

⁴⁰ William Clayton journal, 13 August 1843, in *JWC*, 116.

⁴¹ Conference minutes, 7-8 October 1843, in "Minutes of a Special Conference," *T&S* 4 (15 September 1843), 329-330, and in revised form in *HC*, 6:47-49; Heber C. Kimball, Brigham Young, and William Marks remarks in the minutes of the Sidney Rigdon trial, 8 September 1844, in "Continuation of Elder Rigdon's Trial," *T&S* 5 (1 October 1844), 663-667; Wilford Woodruff to the Church of Jesus Christ of Latter-day Saints, 11 October 1844, in *T&S* 5 (1 November 1844), 698; Jedediah M. Grant, *A Collection of Facts Relative to the Course Taken by Elder Sidney Rigdon in the States of Ohio, Missouri, Illinois and Pennsylvania* (Philadelphia: Brown, Bicking & Guilbert, 1844), 15.

⁴² On Rigdon's vice-presidential nomination, see the Joseph Smith journal, 6 May 1844, in *APR*, 476-477, and in slightly revised form in *HC*, 6:356. On Rigdon's admittance to the Council of Fifty, see the William Clayton journal, 19 March and 18 April 1844, in *JWC*, 127, 130; Orson Hyde to editor, [December 1844], in *T&S* 5 (15 December 1844), 739; Grant, *A Collection of Facts*, 16; Hyde, *Speech*, 8-9.

⁴³ Joseph Smith and Willard Richards journals, 11 May 1844, in *JSQA*, 75-76.

⁴⁴ Joseph Smith journal, loose sheet, 22 June 1844, in *MH*, 1:164, and Van Wagoner, *Sidney Rigdon*, 347n47.

⁴⁵ Wilford Woodruff journal, 8 August 1844, in *WWJ*, 2:438; Thomas Bullock notes, 8 August 1844, in Ehat, "Temple Ordinances," 203, and in slightly revised form in *HC*, 7:238; Wilford Woodruff to the Church of Jesus Christ of Latter-day Saints, 11 October 1844, in *T&S* 5 (1 November 1844), 698.

⁴⁶ For Rigdon's exclusion from celestial marriage and the second anointing, see *JSQA*, xlii; Ehat, "Temple Ordinances," 103. For his monogamist status, see his omission from the lists of Nauvoo polygamists in Gary James Bergera, "Identifying the Earliest Mormon Polygamists, 1841-44," *Dialogue* 38 (Fall 2005), 49, 64; George D. Smith, *Nauvoo Polygamy: "...but we called it celestial marriage"* (Salt Lake City: Signature Books, 2008), 311-312, 616.

⁴⁷ William Clayton journal, 4, 6 August 1844, in *JWC*, 140.

⁴⁸ William G. Hartley, “‘Almost Too Intolerable a Burthen’: The Winter Exodus From Missouri, 1838-1839,” *JMH* 18 (Fall 1992), 6-40; Ronald K. Esplin, “The Emergence of Brigham Young and the Twelve to Mormon Leadership, 1830-1841” (Ph.D. dissertation: Brigham Young University, 1981), ch. 8; *MH*, 1:63-64, thinks Hartley and Esplin exaggerate Young’s role.

⁴⁹ James B. Allen, Ronald K. Esplin, and David J. Whittaker, *Men with a Mission: The Quorum of the Twelve Apostles in the British Isles, 1837-1841* (Salt Lake City: Deseret Book, 1992).

⁵⁰ Conference minutes, 16 August 1841, in “Conference Minutes,” *T&S* 2 (1 September 1841), 521-522, and *HC*, 4:403. See also “An Epistle of the twelve, to the saints scattered abroad among the nations,” 26 August 1841, in *T&S* 2 (1 September 1841), 520-521, and *HC*, 4:409-410; Quorum of the Twelve Apostles minutes, 31 August 1841, in *HC*, 4:412-413; Wilford Woodruff journal, 8 October 1841, in *WWJ*, 2:132; Quorum of the Twelve Apostles to the British Mission, 15 November 1841, in “Communications,” *T&S* 3 (15 November 1841), 600-602, and *HC*, 4:448-453.

⁵¹ Quorum of the Twelve Apostles minutes, 31 August 1841, in *MH*, 1:75. The Twelve liberalized the tithing program of the church to one-tenth of an individual’s initial consecration and one-tenth thereafter of one’s increase. See the minutes of a meeting of the Quorum of the Twelve and Joseph Fielding, 31 November 1841, in *MH*, 2:199.

⁵² Quorum of the Twelve Apostles to the British Mission, 15 November 1841, in “Communications,” *T&S* 3 (15 November 1841), 600-601, and *HC*, 4:449; Wilford Woodruff journal, 7 December 1841, in *WWJ*, 2:141; Quorum of the Twelve Apostles to “the Saints of the Last Days,” 13 December 1841, in “Baptism for the Dead,” *T&S* 3 (15 December 1841), 625-627, and *HC*, 4:472-475.

⁵³ In January 1842, Joseph Smith received a revelation directing the Twelve to assume editorial responsibility for the *Times and Seasons*. The Twelve duly purchased the printing establishment in early February. Apostle John Taylor subsequently served as co-editor and later editor of the paper, and Apostle Wilford Woodruff as business manager. Apostle William Smith edited its secular counterpart, *The Wasp*, from April 1842 to April 1843. Taylor and Woodruff ran the renamed *Wasp* as the *Nauvoo Neighbor* from May 1843 to October 1845. See the uncanonized Joseph Smith revelation, 28 January 1842, in *HC*, 4:503; Wilford Woodruff journal, 3 February 1842, in *WWJ*, 2:153; Terence A. Tanner, “The Mormon Press in Nauvoo, 1839-46,” in Roger D. Launius and John E. Hallwas, eds., *Kingdom on the Mississippi Revisited: Nauvoo in Mormon History* (Urbana: University of Illinois Press, 1996), ch. 6.

⁵⁴ “An Epistle of the twelve, to the saints scattered abroad among the nations,” 26 August 1841, in *T&S* 2 (1 September 1841), 520-521, and *HC*, 4:409-410; Quorum of the Twelve Apostles minutes, 31 August 1841, in *HC*, 4:412; “An Epistle of the Twelve,” 12 October 1841, in *T&S* 2 (15 October 1841), 567-570, and *HC*, 4:433-438; Quorum of the Twelve Apostles to the British Mission, 15 November 1841, in “Communications,” *T&S* 3 (15 November 1841), 600-602, and *HC*, 4:449; Wilford Woodruff journal, 18 June 1842, in *WWJ*, 2:179-180.

⁵⁵ The apostles who served on the Nauvoo City Council during Joseph Smith’s presidency were Brigham Young, Heber C. Kimball, Orson Hyde, Parley P. Pratt, William Smith, Orson Pratt, Wilford Woodruff, John Taylor, George A. Smith, Willard Richards, and Lyman Wight. The lone exceptions were Amasa Lyman, who briefly belonged to the quorum in 1842-43, and John E. Page. See the Nauvoo City Council minutes, 1841-44, in *NCM*, 3-271; D. Michael Quinn, “The Mormon Hierarchy, 1832-1932: An American Elite” (Ph.D. dissertation: Yale University, 1976), 17. Joseph Smith was so eager to sit apostles on the city council that he nearly doubled the size of the council in October 1841 to accommodate them. See the Nauvoo City Council minutes, 23, 30 October 1841, in *NCM*, 30-31; *MH*, 1:108.

⁵⁶ The apostles admitted to Joseph Smith’s Anointed Quorum were Brigham Young, Heber C. Kimball, Orson Hyde, Parley P. Pratt, William Smith, Orson Pratt, Wilford Woodruff, John Taylor, George A. Smith, Willard Richards, and Lyman Wight. See *JSQA*, xxxix-xliii. The two exceptions were John E. Page and Amasa Lyman. But after leaving the Quorum of the Twelve for the First Presidency in February 1843, Amasa Lyman received his endowment on 28 September 1843.

⁵⁷ The apostles who received the second anointing in Joseph Smith’s Anointed Quorum were Brigham Young, Heber C. Kimball, Orson Hyde, Parley P. Pratt, Orson Pratt, Wilford Woodruff, John

Taylor, George A. Smith, and Willard Richards. See *JSQA*, xxxvi, xxxix-xliii. The four exceptions were William Smith, John E. Page, Lyman Wight, and Amasa Lyman. Lyman received his second anointing after the Prophet's death.

⁵⁸ The apostles who practiced plural marriage during Joseph Smith's presidency were Brigham Young, Heber C. Kimball, Orson Hyde, Parley P. Pratt, William Smith, John E. Page, John Taylor, Willard Richards, and Lyman Wight. See Bergera, "Earliest Mormon Polygamists," 49; Smith, *Nauvoo Polygamy*, 311-312. The exceptions were Orson Pratt, Wilford Woodruff, George A. Smith, and Amasa Lyman.

⁵⁹ The apostles admitted to the Council of Fifty during Joseph Smith's lifetime were Brigham Young, Heber C. Kimball, Orson Hyde, Parley P. Pratt, William Smith, Orson Pratt, Wilford Woodruff, John Taylor, George A. Smith, Willard Richards, and Lyman Wight. See the William Clayton journal, 19 March and 18 April 1844, in *JWC*, 127, 130; *MH*, 1:521-528. One-time Quorum of Twelve member Amasa Lyman was similarly admitted to the Council of Fifty. The sole apostolic exception was John E. Page.

⁶⁰ Nauvoo High Council minutes, 6 October 1839-15 June 1844, in *NCM*, 339-498; Wilford Woodruff journal, 27 May 1843, in *WWJ*, 2:234-236, and *HC*, 5:410-412; Gary James Bergera, "'Illicit Intercourse,' Plural Marriage, and the Nauvoo Stake High Council, 1840-1844," *JWJ* 23 (2003), 59-90.

⁶¹ Joseph Fielding journal, [18 April] 1844, in Ehat, "Joseph Fielding," 8; Joseph Smith journal, 18 April 1844, in *APR*, 471-472; William Law diary, 19, 21-22 April 1844, in Lyndon W. Cook, *William Law: Biographical Essay, Nauvoo Diary, Correspondence, Interview* (Orem, UT: Grandin Book, 1994), 50-52; "Preamble" and "Resolutions," *Nauvoo Expositor* 1 (7 June 1844), 2; Isaac and Sarah Scott to Abigail and Calvin Hall, 16 June 1844, in *CIC*, 170-171.

⁶² As Andrew Ehat illustrates with a Venn diagram in "Temple Ordinances," 194-195, Brigham Young, Heber C. Kimball, Willard Richards, John Taylor, Orson Hyde, Parley P. Pratt, Wilford Woodruff, George A. Smith, and Orson Pratt of the Quorum of the Twelve Apostles were the *only* individuals during the Prophet's lifetime (besides Joseph and Hyrum themselves) who received the endowment and second anointing, served as general authorities, and belonged to the Council of Fifty. Three apostles—William Smith, John E. Page, Lyman Wight—as well as one-time quorum member Amasa Lyman did not meet one or more of these benchmarks.

⁶³ Wilford Woodruff journal, Heber C. Kimball diary, and William Clayton journal, 8 August 1844, respectively in *WWJ*, 2:434, *HCK*, 79, and *JWC*, 142. Straightway out of the meeting, the apostles gave Emma Smith, the Prophet's widow, \$1,000 as a goodwill gesture.

⁶⁴ Wilford Woodruff journal, 7-8 August 1844, in *WWJ*, 2:434; William Clayton journal, 7 August 1844, in *JWC*, 141-142.

⁶⁵ Brigham Young discourse, 6 October 1860, in *LDS Journal History*, 8 August 1844, in Van Wagoner, *Sidney Rigdon*, 339.

⁶⁶ My account of the morning meeting is based upon the Brigham Young diary, 8 August 1844, and Thomas Bullock notes, 8 August 1844, in Lynne Watkins Jorgensen, "The Mantle of the Prophet Joseph Smith Passes to Brother Brigham: One Hundred Twenty-one Testimonies of a Collective Spiritual Witness," in John W. Welch, ed., *Opening the Heavens: Accounts of Divine Manifestations, 1820-1844* (Provo: Brigham Young University Press/Salt Lake City: Deseret Book, 2005), 381 and 478-480, respectively; Hyde, *Speech*, 13.

⁶⁷ Wilford Woodruff journal, 8 August 1844, in *WWJ*, 2:434.

⁶⁸ My account of the afternoon meeting is based upon the 8 August 1844 entries in the following: the Wilford Woodruff journal, in *WWJ*, 2:434-440; Thomas Bullock notes, in Ehat, "Temple Ordinances," 201-205; Heber C. Kimball diary, in *HCK*, 79; William Clayton journal, in *JWC*, 142; Brigham Young diary, in Jorgensen, "Mantle of the Prophet," in Welch, *Opening the Heavens*, 381; Joseph Fielding journal, in Ehat, "Joseph Fielding," 155. See also "Special Meeting," *T&S* 5 (2 September 1844), 637-638; *HC*, 7:231-242.

⁶⁹ Brigham Young discourse, 8 August 1844, in *HC*, 7:235.

⁷⁰ For Amasa Lyman's ecclesiastical resume under Joseph Smith, see *MH*, 1:466-467, 562.

⁷¹ "Special Meeting," *T&S* 5 (2 September 1844), 638.

⁷² For some of Phelps's myriad contributions during Joseph Smith's lifetime, see *MRB*, passim; Bruce A. Van Orden, "W. W. Phelps: His Ohio Contributions, 1835-36," in Milton V. Backman Jr., ed., *Regional Studies in Latter Day Saint Church History: Ohio* (Provo: Department of Church History and Doctrine, Brigham Young University, 1990), ch. 3, and "William W. Phelps's Service in Nauvoo as Joseph Smith's Political Clerk," *BYU Studies* 32 (Winter-Spring 1991), 81-94; Samuel M. Brown, "The Translator and the Ghostwriter: Joseph Smith and William Phelps," *JMH* 34 (Winter 2008), 26-62; *JSQA*, xli, 231.

⁷³ Wilford Woodruff journal, 8 August 1844, in *WWJ*, 2:438; Thomas Bullock notes, 8 August 1844, in Ehat, "Temple Ordinances," 203, and slightly revised in *HC*, 7:238; Wilford Woodruff to the Church of Jesus Christ of Latter-day Saints, 11 October 1844, in *T&S* 5 (1 November 1844), 698.

⁷⁴ James Whitehead identified W. W. Phelps as an eyewitness of the Joseph Smith III blessing in the W. W. Blair journal, 16 May 1865, CofC Archives; W. W. Blair to *Herald*, [c. July-August 1865,] in "Mission of Bro. W. W. Blair. No. 1," *SH* 8 (1 October 1865), 101; Alexander H. Smith journal, undated entry opposite the torn page that follows the 15 May 1864 entry, CofC Archives.

⁷⁵ For the lone exception, see George J. Adams to A. R. Tewkesbury, 14 June 1845, in the *New York Messenger* 2 (19 July 1845), 21, and *MH*, 1:228; William Clayton journal, 23 May 1845, in *JWC*, 166.

⁷⁶ Two later reports claim that a handful of individuals, perhaps twenty, cast dissenting votes. See the William Adams history, January 1894, and William Staines reminiscences, retroactively dated 8 August 1844, in *MH*, 393n115, and Van Wagoner, *Sidney Rigdon*, 349n83. Reports written closer in time to the 1844 meeting indicate that the vote was unanimous in favor of the Twelve.

⁷⁷ "Special Meeting," *T&S* 5 (2 September 1844), 637.

⁷⁸ Henry and Catharine Brooke to Leonard Pickell, 15 November 1844, in Jorgensen, "Mantle of the Prophet," in Welch, *Opening the Heavens*, 386, 410-411.

⁷⁹ Jesse C. Little to Brigham Young, 30 December 1844, in Jorgensen, "Mantle of the Prophet," in Welch, *Opening the Heavens*, 386, 415.

⁸⁰ Wilford Woodruff, "To the Officers and Members of the Church of Jesus Christ of Latter-Day Saints in the British Islands," *MS* 5 (February 1845), 138, in Jorgensen, "Mantle of the Prophet," in Welch, *Opening the Heavens*, 387, 442.

⁸¹ William Burton journal, May 1845, in Jorgensen, "Mantle of the Prophet," in Welch, *Opening the Heavens*, 386-387, 412.

⁸² For similar observations, see T. Edgar Lyon, "Nauvoo and the Council of the Twelve," in F. Mark McKiernan, Alma R. Blair, and Paul M. Edwards, eds., *The Restoration Movement: Essays in Mormon History* (Lawrence KS: Coronado Press, 1973), 186-188.

⁸³ Joseph Smith revelation, 28 March 1835, in *D&C* (1835) 3:11-17, *D&C* (LDS) 107:24, 26, 32-39, and *D&C* (RLDS) 104:11d-17; Kirtland High Council minutes, 2 May 1835, in *KHCM*, 112, and *HC*, 2:220, and *HRC*, 1:560-561.

⁸⁴ Smith, *Nauvoo Polygamy*, 259-275, 302-307, 311, 601, 635.

⁸⁵ Bergera, "Earliest Mormon Polygamists, 1841-44," 42-44; Smith, *Nauvoo Polygamy*, 263-276, 291, 311, 635.

⁸⁶ Gary James Bergera, "The Earliest Eternal Sealings for Civilly Married Couples," *Dialogue* 35 (Fall 2002), 48-50, 55.

⁸⁷ Quorum of the Twelve Apostles to the British Mission, 15 November 1841, in "Communications," *T&S* 3 (15 November 1841), 600-601, and *HC*, 4:449; Wilford Woodruff journal, 7 December 1841, in *WWJ*, 2:141; Quorum of the Twelve Apostles to "the Saints of the Last Days," 13 December 1841, in "Baptism for the Dead," *T&S* 3 (15 December 1841), 625-627, and *HC*, 4:472-475.

⁸⁸ See the following sources conveniently assembled in *JSQA*, 4-7: Joseph Smith journal, 4 May 1842; Willard Richards, c. 1845 expansion of Joseph Smith's 4 May 1842 journal entry; Heber C. Kimball, "Strange Events," the undated postscript to his 1840-1845 diary; Heber C. Kimball diary, 21 December 1845, in the handwriting of William Clayton; George Miller to James J. Strang, 26 June 1855; Brigham Young manuscript history, in Elden Jay Watson, ed., *Manuscript History of Brigham Young, 1801-1844* (Salt Lake City: Smith Secretarial Service, 1968), 116; L. John Nuttall diary, 7 February 1877.

⁸⁹ Wilford Woodruff journal, 10, 16 December 1843, in *JSQA*, 42-43.

⁹⁰ Young's commission is best described in the George A. Smith discourse, 25 December 1874, in *JSQA*, 38. That Young administered the second anointing to the apostles during Joseph Smith's lifetime, specifically from 20-31 January 1844, is borne out by the following sources in *JSQA*, 37-38, 54-63: Joseph Smith and Wilford Woodruff journals, 20-21, 25-28, 30-31 January 1844; Willard Richards journal, 20-21, 30 January 1844; Heber C. Kimball diary, 1 February 1844; George A. Smith journal, 31 January 1844; Samuel James to Sidney Rigdon, 28 January 1845. For a discussion of Young's commission, see Ehat, "Temple Ordinances," 120-123.

⁹¹ L. John Nuttall diary, 7 February 1877, in Ogden Kraut, comp., *L. John Nuttall: Diary Excerpts* (Salt Lake City: Pioneer Press, 1994), 14.

⁹² On the Twelve's contributions to the presidential campaign, see the Joseph Smith journal, 29 January 1844, in *APR*, 443; "Who Shall Be Our Next President?," *T&S* 5 (15 February 1844), 439-441; "Special Conference," *T&S* 5 (15 April 1844), 504-506, and *HC*, 6:335-340; Margaret C. Robertson, "The Campaign and the Kingdom: The Activities of the Electioneers in Joseph Smith's Presidential Campaign," *BYU Studies* 39/3 (2000), 147-180. For the Twelve's western expedition assignment, see the Joseph Smith journal, 20-21, 23 February 1844, in *APR*, 447, 448, and *HC*, 6:222-223; Wilford Woodruff journal, 21 February 1844, in *WWJ*, 2:340-342.

⁹³ Accounts of the Last Charge can be found in Orson Hyde, untitled certificate, c. fall-winter 1844-1845, in Ehat, "Temple Ordinances," 165, and Ronald K. Esplin, "Joseph, Brigham and the Twelve: A Succession of Continuity," *BYU Studies* 21 (Summer 1981), 319-320; Wilford Woodruff journal, 25 August 1844, in *WWJ*, 2:455; Heber C. Kimball diary, 25 August 1844, in *HCK*, 83; Samuel W. Richards to Franklin D. Richards, 23-26 August 1844, in Ehat, "Temple Ordinances," 209; Joseph Fielding journal, in Ehat, "Joseph Fielding," 153-155; "Trial of Elder Rigdon," *T&S* 5 (15 September 1844), 651; Orson Hyde to Ebenezer Robinson, 19 September 1844, in *The Return* 2 (April 1890), 253; John S. Fullmer to "Uncle John," 27 September 1844, in Ehat, "Temple Ordinances," 210; Wilford Woodruff to The Church of Jesus Christ of Latter-Day Saints, 11 October 1844, in *T&S* 5 (1 November 1844), 698; Nauvoo High Council minutes, 30 November 1844, in *NCM*, 533; Heber C. Kimball discourse, 8 October 1852, in *JD*, 1:206; Benjamin F. Johnson, "A Life's Review," in Ehat, "Temple Ordinances," 163; Benjamin F. Johnson to George F. Gibbs, 1903, in Dean R. Zimmerman, *I Knew the Prophets: An Analysis of the Letter of Benjamin F. Johnson to George F. [sic] Gibbs, Reporting Doctrinal View of Joseph Smith and Brigham Young* (Bountiful, UT: Horizon, 1976), 31-36. See also D. Michael Quinn, "The Council of Fifty and Its Members, 1844-1945," *BYU Studies* 20/2 (1980), 174-175.

⁹⁴ For a numerical estimate, see *MH*, 1:170, 396n137.

Chapter Seven
The Twelve
1844-1851

The elevation of the Quorum of Twelve Apostles to the acting presidency in August 1844 revolutionized the Mormon experience. Under the Twelve, teachings and practices that Joseph Smith promulgated in the shadows emerged into the light. The Twelve insisted that they were simply carrying out the will of the Prophet in this regard, and in my reading of the evidence, I would generally concur. But by disseminating rites and doctrines unto the general church body that had heretofore been reserved for Joseph Smith's inner circle, the Twelve altered the complexion of Mormonism in some drastic ways. In most respects, the church of the Twelve conducted business in the same manner as the church of the Prophet. But in other respects, the church of the latter 1840s felt appreciably different from the church the Prophet left behind in 1844.

The Twelve's program, as it became known, garnished tremendous controversy, both within and without the Mormon community. As this chapter shall document, many Mormons embraced the transformation; as the next chapter shall document, many Mormons rejected the transformation. Of one thing all could agree: Brigham Young and the Twelve established the terms of most nineteenth-century Mormon debates, including the debates animating the Temple Lot Case. The Twelve and their followers were the leviathan nobody could ignore—if only as something against which to recoil. As subsequent chapters shall detail, other Mormon sects to various extents self-consciously developed their own doctrines and practices in reaction *against* the Twelve. Brigham and his quorum were a prominent subject of the briefs and depositions in the Temple Lot

Case. Thus we turn now to the pivotal first years of the Twelve's leadership, focusing on dynamics and developments important to our understanding of the Temple Lot Case.

In the aftermath of their popular victory on 8 August 1844, the Quorum of Twelve Apostles quickly consolidated control over the church. On August 9th, the Twelve appointed bishops Newel K. Whitney and George Miller as trustees-in-trust of the church.¹ On the 12th, they placed Brigham Young, Heber C. Kimball, and Willard Richards in charge of North American church affairs, marking the beginnings of a *de facto* First Presidency. That same day, they called Apostle Wilford Woodruff, one of the key deponents in the Temple Lot Case, to preside over the British Mission.² On the 15th, Young addressed an epistle to the church at large, assuring them the Twelve held the keys of the kingdom.³ On the 24th, the temple-building committee sustained Young's determination to complete the temple by all means necessary.⁴ On the 25th, Young invited the Saints to resume baptisms for the dead.⁵ On the 31st, Young replaced Joseph Smith as lieutenant-general of the Nauvoo Legion.⁶

In September, the Twelve and their supporters took action against all actual and potential local dissenters. On the 3rd, the Twelve disfellowshipped Sidney Rigdon after he administered a bastardized version of the second anointing unto his supporters.⁷ On the 6th, the Nauvoo High Council dropped Rigdon-supporter Leonard Soby from its ranks.⁸ On the 8th, Bishop Whitney's court excommunicated Rigdon, expelling the Twelve's chief proximate rival from the church.⁹ On the 10th, the Nauvoo High Council rejected Rigdon-supporter William Marks as stake president.¹⁰ On the 29th, the Twelve

divided the First Quorum of Seventy into ten smaller quorums, dispersing another potential, if not actual, leadership rival.¹¹

The consolidation process continued through the fall. In September, Apostle John Taylor posthumously published Joseph Smith's second edition of *The Doctrine and Covenants*, which differed only moderately from the 1835 edition.¹² In October, the Twelve presided over their first general conference. On the 7th, the church sustained their dual-pronged motion that Joseph Smith died in good standing and the church must finish his work.¹³ On the 8th, the Twelve ordained over 400 elders, priests, teachers, and deacons as seventies and sent eighty-five high priests to preside over mission branches, transferring these men, intentionally or not, from stake to apostolic supervision.¹⁴ In these and other ways, the Twelve took firm control of the church and checked the real and potential aspirations of Sidney Rigdon, William Marks, the Nauvoo High Council, and the First Quorum of Seventy. Acknowledging the *fait accompli*, the church body in general conference sustained Brigham Young as church president on 7 April 1845.¹⁵

Behind closed doors, the Twelve accelerated the practice of plural marriage. Under Joseph Smith, approximately three polygamist marriages were contracted in 1841, followed by seventeen in 1842, fifty-two in 1843, and nineteen between January and June 27th 1844. Once the Twelve took power in August 1844, they solemnized forty-nine plural marriages in the final months of the year and a record eighty-six in 1845.¹⁶ Following the example of the Prophet (who married over thirty women from 1841-43), chief apostle Brigham Young (who had five wives already) and his closest colleague, Heber C. Kimball (who had two wives already), took seventeen and nineteen additional

wives respectively in 1844-45, many of them Smith's own polygamist widows.¹⁷ The Twelve continually denied the practice, but with hundreds of men and women now personally engaged in it, Nauvoo polygamy became a not-quite-open secret.¹⁸

The Twelve also perpetuated Joseph Smith's Anointed Quorum and Council of Fifty. The day after the 8 August 1844 Young-Rigdon showdown, the apostles met with other members of the Anointed Quorum and voted to add no new members "till times will admit."¹⁹ The quorum met sporadically the rest of year, fearful that mobs would kill them as they had Joseph and Hyrum, which would jeopardize the continuation of the sealing powers and the institutionalization of temple ordinances.²⁰ "We have to use the greatest care and caution and dare not let it be known that we meet," William Clayton wrote.²¹ But in 1845, after initial post-martyrdom fears of continued violence had ebbed a bit, the Twelve convened the Anointed Quorum more regularly than ever before, initiating over twenty new members.²² Around the same time, on 4 February 1845, the Twelve convened the first post-martyrdom meeting of the Council of Fifty. Council members opposed to the Twelve were expunged from the rolls; the remainder voted unanimously to seat Brigham Young as standing chairman in place of Joseph Smith.²³ The Twelve convened the Fifty regularly through March 1845, adding new members and discussing potential settlement sites, but only sporadically the rest of the year.²⁴

The Twelve also accelerated the writing, and to some extent the publishing, of the "History of Joseph Smith." At the time of the martyrdom, apostle-historian Willard Richards's chronicle of Smith's activities left off at 5 August 1838.²⁵ But the publishing pace lagged even further behind. The installments published in the *Times and Seasons*

covered up to just 7 January 1832 of Smith's life, while the installments published in the British Mission's *Millennial Star* hadn't advanced further than October 1830.²⁶ Nonetheless, Smith enjoined Richards in his final hours of life to continue the history in his absence.²⁷ Accordingly, the *Times and Seasons* and *Millennial Star* resumed publishing the series in July 1844.²⁸ By February 1846, the *Times and Seasons* had published installments covering up to 11 August 1834.²⁹ The *Millennial Star*, by contrast, abruptly suspended the series in May 1845, leaving readers stuck at 3 November 1831.³⁰ Yet while the publishing pace of the series still left something to be desired under the Twelve, their resident historian made up for it with a torrid year of work on the series manuscript. After a prolonged hiatus, Willard Richards returned to the manuscript in January 1845, with former Smith clerk Thomas Bullock now serving as his assistant.³¹ Richards and Bullock proved an extremely productive duo. By February 1846, the tandem had produced 674 new pages of text, bringing the narrative up to 1 March 1843 and leaving just fifteen months of the Joseph Smith era left to reconstruct. Richards had formerly submitted his text for Smith's own approval, but in Joseph's absence, Brigham Young and the other apostles gathered periodically and heard the work read aloud for approval and suggestions.³² In so doing, Richards and the Twelve ensured that theirs' would be the dominant interpretation of the Prophet's life.

As the Twelve had feared, the murders of Joseph and Hyrum did not satiate the Mormons' enemies. Two weeks after the martyrdom, the Warsaw Committee of Safety called for the expulsion of the Mormons.³³ Six months later, the Illinois State Legislature

repealed Nauvoo's charter, stripping the city's militia, police force, and legal autonomy of its legal standing.³⁴ That most or all Mormons would have to leave Nauvoo at some point now seemed a foregone conclusion; the question, for the Twelve, was whether they should drop everything and hasten the Saints' departure or risk taking the time to finish the temple and endow the Saints beforehand. The Anointed Quorum prayed on the matter in January 1845, and out of that experience they concluded that, despite the attendant risks, the church should finish the temple and receive the ordinances of Joseph Smith's Anointed Quorum before departing Nauvoo. Better that the church endure the wrath of their enemies than depart into the wilderness without the Lord's endowments.³⁵

But remaining in Nauvoo would be more difficult without the protections afforded by the new-repealed Nauvoo Charter. To make up their losses, the Twelve decided to sanction extra-legal measures. They supplemented Nauvoo's police force by entrusting law enforcement responsibilities to bishops and deacons.³⁶ They encouraged roving bands of knife-wielding "whistling and whittling brigades" to intimidate apostates and suspicious outsiders.³⁷ They hid from writ-servers and counseled church members to do likewise, lest more Mormons suffer the same deadly justice as Joseph and Hyrum.³⁸ The apostles had little difficulty justifying their extra-legal means of governance. Joseph Smith employed such methods himself from time-to-time.³⁹ And having been expelled from homes, having had their prophets murdered, and having had courts, governors, and presidents repeatedly ignore their pleas, the Twelve at this point had little faith in American justice and institutions. They weren't at all surprised when a non-Mormon jury acquitted Joseph Smith's accused murderers on 30 May 1845.⁴⁰ On the first anniversary

of the martyrdom, the Anointed Quorum prayed for vengeance on Joseph's and Hyrum's assassins and all persecutors of God's people.⁴¹ The psychological distance between the Mormon hierarchy and the larger culture was growing ever larger.

Even as the Twelve hastened to finish the temple, they prepared for a general Mormon exodus. In April 1845, Brigham Young sent four Council of Fifty members, including Lewis Dana of the Oneida Nation, to open diplomatic channels with sundry Indian tribes westward across Iowa and up the Missouri River.⁴² Church leaders didn't know their ultimate destination, other than that it would be west of the Rocky Mountains in either "Upper California" (the northern frontier of Mexico) or the "Oregon Country" (territory disputed between the British and Americans). They considered Vancouver Island, San Francisco Bay, and the Pacific Coast as possible options. They read John C. Fremont's reports of the Great Salt Lake and the "Great Basin" with no outlet to the sea.⁴³ After much deliberation, the Twelve and the Fifty privately decided between August 28th and September 9th 1845 to send a vanguard company to the West the following spring, apparently in a gradual exodus comprised of at least two stages.⁴⁴

The timing of the decision was fortuitous. On September 9th, shots were fired into an anti-Mormon gathering.⁴⁵ Arsonists retaliated by incinerating Mormon homes outside Nauvoo.⁴⁶ Rather than resist in outlying areas, leaving isolated Mormons utterly defenseless, Brigham Young instituted martial law in Nauvoo and told outlying Mormons to retreat to the Mormon capital.⁴⁷ But on the 16th, Joseph Smith's former bodyguard, acting in defense of the pro-Mormon county sheriff, shot and killed Franklin A. Morrill, one of the jail guards who enabled Smith's murder.⁴⁸ Predictably outraged, Mormon-

hating editor Thomas Sharp called for an uprising against the Mormons and their Gentile enablers.⁴⁹ The tensions only heightened when Sheriff Jacob Backenstos led a Mormon posse comitatus through Hancock County.⁵⁰ To quell the uproar, Young publicly promised that should the gathering mobs allow the Mormons to live in peace through the fall and winter, the Saints would leave the region the following spring.⁵¹ Non-Mormon representatives accepted the proposal.⁵² The Mormons now had the time they needed to finish the temple, administer the ordinances, and prepare a general exodus.

By October 1845, enough of the Nauvoo Temple had been completed to convene a general conference therein. Brigham Young dedicated the structure on an interim basis on October 5th.⁵³ The next day, the conference voted to move *en masse* to the West the following spring.⁵⁴ Two days later, Young announced the decision to the church at large with the assurance that the church would dedicate the completed temple at April general conference.⁵⁵ By now, all hope had ceased of retaining a Mormon nucleus at Nauvoo to administer temple ordinances to future generations. After the violence of the past month, it was inconceivable the mobs would permit any sort of permanent ecclesiastical presence whatsoever. “There seems to be no disposition abroad but to massacre the whole body of this people,” fretted William Clayton.⁵⁶ The Saints would have to receive the ordinances, complete the temple, and immediately abandon it—hopefully by selling it for a profit to some other denomination.⁵⁷ To handle the logistics of the massive relocation, the Twelve organized the Saints into companies of one hundred.⁵⁸ Between the wagon shops and temple construction crews, Nauvoo buzzed with activity the final months of 1845.⁵⁹

In late November 1845, workers finished the temple attic, the level designated for ordinance work.⁶⁰ Select male members of the Anointed Quorum promptly dedicated it on the 30th.⁶¹ They spent several days furnishing the rooms of the endowment rite—initiatory rooms, Creation Room, Garden Room, Telestial Room, Terrestrial Room, and Celestial Room.⁶² On December 7th, Brigham Young showed the rooms to the select men and women who received their endowments under Joseph Smith.⁶³ On the 10th and 11th, Anointed Quorum members were re-endowed, the first endowments administered in the temple.⁶⁴ At the conclusion of the latter meeting, Brigham Young confided that Sam Brannan, their Mormon contact on the East Coast (and later, one of the founders of San Francisco), warned that U. S. Secretary of War William L. Marcy and other government leaders were going to impede the Mormon exodus to Mexican or British territory because “it is against the law for an armed body of men to go from the States to another government.” Government heads, Brannan wrote, believed that since the Mormons couldn’t remain in Illinois but had to be prevented from relocating to Oregon’s or California’s foreign soil, they would need to be exterminated.⁶⁵ To prevent that from happening, Young decided that the Saints couldn’t delay their departure until the spring thaw; they would leave Nauvoo as soon as the ordinances were completed.⁶⁶

If they hadn’t planned to do so already, Brannan’s letter compelled the Twelve and Anointed Quorum to administer the ordinances as quickly as possible. Over a two-month period, from 11 December 1845 to 7 February 1846, over 5,000 men and women received their endowment in the Nauvoo Temple.⁶⁷ In weekly prayer circles, the Anointed Quorum taught the newly-endowed the Prophet’s “true order of prayer.”⁶⁸

Beginning in January 1846, after training seventies to administer the endowment in their stead, Young and his colleagues focused on the higher ordinances.⁶⁹ On New Year's Day, Young performed the temple's first documented eternal marriage sealing.⁷⁰ Over the next five weeks, 2,420 living couples were sealed for time and (usually) for eternity, while 369 individuals were sealed vicariously to a deceased spouse.⁷¹ On January 8th, Young administered the temple's first second anointing unto Heber Kimball and his civil wife, Vilate.⁷² Over the next month, nearly 600 couples participated in the rite.⁷³ Temple workers labored long hours, none more so than Young, who made do with a few hours of sleep each night in his temple office.⁷⁴ Despite the grueling pace and the external threats, it was, for many, a time never to be forgotten. At the end of many a long day, the individuals remaining in the temple broke out into festive music, song, and dance.⁷⁵

The rites the Twelve administered in the Nauvoo Temple were not always identical to those they received from Joseph Smith. The Twelve added apostles Peter, James, and John to the cast of the endowment ritual drama.⁷⁶ They added an oath of vengeance against Joseph's and Hyrum's killers to the endowment covenants.⁷⁷ They administered the second anointing for the first time to plural wives.⁷⁸ They administered the second anointing for the first time by proxy for the dead.⁷⁹ They introduced an ordinance on January 11th whereby children were sealed for time and eternity to parents.⁸⁰ They introduced an "adoption" sealing ordinance on January 25th whereby (living) men of lower priesthood rank and their (living) families were grafted for time and eternity into the families of higher-ranked church leaders (living or dead).⁸¹

Despite the modifications, the Twelve believed they were faithful to Joseph's instructions, and they had good reason to feel that way. The Twelve institutionalized the Prophet's rites on a mass scale. Without the Twelve's determination, Joseph's rites might have been forgotten. None of Young's modifications, moreover, fundamentally altered the prayers, signs, tokens, passwords, penalties, covenants, and dramatic presentation of the endowment.⁸² Joseph Fielding received his endowment under the Prophet, and he was pleased to find that under the Twelve "it is now given in a more perfect Manner because of better Convenience, the 12 are very strict in attending to the true and proper form."⁸³ Even their ritual innovations—the adoption ordinance and child-parent sealings—grew out of Smith's Nauvoo-era teachings and ordinances.⁸⁴

The final month of temple activity, from approximately 6 January-7 February 1846, represented the high water mark of Nauvoo polygamy. As recounted earlier, approximately three polygamist marriages were contracted in 1841, followed by seventeen in 1842, fifty-two in 1843, sixty-eight in 1844, and eighty-six in 1845. In the first five weeks of 1846 alone, however, a whopping 297 plural marriages were contracted.⁸⁵ Nauvoo's male polygamists had, on average, three wives.⁸⁶ But Brigham Young (who already had twenty-two wives) and Heber C. Kimball (who already had twenty-one wives) took eighteen and sixteen additional wives respectively in the opening weeks of 1846, making forty wives in all for Young and thirty-seven for Kimball, figures roughly comparable to that of their mentor, Joseph Smith.⁸⁷ Under Joseph, 33 men and 124 women entered plural marriage; under Brigham, 163 men and 593 women did so.⁸⁸ Under Joseph, polygamy was a furtive practice limited to about 150 people; under

Brigham, polygamy became a burgeoning social revolution involving over 900 husbands and wives.⁸⁹ On the eve of their physical departure from the territory of the United States, these individuals broke away from the marital norms of American civilization.

With the temple rites administered unto the local general membership of the church, the first wagons departed Nauvoo across the frozen Mississippi River into Iowa Territory on 4 February 1846.⁹⁰ By this time, Brigham Young felt fairly certain that the Great Basin region of Bear Lake, Lake Timpanogos, and the Great Salt Lake would be the best place for the Saints. What Young wanted above all else for the church was isolation—the isolation to worship God in peace. San Francisco Bay and the Oregon Country were already beginning to attract settlers. Texas, Oregon, and Vancouver Island had territorial disputes that could only spell trouble for Mormon settlers. The Great Basin, by contrast, was arid, remote, and overlooked. Young wanted a place the Gentiles didn't want, and the Great Basin seemed to fit the bill. But Young was deliberately evasive on the matter. He didn't want to raise interest in the Great Basin, lest other settlers get there before the Saints. Nor did he want the U. S. government to prevent the Mormon exit from American territory. To divert attention from their likely destination, the Twelve talked up Vancouver Island, the Oregon Country, and San Francisco Bay.⁹¹

As they set out for a new homeland, the Twelve were determined to take Mormon historical records with them. By epistle in November 1845, Church Historian Willard Richards asked the Saints to deposit “all books, maps, charts, papers, documents, of every kind name and nature” pertaining to church history at his office, particularly those

dealing with the 1843-1845 period he had yet to write up.⁹² To protect the church's chief historical investment, Richards had his clerks copy the manuscript of the "History of Joseph Smith."⁹³ By 5 February 1846, the Historian's Office had packed up its books and manuscripts.⁹⁴ The records probably left with Richards on February 15th.⁹⁵ By taking the records with them, the Twelve all but ensured that they, more than any other current or future faction, would forever dominate Mormon historical writing.

Even as the church vacated Nauvoo, the Twelve left work crews behind to finish the temple. They did so because the Lord declared in 1841 that the Saints would have "sufficient time" to build the temple and administer baptisms for the dead therein, but warned that if they "do not these things at the end of the appointment ye shall be rejected as a church, with your dead."⁹⁶ To avoid the Lord's rejection, Brigham Young vowed in October 1845 general conference that the church would dedicate the completed temple at the upcoming April 1846 conference.⁹⁷ Crews worked furiously to meet the deadline. But Apostle Orson Hyde notified Young in March 1846 that the temple would not be completed by April conference.⁹⁸ To give workmen more time, the Twelve pushed the dedication back to May 1st.⁹⁹ By the end of April, some of the minor finishing work remained incomplete, but the apostles and workmen considered the structure sufficiently complete to meet the Lord's approval. Temple Lot Case deponent Wilford Woodruff joyously pronounced: "The Saints had labored faithfully and finished the temple and were now received as a Church with our dead."¹⁰⁰ Hyde and Woodruff presided over a private dedication on April 30th and a public dedication on May 1st and 3rd.¹⁰¹

On the final day of the dedication, the remaining church members in Nauvoo voted to sell the temple and use the proceeds for the move west.¹⁰² Brigham Young wistfully hoped the Catholic Church or some other entity might take proper care of the structure, enabling the Saints to reclaim it someday. But despite widespread public fascination with the abandoned Mormon temple, few were interested in occupying a massive structure in what had suddenly become a Mississippi River ghost town.¹⁰³

With nobody to protect and repair it, the Nauvoo Temple, despite the quality of its construction, was destined for a short lifespan. On 9 October 1848, an arsonist torched the building. On 27 June 1850, the sixth anniversary of the martyrdom of Joseph and Hyrum, a tornado toppled the north wall and structurally damaged the others.¹⁰⁴ The Nauvoo Temple became a lost dream—until Brigham Young’s ecclesiastical descendants rebuilt the structure on the same spot with a nearly identical exterior in 1999-2002.¹⁰⁵

The 1846 Mormon migration from Nauvoo proceeded in three stages. Roughly 2,000 left in February-March, 11,000 in April-June, and the remainder, perhaps several hundred in Nauvoo proper, were forced out by mobs in September.¹⁰⁶ Brigham Young directed the first stage, the “Camp of Israel,” to cross Iowa by spring, send an advance party to the Great Basin by summer, and encamp the bulk of émigrés for winter at the Missouri and points west before continuing on the following spring. Companies were to plant crops at intervals throughout the process to feed those that followed behind.¹⁰⁷

But the trek got off to a terrible start. Impatience, mob pressure, and plummeting property values caused many Mormons to depart without sufficient provisions.

Torrential rains turned the journey across Iowa into a dreadful sixteen-week slog, forcing the Saints to establish way stations in central Iowa at Garden Grove and Mt. Pisgah.¹⁰⁸ Young nonetheless arrived at the Missouri in June and prepared the advance party.¹⁰⁹ But then he learned that the United States and Mexico had gone to war, and that the U. S. wished to enlist a Mormon battalion in Stephen W. Kearny's Army of the West; in exchange, the church would allay President Polk's suspicions, receive a much-needed infusion of cash, and obtain camping rights on Indian grounds. In lieu of an advance party, Young recruited 500 men for the army. The Mormon Battalion departed in July 1846 for a 2,000 miles march down the Santa Fe Trail to San Diego.¹¹⁰ Young and other Mormons on the Missouri wintered along the banks at Council Bluffs (Iowa) and Winter Quarters (present-day Omaha, Nebraska).¹¹¹ In its first year, the Mormon exodus exacted a horrible toll: Of the 12,000-15,000 Mormons strewn across Iowa, approximately one thousand died of sickness and malnutrition.¹¹²

On 14 January 1847, Brigham Young presented a written revelation of his own entitled, "The Word and Will of the Lord." The text offered nothing less than a blueprint for the mass migration of a covenant people. The Lord confirmed therein that the Saints were to migrate in orderly fashion under the Twelve.¹¹³ The timing of the revelation was propitious. The trek had heretofore gone worse than anyone imagined. Many Mormons were wondering whether they had made the right decision following the Twelve. But Young's revelation presented measures to ensure the rest of the journey went better than the opening segment. The revelation also proved that Young could receive God's

direction. “The Word and Will of the Lord” would be the only written revelation Young would ever present to the church. But it helped the Saints regroup in a time of need.¹¹⁴

Brigham Young’s advance company departed Winter Quarters in April 1847 and, after a three-month thousand-mile journey, descended into the valley of the Great Salt Lake on July 21st-24th.¹¹⁵ Using Joseph Smith’s plat of Zion as a template, they selected a temple site and laid out streets, blocks, and irrigated farms.¹¹⁶ Echoing the 1842-43 rebaptism campaign of Joseph Smith’s Nauvoo, Young and his fellow apostles rebaptized and reordained all members of the pioneer company who wished to renew their covenants.¹¹⁷ The Twelve also called John Smith, the Prophet’s uncle, to officiate over civil and ecclesiastical life as the first president of the Salt Lake Stake.¹¹⁸ Young and his retinue of apostles returned to Winter Quarters in late summer to share the good news of their new home with the Saints.¹¹⁹ On their way back, they crossed paths with a Salt Lake-bound caravan of nearly 1,500 people and 5,000 livestock under the command of apostles Parley Pratt and John Taylor, the largest emigrant train yet in American history.¹²⁰ Unlike the much-shorter but altogether horrendous 1846 trek across Iowa, the companies that travelled to-and-from the Great Basin in 1847 suffered few casualties.

As the first companies of Mormon settlers endured their first change-of-seasons in the Great Basin, church leaders back at the Missouri River made two critical decisions in the winter and spring of 1847-48 that bear our attention.

Having fulfilled Joseph Smith’s dream of an independent Mormon homeland free from Gentile obstruction, Brigham Young felt emboldened in fall 1847 to propose that

three apostles reconstitute a new First Presidency.¹²¹ The post-martyrdom presidency of the Twelve had worked fine, but Young felt that going forward the church needed a traditional allocation of responsibility wherein the First Presidency presided over the entire church and the Twelve focused on the mission field. But five of the nine apostles present had misgivings about the proposal. Wilford Woodruff thought this unprecedented step—creating a First Presidency out of the Quorum of Twelve—might require a revelation. But Young persisted, arguing that presidential power was inherent in the apostleship, as evident in the example of the apostle Peter. After weeks of debate, a consensus emerged that the Holy Spirit approved of the proposal.¹²²

On 5 December 1847, the nine apostles present at the Missouri unanimously sustained President Brigham Young, first counselor Heber C. Kimball, and second counselor Willard Richards as a new First Presidency.¹²³ Orson Pratt announced the decision in the Council Bluffs Tabernacle on December 24th.¹²⁴ Over 1,000 members sustained the new presidency therein on December 27th.¹²⁵ General conferences in Council Bluffs, Iowa (April 1848), Manchester, England (August 1848) and Salt Lake City (October 1848) seconded the decision.¹²⁶ But the departures of Young, Kimball, and Richards, followed by the expulsion of Apostle Lyman Wight in late 1848, left the Quorum of Twelve with only eight members—Orson Hyde, Parley P. Pratt, Orson Pratt, Wilford Woodruff, John Taylor, George A. Smith, Amasa Lyman, and Ezra T. Benson.¹²⁷ In February 1849, however, Young called four new apostles to the Twelve—Charles C. Rich, Erastus Snow, Franklin D. Richards, and future Temple Lot Case deponent Lorenzo Snow—bringing its total number back up to twelve.¹²⁸ In this manner,

Young and the Twelve completed the precedent they started three years earlier of apostolic succession to the church presidency. The First Presidency now represented an extension of the Twelve.

With the founding of a Great Basin homeland, the immediate welfare of the Temple Tract in Independence, Missouri became a secondary concern for the Twelve. In April 1848, an agent for James Poole, a Jackson County non-Mormon, offered \$300 for a quit claim deed to the Temple Tract. Discussing the offer with Wilford Woodruff and other apostles, Brigham Young indicated that the late bishop Edward Partridge deeded the title to Martin Harris to compensate Harris for underwriting *The Book of Mormon*. Young understood, however, that Harris failed to record the transaction in Jackson County records. The agent's LDS liaison added that Harris apparently later sold the land, but that, likewise, no record of the transaction could be found. Due to Harris's delinquency, it seemed, Partridge's heirs probably still had a claim to the title. Not that it mattered to the agent; he just wanted a quit claim deed from Harris and/or the Partridge heirs certifying that they would hereinafter make no claims on the property.¹²⁹

Thus the Twelve confronted the question: Should the Partridge heirs retain or relinquish their claim to the Temple Tract? At one time, the Saints were obligated to retain their Jackson County titles.¹³⁰ But Joseph Smith authorized the sale of the titles in 1839.¹³¹ Two years later, in an 1841 revelation, the Lord temporarily absolved the church of its frustrated assignment in Jackson County.¹³² Here and now, Partridge's family desperately needed provisions for the trek west.¹³³ For Young and his brethren, the choice was clear: The Twelve counseled the Partridge heirs to take advantage of

Poole's offer and use the proceeds for provisions.¹³⁴ Accordingly, Lydia Partridge and her daughters, including future Temple Lot Case deponent Emily Dow Partridge, travelled to Atchison County, Missouri and on 5 May 1848 sold a \$300 quit claim deed for the 63.27-acre Temple Tract to James Poole.¹³⁵ LDS leaders believed the Saints would redeem Jackson County and the Temple Tract someday soon. But right now it was more important, they believed, to establish a temporary Zion in the West.¹³⁶

Having established a foothold in the Great Basin in 1847, LDS leaders set out to bring the rest of the church along. On 21 December 1847, they issued a general epistle urging Mormons everywhere to gather to Salt Lake City.¹³⁷ They further selected Kaneshville (the renamed Council Bluffs, Iowa) as the designated jumping-off point.¹³⁸ Overseas members were instructed to sail to New Orleans, steam up the Mississippi to St. Louis, and continue up the Missouri to Kaneshville, where they could prepare for the overland journey.¹³⁹ From 1848-1852, over 8,000 European Mormons disembarked at the Kaneshville hub.¹⁴⁰ Roughly 30,000 Mormons in all passed through the area by 1853.¹⁴¹ Most arrived destitute and unable to proceed immediately to Salt Lake. As a result, scores of temporary Mormon settlements sprouted up along the eastern bluffs of Iowa.¹⁴² Orson Hyde, Young's replacement as chief apostle, presided over the region with the assistance of the Pottawattamie High Council at Kaneshville.¹⁴³

Departing on 26 May 1848, the First Presidency led 1,900 members from the Missouri River to Salt Lake City, arriving safely in September-October.¹⁴⁴ By that time, the Mexican-American War had concluded with Mexico ceding the Great Basin and

Upper California to the United States by the Treaty of Guadalupe Hidalgo.¹⁴⁵ Taking a realistic view of the situation, Brigham Young recognized that even in their remote new home, the Saints could not live in isolation perpetually; they could only hold American settlers and institutions at bay for so long. But he felt that if the Saints could sink their roots into the new territory before anyone else did, they would be all right.¹⁴⁶

It took some time for Congress to establish governments in the new U. S. possessions.¹⁴⁷ To fill the void, in March 1849 the Council of Fifty established the State of Deseret, a theocratic provisional government under Governor Brigham Young encompassing most of the Mexican Cession, including the Great Basin and Colorado River watershed. At the same time, LDS leaders sought statehood for Deseret, as states enjoy greater autonomy in U. S. law than federal territories. But Congress opted instead to create the smaller Utah Territory in the Compromise of 1850.¹⁴⁸ Even under federal authority, the Brighamites continued to enjoy considerable autonomy, as President Millard Fillmore appointed Young territorial governor in 1851.¹⁴⁹

In subsequent decades, presidents, congresses, and courts chipped away at the considerable autonomy of Brigham Young's kingdom. By then, however, the Brighamites had established far deeper roots in the territory than they had ever enjoyed in Ohio, Missouri, or Illinois. By the time the transcontinental railroad made Utah readily accessible to non-Mormons in 1869, over 60,000 Saints had emigrated to Utah.¹⁵⁰ By 1877, the LDS Church had 400 settlements and over 100,000 members in the West.¹⁵¹ As Young had intended, his people had become difficult to move.

Endnotes

¹ Willard Richards journal, 9 August 1844, in *JSQA*, 83-84; Brigham Young manuscript history, in *HC*, 7:247.

² Wilford Woodruff journal, 12 August 1844, in *WWJ*, 2:441; *HC*, 7:249.

³ Brigham Young to The Church of Jesus Christ of Latter-Day Saints, 15 August 1844, in *HC*, 7:250-252.

⁴ *HC*, 7:261.

⁵ *HC*, 7:264. The Twelve themselves had already resumed baptisms for the dead. See the Heber C. Kimball diary, 11, 24 August 1844, in *HCK*, 79-80, 82.

⁶ Heber C. Kimball diary, 27, 31 August 1844, in *HCK*, 83-84; *HC*, 7:265, 277.

⁷ William Clayton journal, 3 September 1844, in *JWC*, 147-148. As I mentioned in the previous chapter, Rigdon never received the second anointing from the Anointed Quorum.

⁸ William Clayton journal, 6 September 1844, in *JWC*, 148; Nauvoo High Council minutes, 7 September 1844, in *NCM*, 500-504. Rigdon performed his imitation second anointings in Soby's home.

⁹ Sidney Rigdon trial minutes, 8 September 1844, in "Trial of Elder Rigdon," *T&S* 5 (15 September 1844), 647-655, and "Continuation of Elder Rigdon's Trial," *T&S* 5 (1 October 1844), 660-667, and "Conclusion of Elder Rigdon's Trial," *T&S* (15 October 1844), 685-687. For an abbreviated version, see *HC*, 7:268-269.

¹⁰ Nauvoo High Council minutes, 10 September 1844, in *NCM*, 525-526; Heber C. Kimball diary, 7 October 1844, in *HCK*, 89. Marks retained his membership by denouncing Rigdon and endorsing the Twelve. See the high council minutes for 7 and 9 December 1844, in *NCM*, 534-537.

¹¹ Heber C. Kimball diary, 24 September 1844, in *HCK*, 87; *HC*, 7:279. According to their original mandate, the Seventy were equal in authority to the Twelve but were to work under the direction of the Twelve. See the Joseph Smith revelation, 28 March 1835, in *D&C* (1835) 3:11, 13, 16, 43, *D&C* (LDS) 107:25-26, 34, 38, 93-97, and *D&C* (RLDS) 104:11e, 13a, 16, 43.

¹² The 1844 edition contained eight documents not found in the 1835 edition: Joseph Smith's 1834 revelation authorizing Zion's Camp, his 1834 Fishing River revelation explaining the march's failure, his 1837 revelation to Apostle Thomas Marsh, his 1838 tithing revelation, his 1841 revelation on the Nauvoo Temple, his 1842 epistles on baptism for the dead, and John Taylor's 1844 eulogy for Joseph and Hyrum.

Church leaders had been planning a second edition of *The Doctrine and Covenants* since as early as 1840. See the General Conference minutes, October 1840, in *T&S* 1 (October 1840), 186. But unlike the 1835 edition, the 1844 edition wasn't sustained or presented in conference.

The Quorum of the Twelve reprinted the 1844 edition in 1845 and 1846 in Nauvoo and, with different formatting, in 1845 and beyond in England. See Richard P. Howard, *Restoration Scriptures: A Study of Their Textual Development* 2d. ed. (Independence: Herald Publishing House, 1995), 167-171.

¹³ Conference minutes, 7 October 1844, in "Conference Minutes," *T&S* 5 (1 November 1844), 691-692, and *HC*, 7:293-294. The conference sustained a similar resolution six months later. See conference minutes, 6 April 1845, in "Conference Minutes," *T&S* 6 (15 April 1845), 869.

¹⁴ Conference minutes, 8 October 1844, in "Conference Minutes," *T&S* 5 (1 November 1844), 695-697, and *HC*, 7:303-307; Heber C. Kimball diary, 24 September, 8 October 1844, in *HCK*, 87, 89. D. Michael Quinn argues that this was the deliberate intent of the Twelve in *MH*, 1:173-175. In all, the Twelve created thirty-five quorums of seventy at Nauvoo, making it by far the largest priesthood body in the church. See Richard D. Ouellette, "Seventies Quorums: 1835-1986," *Sunstone* 11 (January 1987), 35.

¹⁵ Conference minutes, 7 April 1845, in *MH*, 1:178. The Twelve omitted this detail from the published version in "Conference Minutes," *T&S* 6 (15 April 1845), 869-871; *HC*, 7:391-392.

¹⁶ George D. Smith, *Nauvoo Polygamy: "...but we called it celestial marriage"* (Salt Lake City: Signature Books, 2008), 285, 290.

¹⁷ *Idem*, 276, 282-283, 303, 309, 601-602, 635-637. Kimball married nine widows, Young eight.

¹⁸ See, for example, Oliver Olney, *Spiritual Wifery at Nauvoo Exposed* (St. Louis: n.p., 1845), excerpts of which were published in "Extracts of a Pamphlet Entitled Spiritual Wifery at Nauvoo Exposed," *Warsaw Signal*, 26 November 1845, 1, as found in *CIC*, 313-317.

¹⁹ Willard Richards journal, 9 August 1844, in *JSQA*, 84.

- ²⁰ *JSQA*, 82-89; *MH*, 1:503.
- ²¹ William Clayton journal, 22 December 1844, in *JSQA*, 89.
- ²² *JSQA*, xxxvii, xxxix-xliii, ch. 4; *MH*, 1:176, 503-517.
- ²³ William Clayton journal, 4 February 1845, in *JWC*, 157; Heber C. Kimball diary, 4 February 1845, in *HCK*, 95.
- ²⁴ D. Michael Quinn, "The Council of Fifty and Its Members, 1844 to 1945," *BYU Studies* 20 (Fall 1979), 171. For member additions, see the William Clayton journal, 1, 11, 18 March and 15 April 1845, in *JWC*, 158, 159, 160, 163; Heber C. Kimball diary, 1, 11 March 1845, in *HCK*, 97; *MH*, 1:528-531.
- ²⁵ For Richards's historical work under Smith, see Dean C. Jessee, "The Writing of Joseph Smith's History," *BYU Studies* 11 (Summer 1971), 441, 454-456, 466; Howard Clair Searle, "Early Mormon Historiography: Writing the History of the Mormons, 1830-1858" (Ph.D. dissertation: University of California at Los Angeles, 1979), 205, 217-229.
- ²⁶ "History of Joseph Smith," *T&S* 5 (1 May 1844), 512-514; "History of Joseph Smith," *MS* 5 (June 1844), 4-7; Searle, "Mormon Historiography," 220.
- ²⁷ George A. Smith to Wilford Woodruff, 21 April 1856, in Searle, "Mormon Historiography," 481, and Jessee, "Joseph Smith's History," 466.
- ²⁸ "History of Joseph Smith," *T&S* 5 (15 July 1844), 576-577; "History of Joseph Smith," *MS* 5 (July 1844), 17-22.
- ²⁹ "History of Joseph Smith," *T&S* 6 (15 February 1846), 1120-1126.
- ³⁰ "History of Joseph Smith," *MS* 5 (May 1845), 185-189; Searle, "Mormon Historiography," 220.
- ³¹ Willard Richards journal, 15-30 January 1845, and Thomas Bullock journal, 14-22 January 1845, in Searle, "Mormon Historiography," 229; Greg R. Knight, "Introduction," in idem, ed., *Thomas Bullock Nauvoo Journal* (Orem, UT: Grandin Book Company, 1994), ix-x.
- ³² Jessee, "Joseph Smith's History," 441, 456-458, 466-469; Searle, "Mormon Historiography," 228-247; Knight, "Introduction," x.
- ³³ *Warsaw Signal*, 10 July 1844, in Marshall Hamilton, "From Assassination to Expulsion: Two Years of Distrust, Hostility, and Violence," in Roger D. Launius and John E. Hallwas, *Kingdom on the Mississippi Revisited: Nauvoo in Mormon History* (Urbana: University of Illinois Press, 1996), 216.
- ³⁴ *Laws of the State of Illinois, the Fourteenth General Assembly, 1844-1845* (Springfield, IL, 1845), 187, in Robert B. Flanders, *Nauvoo: Kingdom on the Mississippi* (Urbana: University of Illinois Press, 1965), 324. For a representative Mormon reaction, see the Hosea Stout diary, 30 January 1845, in *HS*, 1:18.
- ³⁵ Brigham Young diary, 24 January 1845, in *JSQA*, 92-93. In the privacy of their home, Heber C. Kimball and Vilate Kimball prayed the same prayer and received the same answer the following night. See the Heber C. Kimball diary, 25 January 1845, in *HCK*, 93.
- ³⁶ Hosea Stout diary, 14 March 1845, in *HS*, 1:27; Heber C. Kimball diary, 24 March 1845, in *HCK*, 99; *HC*, 7:381 (14 March 1845), 386-387 (16 March 1845), 388 (24 March 1845), 399 (14 April 1845).
- ³⁷ Thurmon Dean Moody, "Nauvoo's Whistling and Whittling Brigade," *BYU Studies* 15 (Summer 1975), 1-10; *MH*, 1:177-179; Glen M. Leonard, *Nauvoo: A Place of Peace, A People of Promise* (Salt Lake City: Deseret Book/Provo: Brigham Young University Press, 2002), 505-506.
- ³⁸ John Taylor journal, undated entry and 15, 24 May, 15 September 1845, in Dean C. Jessee, ed., "The John Taylor Nauvoo Journal: January 1845-September 1845," *BYU Studies* 23 (Summer 1983), 41, 49, 93; Hosea Stout diary, 13 April 1845, in *HS*, 1:34; Heber C. Kimball diary, 12-22 May, 1 June, 15 September, 27-28 November 1845, in *HCK*, 110-114, 118-119, 133-134, 152-153; William Clayton journal, 28-29 October 1845, in *JWC*, 189-190; Thomas Bullock journal, 24 December 1845, in Knight, *Bullock*, 36-37.
- ³⁹ *MH*, chs. 3-4.
- ⁴⁰ Dallin H. Oaks and Marvin S. Hill, *Carthage Conspiracy: The Trial of the Accused Assassins of Joseph Smith* (Urbana: University of Illinois Press, 1975), 184-185. Mormons comprised at least half of the Hancock County population in 1845, but not a single Mormon sat on the trial jury.

- ⁴¹ Heber C. Kimball diary and Willard Richards journal, 27 June 1845, in *JSQA*, 121-122.
- ⁴² William Clayton journal, 11, 15, 22 April, 1, 9 September, 29 October 1845, in *JWC*, 162-164, 180-181, 190; Heber C. Kimball diary, 12, 23 April 1845, in *HCK*, 104-106.
- ⁴³ Lewis Clark Christian, "Mormon Foreknowledge of the West," *BYU Studies* 21 (Fall 1981), 411; *Nauvoo Neighbor*, 19 March and 17 September 1845, in Ronald K. Esplin, "'A Place Prepared': Joseph, Brigham and the Quest for Promised Refuge in the West," *JMH* 9 (1982), 100; Brigham Young to Wilford Woodruff, 17 December 1845, in Richard E. Bennett, *Mormons at the Missouri, 1846-1852: "And Should We Die"* (Norman: University of Oklahoma Press, 1987), 16.
- ⁴⁴ William Clayton journal, 28, 31 August and 9, 11 September 1845, in *JWC*, 180-181; Brigham Young manuscript history, 28 August and 9 September 1845, in Bennett, *Mormons at the Missouri*, 14; *HC*, 7:439-440 (9 and 11 September 1845). Church leaders saw no need to divulge their decision to outsiders. See the Brigham Young discourse, 24 July 1854, in *JD*, 2:22-23.
- ⁴⁵ Thomas C. Sharp, "Manuscript History of the Mormon War," c. 1845, in Roger D. Launius, ed., "Anti-Mormonism in Illinois: Thomas C. Sharp's Unfinished History of the Mormon War, 1845," *JMH* 15 (1989), 31.
- ⁴⁶ John Taylor journal, 11-17 September 1845, in Jessee, "Taylor," 88-96; William Clayton journal, 11, 14 September 1845, in *JWC*, 182; Heber C. Kimball diary, 15 September and 12 November 1845, in *HCK*, 134, 141; Hosea Stout diary, 11-19 September 1845, in *HS*, 1:62-69; *Nauvoo Neighbor*, 10 September 1845, in Marvin S. Hill, *Quest for Refuge: The Mormon Flight from American Pluralism* (Salt Lake City: Signature Books, 1988), 173.
- ⁴⁷ Brigham Young to Solomon Hancock, 11 September 1845, in *HC*, 7:440-441; Brigham Young to "the Brethren in and About Nauvoo," 12 September 1845, in *HC*, 7:441; John Taylor journal, 11-14, 16, September 1845, in Jessee, "Taylor," 88-90, 92, 96; William Clayton journal, 11, 14 September 1845, in *JWC*, 181-182; Brigham Young to Charles C. Rich, 14 September 1845, in *HC*, 7:443-444; Hosea Stout diary, 15-29 September, 12 October 1845, in *HS*, 1:63-77, 84; Heber C. Kimball diary, 26, 28 September 1845, in *HCK*, 136.
- ⁴⁸ Hosea Stout diary, 16 September 1845, in *HS*, 1:64; William Clayton journal, 17 September 1845, in *JWC*, 183; Thomas Bullock journal, 17 September 1844, in Knight, *Bullock*, 8; *HC*, 7:446-447; Harold Schindler, *Orrin Porter Rockwell: Man of God, Son of Thunder* (Salt Lake City: University of Utah Press, 1966), 136-147; Sharp, "Mormon War," in Launius, "Unfinished History," 31-32.
- ⁴⁹ *Warsaw Signal*, 17 September 1845, in Hill, *Quest for Refuge*, 174.
- ⁵⁰ Jacob Backenstos proclamations, 17 and 20 September 1845, in *CIC*, 280-288; Hosea Stout diary, 17-29 September 1845, in *HS*, 1:65-77; Sharp, "Mormon War," in Launius, "Unfinished History," 32-39.
- ⁵¹ Proclamation to Colonel Levi Williams, 16 September 1845, in Esplin, "'A Place Prepared,'" 101-102; Brigham Young proclamation, 24 September 1845, in *CIC*, 302-304; William Clayton journal, 16, 24 September 1845, in *JWC*, 183; Heber C. Kimball diary, 24, 30 September 1845, in *HCK*, 136-137; Hosea Stout diary, 26 September 1845, in *HS*, 1:73-74.
- ⁵² Cathage Convention resolutions, 1-2 October 1845, in *CIC*, 304-309, and *HC*, 7:451-453; Carthage Convention to "the First President and High Council," 2 October 1845, in *HC*, 7:450-451; Heber C. Kimball diary, 28, 30-31 September, 2 October 1845, in *HCK*, 137-138; William Clayton journal, 30 September 1845, in *JWC*, 184; Sharp, "Mormon War," in Launius, "Unfinished History," 35-39.
- ⁵³ *HC*, 7:456-457.
- ⁵⁴ Conference minutes, 6-7 October 1845, in "Conference Minutes," *T&S* 6 (1 November 1845), 1020-1021, and *HC*, 7:465; William Clayton journal, 6 October 1845, in *JWC*, 184-185.
- ⁵⁵ Brigham Young to the Church of Jesus Christ of Latter-day Saints, 8 October 1845, in *HC*, 7:478-480.
- ⁵⁶ William Clayton journal, 10 October 1845, in *JWC*, 185.
- ⁵⁷ Esplin, "'A Place Prepared,'" 102.
- ⁵⁸ William Clayton journal, 30 September and 11 October 1845, in *JWC*, 183-185; Heber C. Kimball diary, 9, 16, 23 November 1845, in *HCK*, 140, 143, 149-150.

⁵⁹ “Note of Preparation,” *T&S* 6 (15 November 1845), 1031; Heber C. Kimball diary, 15 November 1845, in *HCK*, 142-143. For the preparations of one company captain, see the Hosea Stout diary, 12 October 1845-15 February 1846, in *HS*, 1:84-123.

⁶⁰ Heber C. Kimball diary, 22, 24, 26, 29 November 1845, in *HCK*, 149-151, 153.

⁶¹ Heber C. Kimball diary and William Clayton journal and John Taylor, “Meeting of the Twelve and others,” 30 November 1845, in *JSQA*, 185-190; Brigham Young manuscript history, 30 November 1845, in *HC*, 7:534-535.

⁶² Heber C. Kimball diary, 2-6 December 1845, in *HCK*, 156-163; William Clayton journal, 4 December 1845, in *JWC*, 193.

⁶³ Heber C. Kimball diary and William Clayton journal, 7 December 1845, in *JSQA*, 194-197.

⁶⁴ Brigham Young diary, Willard Richards journal, William Clayton journal, and Thomas Bullock journal, William Clayton diary kept for Heber C. Kimball, and *Nauvoo Temple Endowment Register*, 10-11 December 1845, in *JSQA*, 198-205; Brigham Young manuscript history, 10-11 December 1845, in *HC*, 7:541-544.

⁶⁵ William Clayton journal, 11 December 1845, in *JWC*, 195. Brannan’s wasn’t the only warning of this sort. The governor of Illinois sensed that President James K. Polk feared the Mormons would side with the British in the Oregon Country. See Thomas Ford to Jacob Backenstos, 29 October 1845, in Hill, *Quest for Refuge*, 177-178. Mormon leaders feared that newly-disaffected apostle William Smith shared Council of Fifty secrets with President Polk to persuade him to impede the Mormon exodus. See the William Clayton journal, 29, 31 October 1845, in *JWC*, 190; Heber C. Kimball diary, 3 December 1845, in *HCK*, 157. Subsequent reports, however, indicated the U. S. Government would let the Mormons depart. See the Thomas Bullock journal, 17 February 1846, in Knight, *Bullock*, 52-53.

⁶⁶ William Clayton journal, 11 January 1846, in *JWC*, 196.

⁶⁷ For various counts, see *NEC*, xxviii; David John Buerger, *The Mysteries of Godliness: A History of Mormon Temple Worship* (San Francisco: Smith Research Associates, 1994), 71-72; *HMH*, 272. Neither Joseph Smith’s Anointed Quorum nor Brigham Young’s Nauvoo Temple performed vicarious endowments for the dead, a practice performed in later LDS temples. See Gary James Bergera, “The Earliest Eternal Sealings for Civilly Married Couples,” *Dialogue* 35 (Fall 2002), 58n79.

⁶⁸ For the 7 December 1845 meeting, see the Heber C. Kimball diary in *HCK*, 164-165. For the 14 December 1845 meeting, see the Brigham Young diary, William Clayton journal, and the William Clayton diary kept for Heber C. Kimball in *NEC*, 28-35; Brigham Young manuscript history, in *HC*, 7:545-546. For the 21 December 1845 meeting, see the Hosea Stout diary and the William Clayton diary kept for Heber C. Kimball in *NEC*, 114-121; Brigham Young manuscript history, in *HC*, 7:549. For the 28 December 1845 meeting, see the William Clayton minutes, William Clayton diary kept for Heber C. Kimball, Seventies Record, and the John D. Lee diary in *NEC*, 203-211; Brigham Young manuscript history, in *HC*, 7:555-556.

The Anointed Quorum discontinued the weekly temple tutorial-prayer circles on 4 January 1846 because the temple floor groaned under the weight of the attendees. See the William Clayton diary kept for Heber C. Kimball, in *NEC*, 314; Brigham Young manuscript history, in *HC*, 7:562. But sundry stakes, quorums, temples, and temple presidencies sponsored prayer circles for decades to come in the LDS Church. See D. Michael Quinn, “Latter-day Saint Prayer Circles,” *BYU Studies* 19 (Fall 1978), 79-105.

⁶⁹ Seventies Record, 9 January 1846, in *NEC*, 383.

⁷⁰ William Clayton diary kept for Heber C. Kimball, 1 January 1846, in *NEC*, 263; *HMH*, 291-292.

⁷¹ *HMH*, 293, citing Richard O. Cowan, *Temple Building: Ancient and Modern* (Provo: Brigham Young University Press, 1971), 29; Buerger, *Mysteries of Godliness*, 90. For a much lower tally, see *NEC*, xxvii-xxviii, citing Lisle G. Brown, ed., *Nauvoo Sealings, Adoptions, and Anointings: A Comprehensive Register of Persons Receiving LDS Temple Ordinances, 1841-1846* (Salt Lake City: The Smith-Pettit Foundation, 2005), Appendix 1.

At Nauvoo, neither Joseph Smith nor Brigham Young performed sealings for mutually-deceased spouses. Every sealing had at least one living spouse. See Bergera, “Earliest Eternal Sealings,” 65n102;

Lisle G. Brown, “Chronology of the Construction, Destruction, and Reconstruction of the Nauvoo Temple” rev. ed. (unpublished paper, 2000), entry for 7 January 1846, citing Cowan, *Temple Building*, 29.

⁷² Book of Anointings, 8 January 1846, in *NEC*, 375-377. As with the endowment four weeks earlier, the second anointing was administered firstly unto individuals who previously received it from Joseph Smith, and only then unto others.

⁷³ *NEC*, xxvii-xxviii, 383n2; Buerger, *Mysteries of Godliness*, 90. Every second anointing had at least one living spouse. No second anointings were performed for mutually-deceased spouses.

⁷⁴ William Clayton journal, 12 December 1845, in *JWC*, 209; *HC*, 7:567 (12 January 1846); Joseph Hovey autobiography, in *HMH*, 289.

In stark contrast to all the ordinance work carried out in the attic, only twenty-four baptisms for the dead were performed in the basement font in all of 1845. Stonecutters had to replace the putrid wooden font with a permanent stone font, a time-consuming process. See *HMH*, 234.

⁷⁵ *HMH*, 275-279.

⁷⁶ William Clayton journal, 13 December 1845, in *JWC*, 210. During the first three days—and presumably during Joseph Smith’s lifetime—the characters in the endowment drama were limited to Elohim, Jehovah, Michael, and the serpent (Satan). Male and female initiates assumed the roles of Adam and Eve. See the William Clayton journal, 10-12 December 1845, in *JWC*, 203-204, 207, 209.

⁷⁷ Heber C. Kimball referred to the oath in an address within the Nauvoo Temple. See the Heber C. Kimball diary kept by William Clayton, 21 December 1845, in *JWC*, 224. The first published reference to the oath can be found in Increase McGee and Maria Van Deusen McGee, *The Mormon Endowment; a Secret Drama, or Conspiracy, in the Nauvoo-Temple, in 1846* (Syracuse, NY: N. M. D. Lathrop, 1847), 9.

⁷⁸ Bergera, “Earliest Eternal Sealings,” 63; *JSQA*, xxxv.

⁷⁹ In all, nine deceased individuals received the second anointing by proxy. See *NEC*, xxvii-xxviii, 383n2. Every second anointing performed in the Nauvoo Temple had at least one living spouse.

⁸⁰ Joseph F. Smith, Nauvoo Temple records compilation, 1869-1870, in *NEC*, 399-400; Cowan, *Temple Building*, 29, cited in Brown, “Chronology,” under entry for 11 January 1846; Brigham Young discourse, 4 September 1873, in *JD*, 16:186-187. *NEC*, xxvii-xxviii, tallies ninety-two child-parent sealings in all. By contrast, Brown cites a total of seventy-one in the 3 February 1846 entry of his chronology. No child-parent sealings were performed by proxy for the dead.

⁸¹ LDS Journal History, 3 January 1846, in *HMH*, 293-294; Brigham Young diary, 25 January 1846, in Bergera, “Earliest Eternal Sealings,” 42, 63; Gordon Irving, “The Law of Adoption: One Phase of the Development of the Mormon Concept of Salvation, 1830-1900,” *BYU Studies* 14 (Spring 1974), 291-314. *NEC*, xxvii-xxviii, tallies 202 total adoptions by the conclusion of 1846. Brigham Young, Heber C. Kimball, Willard Richards, and John Taylor accounted for seventy-four percent of all adoptions. While some individuals were sealed by adoption to the deceased Joseph Smith, all recipients of the adoption ordinance in 1846 were living. No adoptions were performed in the Nauvoo Temple for the dead.

⁸² Buerger, *Mysteries of Godliness*, 126-127

⁸³ Joseph Fielding journal, 4 January 1846, in Andrew F. Ehat, “‘They Might Have Known That He Was Not a Fallen Prophet’: The Nauvoo Journal of Joseph Fielding,” *BYU Studies* 19 (Winter 1979), 15.

⁸⁴ There is no record of parent-child sealings being performed during the administration of Joseph Smith. See Gregory A. Prince, *Power From On High: The Development of Mormon Priesthood* (Salt Lake City: Signature Books, 1995), 165. But the ordinance harmonized with Smith’s Nauvoo teachings on sealing, eternal families, generational linkages, and the blessings of being born under the covenant.

Brigham Young attributed the adoption ordinance to Joseph Smith. See Bennett, *Mormons at the Missouri*, 301n12. But there is no record of adoptions being performed during Smith’s administration. Witness the telling silence of Prince, *Power From On High*, 165. But as Irving and Bergera conclude, the ordinance harmonized with Smith’s teachings, specifically on sealing, hierarchy, and eternal relationships.

⁸⁵ Smith, *Nauvoo Polygamy*, 285, 311-321.

⁸⁶ *Idem*, 285-286, 310-322.

⁸⁷ *Idem*, 276, 282-283, 287, 303, 311, 309, 601-602, 635-637.

- ⁸⁸ *Idem*, 285, 290, 310.
- ⁸⁹ *Idem*, 290.
- ⁹⁰ John D. Lee diary, 4 February 1846, in Leonard, *Nauvoo*, 574.
- ⁹¹ Esplin, "'A Place Prepared,'" 99-103. The Twelve and their supporters looked forward to life outside the United States. See, for example, Eliza R. Snow, "Let Us Go," fall 1845, in *CIC*, 309-310; Hosea Stout diary, 26 September 1845, in *HS*, 1:73-74; "February," *T&S* 6 (1 February 1846), 1114; Wilford Woodruff journal, 3 May 1846, in *WWJ*, 3:46; *HC*, 7:515; Richard E. Bennett, "The Star-Spangled Banner Forever be Furl'd: The Mormon Exodus as Liberty," *Nauvoo Journal* 10 (Spring 1998), 29-40.
- ⁹² Willard Richards epistle, 16 November 1845, in *HC*, 7:526.
- ⁹³ Searle, "Mormon Historiography," 241, 243; Jessee, "Joseph Smith's History," 469n96.
- ⁹⁴ Thomas Bullock journal, 10, 20 January, 3, 4, 5, 7, 10 February 1846, in Knight, *Bullock*, 40-41, 43, 46, 47, 49; Historian's Office journal, 20 January 1846, and Willard Richards journal, 5 February 1846, and Manuscript History of the Church, D-1, 1485, all in Searle, "Mormon Historiography," 247.
- ⁹⁵ Searle, "Mormon Historiography," 90; Thomas Bullock journal, 15 February 1846, in Knight, *Bullock*, 52.
- ⁹⁶ Joseph Smith revelation, 19 January 1841, in "EXTRACTS," *T&S* 2 (1 June 1841), 426, and *D&C* (LDS) 124:29-36 and *D&C* (RLDS) 107:10e-c.
- ⁹⁷ Brigham Young to the Church of Jesus Christ of Latter-day Saints, 8 October 1845, in *HC*, 7:479.
- ⁹⁸ Orson Hyde to Brigham Young, 27 March 1846, in *HMH*, 325.
- ⁹⁹ *Hancock Eagle* 1 (10 April 1846), in *HMH*, 325, 330-331.
- ¹⁰⁰ Wilford Woodruff journal, 3 May 1846, in *WWJ*, 3:46. Brigham Young acknowledged that workmen "nearly completed" the Nauvoo Temple in a 1 January 1877 discourse in *JD*, 18:304. Nauvoo's local non-Mormon newspaper opined: "The Temple is now considered as finished. We were surprised, on inspecting it a few days ago, to perceive how much has been accomplished in a month." See the *Hancock Eagle* 1 (8 May 1846), in *HMH*, 326-327.
- ¹⁰¹ For the private dedication, see the Wilford Woodruff journal, 30 April 1846, in *WWJ*, 3:41; Samuel W. Richards journal and Jacob Allen Scott diary, 30 April 1846, in *HMH*, 329-330. For the public dedication, see the Wilford Woodruff journal, 1, 3 May 1846, in *WWJ*, 3:42-46, and the following sources in *HMH*, 331-333: Samuel W. Richards journal, Jacob Allen Scott diary, and Wandle Mace autobiography, 1, 3 May 1846; *Hancock Eagle* 1 (8 May 1846); Thomas L. Kane, "The Mormons: A Discourse Delivered Before the Historical Society of Pennsylvania, March 26, 1850."
- ¹⁰² Wilford Woodruff journal, 3 May 1846, in *WWJ*, 3:46; *Hancock Eagle* 1 (8 May 1846), in *HMH*, 333.
- ¹⁰³ Lisle G. Brown, "'A Perfect Estoppel': Selling the Nauvoo Temple," *MHS* 3 (2002), 61-85; Richard E. Bennett, "'Has the Lord Turned Bankrupt?': The Attempted Sale of the Nauvoo Temple, 1846-1850," *Journal of the Illinois State Historical Society* 95 (Autumn 2002), 235-263. For Brigham Young's specific hopes, see the general church minutes, 22 January 1848, on pages 251-252 of Bennett's article.
- ¹⁰⁴ Joseph Earl Arrington, "Destruction of the Mormon Temple at Nauvoo," *Journal of the Illinois State Historical Society* 40 (December 1947), 414-425.
- ¹⁰⁵ The LDS Church dedicated the structure on 27 June 2002, the martyrdom's 158th anniversary.
- ¹⁰⁶ William G. Hartley, "Mormons and Early Iowa History (1838-1858): Eight Distinct Connections," *Annals of Iowa* 59 (Summer 2000), 231-242. For more details on the first two stages, see William G. Hartley, "Winter Exodus from Nauvoo: Brigham Young's Camp of Israel, 1846," and "Spring Exodus from Nauvoo: Act Two in the 1846 Mormon Evacuation Drama," in Susan Easton Black and William G. Hartley, eds., *The Iowa Mormon Trail: Legacy of Faith and Courage* (Orem, UT: Helix Publishing, 1997), xiii-xxxii and 3-20, respectively. For more on the final stage, see "Articles of accommodation, treaty and agreement," 16 September 1846, in *CIC*, 334-335; CHE MO KO MON, "Nauvoo. The Day After It was Evacuated," *Burlington Hawkeye*, 24 September 1846, in *CIC*, 340-342.
- ¹⁰⁷ Richard E. Bennett, *We'll Find the Place: The Mormon Exodus, 1846-1848* (Salt Lake City: Deseret Book Company, 1997), 31-32.

- ¹⁰⁸ Bennett, *Mormons at the Missouri*, ch. 2, and Bennett, *Mormon Exodus*, ch. 1.
- ¹⁰⁹ LDS Journal History, 28 June 1846, and Heber C. Kimball diary, 29 June 1846, in Bennett, *Mormon Exodus*, 40-42.
- ¹¹⁰ David L. Bigler and Will Bagley, eds., *Army of Israel: Mormon Battalion Narratives* Kingdom in the West Series (Spokane WA: Arthur H. Clark Company, 2000); Sherman L. Fleek, *History May Be Searched in Vain: A Military History of the Mormon Battalion* Frontier Military Series (Spokane, WA: Arthur H. Clark Company, 2006).
- ¹¹¹ LDS Journal History and John D. Lee diary, 1 August 1846, in Bennett, *Mormon Exodus*, 44.
- ¹¹² Bennett, *Mormon Exodus*, 25, 40, 58. In the context of the massive nineteenth-century immigration totals of the LDS Church, this was about as bad as it got. See Shane A. Baker, "Illness and Mortality in Nineteenth-Century Mormon Immigration," *MHS* 2 (Fall 2001), 88.
- ¹¹³ Brigham Young revelation, 14 January 1847, in *D&C* (LDS) 136.
- ¹¹⁴ For useful commentary on this much-neglected revelation, see Bennett, *Mormon Exodus*, ch. 2.
- ¹¹⁵ The best secondary account is Bennett, *Mormon Exodus*.
- ¹¹⁶ C. Mark Hamilton, *Nineteenth-Century Mormon Architecture & City Planning* (New York: Oxford University Press, 1995), 25-28, illustrations #1, 2, and 7.
- ¹¹⁷ Wilford Woodruff journal, 8 August 1847, in *WWJ*, 3:250; William Clayton journal, 7-8 August 1847, in *JWC*, 380. For earlier precedents during Joseph Smith's administration, see D. Michael Quinn, "The Practice of Rebaptism at Nauvoo," *BYU Studies* 18 (Winter 1978), 1-7.
- ¹¹⁸ Horace K. Whitney journal, 22 August 1847, and general church minutes, 4 September 1847, in Bennett, *Mormon Exodus*, 245, 272. John Smith had already served as stake president in Diahman (Missouri), Montrose (Iowa), and Nauvoo (Illinois).
- ¹¹⁹ Bennett, *Mormon Exodus*, 245, 279-281.
- ¹²⁰ *Idem*, ch. 9. Young berated Pratt and Taylor for not limiting the size of their expedition, but church members were so eager to move forward that Pratt and Taylor found it difficult to do so.
- ¹²¹ Young broached the subject to Apostle Wilford Woodruff during their return trip to Winters Quarters. See the Wilford Woodruff journal, 12 October 1847, in *WWJ*, 3:283; Thomas B. H. Stenhouse, *The Rocky Mountain Saints* (New York: D. Appleton and Company, 1873), 263. Young did so in response to the "tappings" of the Holy Spirit. See the "Minutes of Councils, Meetings, & Journey," 5 December 1847, in Gary James Bergera, *Conflict in the Quorum: Orson Pratt, Brigham Young, Joseph Smith* (Salt Lake City: Signature Books, 2002), 65, 77.
- ¹²² "Minutes of Councils, Meetings, & Journey," 16, 30 November, 5 December 1847, in Bergera, *Conflict in the Quorum*, 54-81; Wilford Woodruff journal, 12 October 1847, in *WWJ*, 3:283.
- ¹²³ Wilford Woodruff journal, 5 December 1847, in *WWJ*, 3:295; Quorum of the Twelve Apostles minutes, 5 December 1847, in *MH*, 1:249, and Bennett, *Mormons at the Missouri*, 212; *HC*, 7:621.
- ¹²⁴ "Minutes of Councils, Meetings, & Journey," 24 December 1847, in Bergera, *Conflict in the Quorum*, 81.
- ¹²⁵ Log Tabernacle conference minutes, 27 December 1847, in Bennett, *Mormons at the Missouri*, 199, 202, 213-214; Norton Jacob journal, 27 December 1847, in *MH*, 1:250; Stenhouse, *Rocky Mountain Saints*, 264-265; *HC*, 7:623-624.
- ¹²⁶ Bergera, *Conflict in the Quorum*, 82; *HC*, 7:623-624.
- ¹²⁷ *MH*, 1:467. Amasa Lyman replaced William Smith within the Quorum of the Twelve on 6 October 1845. See the General Conference minutes, 6 October 1845, in "Conference Minutes," *T&S* 6 (1 November 1845), 1008-1009, and *HC*, 7:459-460; *MH*, 1:466, 562. Ezra T. Benson replaced John E. Page on 16 July 1846. See *MH*, 1:467, 539. The Twelve retained the rebellious Lyman Wight in absentia until his excommunication in late 1848. See *MH*, 1:201-202, 466-467, 603.
- ¹²⁸ *MH*, 2:631; Bergera, *Conflict in the Quorum*, 83n56.
- ¹²⁹ LDS Journal History, 26 April 1848, in Richard Price and Pamela Price, *The Temple of the Lord* (Independence: by the authors, 1982), 44-46; H. Michael Marquardt, "The Independence Temple of Zion," *Restoration: The Journal of Latter Day Saint History* 5 (October 1986), 14; LaMar C. Berrett and Max H. Parkin, *Sacred Places, A Comprehensive Guide to Early LDS Historical Sites: Volume 4, Missouri*

(Salt Lake City: Deseret Book Company, 2004), 27; Craig S. Campbell, *Images of the New Jerusalem: Latter Day Saint Faction Interpretations of Independence, Missouri* (Knoxville: University of Tennessee Press, 2004), 372n1. For additional reports, see the William E. McLellin letter fragment, c. May 1869, in Stan Larson and Samuel J. Passey, eds., *The William E. McLellin Papers, 1854-1880* (Salt Lake City: Signature Books, 2007), 449; W. W. Blair to Edmund L. Kelley, 12 May 1887, typescript, P16, f15, CofC Archives. The Partridge-Harris transaction, if it occurred at all, almost certainly took place before Harris's alienation from the church in 1837-1838. Given the silence of Jackson County records on the matter, it stands to reason that the transaction took place following the Mormon expulsion from the county in 1833.

¹³⁰ Far West Record, 26 January, 5-9 February, 12 April 1838, in *FWR*, 135-141, 162-171; Oliver Cowdery to Warren Cowdery, 4 February 1838, in *FWR*, 140n5.

¹³¹ *HC*, 3:284-285, 315, but not in *HRC*.

¹³² Joseph Smith revelation, 19 January 1841, in "EXTRACTS," *T&S* 2 (1 June 1841), 427, and *D&C* (LDS) 124:49-54, and *D&C* (RLDS) 107:15-16.

¹³³ To illustrate, see the Eliza Partridge journal, 29 June 1848, in Scott H. Partridge, ed., *Eliza Maria Partridge Journal* (Provo: Grandin Book Company, 2003), 44-45.

¹³⁴ LDS Journal History, 26 April 1848, in Price and Price, *Temple of the Lord*, 44-46, and Marquardt, "Independence Temple," 14; Berrett and Parkin, *Sacred Places: Missouri*, 27; Campbell, *New Jerusalem*, 372n1.

¹³⁵ Bennett, *Mormon Exodus*, 332n82; Andrew Jenson, "The Temple Lot," *The Historical Record* 7 (December 1888), 647-648. For the text, see Price and Price, *Temple of the Lord*, 55-56. The deed bore no date but was acknowledged on this date before the circuit court clerk of Atchison County, Missouri.

A non-Mormon witness in the Temple Lot Case, who lived in Jackson County for many years and probably knew nothing of the Partridge-Poole transaction, remembered that Poole lived on or near the southern end of the Temple Tract. See the Ember Mason deposition, 6 July 1892, TLC-R, 3:689 (Q74-80).

¹³⁶ Campbell, *New Jerusalem*, 126-128.

¹³⁷ "General Epistle to the Saints Throughout the World," 21 December 1847, in Bennett, *Mormons at the Missouri*, 166, 310n3.

¹³⁸ Apostle Orson Hyde renamed Council Bluffs "Kanesville" in April 1848 in honor of Thomas L. Kane, a Pennsylvania aristocrat and social reformer friendly to the church. See the LDS Journal History, 8 April 1848, in Bennett, *Mormons at the Missouri*, 12. The church vacated Winter Quarters, its prior local headquarters, at the behest of government officials in spring 1848. Located on Indian lands, Winter Quarters was meant to be a temporary settlement. See the LDS Journal History, 14 November 1847, in Bennett, *Mormons at the Missouri*, 166; *HC*, 7:618-619 (8, 14 November 1847).

¹³⁹ "General Epistle to the Saints Throughout the World," 21 December 1847, in Bennett, *Mormons at the Missouri*, 166, 310n3.

¹⁴⁰ William G. Hartley, "Council Bluffs/Kanesville, Iowa: A Hub for Mormon Settlements, Operations, and Emigration, 1846-1852," *JW* 26 (2006), 41. Of these, over 6,700 were British Mormons. See Bennett, *Mormon Exodus*, 312-313, and Bennett, *Mormons at the Missouri*, 216.

¹⁴¹ For various estimates, see Gail George Holmes, "Council Bluffs, Iowa," in Arnold K. Garr, Donald Q. Cannon, and Richard O. Cowen, eds., *Encyclopedia of Latter-day Saint History* (Salt Lake City: Deseret Book Company, 2000), 255; Hartley, "Council Bluffs/Kanesville," 39-40.

¹⁴² Hartley, "Council Bluffs/Kanesville," 17-47; Gail George Holmes, "A Prophet Who Followed, Fulfilled, and Magnified: Brigham Young in Iowa and Nebraska," in Susan Easton Black and Larry C. Porter, eds., *Lion of the Lord: Essays on the Life & Service of Brigham Young* (Salt Lake City: Deseret Book Company, 1995), ch. 6; Bennett, *Mormons at the Missouri*, 216-219. The church did not establish a stake in Kanesville, as they wished to underscore the temporary nature of the settlement.

¹⁴³ Hyde published the *Frontier Guardian* from 1849-1852.

¹⁴⁴ Bennett, *Mormon Exodus*, 296, 326, 353. The historical records of the church made the journey intact under the care of Thomas Bullock. See the Manuscript History of the Church, D-1, 1486, in Searle, "Early Mormon Historiography," 94. Previously, Willard Richards transported the records to Mt. Pisgah, Iowa, and Henry Fairbanks transported them to the Mormon settlements at the Missouri.

¹⁴⁵ In the February 1848 treaty of Guadalupe Hidalgo, Mexico ceded to the United States most of the lands that would become the American West and Southwest, including California, Nevada, and Utah, and parts of Arizona, New Mexico, Colorado, Wyoming, and Texas. See Richard Griswold Del Castillo, *The Treaty of Guadalupe Hidalgo: A Legacy of Conflict* (Norman: University of Oklahoma Press, 1992).

¹⁴⁶ Bennett, *Mormon Exodus*, 351-352.

¹⁴⁷ *MH*, 2:520n69.

¹⁴⁸ Dale L. Morgan, *The State of Deseret* (Logan: Utah State University Press, 1987); Glen M. Leonard, "The Mormon Boundary Question in the 1849-50 Statehood Debates," *JMH* 18 (Spring 1992), 114-136. The word "Deseret" is the *Book of Mormon* term for a honeybee.

¹⁴⁹ Wayne K. Hinton, "Millard Fillmore: Utah's Friend in the White House," *UHQ* 48 (Spring 1980), 112-128.

¹⁵⁰ William G. Hartley, "Gathering," in Garr, et. al., *Encyclopedia*, 415.

¹⁵¹ For a chronological list of the settlements, see Dale F. Beecher, "Colonizer of the West," in Black and Porter, *Lion of the Lord*, ch. 8. For population, see the *Deseret News 1997-98 Church Almanac* (Salt Lake City: Deseret News, 1996), 529; Newell G. Bringhurst, *Brigham Young and the Expanding American Frontier* Library of American Biography (Boston: Little, Brown and Company, 1986), 208.

Chapter Eight
Mormons Who Did Not Go West
1844-1851

The LDS Church became so powerful and controversial under Brigham Young that many, perhaps most, nineteenth-century non-Mormons assumed *all* Mormons followed Young. To keep LDS retention rates in proper perspective, however, let's back up a bit. Before his death, Joseph Smith put the membership of his church at 200,000.¹ But modern scholarship reveals the actual figure in 1844 to have been about 26,000. Roughly 11,000-12,000 lived in Nauvoo proper, a few thousand more lived in the surrounding countryside, several thousand lived overseas in the British Isles, and a few thousand more lived in the mission fields of Canada and the United States.²

After Joseph Smith's assassination, the Twelve won the initial allegiance of an overwhelming majority of Saints in and around Nauvoo.³ When the Twelve journeyed westward two years later, a healthy but not nearly so pronounced majority of Nauvoo Mormons followed them all the way to Utah. Due in part to the Twelve's central role in the British Mission, moreover, British émigrés proved particularly loyal in the hegira: An estimated thirty-eight percent of all LDS members in 1850 were born in the British Isles.⁴

Yet despite the Twelve's impressive and unparalleled retention rates, they failed to retain a sizeable proportion of Joseph Smith's followers. Many Mormons in the East Coast branches rejected the Twelve's leadership.⁵ Dean L. May's demographic research, moreover, found it "not likely that more than 8,800 or from 59 to 63 percent of Nauvoo's 14 or 15 thousand followed Brigham Young west by 1850."⁶ Many Nauvoo Mormons simply stayed behind and settled in western Illinois, eastern Iowa, and southern

Wisconsin. Many others started west with the Twelve, changed their minds en route, and turned around or settled down along the Iowa Mormon trail. Many were drawn to the teachings of other aspiring Mormon successors.⁷ Case in point: Southwestern Iowa, the waystation where thousands of Mormons serially prepared for the final leg of the westward journey, became a hothouse of sectarian rivalry.⁸ The Twelve, in sum, won the allegiance of most Mormons, but thousands chose other paths. “Mormons Who Did Not Go West,” to borrow historian Robert B. Flanders’s apt characterization, would play an enormous role in the Temple Lot Case as litigants, deponents, and subjects of debate.⁹

Mormons who rejected the Twelve did not lack for alternative leadership. The roster of individuals who attracted followings in this period included Sidney Rigdon, Francis Gladden Bishop, James Colin Brewster, David Whitmer, Charles B. Thompson, William Bickerton, and many others. Here, however, we will focus on the figures most salient to the Temple Lot Case: George J. Adams, Lyman Wight, James Jesse Strang, Alpheus Cutler, William Smith, and the Joseph Smith family.¹⁰

One of the first rival churches to the Twelve emerged out of a controversy in Mormonism’s East Coast branches. Before sailing to England to take charge of the British Mission in fall 1844, Apostle Wilford Woodruff discovered that fellow apostle William Smith (the lone surviving brother of Joseph and Hyrum), George J. Adams (an independent thirteenth apostle who operated without the quorum supervision of the Twelve), and church elder Sam Brannan (who, in the Gold Rush, would become California’s first millionaire) were tearing apart the East Coast branches by practicing

and promoting an unauthorized form of plural marriage.¹¹ The Twelve could ill afford Apostle Smith's recklessness. It was dangerous enough introducing polygamy in Nauvoo; it was downright foolhardy to introduce it in outlying branches.¹² The father of the Philadelphia Branch, Benjamin Winchester, was now warning everyone that the Twelve sanctioned polygamy.¹³ John Hardy, deposed head of the Boston Branch, publicized the scandalous conduct of Apostle Smith and his cohorts in a tract.¹⁴ Apostle Parley Pratt checked much of the damage, but many members were lost to the Twelve forever.¹⁵ Roughly forty percent of the Philadelphia Branch were cut off from the church of the Twelve in 1844-47, usually for rejecting the Twelve's succession rights.¹⁶

The apostolic instigators of the Twelve's eastern branch crises did not go away quietly; instead, they formed their own rival church. The Twelve excommunicated George J. Adams and Sam Brannan in April 1845.¹⁷ The following month, Adams set up a church north of Nauvoo in Augusta, Iowa, centered around the lineal succession rights of Joseph Smith's family. Adams called upon the teenage Joseph Smith III to serve as church president, with William Smith to serve as presiding patriarch.¹⁸ "I cant support the twelve as the first presidency," Adams explained. "I cant do it when I know that it belongs to Josephs Son-Young Joseph who was ordained by his father before his Death."¹⁹ Adams was one of the individuals who witnessed the Prophet anoint and designate Joseph III his successor in 1844.²⁰ Adams was also undoubtedly well aware that the Patriarchate, having previously been occupied by Joseph Smith Sr. and Hyrum Smith, should similarly continue within the Smith family.²¹

Apostle William Smith returned to Nauvoo in May 1845.²² To the Twelve's dismay, he remained unapologetic about his reckless promotion of plural marriage. He also threatened to join George J. Adams' rival church.²³ To keep the Prophet's brother with them, the Twelve placated him. On May 24th, they ordained William presiding patriarch of the church.²⁴ Over the summer they sealed a new civil wife and several plural wives to him.²⁵ But William was a force that could not be contained. Conflating the authority Hyrum Smith enjoyed in his dual roles as presiding patriarch and assistant church president, William insisted that, as presiding patriarch, he was the highest authority in the church, superior even to the Twelve.²⁶ In an August 17th sermon, furthermore, he announced his belief in plural marriage and insinuated that Brigham Young and Heber C. Kimball practiced it in secret.²⁷ The Twelve duly stripped William of his offices at October 1845 general conference.²⁸ In response, William dashed off a pamphlet denouncing the legitimacy of the Twelve's presidency. He described Brigham Young as a "usurper" and insisted that the succession rights remained with the Smith family generally and young Joseph III in particular.²⁹ The Twelve excommunicated William with unanimous congregational support on 19 October 1845.³⁰

After his excommunication, William Smith joined George J. Adams's Smith-centered Church of Jesus Christ of Latter Day Saints. Meeting in St. Louis on 1 December 1845, the high council of the budding church excommunicated the Twelve. At a conference in Cincinnati on 6 January 1846, the church stipulated that priesthood passes down by lineage, reaffirmed the succession rights of Joseph III, elevated William to

Hyrum's dual-station of presiding patriarch and presidential counselor, and recognized Emma Smith and Lucy Mack Smith as counselor and mother-in-Israel respectively.³¹

Tellingly, Emma Smith, Joseph Smith III, and Lucy Mack Smith had nothing to do with the Adams-Smith church erected in their honor. Be that as it may, the newfangled church apparently enjoyed some success in St. Louis and Cincinnati, but not enough to keep George Adams and William Smith from looking for more promising opportunities elsewhere.³² Despite its lack of success, the Smith-centered church of George J. Adams would prove a harbinger of a later, much more successful, movement. And William Smith himself, in his eightieth year, would testify in the Temple Lot Case.

Another locus of dissent in Brigham Young's Nauvoo was the Council of Fifty. Some individuals considered the Council of Fifty equal or superior in authority to the Twelve. Joseph Smith designated the Council of Fifty the government of the Kingdom of God, commissioned it to find settlement sites for the church, and delivered his "Last Charge" before its members.³³ As a result, several individuals appealed to Council of Fifty authority to justify independent action or outright separation from the Twelve.³⁴

Ironically, the most successful of these Fifty-advocates was also a member of the Twelve. As part of the Council of Fifty's emigration effort, Joseph Smith commissioned Apostle Lyman Wight in May 1844 to establish a settlement in the Texas Republic.³⁵ The Twelve sanctioned Wight's assignment after the martyrdom.³⁶ But when they tried to limit the scope of the effort, the independent-minded Wight spurned the apostles. For

Wight, the Prophet's commission trumped all other considerations.³⁷ Exasperated, Brigham Young dropped Wight from the Council of Fifty in January 1845.³⁸

The intrepid Wight set out for Texas with 150 followers in September 1845, arriving just as Texas joined the Union. During the remaining thirteen years of his life, Wight built a series of settlements in the hill country outside Austin, conducted a version of the Anointed Quorum ceremonies in a modest temple on the Pedernales River, and endorsed the various succession claims of the Council of Fifty, William Smith, and above all, Joseph Smith III.³⁹ The Twelve excommunicated the disobedient Wight in 1848.⁴⁰ But Wight's views on the succession contest would factor into the Temple Lot Case: One of his Texas colonists, John Hawley, would testify in the suit.

Of all the initial challengers to the Twelve, the most talented, successful, and improbable was James Jesse Strang. Strang joined the Mormon Church only four months before Joseph Smith's death.⁴¹ But at a Michigan conference on 5 August 1844, Strang produced a letter written purportedly by Smith nine days before his murder that appointed Strang his successor.⁴² The moment Joseph died, Strang also claimed, an angel anointed him the prophetic successor.⁴³ The Twelve read Strang's letter on 26 August 1844 and promptly excommunicated him.⁴⁴ But some Mormons found Strang's claims plausible. Did not the Lord declare that Joseph would appoint his own successor?⁴⁵ Did not Joseph and other prophets receive angelic commissions?⁴⁶ As a result, Strang attracted a small following at his gathering site in Voree, Wisconsin.⁴⁷

Then, in September 1845, Strang announced that an angel had shown him a vision of buried plates. Respected townspeople dug up the artifacts where Strang directed them to and verified that the earth surrounding it showed no signs that Strang nor anybody else had buried the plates anytime recently. Strang translated the plates by divine inspiration and found that they contained the ancient prophecy of one Rajah Manchou that a mighty prophet would rise up after the murder of the forerunner, an allusion to Strang's succession of Smith.⁴⁸ This episode, so reminiscent of the plates of *The Book of Mormon*, lent Strang a charismatic credibility that eluded the pragmatic Brigham Young. More than any of his competitors, Strang *acted* like Joseph Smith insofar as he translated hidden records, received angelic ministrations, and produced written revelations.

Strang enjoyed his greatest success acting as a foil to the Twelve from December 1845-August 1846, the period of the Nauvoo Temple ordinances, the escalation of plural marriage, and the exodus across Iowa. He denounced the Twelve's polygamous practices.⁴⁹ He declared their presidential status unscriptural.⁵⁰ He insisted that God called a prophet, not a committee, to lead the church.⁵¹ He decried the westward hegira.⁵² He characterized the Twelve's following as "rejected as a church with its dead."⁵³ And he frightened away potential purchasers of the Nauvoo Temple by identifying the structure as the property of *his* church, thereby raising the specter of a clouded title.⁵⁴ Stunningly, in March 1846, Strang won the allegiance of Apostle John E. Page, one of the members of Brigham Young's own Quorum of Twelve.⁵⁵ With Page serving as chief witness, Strang excommunicated the Twelve in April.⁵⁶ Fighting back,

Young denounced Strang's letter of appointment from Joseph Smith as a "base and wicked forgery."⁵⁷ Apostle Orson Hyde published a revelation denouncing Strang.⁵⁸

To Mormons repelled by polygamy, wary of a dangerous migration, and disappointed by Brigham Young's revelation-free leadership (Young told the church after Joseph Smith's death, "You are now without a prophet present with you in the flesh to guide you"), James Strang seemed an appealing alternative.⁵⁹ Strangites taunted the Twelve's supporters by quoting a Mormon hymn: "A church with a Prophet, is not the church for me."⁶⁰ Strang also proved an effective administrator, dispatching missionaries to Mormon strongholds like Nauvoo, Kirtland, Mt. Pisgah, and England.⁶¹ By April 1846, families were arriving daily at Strang's headquarters in Voree.⁶² By summer, Strang's supporters controlled the Kirtland Temple.⁶³ In all over 2,500 Mormons identified Strang as the rightful successor, including at one time or another Lucy Mack Smith (the Prophet's mother), William McLellin (a former apostle), Martin Harris (one of the Three Witnesses to *The Book of Mormon* plates), and William Marks (formerly of the Nauvoo Stake Presidency, Anointed Quorum, and Council of Fifty).⁶⁴

But just when it seemed that Strang's movement was really taking off, he started making moves that alienated followers. In 1846, Strang appointed three of the great scoundrels in Mormon history—John C. Bennett, George J. Adams, and William Smith—as general-in-chief, presidential counselor, and apostle/patriarch respectively of his church.⁶⁵ (Adams and Smith found Strang's organization more promising than their own struggling church.) That same year, Strang established the "Halcyon Order of the Illuminati," a secretive body reminiscent of the Anointed Quorum and Council of Fifty.⁶⁶

In 1848, Strang established an economic “Order of Enoch” wherein members consecrated their property to the community and were allegedly encouraged to plunder the property of persecuting Gentiles.⁶⁷ In 1849, it came to light that Strang’s travelling secretary, Charles J. Douglass, was actually a woman in disguise—indeed, a secret plural wife.⁶⁸ And in an 1850 coronation ceremony, George J. Adams crowned Strang a king.⁶⁹

For individuals who had embraced Strang as a welcome alternative to polygamy, theocracy, and secret rites, these developments were extremely disillusioning. By the 1850s, almost all of Strang’s prominent converts had abandoned him. But the movement, although weakened, weathered the storm. Strang founded another gathering site on Lake Michigan’s Beaver Island.⁷⁰ He translated another set of plates, *The Book of the Law of the Lord*.⁷¹ He married four plural wives and introduced the practice to some of his closest followers.⁷² He even served in the Michigan State Legislature for two terms.⁷³ But in 1856, Strang was gunned down by two assassins. He lingered for three weeks before his death, but did not name a successor.⁷⁴ Without a prophet to assume the mantle of the martyrs Joseph and Jesse, the Strangite movement dwindled in numbers and influence. But the James Strang odyssey would serve as a pretext for some of the most riveting testimony and personal confrontations of the Temple Lot Case, as Strang’s last surviving apostle, the combative Lorenzo Dow Hickey, would offer testimony in the suit.

The deceleration of James Strang’s movement did not eliminate the Twelve’s competition. Between 1847-1853, Alpheus Cutler—veteran of the Anointed Quorum, Council of Fifty, and high councils of Nauvoo and Winter Quarters—distanced himself

from the Twelve and established his own movement in southwestern Iowa.⁷⁵ Cutler's break, in certain respects, seemed unlikely. Advanced in age, he supported the Twelve in the succession crisis and married six plural wives under their authority in 1846.⁷⁶

Earlier, in the Council of Fifty, Joseph Smith commissioned Alpheus Cutler to minister to the Lamanites (Indians).⁷⁷ With Brigham Young's blessing, Cutler went to the Kansas Indian Territory in 1847, the same assignment that led to the founding of Zion in Jackson County in 1831. From 1847-1851, Cutler split his time between Indian Territory and the LDS branch he led at Silver Creek, Iowa. In the process, Cutler and his branch revived the supernatural and eschatological spirit of the original 1831 Lamanite mission. This put him at odds with the Twelve. Whereas the Twelve epitomized the routinization of charisma in priesthood councils, Cutler revived the freewheeling tongues and visions of early Mormonism. Whereas the Twelve wanted Cutler to go to Utah, Cutler believed that Jackson County, the *real* Zion, could be imminently redeemed through a Mormon-Indian military alliance. Like Lyman Wight, Cutler prioritized his Council of Fifty assignment over the authority of the Twelve.⁷⁸ As a result, the LDS Pottawattamie High Council excommunicated Cutler in April 1851.⁷⁹

In the aftermath, Cutler reluctantly closed the unsuccessful Indian mission, left his plural wives, and established additional settlements in Iowa. He announced that God rejected the current Mormon Church, but revealed that as a member of Joseph Smith's heretofore-unknown "Quorum of Seven," he held the authority to establish the church and kingdom anew. In 1853, Cutler "re-organized" the Church of Jesus Christ, placing himself in charge of what he deemed the all-important "kingdom," and someone else in

charge of the less-important church. The Cutlerites denounced polygamy, held all things in common, and administered endowments and baptism for the dead. Cutler died in 1864 at the age of eighty. At their height, the Cutlerites roughly 500 members.⁸⁰

Although Cutler's movement would have little direct bearing on the Temple Lot Case, many members in one of the litigant churches had a Cutlerite background. The Cutlerites also demonstrated that even as thousands of the Twelve's followers journeyed west to found a new Zion, many Mormons yearned to return to Jackson County and the Temple Lot, fifteen years after the Mormon expulsion from the sacred grounds. Similar sentiments would fuel the churches of the Temple Lot Case.

In the late 1840s, William Smith added another chapter to his saga of dissent. In the summer and fall of 1847, Smith was suspended and excommunicated from James Strang's church for sexual misconduct.⁸¹ Quickly leaving the Strangites behind, Smith received a revelation in August that year branding the Twelve as apostates and stipulating that the presidency of the high priesthood—the presidency of the church—descends by lineage through Joseph Smith's family and rests upon “the head of his posterity.” Since the head of the Prophet's posterity, Joseph III, was still only a teenager, the revelation called William to serve as president *pro tempore* of the high priesthood in young Joseph's stead.⁸² Accordingly, in summer 1847, William Smith organized a Smith-centered Church of Jesus Christ of Latter Day Saints much like the one he had collaborated on with George J. Adams eighteen months earlier. William declared himself “Patriarch &

Prophet of the Most High God,” denounced the practice of plural marriage, and urged his followers to gather in Palestine Grove, Lee County, Illinois.⁸³

Smith received a boost in August 1848 when Lyman Wight, his former colleague in the Twelve, endorsed William’s interim presidency and the succession rights of Joseph Smith III and the Prophet’s other posterity.⁸⁴ Returning the favor, William acknowledged the legitimacy of Wight’s Texas colony, elevated Wight to his First Presidency, and numbered several of Wight’s followers among his apostles. Separated by hundreds of miles and different (official) positions on polygamy, William Smith and Lyman Wight had effected a merger of sorts.⁸⁵ Smith received another boost when abolitionist printer Isaac Sheen established a newspaper for his church in February 1849.⁸⁶ With Sheen’s help, Smith attracted a modest following in northern Illinois, southern Wisconsin, and the Cincinnati area, many of them former followers of James Strang.⁸⁷

But in 1850 Isaac Sheen heard rumors that William Smith was involved in polygamy. Sheen investigated the matter and concluded that Smith was a “hypocritical libertine.” Smith told Sheen “he had a right to raise up posterity from other men’s wives. He said it would be an honor conferred upon them and their husbands, to allow him that privilege, and that they would thereby be exalted to a high degree of glory in eternity.”⁸⁸ Appalled, Sheen and many other Cincinnati area followers left Smith’s movement in May 1850.⁸⁹ In the aftermath, William increasingly relied upon one Joseph Wood, whom he designated as spokesman, president of the apostles, and co-holder of the keys of the kingdom.⁹⁰ In October 1850, the duo visited the branches of southern Wisconsin. Local

members were dismayed to learn that Smith and Wood “not only believed in the plurality of wives, but were really in the practice of it stealthily, and under the strongest vows of secrecy.” One year later at Palestine, Illinois, the two men “threw off the mask” and “confessed to the belief and practice of polygamy in the name of the Lord.”⁹¹ To make matters worse, Wood published a pamphlet in 1851 claiming that Joseph Smith ordained William a prophet, seer, revelator, and translator, giving him all the powers necessary to lead the church after his death. William was no longer depicted as an interim president; he was now depicted as the Prophet’s chosen successor.⁹² Most of William’s followers couldn’t stomach the changes-of-direction. By 1853, Williamism was all but dead.

While many Mormons sampled different factions after the death of Joseph Smith, a good number chose to remain independent. They took the measure of the various succession contenders and found them all wanting. Nobody exemplified such independence better than the Prophet’s own widow, Emma Smith. Hyrum Smith’s widows, children, and descendants provided unwavering support to the Twelve, migrated to Utah, and provided apostolic, patriarchal, and presidential leadership for the LDS Church well into the twentieth-century.⁹³ But Joseph Smith’s widow and children were another story. Courted by one faction after another, Emma endorsed none of them.

The Twelve recognized that Joseph Smith wanted his sons to follow him into the church presidency.⁹⁴ But Emma knew they would keep plural marriage alive, so she unequivocally opposed their leadership. She refused to relinquish her husband’s translation of *The Bible* and assorted other manuscripts to the Twelve. The division of

Joseph's estate further divided the family and the church. To make matters worse, the men the Twelve posted around the Smith home seemed more like spies to the family than bodyguards.⁹⁵ The Prophet's mother, Lucy Mack Smith, was more open to the Twelve than her daughter-in-law, Emma.⁹⁶ But for Emma's eldest child, Joseph III, Brigham Young became the personification of ecclesiastical oppression and immortality.⁹⁷ When the Twelve departed for the West, Joseph Smith's immediate family remained behind.

Emma Smith didn't just play it cool with the Twelve. When George J. Adams founded a church that recognized the leadership rights of the Smith family, she remained aloof. When brother-in-law William Smith and her friend William Marks sided with Strang, Emma held back. Instead, Emma attended the Methodist Church with her children. And in 1847, she shocked everyone by marrying a non-Mormon.⁹⁸ More than a decade later, we shall see, she found another Mormon community, and with that community she remained content the rest of her days.

By 1851, the Mormon succession question had reached a denouement of sorts. On one hand, there were the remarkably successful Brighamites. Despite an enormously difficult and, for some, disillusioning settlement effort in the Great Basin, Brigham Young and the Twelve came out of it with thriving overseas missions, a successful emigration program, and a U.S. territory virtually all their own.⁹⁹ Deaths and apostasies notwithstanding, LDS total membership now numbered approximately 52,000, double the total number of *all* Mormons in 1844, the year of Joseph Smith's death.¹⁰⁰

On the other hand, there was a mishmash of midwestern Mormon sects. In southwestern Iowa, one could find Rigdonites, Strangites, Cutlerites, Thompsonites, and all manner of –ites.¹⁰¹ Thousands of Mormons found the Utah behemoth reprehensible, yet despite their hunger for a Mormon alternative, none of the Twelve’s sectarian competitors had emerged as a compelling alternative. It was not uncommon for Mormons in this turbulent era to jump from one faction to another, searching for the right fit. But by 1851, the prospect of any existing Mormon movement forging a formidable and enduring alternative to the Brighamites seemed remote. The Smith-centered church of George J. Adams was long dead; James Strang, Lyman Wight, and William Smith had their best days behind them; Alpheus Cutler was still on the ascent, but his solipsistic doctrine and ritual didn’t seem likely to attract a vast following. No single faction had risen to the top, establishing itself as the premier alternative to the Brighamites.¹⁰²

Yet the stark competitive advantage of the LDS Church would not endure forever. In November 1851, a revelation was received by an obscure young man that spawned the most formidable challenge to the LDS Church in its history. And beginning in 1852, the Brighamites would suffer one public relations disaster after another, depressing their convert baptism rate significantly. These developments would elicit much comment in the Temple Lot Case, and thus we turn to them in the next two chapters.

Endnotes

¹ Joseph Smith, “The Latter Day Saints,” in Israel Daniel Rupp, ed., *He Pasa Eklesia, An Original History of the Religious Denominations at Present Existing in the United States* (Philadelphia: N.Y. Humphreys, 1844), 409.

² Dean L. May, “A Demographic Portrait of the Mormons, 1830-1980,” in Thomas G. Alexander and Jessie L. Embry, eds., *After 150 Years: The Latter-day Saints in Sesquicentennial Perspective* (Provo: Charles Redd Center for Western Studies, 1983), 43-44, 52; *Deseret News 1997-98 Church Almanac* (Salt Lake City: Deseret News, 1996), 529; Susan Easton Black, “How Large Was the Population of Nauvoo?,”

BYU Studies 35/2 (1995), 91-94. By comparison, sociologist Rodney Stark puts the 1840 membership at 30,000 in "The Rise of a New World Faith," *Review of Religious Research* 26 (September 1984), 19-20.

³ See the 8 August 1844 entries in the following: the Wilford Woodruff journal, in *WWJ*, 2:434-440; Thomas Bullock notes, in Andrew F. Ehat, "Joseph Smith's Introduction of Temple Ordinances and the 1844 Mormon Succession Question" (M.A. thesis: Brigham Young University, 1982), 204; Heber C. Kimball diary, in *HCK*, 79; William Clayton journal, in *JWC*, 142; Brigham Young diary, in Lynne Watkins Jorgensen, "The Mantle of the Prophet Joseph Smith Passes to Brother Brigham: One Hundred Twenty-one Testimonies of a Collective Spiritual Witness," in John W. Welch, ed., *Opening the Heavens: Accounts of Divine Manifestations, 1820-1844* (Provo: Brigham Young University Press/Salt Lake City: Deseret Book, 2005), 381; Joseph Fielding journal, in Andrew F. Ehat, "'They Might Have Known That He Was Not a Fallen Prophet': The Nauvoo Journal of Joseph Fielding," *BYU Studies* 19 (Winter 1979), 155. See also "Special Meeting," *T&S* 5 (2 September 1844), 638; *HC*, 7:240.

⁴ May, "Demographic Portrait," 50.

⁵ See, for example, David J. Whittaker, "East of Nauvoo: Benjamin Winchester and the Early Mormon Church," *JMH* 21 (Fall 1995), 74, and "The Philadelphia Pennsylvania Branch: Its Early History and Records," *MHS* 6 (Spring 2005), 55, 57, 63n16; Maureen Carr Ward, "Philadelphia Pennsylvania Branch Membership: 1840-1854," *MHS* 6 (Spring 2005), 67-92.

⁶ May, "Demographic Portrait," 50 (quote), 52. Along similar lines, see Ronald K. Esplin, "Joseph, Brigham, and the Twelve: A Succession of Continuity," *BYU Studies* 21 (Summer 1981), 333.

⁷ For a general overview of the post-martyrdom Mormon diaspora, readers still can't go wrong with Robert B. Flanders, "The Mormons Who Did Not Go West: A Study of the Emergence of the Reorganized Church of Jesus Christ of Latter Day Saints" (M.A. thesis: University of Wisconsin, 1954).

⁸ See, for example, Richard E. Bennett, "Lamanism, Lymanism, and Cornfields," *JMH* 13 (1986-87), 45-59; Barbara J. Bernauer, "Gathering the Remnants: Establishing the RLDS Church in Southwestern Iowa," *JW* 20 (2000), 4-33; Danny L. Jorgensen, "The Scattered Saints of Southwestern Iowa: Cutlerite-Josephite Conflict and Rivalry, 1855-1865," *JW* 13 (1993), 80-97, and "The Cutlerites of Southwestern Iowa: A Latter-day Saint Schism and its Role in the Early Settlement of Iowa," *The Annals of Iowa* 58 (Spring 1999), 131-161.

⁹ Flanders, "Mormons Who Did Not Go West."

¹⁰ On the abundant sects of Mormonism, see Steven L. Shields, *Divergent Paths of the Restoration* 4th ed. (Independence: Herald House, 1990); Newell G. Bringhurst and John C. Hamer, eds., *Scattering of the Saints: Schism within Mormonism* (Independence: John Whitmer Books, 2007). For a historiographic and sociological essay on Mormon factions and factionalism, see Danny L. Jorgensen, "Studies of Mormon Fissiparousness: Conflict, Dissent, and Schism in the Early Church," in Newell G. Bringhurst and Lavina Fielding Anderson, eds., *Excavating Mormon Pasts: The New Historiography of the Last Half Century* (Salt Lake City: Greg Kofford Books, 2004), ch. 10.

¹¹ Wilford Woodruff journal, 7-8, 12, 15, 24 October, 22 November, and 3 December 1844, in *WWJ*, 2:471-474, 477, 484, 487; Wilford Woodruff to Brigham Young, 9 October 1844, in Irene M. Bates, "William Smith, 1811-1893: Problematic Patriarch," *Dialogue* 16 (Summer 1983), 16.

¹² Wives didn't usually accompany apostles on their missions, not even civil wives. But if a plural wife did join her husband, they were expected to be extremely discrete. During Parley P. Pratt's eastern states mission in 1844-1845, for example, plural wife Belinda Marden Pratt often lived alone to hide their relationship. See David J. Whittaker, "Early Mormon Polygamy Defenses," *JMH* 11 (1984), 54.

¹³ Whittaker, "East of Nauvoo," 62-75; Heber C. Kimball diary, 19, 26 September 1844, in *HCK*, 86, 88.

¹⁴ John Hardy, *History of the Trial of Elder John Hardy, Before the Church of Latter Day Saints in Boston, for Slander, in Saying that G. J. Adams, S. Brannan, and William Smith Were Licentious Characters* (Boston: Conway and Company, 1844). William Smith replied to the charges (without really denying them) in *The Prophet*, 8 February 1845, and the *Nauvoo Neighbor*, 14 May 1845, cited in Lawrence B. Foster, *Religion and Sexuality: The Shakers, the Mormons, and the Oneida Community* (Urbana: University of Illinois Press, 1984), 188-189, 323.

¹⁵ Parley Pratt replaced William Smith as head of the eastern states mission. See the untitled notices in *T&S* 5 (1 December 1844), 726-727.

¹⁶ Whittaker, "East of Nauvoo," 74, and "Philadelphia Pennsylvania Branch," 55, 57, 63n16; Ward, "Philadelphia Pennsylvania Branch Membership," 67-92. On the tumultuous history of the Philadelphia Branch, see Stephen J. Fleming, "Discord in the City of Brotherly Love: The Story of Early Mormonism in Philadelphia," *MHS* 5 (Spring 2004), 3-27.

¹⁷ *HC*, 7:395 (10 April 1845); Brigham Young, "Notice To The Churches Abroad," *T&S* 6 (15 April 1845), 878. Brannan was quickly reinstated through William Smith's intervention. See "Notice," *T&S* 6 (15 April 1845), 879; *HC*, 7:418 (24 May 1845).

¹⁸ William Clayton journal, 23 May 1845, in *JWC*, 166; William Smith, *Minutes of a Conference Held by the Church of Jesus Christ of Latter Day Saints* (Cincinnati: January 1847). Adams offered to serve as young Joseph's spokesman.

¹⁹ George J. Adams to A. R. Tewkesbury, 14 June 1845, in the *New York Messenger* 2 (19 July 1845), 21, and *MH*, 1:228.

²⁰ W. W. Blair journal, 15 May 1865, CoC Archives; James Whitehead deposition, 26 January 1892, in TLC-C, 1:9 (Q41-53).

²¹ Irene M. Bates and E. Gary Smith, *Lost Legacy: The Mormon Office of Presiding Patriarch* (Urbana: University of Illinois Press, 1996), chs. 2-3.

²² Heber C. Kimball diary, 4-5 May 1845, in *HCK*, 108-109; Linda King Newell and Valeen Tippetts Avery, *Mormon Enigma: Emma Hale Smith* 2d ed. (Urbana: University of Illinois Press, 1994), 215.

²³ William Clayton journal, 23 May 1845, in *JWC*, 166; *HC*, 7:417 (23 May 1845).

²⁴ *HC*, 7:418 (24 May 1845); *MH*, 1:215, 220; Bates and Smith, *Lost Legacy*, 82.

²⁵ Gary James Bergera, "Identifying the Earliest Mormon Polygamists, 1841-44," *Dialogue* 38 (Fall 2005), 34-39, 67-68; George D. Smith, *Nauvoo Polygamy: "...but we called it celestial marriage"* (Salt Lake City: Signature Books, 2008), 287-288, 312, 623; *MH*, 1:220-221, 594; Bates, "Problematic Patriarch," 12. William's first civil wife died shortly after his return to Nauvoo.

²⁶ Heber C. Kimball diary, 23 May, 21 June 1845, in *HCK*, 114-115, 123.

²⁷ William Smith discourse, 17 August 1845, in Bates and Smith, *Lost Legacy*, 91; John Taylor journal, 17 August 1845, in Dean C. Jessee, ed., "The John Taylor Nauvoo Journal: January 1845-September 1845," *BYU Studies* 23 (Summer 1983), 83-84; William Clayton journal, 17 August 1845, in *JWC*, 178; *Warsaw Signal*, 3 September 1844, in Bates, "Problematic Patriarch," 19, and Foster, *Religion and Sexuality*, 189. Decades later, William Smith told Joseph Smith III that far from trumpeting plural marriage in his sermon, he actually denounced plural marriage. See William Smith to Joseph Smith III, undated letter, typescript, Miscellaneous Letters and Papers, P13, f2311, CoC Archives. Contemporary 1845 reports don't sustain the older William's recollection of the speech.

²⁸ William Clayton journal, 6 October 1845, in *JWC*, 184; *HC*, 7:458-460 (6 October 1845).

²⁹ William Smith, *A Proclamation: And Faithful Warning to All the Saints Scattered Around in Boston, Philadelphia, New York, Salem, New Bedford, Lowell, Peterborough, Gilson, Saint Louis, Nauvoo and Elsewhere in the United States; Also, to Those Residing in the Different Parts of Europe and in the Islands of the Sea* (1845; reprinted in the *Warsaw Signal*, 29 October 1845, and by Restoration Research of Bountiful, UT, 1983). See also William Smith to Brother Robbins, 15 October 1845, in Marvin S. Hill, *Quest for Refuge: The Mormon Flight from American Pluralism* (Salt Lake City: Signature Books, 1988), 164; Thomas Bullock journal, 15 October 1845, in Greg R. Knight, ed., *Thomas Bullock Nauvoo Journal* (Orem, UT: Grandin Book Company, 1994), 19; William Clayton journal, 19 October 1845, in *JWC*, 187; Heber C. Kimball diary, 16 November 1845, in *HCK*, 143.

³⁰ William Clayton journal, 19 October 1845, in *JWC*, 187, and in slightly revised form in *HC*, 7:483; Hosea Stout diary, 19 October 1845, in *HS*, 1:85.

³¹ William Smith, *Minutes of a Conference Held by the Church of Jesus Christ of Latter Day Saints* (Cincinnati: January 1847). Adams's and Smith's former partner in spiritual wifery, deposed First Presidency counselor John C. Bennett, was teaching at a medical school in Cincinnati at the time. See

Andrew F. Smith, *The Sainly Scoundrel: The Life and Times of Dr. John Cook Bennett* (Urbana: University of Illinois Press, 1997), 144-146. William apparently invited Bennett to serve as his counselor, an offer Bennett declined. See John C. Bennett to James J. Strang, 28 March 1846, in *MH*, 1:223-224. In little time, Adams, Bennett, and Smith would all join James Strang's church.

³² James Kay to Brother Ward, 22 November 1845, in "Correspondence by James Kay," *MS* 7 (1 May 1846), 134-135; William Smith to editor, 24 November 1845, in *Messenger and Advocate* (Pittsburgh) 2 (December 1845), in Kyle R. Walker, "William Smith's Quest for Ecclesiastical Station: A Schismatic Odyssey, 1844-93," in Bringhurst and Hamer, *Scattering of the Saints*, 99; *Cincinnati Commercial*, 27 January, 10 February, and 25, 27 March 1846, in Smith, *Sainly Scoundrel*, 146.

³³ D. Michael Quinn, "The Council of Fifty and Its Members, 1844 to 1945," *BYU Studies* 20 (Fall 1979), 163-197, and *MH*, 1:120-136; Klaus J. Hansen, *Quest for Empire: The Political Kingdom of God and the Council of Fifty in Mormon History* 2d ed. (Lincoln: University of Nebraska Press, 1974).

³⁴ Individuals who considered the Council of Fifty equal or superior in authority to the Quorum of the Twelve Apostles included Lyman Wight, James Emmett, Alpheus Cutler, Peter Haws, George Miller, John E. Page, and George J. Adams. See Samuel James to Sidney Rigdon, 28 January 1845, in *Messenger and Advocate* (Pittsburgh) 1 (1 March 1845), in *MH*, 1:193; Richard E. Bennett, *Mormons at the Missouri, 1846-1852: "And Should We Die..."* (Norman: University of Oklahoma Press, 1987), 155-156.

³⁵ *HC*, 6:356 (6 May 1844); Lyman Wight, *An Address By Way of An Abridged Account and Journal of My Life From February 1844 Up To April 1848, With an Appeal to the Latter Day Saints* (Austin, TX?: c. spring 1848); Lyman Wight to William Smith, 26 July 1849, in "Brother Wight," *Melchizedek and Aaronic Herald* 1 (September 1849), 2; Lyman Wight to Frank Cooper and Edward Chidester, July 1855, in *MH*, 1:198-199.

³⁶ Willard Richards diary, 12 August 1844, in *MH*, 1:199; *HC*, 7:249 (12 August 1844).

³⁷ Brigham Young discourse, 18 August 1844, in *HC*, 7:254-255; Heber C. Kimball diary, 21, 23 August 1844, 13 April 1845, in *HCK*, 81, 82, 105; *HC*, 7:261 (21, 23-24 August 1844); William Clayton journal, 17 April 1845, in *JWC*, 163; George Miller, *Correspondence of Bishop George Miller With the Northern Islander. From his first acquaintance with Mormonism up to near the close of his life. Written by himself in the year 1855* (Burlington, WI: Wingfield Watson, 1916), 24.

³⁸ William Clayton journal, 4 February 1845, in *JWC*, 157.

³⁹ Michael Scott Van Wagenen, *The Texas Republic and the Mormon Kingdom of God* (College Station: Texas A&M University Press, 2002); Melvin C. Johnson, *Polygamy on the Pedernales: Lyman Wight's Mormon Villages in Antebellum Texas, 1845-1858* (Logan: Utah State University Press, 2006); Davis Bitton, "Mormons in Texas: The Ill-Fated Lyman Wight Colony, 1844-1858," *Arizona and the West* 11 (Spring 1969), 5-26; *MH*, 1:202.

⁴⁰ "Acts of the Quorum of Twelve Apostles," 1849-1867, in *MH*, 1:201, 603; Hosea Stout diary, 3 December 1848, in *HS*, 2:336-337; Parley P. Pratt to Orson Pratt, 9 March 1849, in "An Epistle Of The Twelve To President Orson Pratt, And The Church Of Jesus Christ Of Latter-Day Saints In The British Isles,-Greeting," *MS* 11 (15 August 1849), 246; First Presidency general epistle, c. spring-summer 1849, in "Important From The Great Salt Lake," *MS* 11 (1 August 1849), 228, 229.

⁴¹ Chronicles of Voree, 25 February 1844, in Vickie Cleverley Speak, "*God Has Made Us A Kingdom*": *James Strang and the Midwest Mormons* (Salt Lake City: Signature Books, 2006), 17-18. Joseph Smith performed the baptism in the baptismal font of the Nauvoo Temple.

⁴² Crandall Dunn diary and Norton Jacob journal, 5 August 1844, in *MH*, 1:210; Chronicles of Voree, in Speak, *Kingdom*, 22-23. For a photograph and transcript of Joseph Smith's 18 June 1844 letter of appointment to James Strang, see Speak, *Kingdom*, Appendix A. Most scholars conclude that while the postmark of the letter is probably authentic, the text is not. See Charles Eberstadt, "A Letter That Founded a Kingdom," *Autograph Collectors' Journal* 3 (October 1950), 3-8. Strang's followers disagree. For a defense of the letter's authenticity, see William Shepard, Donna Falk, and Thelma Lewis, eds., *James J. Strang: Teachings of a Mormon Prophet* (Burlington, WI: Church of Jesus Christ of Latter Day Saints [Strangites], 1977), 247-263.

⁴³ Chronicles of Voree, in Shepard, et. al., *Teachings*, 244-246.

⁴⁴ Norton Jacob journal, 25 August 1844, in Robin Scott Jensen, “Mormons Seeking Mormonism: Strangite Success and the Conceptualization of Mormon Ideology, 1844-50,” in Bringhurst and Hamer, *Scattering of the Saints*, 119; Heber C. Kimball diary, 26 August 1844, in *HCK*, 83; “To The Saints,” *T&S* 5 (2 September 1844), 631.

⁴⁵ Joseph Smith revelation, February 1831, in *MRB*, 104-105, 108-109, *BC* 45:3-7, *D&C* (LDS) 43:3-7, *D&C* (RLDS) 43:1-2; Shepard, et. al., *Teachings*, 239-241.

⁴⁶ Shepard, et. al., *Teachings*, 242-244.

⁴⁷ Speek, *Kingdom*, 24.

⁴⁸ Chronicles of Voree, in Shepard et. al., *Teachings*, 186-189. For a facsimile of the plates, see Jensen, “Strangite Success,” 126. For the text of the translation, see Speek, *Kingdom*, Appendix B.

⁴⁹ James J. Strang to Louisa Sanger, 16 March 1845, in Jensen, “Strangite Success,” 122-123; “Official,” *Zion’s Reveille*, 12 August 1847, in Speek, *Kingdom*, 46.

⁵⁰ *Voree Herald* 1 (January 1846), [3], in Jensen, “Strangite Success,” 124-125; Chronicles of Voree, 6-8 April 1846, in Speek, *Kingdom*, 33-34.

⁵¹ *Voree Herald* 1 (January 1846), [3], and (September 1846), [37], in Jensen, “Strangite Success,” 128, 129.

⁵² *Voree Herald* 1 (January 1846), [3], in Jensen, “Strangite Success,” 127; *Voree Herald* 1 (March 1846), [2], in Bennett, *Mormons at the Missouri*, 238n47.

⁵³ *Voree Herald* 1 (April 1846), in *HMH*, 334.

⁵⁴ John J. Hajicek, “The Sale and Burning of the Nauvoo Temple” (unpublished, 1997), available online at <http://www.strangite.org/Temple.htm>; Richard E. Bennett, “‘Has the Lord Turned Bankrupt?’: The Attempted Sale of the Nauvoo Temple, 1846-1850,” *Journal of the Illinois State Historical Society* 95 (Autumn 2002), 242-245, 257n45, 258n46; Lisle G. Brown, “‘A Perfect Estoppel’: Selling the Nauvoo Temple,” *MHS* 3 (2002), 73-74.

⁵⁵ John E. Page to James J. Strang, 1 February 1846, in James Jesse Strang Collection, Beinecke Library, Yale University, New Haven, CT; Quorum of Twelve Apostles to “the Saints of God,” 9 February 1846, in Elden J. Watson, ed., *Manuscript History of Brigham Young, 1846-1847* (Salt Lake City: by the author, 1971), 31; John E. Page to James J. Strang, 12 March 1846, and Chronicles of Voree, 6 April 1846, in John E. Quist, “John E. Page: Apostle of Uncertainty,” *JMH* 12 (1985), 58-59.

⁵⁶ James J. Strang, “Charges against Brigham Young and the Twelve” and “Charges against the 12,” 6 April 1846, in Strang Collection, Beinecke Library. Aside from John E. Page, who recently joined his movement, the only member of the Twelve Strang didn’t excommunicate was Wilford Woodruff, as Strang (mistakenly) believed Woodruff wasn’t present when Young gained control of the church in 1844.

⁵⁷ Brigham Young to the branches of the church, 24 January 1846, in Strang Collection, Beinecke Library.

⁵⁸ Orson Hyde, *He that hath ears to hear, let him hear what the Spirit saith unto the Churches*, broadside (Nauvoo: N.p., 1846), in *MH*, 1:211.

⁵⁹ Brigham Young to The Church of Jesus Christ of Latter-Day Saints, 15 August 1844, in *HC*, 7:250.

⁶⁰ *Voree Herald* 1 (September 1846), [37], in Jensen, “Strangite Success,” 128-129.

⁶¹ The most comprehensive study of the subject is Robin Scott Jensen, “Gleaning the Harvest: Strangite Missionary Work, 1846-1850” (M. A. thesis: Brigham Young University, 2005).

⁶² James J. Strang to John C. Bennett, 16 April 1846, in Speek, *Kingdom*, 34.

⁶³ James J. Strang to “Bretheren and Sisters,” 14 August 1846, in Jensen, “Strangite Success,” 136.

⁶⁴ Estimates of the size of Strang’s following fluctuate wildly, but for helpful navigation, see Vickie Cleverley Speek, “From Strangites to Reorganized Latter Day Saints: Transformations in Midwestern Mormonism, 1856-79,” in Bringhurst and Hamer, *Scattering of the Saints*, 142-144.

⁶⁵ Speek, *Kingdom*, 38-50, 55-56, 74; Roger Van Noord, *King of Beaver Island: The Life and Assassination of James Jesse Strang* (Urbana: University of Illinois Press, 1988), 43-51.

⁶⁶ Speek, *Kingdom*, 47-49, 53, 74, 116, Appendix C; Van Noord, *King*, 49-51, 60-65, 98, 106.

⁶⁷ Speek, *Kingdom*, 56-58, 61, ch. 21; Van Noord, *King*, 76-78, 227-232.

- ⁶⁸ Speek, *Kingdom*, 68-69, 114, 122-123, 126, 136-137, 146, 155, and ch. 5; Van Noord, *King*, ch. 6.
- ⁶⁹ Speek, *Kingdom*, 120-124, 146; Van Noord, *King*, ch. 7.
- ⁷⁰ Speek, *Kingdom*, 54-55, 58-61, 70-71, 73, 95-96, 102-104, 108-114, 152-154, 168, 179-182, 204-207; Van Noord, *King*, ch. 5.
- ⁷¹ *The Book of the Law of the Lord* (St. James, MI: Royal Press, 1851).
- ⁷² David Rich Lewis, "'For Life, the Resurrection, and the Life Everlasting': James J. Strang and Strangite Mormon Polygamy, 1849-1856," *Wisconsin Magazine of History* 66 (Summer 1983), 274-291; Speek, *Kingdom*, 156-164 and chs. 12, 15-20.
- ⁷³ Speek, *Kingdom*, 169-171, 204; Van Noord, *King*, ch. 11.
- ⁷⁴ Speek, *Kingdom*, 217-226; Van Noord, *King*, chs. 15-16.
- ⁷⁵ Danny L. Jorgensen, "The Old Fox: Alpheus Cutler," in Roger D. Launius and Linda Thatcher, eds., *Differing Visions: Dissenters in Mormon History* (Urbana: University of Illinois Press, 1994), ch. 7; Rupert J. Fletcher and Daisy Whiting Fletcher, *Alpheus Cutler and the Church of Jesus Christ* (Independence: The Church of Jesus Christ [Cutlerite], 1974).
- ⁷⁶ For his endorsement of the Twelve, see the Nauvoo High Council minutes, 30 November 1844, in *NCM*, 533-534. Initially, Cutler supported William Marks for the presidency. See the William Clayton journal, 4 July 1844, in *JWC*, 137.
- On Cutler's plural marriages, see Smith, *Nauvoo Polygamy*, 587. The second generation of Cutler's followers denied that Joseph Smith and Alpheus Cutler practiced plural marriage.
- ⁷⁷ Although troubled by Cutler's independent proclivities, apostle and fellow Council of Fifty-member Orson Hyde nonetheless acknowledged Cutler's special assignment in the conference minutes, 8 April 1849, in *Frontier Guardian* 1 (2 May 1849), [1, 3] in *MH*, 1:207.
- ⁷⁸ Danny L. Jorgensen, "Building the Kingdom of God: Alpheus Cutler and the Second Mormon Mission to the Indians, 1847-1853," *Kansas History* 15 (Autumn 1992), 192-211, and "The Fiery Darts of the Adversary: An Interpretation of Early Cutlerism," *JW* 10 (1990), 67-83.
- ⁷⁹ Conference minutes, 20 April 1851, in *Frontier Guardian* 3 (2 May 1851), [1], in *MH*, 1:208.
- ⁸⁰ Danny L. Jorgensen, "Conflict in the Camp of Israel: The Emergence of the 1853 Cutlerite Schism," *JMH* 21 (Spring 1995), 24-62, and "Back to Zion: The Emergence of the Church of Jesus Christ (Cutlerite) and Its Return to Independence, Missouri," in Bringhurst and Hamer, *Scattering of the Saints*, 161-176. D. Michael Quinn tries to make sense of Cutler's singular claim of a Council of Seven under Joseph Smith in *MH*, 1:204-206.
- ⁸¹ For the suspension, see *Zion's Reveille* 2 (26 August 1847), and for the excommunication, see *Gospel Herald* 2 (14 October 1847), both in Walker, "William Smith's Quest," 102. For evidence behind the charges, see the Sarah Ellsworth testimony, 23 April 1847, in the Strang Collection, Beinecke Library; Smith, *Saintly Scoundrel*, 163.
- ⁸² William Smith, *A revelation given to William Smith in 1847, on the apostacy of the Church and the pruning of the vineyard of the Lord* (Philadelphia: n.p., 1848).
- ⁸³ William Smith, *William Smith, Patriarch & Prophet of the Most High God. Latter Day Saints, Beware of Imposition!* (Ottawa, IL: n.p., 1847), and *Zion's Standard: A Voice from the Smith Family* (Princeton, IL: N.p., 1848). Smith disputed the charge that he had practiced polygamy.
- ⁸⁴ Lyman Wight to William Smith, 22 August 1848, in "Letter from Bro. L. Wight," *Melchisedek and Aaronic Herald* 1 (March 1849), 1.
- ⁸⁵ Conference minutes, 6 October 1848, in "An Extract of Conference Minutes," *Melchisedek and Aaronic Herald* 1 (September 1849), 4; Conference minutes, 5 April 1850, in "The Greatest Annual Conference," *Melchisedek and Aaronic Herald* 1 (April 1850), 3; Joseph Wood, *Epistle of the Twelve* (Milwaukee: The Church of Jesus Christ of Latter Day Saints [Williamite], 1851).
- ⁸⁶ *Melchisedek and Aaronic Herald* 1 (February 1849-April 1850).
- ⁸⁷ Flanders, "Mormons Who Did Not Go West," 31-33.
- ⁸⁸ Isaac Sheen to editor, *Cincinnati Daily Commercial*, 22 May 1850, in Richard S. Van Wagoner, *Mormon Polygamy: A History* 2d ed. (Salt Lake City: Signature Books, 1989), 245n7.

⁸⁹ Isaac Sheen to Hon. R. H. Stanton, 4 May 1850, in Walker, “William’s Smith’s Quest,” 106-107; Flanders, “Mormons Who Did Not Go West,” 32, 49.

⁹⁰ Wood, *Epistle of the Twelve*, 1.

⁹¹ Jason W. Briggs, “History of the Reorganized Church,” *The Messenger* 2 (November 1875), 1. See also the Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:584-585 (Q114-130), 3:609-610 (Q426-444).

⁹² Wood, *Epistle of the Twelve*. See also William Smith to David Powell, 25 December 1851, in *The Messenger* 2 (December 1875), 5-6; Jason W. Briggs deposition, 8 June 1892, 3:583 (Q101-105), 3:584 (Q111).

⁹³ See, for example, the many Hyrum Smith descendants who served as general authorities in the LDS Church listed in *MH*, 2:167, 173, 691-692, 694, 697.

⁹⁴ William Smith to Jesse Little, 20 August 1845, in Ehat, “Temple Ordinances,” 240-241; [Orson Pratt], “Apostate’s Last Hobby,” *New York Messenger* 2 (20 September 1845), 92, in *MH*, 1:232; William Smith, *Proclamation*, October 1845; Lyman Wight to Lucy Mack Smith, 21 August 1848, in “Letter from Brother L. Wight,” *Melchisedek and Aaronic Herald*, 1 (May 1849), 4; Heber C. Kimball discourse, 29 June 1856, in *JD*, 4:6; Brigham Young office journal, 28 February and 15 August 1860, in Esplin, “Succession,” 336-337; Brigham Young discourse, 3 June 1860, in *JD*, 8:69; Brigham Young discourse, 7 October 1863, in Ehat, “Temple Ordinances,” 243-244; Brigham Young discourse, 7 October 1866, unpublished, copy in author’s possession; Historian’s Office journal, 6 June 1868, in Ehat, “Temple Ordinances,” 244; Brigham Young discourse, 27 August 1872, in *JD*, 15:136; John D. Lee, *Mormonism Unveiled; or The Life and Confessions of the Late Mormon Bishop, John D. Lee...* (St. Louis: Bryan, Brand & Company, 1877), 161-162; Edward W. Tullidge, *The Life of Joseph the Prophet* (Plano, IL: Herald Publishing House, 1880), 614-615; George Q. Cannon discourse, 16 November 1884, in *JD*, 25:367; John Henry Smith to Joseph Smith III, 28 April 1886, in *MH*, 1:239, and Esplin, “Succession,” 340; John H. Carter deposition, 14 March 1892, TLC-C, 2:377-378 (Q44-50); John H. Thomas deposition, 21 April 1892, TLC-C, 2:595-596 (Q41-46).

⁹⁵ Newell and Avery, *Mormon Enigma*, chs. 14-17; Roger D. Launius, *Joseph Smith III: Pragmatic Prophet* (Urbana: University of Illinois Press, 1988), ch. 2.

⁹⁶ Heber C. Kimball diary, 30 May 1845, in *HCK*, 118; Lucy Mack Smith and Brigham Young discourses, 8 October 1845, in “Conference Minutes,” *T&S* 6 (1 November 1845), 1013-1015.

⁹⁷ Launius, *Joseph Smith III*, 43, 45.

⁹⁸ *Idem*, 52-53, 57, 61-62; Newell and Avery, *Mormon Enigma*, 218-226, 231-233, 242-250.

⁹⁹ For a seminal analysis, see Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830-1900* paperback ed. (Lincoln: University of Nebraska Press, 1966).

¹⁰⁰ *Deseret News 1997-98 Church Almanac*, 529.

¹⁰¹ Bennett, “Lamanism, Lymanism, and Cornfields”; Bernauer, “Remnants”; Jorgensen, “Cutlerites of Southwestern Iowa” and “Cutlerite-Josephite Conflict.”

¹⁰² For a similar interpretation, see Flanders, “Mormons Who Did Not Go West,” 40.

Chapter Nine
The Brighamites
1851-1859

The LDS experience of the 1850s had many contours and dimensions, most beyond the scope of our study.¹ Here we can only focus on developments of import to the Temple Lot Case. Because the suit often revolved around what religious antagonists deplored about the leading Brighamites, the following treatment should not be taken as a balanced portrait of LDS leaders or members. For one thing, most LDS church members were not as unconventional as the church's militant, authoritarian, polygamous, theocratic elite. By focusing on the LDS hierarchy, we lose sight of the commonalities between most Utah Saints and their contemporaries.² For another thing, by focusing on matters of controversy, we overlook the many conventional Christian teachings of LDS leaders. By focusing on the peculiar doctrine of "blood atonement," for instance, we overlook conventional LDS teachings on Christ's atonement.³ With these caveats in mind, let us examine the topics of greatest salience to the Temple Lot Case.

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We begin with a pair of LDS literary texts that took shape in the 1850s: *The Pearl of Great Price* and the "History of Joseph Smith."

In 1851, LDS apostle Franklin D. Richards, president of the British Mission, published a fifty-six page anthology of Joseph Smith essays, revelations, and translations entitled *The Pearl of Great Price*. Most selections were already available in *The Doctrine and Covenants*. But Richards also included important texts that had become difficult for most church members to find: Smith's translation of *The Book of Abraham*;

excerpts on Adam, Enoch, Noah, and Moses from Smith's revision of *Genesis*; Christ's eschatological discourse as rendered in Smith's revision of *Matthew 24*; "The Articles of Faith," a summary of Mormon beliefs penned in 1842; and Smith's 1838-1839 account of the First Vision and *Book of Mormon*. Richards also included a previously unpublished 1832 Smith prophecy predicting civil war between the southern and northern states. Richards's tract became popular on both sides of the Atlantic, and as we shall see, it would have a deep impact on LDS doctrine, canon, and cultural memory.⁴

LDS leaders also resumed the "History of Joseph Smith." On 15 June 1850, Willard Richards and Thomas Bullock published the inaugural issue of Utah's first newspaper, the *Deseret News*.⁵ Therein the duo revived the "History" in the 15 November 1851 issue, picking up the narrative at the point in Smith's life (11 August 1834) where the *Times and Seasons* left off nearly six years earlier.⁶ Across the Atlantic, Franklin D. Richards revived the series in the 15 April 1852 *Millennial Star*, picking up the narrative at the point (4 November 1831) the *Star* left off seven years earlier.⁷

Hoping to complete the "History," on 7 June 1853 Willard Richards and Thomas Bullock unpacked the series manuscripts for the first time since the journey west.⁸ But Richards dictated one sentence and no more. He died on 11 March 1854.⁹ In the wake of Richards' untimely death, the church tapped other historical talents. Apostle George A. Smith, friend and cousin to the Prophet and sometime historical assistant to Richards, became church historian in April 1854.¹⁰ In April 1856, apostle and future Temple Lot Case deponent Wilford Woodruff, an indefatigable diarist, joined the team as assistant church historian.¹¹ With three scribes and the invaluable continuing assistance of

Bullock, Smith and Woodruff produced 846 pages and completed the manuscript on 6 November 1856.¹² The *Deseret News* completed the publication of the “History of Joseph Smith” on 20 January 1858, the *Millennial Star* on 2 May 1863.¹³

With each installment that rolled off the press, the “History of Joseph Smith” became the premier source on Mormon history. Anyone who wished to study early Mormonism, even individuals who abhorred its Brighamite imprimatur, had to rely on the “History.” Before the late twentieth-century, the “History” simply had no peer as a published source of Mormon documents. Willard Richards and his colleagues interspersed hundreds of letters, minutes, and other documents through the “History,” usually without alteration, lending it considerable value even to the present.¹⁴

Unfortunately, the text also had serious documentary shortcomings. With Joseph Smith’s approbation, Willard Richards and the other project editors employed the nineteenth-century literary device of using third-person narratives in the first-person, giving readers the mistaken impression that Smith authored the text himself (which, except for opening section, he did not). The result was that readers of the “History” could think they were reading the Prophet’s own journal, when more often than not they were reading the journal writings of, say, William Clayton or Heber C. Kimball or whatever source they might have used to provide information on a particular episode. By the time the Temple Lot Case began in 1891, most students of the Prophet didn’t understand how the “History” came about, so they assumed that Smith himself wrote it. Fawn M. Brodie, author of the acclaimed 1945 Joseph Smith biography *No Man Knows*

My History, used the “History” to get inside the mind of the Prophet, when actually she was getting inside the minds of his ghostwriters.¹⁵

Secondly, although the “History” could be surprisingly candid in its depiction of Joseph Smith, it also presented a sanitized portrait of the Prophet. One of the most ironic ways in which the Brighamite editors censored the text was to leave out information pertaining to Joseph Smith’s involvement in the Anointed Quorum, the Council of Fifty, and above all, polygamy—the very practices the Brighamites championed. The text would casually mention that Smith “rode out to the farm,” for instance, without informing readers that he was sealed to a plural wife at the farm. Reading the “History” without supplementary sources, one would at best catch but a faint glimpse of the controversial things taking place behind the scenes.¹⁶ The silences of the text served the LDS hierarchy well so long as they publicly denied the practice of polygamy. Ultimately, though, the editorial silence backfired, as Mormon opponents of polygamy would later cite the “History” as evidence that the Prophet *did not* practice polygamy.

As Willard Richards and Franklin Richards preserved and gave shape to the legacy of Joseph Smith, Brigham Young added his own intriguing contribution to LDS theology. Addressing the April 1852 general conference in the original Mormon Tabernacle, Brigham Young shocked his listeners with this stunning pronouncement:

Now hear it, O inhabitants of the earth, Jew and Gentile, Saint and Sinner! When our father Adam came into the garden of Eden, he came into it with a *celestial body*, and brought Eve, *one of his wives*, with him. He helped to make and organize this world. He is MICHAEL, *the Archangel*, the ANCIENT OF DAYS! about whom holy men have written and spoken—HE *is our FATHER and our GOD, and the only God with whom WE have to do.*¹⁷

In this and several other discourses in the 1850s, Young postulated that having worked out their salvation as mortals on another planet, Adam and Eve were resurrected and exalted as gods in the celestial kingdom. As gods, it now became their privilege to propagate worlds of their own. To begin the process, they sired the spirits of humankind. Then Adam created our earth with the assistance of his father and grandfather deities, Jehovah and Elohim. Next, Adam and Eve partook of the fruit of the Garden of Eden, causing their bodies to de-celestialize, to become mortal once again, thereby enabling them to procreate physical bodies on earth for their spirit-children. At the conclusion of their mortal lives, Adam and Eve regained their immortal status, and Adam now rules as the god of this earth. Parenthetically, Young added that Adam descended in the meridian of temporal time and conceived the child Jesus with Mary. In effect, Young's Adam-God doctrine postulated that just as Christ the Son descended to mortal status to save the human race, God the Father assumed mortal form to start the human race.

On at least three occasions, Young attributed the Adam-God doctrine to Joseph Smith. But though the rudiments of the doctrine derived from Smith's Nauvoo teachings of preexistence, eternal procreation, and generations of gods, we have no record that Smith ever equated Adam/Michael with God the Father. Nonetheless, most of the LDS hierarchy went along with Young and offered at least tacit support to his theory. But Apostle Orson Pratt, unable to square the doctrine with Scripture, persistently objected. Cognizant of its controversial nature, Young didn't push the doctrine much after the 1850s, though he certainly never abandoned it. As a result, the LDS Church never sustained the Adam-God doctrine as formal doctrine; the Adam-God theory hovered in

theological limbo for the duration of Young's presidency. After his death, LDS leaders gradually abandoned the doctrine. In time they denied it was ever taught.¹⁸ But the sectarian opponents of the LDS Church in the Temple Lot Case wouldn't forget.

Four months after the initial Adam-God declaration, Brigham Young decided that the time had come, at last, to publicly announce the doctrine of plural marriage. For over a decade, the practice had been carried on in secret. But with federal appointees, government surveyors, and Gold Rush migrants reporting their incriminating observations of the practice, denials had become increasingly pointless.¹⁹

Ironically, Young asked his implacable Adam-God opponent, Orson Pratt, to make the announcement. Before a missionary conference on 29 August 1852, one of the largest missionary forces heretofore assembled in the history of Mormonism, Orson Pratt announced the practice to the world. The chief intellectual of Brigham Young's hierarchy, Pratt defended polygamy on constitutional grounds of the free exercise of religion, on social grounds that it constituted the most natural, moral, and common form of marriage in the world, and on doctrinal grounds that it enabled men and women to multiply and replenish the earth, fulfill the Abrahamic promise of an infinite posterity, and provide suitable parents for the preexistent spirits of humankind.²⁰

At the conclusion of Pratt's address, Young detailed the textual provenance of the plural marriage revelation. Young disclosed that William Clayton, Joseph Smith's private Nauvoo secretary, recorded the revelation from Joseph's dictation on 12 July 1843, that Bishop Newel K. Whitney had the text copied with Joseph's permission, that

Emma Smith burned the Clayton original in protest, but that Young held the Whitney copy in his possession. “This Revelation has been in my possession many years; and who has known it?,” Young queried. “None but those who should know it.”²¹ And with that, Thomas Bullock read the revelation to the spellbound audience.²² For all but few in attendance, it was the first time they had ever heard the text of the revelation.²³ Yet possibly none of it would have been possible, the revelation might have been lost, had not Bishop Whitney’s assistant copied the text in 1843. That assistant, Joseph C. Kingsbury, would recount his history-changing experience as a deponent in the Temple Lot Case.

Having made the fateful announcement, the LDS Church went on the offensive. The minutes of the August 29th conference were printed as a *Deseret News* “Extra” on 14 September 1852, marking the first publication of the plural marriage revelation, arguably the most controversial American religious text to date.²⁴ The revelation and conference minutes were subsequently published in the *Millennial Star* in January 1853.²⁵ Scores of missionaries, William Clayton included, spread worldwide to defend the practice.²⁶ For the same purpose, Orson Pratt established a monthly newspaper in the nation’s capital, *The Seer* (1853-1854). Pratt’s arguments laid the foundation for all subsequent LDS polygamy defenses. Similar apologetic projects included Erastus Snow’s *St. Louis Luminary* (1854-1855), John Taylor’s *The Mormon* (New York City, 1855-1857), and George Q. Cannon’s *Western Standard* (San Francisco, 1856-1857).²⁷

Despite their considerable effort, however, the Brighamites could not avoid the torrent of denunciations that ensued from the polygamy announcement. They had fled the geographical territory of the United States; and now, though living in newly-annexed

U.S. territory, the Brighamites were more removed than ever from the religious and cultural mainstream of American society. The shadowy origins, messy implementation, public denials, and delayed admission of plural marriage would receive more attention in the depositions of the Temple Lot Case than probably any other subject.

As if plural marriage and the Adam-God doctrine weren't provocative enough, the militant spirit that took root within the Mormon Church during the final decade of Joseph Smith's presidency flourished in the first decade of Brigham Young's theocratic Utah. Here I wish to focus on four particular manifestations: The Mormon Reformation, the Utah War, the Mountain Meadows Massacre, and the doctrine of blood atonement.

Apprehensive that apostates might gain a foothold in Utah as they had in previous Mormon settlements in Ohio, Missouri, and Nauvoo, LDS leaders threatened violence. Speaking in 1853, Brigham Young recounted a dream in which he slit the throats of Mormon traitors in Nauvoo. He thereupon issued the following warning:

I say, rather than that apostates should flourish here, I will unsheath my bowie knife, and conquer or die. [Great commotion in the congregation, and a simultaneous burst of feeling, assenting to the declaration.] Now, you nasty apostates, clear out, or judgment will be put to the line, and righteousness to the plummet. [Voices, generally, "go it, go it."] If you say it is right, raise your hands. [All hands up.] Let us call upon the Lord to assist us in this, and every good work.²⁸

Furthermore, LDS leaders declared that Christ's atonement did not cover certain sins, that murderers, adulterers, miscegenators, persecutors, apostates, and other heinous sinners needed to have their blood spilled, voluntarily or involuntarily, as a "blood atonement" for their crimes.²⁹ Young's second counselor, Jedediah Grant, explained the thinking:

Brethren and sisters, we want you to repent and forsake your sins. And you who have committed sins that cannot be forgiven through baptism, let your blood be shed, and let the smoke ascend, that the incense thereof may come up before God as an atonement for your sins, and that the sinners in Zion may be afraid.³⁰

Young even described blood atonement as an act of Christian charity:

Will you love your brothers or sisters likewise, when they have committed a sin that cannot be atoned for without the shed[d]ing of their blood? Will you love that man or woman well enough to shed their blood? This is what Jesus Christ meant.³¹

The terrifying rhetoric burnished Utah a fearsome national reputation.³² But Utah was (usually) no bloodbath. As the product of an organized migration, Utah communities had more equitable gender ratios, stronger civic institutions, and greater social stability than most western settlements.³³ As a result, Utah had lower levels of violence than most western regions.³⁴ But blood atonement rhetoric wasn't empty rhetoric. It stifled dissent and prompted individuals to flee the Territory.³⁵ Disaffected Mormons were invariably harassed, frequently intimidated, and sometimes attacked.³⁶ Several killings were probably blood atonement killings.³⁷ The doctrine also had a lasting impact on Utah's capital punishment laws.³⁸ Utah was (usually) a safer place than depicted in the anti-Mormon literature of the day, but it wasn't exactly a bastion of civil rights either.³⁹

Blood atonement sermons were a prominent feature of a controversial movement from September 1856 to April 1857 known as the "Mormon Reformation." Spearheaded by the fire-and-brimstone preaching of First Presidency second counselor Jedediah M. Grant, the Reformation combined the fervor of an evangelical revival with the peculiar tenets of Brighamite Mormonism. Grant, Young, and their lieutenants demanded purity, obedience, and repentance, preached blood atonement with unprecedented frequency,

tested members' worthiness with an exacting catechism, and required the rebaptism of all members. As hoped, rates of tithes, church attendance, polygamous sealings, and personal devotion increased, while the disaffected and less-committed abandoned the church and the Territory. As northwestern Missouri in 1838 represented the heyday of Mormon zealotry under Joseph Smith, the Reformation of 1856-1857 represented the heyday of Mormon zealotry under Brigham Young.⁴⁰

The provocative course of the Brighamites did not go unnoticed. In 1856, the political platform of the newly-formed Republican Party identified slavery and polygamy as the "twin relics of barbarism."⁴¹ Months later, the Reformation provided additional evidence that the Mormons under territorial governor Brigham Young were a fanatical and disloyal presence on the American landscape. Therefore, in April 1857, President James Buchanan, a Democrat, dispatched General Albert Sidney Johnston and 2,500 infantry, nearly a third of the U. S. Army, to establish law and order in Utah and install Alfred Cumming as territorial governor. Hearing the news, Utah Mormons feared the worst—a reprisal of the violence encountered in Ohio, Missouri, and Illinois. To protect his people, Young placed the Territory on a war footing. He called all missionaries home, vacated outlying settlements, courted Indian favor, stockpiled grain, and forbade the sale of foodstuffs to non-Mormon emigrant trains. As the army neared in September 1857, Young declared martial law and ordered the Nauvoo Legion to slow their movement with guerrilla tactics, buying time to either vacate the Territory, negotiate a settlement, or prepare for all-out war. The harassment proved effective, and the army was forced to winter in frigid Wyoming. As public opinion shifted against "Buchanan's

Blunder,” the Brighamites’ influential friend, Thomas L. Kane, opened negotiations between the two sides. In the meantime, unwilling to live under a prospective military occupation, Young ordered the Saints to scorch their settlements and move south. In March-June 1858, 30,000 Mormons vacated Salt Lake City and points north. But before the tinder was lit, an agreement emerged. Cumming replaced Young as governor, charges of Mormon sedition were dropped, and the army set up quarters in remote Camp Floyd. Blunders notwithstanding, the “Utah War,” the largest U.S. military campaign between the Mexican War and Civil War, clipped the autonomy of the Saints.⁴²

Generally considered a bloodless conflict, in truth the Utah War precipitated the deaths of approximately 150 people, roughly the number that perished in “Bleeding Kansas” from 1854-1861.⁴³ Most of the casualties took place on a single day, September 11th, 1857. Whereas most California-bound emigrant trains in 1857 took the short northern route through Mormon Country (roughly corresponding to the present Interstate 80), a handful took the longer southern route through the Territory (corresponding roughly to Interstate 15). One of these was the Fancher company, an emigrant train composed of Arkansans and some Missourians. The circumstances of their journey could not have been worse. With the U. S. Army approaching, martial law soon to take effect, and local residents mustering their militias and hoarding their scarce supplies, southern Utah had a xenophobic wartime mentality. That the Fancher company hailed from Arkansas, where Apostle Parley Pratt had been killed earlier in the year, and from Missouri, where the Saints had been expelled two decades earlier, rubbed Mormon nerves. As they moved south, the outsiders clashed with the Mormons and Indians over

water, prices, grazing rights, and other matters. As tensions mounted, Cedar City LDS leaders John D. Lee and Isaac Haight persuaded Paiutes to attack the company and steal their cattle. But the attack went bad and a protracted stand-off ensued. A courier sped to Salt Lake City seeking Brigham Young's advice. Young ordered the safe passage of the company, but by the time the courier reached southern Utah, Mormon militiamen with Paiute assistance had slaughtered over one hundred unarmed members of the company, mostly women and children, sparing only eighteen small children in all. The Mountain Meadows Massacre would forever stain the reputation of the LDS Church.⁴⁴

Plural marriage, Adam-God, blood atonement, the Reformation, the Utah War, the Mountain Meadows Massacre—from 1852-1857, it seemed as if Utah Mormons were going out of their way to alienate all but the most devout insiders. Hundreds of Saints who had moved to Utah fled the Territory and left Brighamism behind. They had come to Utah expecting an embryonic Zion, but left disillusioned by blood-thirsty sermons, mad scrambles for plural wives, incessant calls for obedience, and an economy stricken by grasshopper plagues, drought, failed crops, and poverty.⁴⁵ Across the Atlantic, the extraordinary fifteen-year success of the British Mission came to a precipitous end. British baptismal rates from 1853-1859 declined eighty-eight percent; excommunications neared 18,000, and total membership in the British Isles dropped from 33,000 in 1851 to 13,000 in 1859.⁴⁶ During the first seven years after Joseph Smith's assassination (1844-1851), LDS Church membership doubled from approximately 26,146 to 52,165. During the next seven years (1851-1858), the period coinciding with the announcement of plural

marriage and the Mountain Meadows Massacre, LDS membership growth slowed to crawl, inching upwards from 52,165 to just 55,755.⁴⁷ As the following chapters shall demonstrate, the polarizing character of the LDS Church in the 1850s expanded the opening for the reemergence of an alternative brand of Mormonism.

Endnotes

¹ For a bibliographic essay on frontier Utah Mormonism, see Craig L. Foster, "Mormonism on the Frontier: The Saints of the Great Basin," in Newell G. Bringhurst and Lavina Fielding Anderson, eds., *Excavating Mormon Pasts: The New Historiography of the Last Half Century* (Salt Lake City: Kofford Books, 2004), ch. 6. For surveys, see Eugene E. Campbell, *Establishing Zion: The Mormon Church in the American West, 1847-1869* (Salt Lake City: Signature Books, 1988); David L. Bigler, *Forgotten Kingdom: The Mormon Theocracy in the American West, 1847-1896* Kingdom in the West Series (Spokane, WA: Arthur Clark Company, 1998); Leonard J. Arrington and D. Michael Quinn, "The Latter-day Saints in the Far West, 1847-1900," in F. Mark McKiernan, Alma R. Blair, and Paul M. Edwards, eds., *The Restoration Movement: Essays in Mormon History* (Lawrence, KS: Coronado Press, 1973), ch. 9.

² This point has previously been made in Grant Underwood, "Re-Visioning Mormon History," *Pacific Historical Review* 55 (August 1986), 403-426; Richard D. Ouellette, "Mormon Studies," *Religious Studies Review* 25 (April 1999), 164-165.

³ So John W. Welch and John William Maddox conclude in "Reflections on the Teachings of Brigham Young," in Susan Easton Black and Larry C. Porter, eds., *Lion of the Lord: Essays on the Life & Service of Brigham Young* (Salt Lake City: Deseret Book Company, 1995), ch.16.

⁴ *The Pearl of Great Price: Being a Choice Selection from the Revelations, Translations, and Narrations of Joseph Smith, First Prophet, Seer, and Revelator to The Church of Jesus Christ of Latter-Day Saints* (Liverpool: F. D. Richards, 1851); James R. Clark, "Our Pearl of Great Price: From Mission Pamphlet to Standard Work," *Ensign* 6 (August 1976), 12-17; H. Donl Peterson, "The Birth and Development of the Pearl of Great Price," in Robert L. Millet and Kent P. Jackson, eds., *Studies in Scripture: Volume II, The Pearl of Great Price* (Salt Lake City: Randall Book Co., 1985), ch. 2. *The Pearl of Great Price* also included the poem "Truth" by John Jaques.

⁵ *DN*, 15 June 1850. For the story behind the inaugural issue, see Howard Clair Searle, "Early Mormon Historiography: Writing the History of the Mormons, 1830-1858" (Ph.D. dissertation: University of California at Los Angeles, 1979), 249-259. On the *Deseret News* generally, see Monte B. McLaws, *Spokesman for the Kingdom: Early Mormon Journalism and the Deseret News, 1830-1898* Studies in Mormon History (Provo: Brigham Young University Press, 1977).

⁶ "Life of Joseph Smith," *DN*, 15 November 1851, 1; Searle, "Historiography," 220, 257-262.

⁷ "History of Joseph Smith," *MS*, 15 April 1852, 113-117. To fill the back-story for new members, Franklin Richards issued a supplement containing previous installments of the series. See "History of Joseph Smith," *MS*, 15 April 1852, 121-122; Searle, "Historiography," 220.

⁸ Manuscript History of the Church, D-1, 1486, and Historian's Office journal, 7 June 1853, in Dean C. Jessee, "The Writing of Joseph Smith's History," *BYU Studies* 11 (Summer 1971), 469-470, and Searle, "Historiography," 262-264.

⁹ George A. Smith to Franklin D. Richards, 19 April 1854, in Searle, "Historiography," 265; Manuscript History of the Church, D-1, 1485-1486, in Jessee, "Joseph Smith's History," 459, 470, and Searle, "Historiography," 263-265.

¹⁰ George A. Smith to Wilford Woodruff, 21 April 1854, in Jessee, "Joseph Smith's History," 470, 472, and Searle, "Historiography," 480-482.

¹¹ Wilford Woodruff journal, 7, 15 April 1856, in *WWJ*, 4:409, 411; Jessee, “Joseph Smith’s History,” 458; Thomas G. Alexander, *Things in Heaven and Earth: The Life and Times of Wilford Woodruff, a Mormon Prophet* (Salt Lake City: Signature Books, 1991), 179-180.

¹² Wilford Woodruff journal, 13, 18 August 1856, in *WWJ*, 4:435, 437; Searle, “Historiography,” 265-296; Jessee, “Joseph Smith’s History,” 441, 470-473.

¹³ “History of Joseph Smith,” *DN*, 20 January 1858, 361-363; “History of Joseph Smith,” *MS*, 2 May 1863, 278-280.

¹⁴ Paul H. Peterson, “Understanding Joseph: A Review of Published Documentary Sources,” in Susan Easton Black and Charles D. Tate Jr., eds., *Joseph Smith: The Prophet, The Man* (Provo: BYU Religious Studies Center, 1993), 103-104; Ronald W. Walker, David J. Whittaker, and James B. Allen, *Mormon History* (Urbana: University of Illinois Press, 2001), 8-9.

As a newspaper series published in different states over a prolonged time period, nineteenth-century readers had difficulty accessing the complete run of the “History of Joseph Smith.” To remedy the situation, B. H. Roberts of the LDS Quorum of Seventy, a prolific amateur historian, compiled and edited the series in 1902-1912 as a six-volume work entitled *History of the Church of Jesus Christ of Latter-Day Saints: Period 1, History of Joseph Smith, the Prophet, by Himself* (Salt Lake City: Deseret Books). Roberts’s edition extended the influence of the text well into the twentieth-century.

¹⁵ Peterson, “Understanding Joseph,” 103-104; Walker, Whittaker, and Allen, *Mormon History*, 8-9. On Brodie, see “Marvin S. Hill, “Secular or Sectarian History?: A Critique of *No Man Knows My History*,” in Newell G. Bringham, ed., *Reconsidering No Man Knows My History: Fawn M. Brodie and Joseph Smith in Retrospect* (Logan: Utah State University Press, 1996), 75. As its title indicates—*History of the Church of Jesus Christ of Latter-Day Saints: Period 1, History of Joseph Smith, the Prophet, by Himself*—the B. H. Roberts edition perpetuated the erroneous impression that Smith authored the entire text himself. To make matters worse, Roberts made hundreds of silent changes to the text. See Jerald and Sandra Tanner, *Changes in Joseph Smith’s History* (Salt Lake City: Utah Lighthouse Ministry, [1965]).

¹⁶ Smith, *Nauvoo Polygamy*, 415, 452-453.

¹⁷ Brigham Young discourse, 9 April 1852, in *JD*, 1:50. Emphasis in original. This, the first exposition of the doctrine, would also become the most cited. For Young’s most detailed exposition, see the (at the time unpublished) Brigham Young general conference discourse, 8 October 1854, in *The Essential Brigham Young Classics in Mormon Thought* (Salt Lake City: Signature Books, 1992), 86-103.

¹⁸ David John Buerger, “The Adam-God Doctrine,” *Dialogue* 15 (Spring 1982), 14-58; Gary James Bergera, *Conflict in the Quorum: Orson Pratt, Brigham Young, Joseph Smith* (Salt Lake City: Signature Books, 2002), passim; Boyd Kirkland, “The Development of the Mormon Doctrine of God,” in Gary James Bergera, ed., *Line Upon Line: Essays on Mormon Doctrine* (Salt Lake City: Signature Books, 1989), ch. 4. Per Kirkland’s suggestion on page 38, perhaps Young inferred the Adam-God doctrine from Joseph Smith’s identification in the endowment ceremony of Michael/Adam as one of the gods, alongside Jehovah and Elohim, who created the earth.

¹⁹ David J. Whittaker, “The Bone in the Throat: Orson Pratt and the Public Announcement of Plural Marriage,” *Western Historical Quarterly* 18 (July 1987), 293-301.

²⁰ Orson Pratt discourse, 29 August 1852, in *Deseret News—Extra*, 14 September 1852, 14-22, and *JD*, 1:53-66.

²¹ Brigham Young discourse, 29 August 1852, in *Deseret News—Extra*, 14 September 1852, 22-26 (quote, 25).

²² “REVELATION. Given to Joseph Smith, Nauvoo, July 12th, 1843,” in *Deseret News—Extra*, 14 September 1852, 26-28.

²³ See, for example, the Hosea Stout diary, 29 August 1852, in *HS*, 2:449-450.

²⁴ *Deseret News—Extra*, 14 September 1852.

²⁵ “REVELATION. Given to Joseph Smith, Nauvoo, July 12, 1843,” *MS* 15 (1 January 1853), 5-8; conference minutes, 29 August 1852, in the *Millennial Star Supplement* (January 1853).

²⁶ William Clayton journal, 28-29 August 1852, in *JWC*, 415-416; conference minutes, 28 August 1852, *Deseret News—Extra*, 14 September 1852, 9.

²⁷ Whittaker, “Bone in the Throat,” 304-313. On polygamy apologetics, see David J. Whittaker, “Early Mormon Pamphleteering” (Ph.D. dissertation: Brigham Young University, 1982), ch. 6; Davis Bitton, *The Ritualization of Mormon History and Other Essays* (Urbana: University of Illinois Press, 1994), ch. 2.

²⁸ Brigham Young discourse, 27 March 1853, in *JD*, 1:83.

²⁹ See, for example, Elden J. Watson, ed., *Manuscript History of Brigham Young, 1846-1847* (Salt Lake City: by the author, 1971), 480 (20 December 1846); Hosea Stout diary, 13 March 1847, in *HS*, 1:241; John D. Lee diary, 3 March 1849, in Robert Glass Cleland and Juanita Brooks, eds., *A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876* 2 vols. (San Marino, CA: Huntington Library, 1955), 1:98-99; Brigham Young discourses, 18 February 1855, 21 September 1856, and 8 February 1857, in *JD*, 2:186, 4:53-54, and 4:219-220, respectively; Heber C. Kimball discourse, 16 August 1857, in *JD*, 4:375.

For possible antecedents in the thought of Joseph Smith, see the *Painesville Telegraph*, 9 June 1837, in *MH*, 1:91-92, and Edwin Brown Firmage and Richard Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830-1900* (Urbana: University of Illinois Press, 1988), 384n17; William Swartzell, *Mormonism Exposed, Being A Journal of a Residence in Missouri from the 28th of May to the 20th of August, 1838...* (Pekin, OH: by the author, 1840), 21-23 (21 July 1838); Reed Peck manuscript, September 1839, in *RPM*, 6-8, 12-13; Reed Peck, John Whitmer, and W. W. Phelps depositions, November 1838, in *Document*, 20-21, 33, 43, respectively; Joseph Smith journal, 4 March 1843, in *JSJ*, 2:295, and *HC*, 5:296; Joseph Smith discourse, 6 April 1843, in *MH*, 1:112, 348n37.

³⁰ Jedediah M. Grant discourse, 21 September 1856, in *JD*, 4:49-51.

³¹ Brigham Young discourse, 8 February 1857, in *JD*, 4:219-220.

³² See, for example, Thomas B. H. Stenhouse, *The Rocky Mountain Saints* (New York: D. Appleton and Company, 1873), chs. 36, 43-44; Ann Eliza Young, *Wife No. 19, or The Story of a Life in Bondage, being a Complete Expose of Mormonism...* (Hartford, CT: Dustin, Gilman & Co., 1875), chs. 10, 13-16; Fanny Stenhouse, “*Tell It All*”: *The Story of a Life’s Experience in Mormonism: An Autobiography* (Hartford, CT: A. D. Worthington & Co., 1875), 304-305, 310-320, 324-339, 365, 579-584.

³³ For a comparative study of nineteenth-century Western farming communities in Oregon, Utah, and Idaho, see Dean L. May, *Three Frontiers: Family, Land, and Society in the American West, 1850-1900* Interdisciplinary Perspectives on Modern History (New York: Cambridge University Press, 1994).

³⁴ Newell G. Bringham, *Brigham Young and the Expanding American Frontier* Library of American Biography (Boston: Little, Brown and Company, 1986), 130; D. Michael Stewart, “The Legal History of Utah,” in Alan K. Powell, ed., *Utah History Encyclopedia* (Salt Lake City: University of Utah Press, 1994), 323; Thomas G. Alexander, review of *Blood of the Prophets: Brigham Young and the Massacre at Mountain Meadows* by Will Bagley, in *BYU Studies* 42/1 (2003), 167; Richard F. Burton, *The City of the Saints and Across the Rocky Mountains to California* (New York: Harper & Brothers, 1862), 225.

³⁵ Paul H. Peterson argues that blood atonement sermons were more a rhetorical ploy than anything in “The Mormon Reformation” (Ph.D. dissertation: Brigham Young University, 1981), ch. 9, and “The Mormon Reformation of 1856–1857: The Rhetoric and the Reality,” *JMH* 15 (1989), 59-87. But Peterson also acknowledges that the intimidating rhetoric compelled individuals to leave the Territory.

³⁶ Polly Aird, “‘You Nasty Apostates, Clear Out’: Reasons for Disaffection in the Late 1850s,” *JMH* 30 (Fall 2004), 129-207, and *Mormon Convert, Mormon Defector: A Scottish Immigrant in the American West, 1848-1861* (Norman, OK: Arthur H. Clark Company, 2009), chs. 12-17.

³⁷ We still await a comprehensive scholarly investigation, but some good places to start on this question are *MH*, 2:241-261; Aird, “Nasty Apostates,” 173-191; Ardis E. Parshall, “‘Pursue, Retake and Punish’: the 1857 Santa Clara Ambush,” *UHQ* 73 (Winter 2005), 64-86; David L. Bigler, “The Aiken Party Executions and The Utah War, 1857–1858,” *Western Historical Quarterly* 38 (Winter 2007), 457-76; William P. MacKinnon, “‘Lonely Bones’: Leadership and Utah War Violence,” *JMH* 33 (Spring 2007), 121-178. Not all historians are as convinced as I that blood atonement doctrine was ever put into practice.

Peterson writes in “Rhetoric and the Reality,” 84n66: “I have seen no hard evidence that anyone, be it remorseful sinner or bitter apostate, was ‘blood atoned’ during the Reformation.”

³⁸ Martin R. Gardner, “Mormonism and Capital Punishment: A Doctrinal Perspective, Past and Present,” *Dialogue* 12 (Spring 1979), 9-25.

³⁹ Ronald W. Walker, *Wayward Saints: The Godbeites and Brigham Young* (Urbana: University of Illinois Press, 1998), 367; Thomas G. Alexander, *Utah, The Right Place: The Official Centennial History* (Layton, UT: Gibbs Smith, 1996), 133.

⁴⁰ Peterson’s “Mormon Reformation” and “Rhetoric and the Reality” remain the most comprehensive studies. See also Gene A. Sessions, *Mormon Thunder: A Documentary History of Jedediah Morgan Grant* (Urbana: University of Illinois Press, 1982); Thomas G. Alexander, “Wilford Woodruff and the Mormon Reformation,” *Dialogue* 25 (Summer 1992), 25-39; Aird, “Nasty Apostates.”

⁴¹ J. M. H. Frederick, comp., *National Party Platforms of the United States* (Akron, OH: by the author, 1896), 28; Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* Studies in Legal History (Chapel Hill: University of North Carolina Press, 2002), 55-58.

⁴² William P. MacKinnon, ed., *At Sword’s Point: A Documentary History of the Utah War to 1858* Kingdom in the West 2 vols. (Spokane, WA: Arthur H. Clark Company, 2008-); Richard D. Poll and William P. MacKinnon, “Causes of the Utah War Reconsidered,” *JMH* 20 (Fall 1994), 16-44; Sherman L. Fleek, “The Church and the Utah War, 1857-1858,” in Robert C. Freeman, ed., *Nineteenth Century Saints at War* (Provo: BYU Religious Studies Center, 2006), ch. 3.

⁴³ William P. MacKinnon, “Loose in the Stacks: A Half-Century with the Utah War and Its Legacy,” *Dialogue* 40 (Spring 2007), 60-62, and “Utah War Violence,” 176.

⁴⁴ Historians continue to argue over the exact role of Brigham Young and the Paiutes in the Massacre. For contrasting interpretations, see Ronald W. Walker, Richard E. Turley Jr., and Glen M. Leonard, *Massacre at Mountain Meadows* (New York: Oxford University Press, 2008); Will Bagley, *Blood of the Prophets: Brigham Young and the Massacre at Mountain Meadows* (Norman: University of Oklahoma Press, 2002); Juanita Brooks, *The Mountain Meadows Massacre* 2d. ed. (Norman: University of Oklahoma Press, 1962). For documentary sources, see Richard E. Turley Jr. and Ronald W. Walker, eds., *Mountain Meadows Massacre: The Andrew Jenson and David H. Morris Collections* (Provo: *BYU Studies*, 2009); Will Bagley and David L. Bigler, eds., *Innocent Blood: Essential Narratives of the Mountain Meadows Massacre* Kingdom in the West Series (Norman, OK: Arthur H. Clark Company, 2008).

⁴⁵ The most comprehensive study of LDS disaffection in the 1850s is Aird, “Nasty Apostates.” For individual stories of disaffection, see Aird, *Mormon Convert, Mormon Defector*; Richard Neitzel Holzapfel, “The Flight of the Doves from Utah Mormonism to California Morrisitism: The Saga of James and George Dove,” in Roger D. Launius and Linda Thatcher, eds., *Differing Visions: Dissenters in Mormon History* (Urbana: University of Illinois Press, 1994), ch. 9.

⁴⁶ Robert L. Lively Jr., “Some Sociological Reflections on the Nineteenth-Century British Mission,” in Richard L. Jensen and Malcolm R. Thorp, eds., *Mormons in Early Victorian Britain* Publications in Mormon Studies (Salt Lake City: University of Utah Press, 1989), 25. By no means was the membership decline attributable solely to the increased unpopularity of the LDS Church. Lively notes that nineteenth-century emigration rates of British Mormons to the United States peaked from 1852-1857.

For other insights into the British Mission during this controversial period, see Paul H. Peterson, “The 1857 Reformation in Britain,” and Richard D. Poll, “The British Mission During the Utah War, 1857-1858,” in Jensen and Thorp, *Mormons in Early Victorian Britain*, 211-223 and 224-242, respectively; Craig L. Foster, *Penny Tracts and Polemics: A Critical Analysis of Anti-Mormon Pamphleteering in Great Britain, 1837-1860* (Salt Lake City: Greg Kofford Books, 2002), 149-153, 215; Frederick S. Buchanan, “The Ebb and Flow of the Church in Scotland,” in V. Ben Bloxham, James R. Moss, and Larry C. Porter, eds., *Truth Will Prevail: The Rise of the Church of Jesus Christ of Latter-day Saints in the British Isles, 1837-1987* (Solihull, West Midlands, England: Church of Jesus Christ of Latter-day Saints, 1987), 274-77.

⁴⁷ *Deseret News 1997-98 Church Almanac* (Salt Lake City: Deseret News, 1996), 529.

Chapter Ten
The New Organization
1851-1859

By the fall of 1851, Jason W. Briggs had had enough. Briggs was baptized into Joseph Smith's Mormon Church a decade earlier in 1841. In 1842 he became the head of a small branch in Beloit, Wisconsin. After the Prophet's death, Briggs and his branch supported the Twelve, but by 1846 had heard enough about their polygamist practices to conclude they were in apostasy. So Briggs and his branch turned to James J. Strang instead. In 1850, the branch learned that Strang was practicing polygamy as well. So Briggs and his branch turned instead to William Smith. Briggs was taken with William's doctrines of lineal priesthood and Smith Family succession. *The Book of Mormon* and *Doctrine and Covenants* contained passages on these themes, but until William pointed them out, Briggs, like many others, hadn't really noticed them. For a time, Briggs even served as a member of William's quorum of apostles. He was therefore deeply disappointed when he learned, alas, that William—like Strang, like the Twelve—secretly sanctioned polygamy. At thirty years of age, Briggs had had enough of false prophets.¹

Praying for guidance on 18 November 1851, Jason Briggs had a revelation confirming the truth of the lineal priesthood doctrine, condemning William Smith for forfeiting his birthright, and commanding the elders to preach the gospel contained in *The Bible*, *The Book of Mormon*, and *Doctrine and Covenants*. The Lord assured Briggs that “in mine own due time will I call upon the seed of Joseph Smith, and will bring forth one mighty and strong, and he shall preside over the high priesthood of my church.” The Lord admonished Briggs to share his revelation with the Strangite branch in Voree,

Wisconsin, the Williamite branch in Palestine, Illinois, and elsewhere.² Briggs did so, hesitantly. Some wondered if he had the authority to receive a revelation for the entire church, given that *The Doctrine and Covenants* reserved such prerogatives to the church president. But since there wasn't an agreed-upon church president any longer, some concluded that Briggs was as good as anyone to deliver such a message.³

Over time a number of Mormon branches and individuals in southern Wisconsin and northern Illinois received a spiritual witness confirming the truth of Briggs' revelation.⁴ In February 1852, for example, the revelation came to the attention of fifty-year-old Zenos Gurley Sr., head of the Yellowstone, Wisconsin branch. Gurley joined Joseph Smith's Mormon Church in 1838. Like Briggs, Gurley supported the Twelve in the immediate aftermath of the martyrdom. Gurley was even endowed, sealed for time and eternity, and performed anointings in the Nauvoo Temple of the Twelve in 1846. Subsequently, though, he rejected the Twelve and remained in the Midwest. Gurley founded the Yellowstone Branch for James Strang's church, but like many others now, he had serious doubts about Strang.⁵ Gurley resisted Briggs's revelation at first, but after his daughter sang in tongues one evening, he prayed and received the following revelation: "The successor of Joseph Smith is Joseph Smith, the son of Joseph Smith the Prophet. It is his right by lineage, saith the Lord your God."⁶ By summer 1852, a burgeoning grassroots movement was at hand under the unofficial leadership of Briggs and Gurley. Briggs would later recount these experiences as a deponent in the Temple Lot Case.

This was a most unusual Mormon movement. First, in a religious tradition accustomed to self-aggrandizing revelations, the revelation of Jason W. Briggs pointed to

someone *other* than its recipient as the proper successor. The revelation didn't even designate Briggs as an interim church president; it simply called for him to preach the gospel, share the revelation with others, and await the maturation of the Prophet's son(s). Second, in a religious tradition accustomed to centralized authority, this was a decentralized movement. It had no leader, no spokesman, no headquarters, no gathering place, no newspaper. It didn't originate in Nauvoo, or Voree, or Kanesville, or Palestine, or any of the other factional gathering points. It was simply a loose conglomeration of autonomous branches. Third, in a religious tradition suspicious of dissenters, this was a movement comprised of dissenters. Briggs and his brethren had rejected the leadership of Brigham Young, James Strang, William Smith, and others. By experience, if not native temperament, they were suspicious of authority claims. The Briggs revelation won acceptance by prayer, deliberation, and common consent, not authoritarian fiat.⁷ Fourth, in a movement based around the Joseph Smith family, the members knew surprisingly little about the Joseph Smith family. As mission-field Mormons who generally had never lived at church headquarters, most had never met Joseph, Emma, or their sons. They were not privy to the Prophet's private councils. They knew little, if anything, about Joseph's role in the formation of the Danites, the Anointed Quorum, the Council of Fifty, and the practice of plural marriage. Their knowledge was pretty much limited to the published word—the Scriptures and church newspapers. In fact, as far as we can tell, Briggs and his brethren weren't even aware that the Prophet had anointed Joseph III his successor or predicted that David Hyrum would rule someday over Israel; their hopes were based almost entirely on scriptural texts related to the Smiths' lineal priesthood.⁸

Jason W. Briggs and Zenos Gurley Sr. had no interest in formally organizing the supporters of the Briggs revelation.⁹ But the popular urge to do so became such that a conference of the scattered supporters convened in Beloit, Wisconsin on 12-13 June 1852. Briggs was duly selected to chair the meeting. By unanimous vote, the participants declared that Brigham Young, James Strang, William Smith and other factional leaders were illegitimate, that the Prophet's successor must be his offspring, that the doctrines of the church are wholly contained within *The Bible*, *The Book of Mormon*, and *The Doctrine and Covenants*, that the original Mormon church exists wherever six or more members gather in accord with Scripture, that the body recognizes the validity of all prior legal ordinations in the church, and that while there currently was no designated gathering place, the Saints were nonetheless to prepare for the eventual return to Zion (Jackson County). The conferees appointed Briggs, Gurley, and one John Harrington to prepare a pamphlet to the Saints at large based upon the aforementioned resolutions.¹⁰

The fledgling body reconvened in October 1852 at Yellowstone, Wisconsin. Participants discussed the possibility of selecting an interim president to stand in the place of the Prophet's prospective successor. Towards that end, the conference passed a resolution stipulating that the role needed to be filled by the individual with the highest priesthood authority. But it wasn't readily apparent *whom* had the highest authority. Jason W. Briggs was a high priest, but he became so under James Strang; during Joseph Smith's administration, Briggs was but an elder. Zenos Gurley Sr., on the other hand, was an elder and seventies' president under Joseph Smith. But if one's status under Joseph Smith was the determining factor, the highest authority in the movement was

clearly Henry Harrison Deam, who served as a high priest under the Prophet. But Deam was shy and withdrawn, possessing none of the leadership qualities of Briggs and Gurley. For these reasons, the body declined to name an interim leader.¹¹

The October 1852 conference also sanctioned the text of the prospective pamphlet.¹² But the following January, members gathered in prayer to certify if polygamy was of God. In response the Lord declared: “Polygamy is an abomination in the sight of the Lord God: it is not of me; I abhor it.” Alluding to the Brighamites, the Strangites, and the Williamites, the revelation continued: “My law is given in the Book of Doctrine and Covenants, but they have disregarded my law and trampled upon it and counted it a light thing, and obeyed it not.” In conclusion, the revelation admonished the Saints to include a clearer condemnation of the practice in the prospective pamphlet. Accordingly, the pamphlet committee added a three-page denunciation of the practice.¹³ Shortly after, movement members pulled their resources together and published two thousand copies of the pamphlet, *A Word of Consolation to the Scattered Saints*.¹⁴

A Word of Consolation to the Scattered Saints gave expression to a new and long-lasting variation of Mormon identity. The preoccupations, arguments, and evidence presented in the work tell us much about the movement that sponsored it.

At twenty-four single-spaced pages, *A Word of Consolation* was a modest but substantive effort. Jason W. Briggs, Zenos H. Gurley Sr., and John Harrington opened the text by reciting the resolutions of the movement’s June 1852 conference. They devoted the rest of the pamphlet to a detailed discussion of several salient issues: Smith

Family lineal priesthood, the Lord's rejection of the current Mormon Church, secrecy and common consent, the coup d'état of Brigham Young, the illegitimacy of James J. Strang, and lastly the conflict between the Scriptures and Mormon polygamy. The final page of the document was a hymn delivered by the gift of tongues in December 1852, an indication to readers that the Spirit resided with the sponsors of the tract.

Of the sundry issues addressed therein, the authors devoted the most attention to the subject of Smith Family lineal priesthood. It was this doctrine, aside from the opposition to polygamy, that most clearly distinguished their movement. Reading this section, what strikes the reader more than anything is the apparent wealth of scriptural texts supporting the doctrine. Indeed, the authors did little more than string together scattered scriptural texts. First they cited Joseph Smith's September 1832 revelation and his 1835/1842 translation of the Abraham papyrus to demonstrate that the higher Melchizedek Priesthood and the lower Aaronic Priesthood were transmitted in *Old Testament* times from father to son.¹⁵ Then they cited passages from *The Book of Mormon* demonstrating that the priestly lineage of Lehi transmitted the sacred records of the ancient Nephites from father to son.¹⁶ Appealing to 2nd Nephi of *The Book of Mormon*, moreover, the authors recounted that the Lord promised Joseph of Egypt that a choice seer bearing his name would arise from his lineage in the last days, an allusion to Joseph Smith.¹⁷ Citing Smith's December 1832 and January 1841 revelations, furthermore, the authors asserted that as the literal descendant of Joseph of Egypt, Joseph Smith inherited the high priesthood, and with his lineage it would remain until the

restoration of the gospel in the last days was complete.¹⁸ The authors therefore concluded “the seed of Joseph *alone*, can succeed him in the office in the Priesthood.”¹⁹

The authors then turned to the status of the Mormon Church. In a January 1841 revelation, they pointed out, the Lord promised that if the Saints hearkened unto His instructions for the building of the Nauvoo Temple, they would not be moved out of Nauvoo. However, if they failed to abide His construction timeline and specifications, the Lord warned, they would be rejected as a church with their dead. Since that time, the authors recounted, Joseph and Hyrum had been killed, the Saints had been driven off from Nauvoo, and lying prophets had divided the people of God. Clearly the Saints had not hearkened unto the Lord, the authors concluded; clearly the Lord had rejected the Mormon Church and its dead.²⁰ But ancient Israel had been rejected and scattered by the Lord repeatedly only to be reclaimed and delivered anew, the authors quickly reminded readers. The same thing would surely happen, they concluded, with modern Israel.²¹

Moving to the post-martyrdom 1844 succession crisis, the pamphlet authors opined that Sidney Rigdon, the surviving member of the First Presidency, should have served as the interim head of the church since the “highest authority presides always.” But Rigdon fouled it up and was rejected by the church. So Brigham Young and the Twelve Apostles, the authors alleged, seized control in a “coup d’état.”²² The nature of the Twelve’s administration, the authors argued, reveals the source of their inspiration. *The Doctrine and Covenants* enjoins church leaders to conduct all things out in the open with the common consent of the members. Yet the Twelve conduct their business in

“[s]ecret orders, covenants, lodges, and the whisperings of the great ones.” *The Book of Mormon*, the authors stressed, condemn secret combinations as the work of Satan.²³

The pamphlet also dispensed with James Strang. Like the Twelve, the authors noted, Strang traffics in secret combinations, even to the point of crowning himself a king. As for Strang’s seemingly-impressive discovery of buried plates, the authors cited *The Book of Mormon* to the effect that all buried plates containing holy writ remain bright, whereas Strang’s plates were rusty. The authors therefore speculated that Strang must have uncovered some of the plates buried by the satanic secret combinations described in *The Book of Mormon*. Perhaps this might explain, the authors suggested, why Strang established secret combinations of his own. As for Strang’s defense that he alone was appointed by Joseph Smith as prescribed in the February 1831 revelation of *The Doctrine and Covenants*, the authors retorted that the passage in question stipulates the successor must “come in at the gate,” and since the gate to the presidency lies in the lineal priesthood of Joseph’s seed, Strang could not possibly be the rightful successor.²⁴

In the three-page addendum, the authors took aim at “the system of spiritual wife-ry, taught by Brigham Young, to the ‘plurality’ doctrines of James J. Strang, and the fouler system (of whoredom,) taught by William Smith.” The authors conceded that certain prophets and patriarchs of ancient Israel practiced polygamy. But some of this happened under the lesser Law of Moses, the authors contended, not the higher law of the Christian gospel. God set the pattern in the beginning, after all: He declared it wasn’t right for the man to be alone, so he created a woman—one woman—for the man. By taking additional wives, polygamist men leave other men alone without a woman,

contrary to God's prescription. And if it be argued that David and Solomon had plural wives, the authors continued, keep in mind that the *Book of Mormon* condemned their actions as "abominable." And to counter the argument that the *Book of Mormon's* denunciation of polygamy doesn't apply to this dispensation, the authors cited passages from *The Doctrine and Covenants* indicating a husband should have but one wife.²⁵

In sum, Jason W. Briggs, Zenos H. Gurley Sr., and John Harrington provided a scripturally-grounded explanation for the confusing, disheartening, and sometimes shocking turn of events since the Prophet's death. *A Word of Consolation to the Scattered Saints* thereby spoke to those who wondered how their church, the one that prescribed monogamy in its Scriptures, could become synonymous with polygamy; who wondered how their church, scripturally warned of secret combinations, could be beset with secret councils and secret ordinances; who wondered how their church, so unified under the Prophet, could break into multiple warring factions. Like ancient Israel, the authors contended, modern Israel failed to hearken to the Lord, and now it was suffering the consequences. But the authors assured the Saints that God would reclaim His people if they repented of their folly, rejected their false prophets, and waited in faith for the heir of the priestly lineage to claim his rightful place.

A Word of Consolation didn't provoke a rush of converts. The membership of the movement remained modest. But the arguments and evidence contained in the work would have a long life. Indeed, *A Word of Consolation* marked the beginnings of Mormonism's most prolific tradition of apologetic writing.²⁶ Smith Family lineal priesthood, the rejection of the church, the usurpation of Brigham Young, the importance

of common consent, the illegitimacy of secret quorums, scriptural condemnations of polygamy—these topics would become standard themes of the movement’s writing, proselyting, and self-understanding. By the time of the Temple Lot Case forty years later, of course, the arguments Briggs, Gurley, and Harrington presented were refined and added upon, both by themselves and by others. Whereas *A Word of Consolation* reluctantly concurred that biblical patriarchs practiced polygamy, for example, later movement writers argued that God disapproved of Abraham’s multiple wives.²⁷ As the Strangite threat subsided, moreover, movement writers focused their attacks almost exclusively on the Brighamites.²⁸ Whatever their specific nuances, however, all contributors in the tradition stood on the shoulders of Briggs, Gurley, and Harrington.

Beyond any particular arguments, however, perhaps the most distinctive and consequential feature of *A Word of Consolation* was its heavy reliance on Scripture. Though Brigham Young and the Twelve likewise appealed to Scripture, they frequently appealed to the uncanonized instructions of Joseph Smith. For them, the oracles of a living prophet, canonized or not, carried more weight than scriptural texts produced in another time and circumstance.²⁹ As mission-field Mormons, Jason Briggs and his colleagues couldn’t begin to match the Twelve’s personal knowledge of Joseph Smith. But what they could do was shift the battle ground to Scripture, where they more than held their own. It’s telling that *A Word of Consolation* said little of Joseph Smith. For the authors, Scripture ratified by common consent trumped all else, even the life of the prophet who produced them. In this manner, *A Word of Consolation* established the

precedent that this movement would stress the written word, particularly Scripture and documents sustained by the common consent of the church.

By 1853, the movement that arose in response to Jason Briggs' revelation had a set of principles, a publication, and a modest following. But still it was not a church. By this time, however, many members of this movement had spiritual intimations that God wanted them to reestablish not only the principles of Joseph Smith's church but its organizational apparatus. But how would they do so without the Prophet's successor? Did they possess the priesthood authority to do so? Who would preside over the body? The movement suffered substantial division over these questions.

When the debate reached another deadlock at the April 1853 Yellowstone conference, the elders considered the merits of a revelation Henry Harrison Deam had received on March 20th authorizing the reestablishment of all quorums but the First Presidency. Deam's revelation called for the appointment of a three-man committee to select seven apostles, the requisite number for a functioning apostolic quorum, and it also confirmed that the highest authority should preside over the church. As they assessed Deam's revelation, the elders experienced dramatic supernatural manifestations, which indicated to them that God had truly inspired Deam's text.

Having accepted Deam's revelation as the word of the Lord, the conference organized quorums of the priesthood, including Briggs, Gurley, Deam and four others as a quorum of apostles, and established the Zarahemla Stake in Blanchardville, Wisconsin. The assembly still hadn't identified Briggs, Gurley, or Deam as the highest authority, but

the latter pair deferred to the younger man, leaving Jason W. Briggs president of the apostles' quorum and president *pro tempore* of the church.³⁰ In this manner, the participants understood, the April 1853 conference resuscitated the Mormon Church established by Joseph Smith. Thus was born the “New Organization” of the true and original “Church of Jesus Christ of Latter Day Saints.”³¹

Having quietly unified the movement behind a plan for formal reorganization in 1853, H. H. Deam almost ripped the New Organization apart in 1854. The dispute involved two issues—succession and rebaptism. Weary of waiting for the Prophet's sons to join the movement and assume leadership, Deam argued that the Smith children had forfeited their birthright, and he urged Jason Briggs to organize a First Presidency without them. Deam also wanted the church to require the rebaptism of each member. Heretofore the New Organization had not required rebaptism for individuals baptized in Joseph Smith's era (except in cases of apostasy or excommunication), the assumption being that the baptisms performed during the Prophet's presidency remained of force despite the Lord's subsequent rejection of the church corporate. Branching out on his own, Deam installed himself as president of his own church in October. The New Organization promptly disfellowshipped Deam and expelled him and another member of the Twelve at the October conference of 1854.³² The New Organization had weathered its first serious organizational crisis with its principles intact, proving that it was on its way to becoming a viable player on the Mormon stage.

The New Organization enjoyed encouraging success in the years that followed.³³ In 1854, Jason W. Briggs authored a second tract for the movement, *The Voice of the Captives*, containing, among other things, his 1851 revelation on Smith succession rights and a gentle encouragement to gather to Zarahemla, “a preparatory stake of Zion.”³⁴ In 1857, former William Smith apostle William Wallace Blair joined the movement. One year later, he became an apostle in the New Organization; three decades later he would offer the longest deposition of the Temple Lot Case.³⁵ In 1859, James Blakeslee, one of the most successful early Mormon missionaries under Joseph Smith, joined the movement.³⁶ In 1859, former Nauvoo Stake president William Marks, a member of Joseph Smith’s Anointed Quorum and Council of Fifty, became the first high-profile Mormon to join the movement.³⁷ That same year, the New Organization made plans to establish a newspaper called *The True Latter Day Saints’ Herald*, edited by Isaac Sheen, former editor of William Smith’s newspaper.³⁸ Also in 1859, Apostle W. W. Blair and another future Temple Lot Case deponent, Edmund C. Briggs, retraced the path of the LDS exodus in southern Iowa, bringing scores of former Brighamites, Strangites, and all manner of –ites into the New Organization.³⁹ Through these and other efforts, northern Illinois and southwestern Iowa supplanted southern Wisconsin as the population centers of the New Organization.⁴⁰ With virtually every other faction in decline, by 1859 the New Organization stood as the most significant alternative to Utah Mormonism.

Despite their differences, the LDS Church and the New Organization shared the same scriptural canon. But whereas the British Mission of the LDS Church published multiple reissues of *The Book of Mormon* and *The Doctrine and Covenants* in the late

1840s and 1850s, New Organization members had to rely on the older editions prepared in Joseph Smith's Nauvoo. Specifically, New Organization members used the third (Nauvoo, 1840) edition of *The Book of Mormon* (and its Nauvoo reprints) and the second (Nauvoo, 1844) edition of *The Doctrine and Covenants* (and its 1845 and 1846 reprints). At the close of the decade, however, New Organization members embraced a new *Book of Mormon* edition produced in 1858 and 1860 by New York publisher James O. Wright, Mormon schismatic leader Zadoc Brooks, and benefactor Russell Huntley. Based on the 1840 edition, the Huntley-Brooks-Wright edition, the only edition of *The Book of Mormon* published in the United States from 1842-1871, served as the New Organization's standard edition for over a decade.⁴¹ It also bears mentioning that, similar to their LDS counterparts, New Organization members did not include Joseph Smith's *Book of Abraham* in its official canon, but they too considered the text authoritative. *A Word of Consolation to the Scattered Saints*, the first publication of the New Organization, quoted *Abraham* in defense of the doctrine of lineal priesthood.⁴²

As the 1850s came to an end, the New Organization, despite all its progress, had one serious problem: None of Joseph Smith's sons had joined up. Joseph Smith III was courted by both Brigham Young's LDS Church and Jason Briggs's New Organization, but the Prophet's eldest son seemed disinclined to join either body. Joseph studied the texts and history of Mormonism intensely from 1853-1855, during which time he experienced a vision that led him to believe he had a religious destiny to fulfill.⁴³ But in 1856 he was told in another visionary experience to have nothing to do with Utah Mormonism.⁴⁴ That November, he told two visiting LDS apostles, Erastus Snow and

cousin George A. Smith, that he could not emigrate to Utah so long as the LDS Church condoned polygamy.⁴⁵ But Joseph wasn't about to join the New Organization either. In 1856, he testily declined Jason W. Briggs's invitation to join the movement, telling emissaries Edmund C. Briggs and Samuel H. Gurley that he could not do so unless he felt it was God's will.⁴⁶ So Joseph farmed, studied law, and served as justice of the peace instead.⁴⁷ None of the Prophet's three other sons saw fit to join the movement either.⁴⁸ By Joseph III's twenty-seventh birthday in November 1859, it seemed the New Organization might possibly never get the Smith successor it staked its hopes on.

Endnotes

¹ Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:578 (Q9-24), 580-586 (Q52-140), 606-609 (Q375-418), 615 (Q504-506), 616-617 (Q524-531), 618-619 (Q551-556). A fascinating figure, Briggs awaits his biographer. In the meantime, see *MRLDS*, 1:625-626; "Jason W. Briggs," *HRC*, 3:737-742; Roy Cheville, *They Made A Difference: A Roster of Thirty Persons Whose Participation Made Significant Impact upon the Latter Day Saint Movement* (Independence: Herald Publishing House, 1970), ch. 16.

² Jason W. Briggs revelation, 18 November 1851, in "History of the Reorganized Church," *The Messenger* 2 (November 1875), 1, and *HRC*, 3:200-201. Excerpts from the revelation were published in *The Voice of the Captives, Assembled at Zarahemla, in Annual Conference, April 6, A. D. 1854, to Their Brethren Scattered Abroad* (Zarahemla, WI.?: n.p., 1854), 5. For additional information, see the Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:584-585 (Q114-130), 3:609-610 (Q426-444). Curiously, the Reorganized Church (Community of Christ) has never canonized the revelation.

³ Richard P. Howard, *The Church Through the Years* 2 vols. (Independence: Herald Publishing House, 1992-1993), 1:340; Robert B. Flanders, "The Mormons Who Did Not Go West: A Study of the Emergence of the Reorganized Church of Jesus Christ of Latter Day Saints" (University of Wisconsin: M.A. thesis, 1954), 53.

⁴ Flanders, "Mormons Who Did Not Go West," ch. 3. The gifts of the Spirit—revelation, prophecy, tongues, and so forth—played a large role in the movement. See Clare D. Vlahos, "A History of Early RLDS Spirituality, 1860-1885" (Ph.D. dissertation: University of Kansas, 1992).

⁵ For a biographical sketch, see "Zenos H. Gurley," in *HRC*, 3:742-749. On Gurley's activity in the Nauvoo Temple, see the following sources in *NEC*, 341-342, 345, 350, 422, 567-568, 570-571: the William Clayton diary kept for Heber C. Kimball the Seventies Record, and the Nauvoo Temple Endowment Register, 6 January 1846; the Book of Living Sealings, 17 January 1846; and the Seventies Record, 3 February 1846.

⁶ Zenos H. Gurley Sr., "History of the New Organization of the Church," *SH* 1 (January 1860), 18-25; *HRC*, 3:204-209.

⁷ For these and other insights, see Richard P. Howard, "The Reorganized Church in Illinois, 1852-82: Search for Identity," *Dialogue* 5 (Spring 1970), 62-75; Alma R. Blair, "Reorganized Church of Jesus Christ of Latter Day Saints: Moderate Mormons," in F. Mark McKiernan, Alma R. Blair, and Paul M. Edwards, eds., *The Restoration Movement: Essays in Mormon History* rev. ed. (Independence: Herald Publishing House, 1992), ch. 7; Roger D. Launius, "Guarding Prerogatives: Autonomy and Dissent in the Development of the Nineteenth-Century Reorganized Church," in Roger D. Launius and W. B. "Pat"

Spillman, eds., *Let Contention Cease: The Dynamics of Dissent in the Reorganized Church of Jesus Christ of Latter Day Saints* (Independence: Graceland/Park Press, 1991), ch. 1; Howard, *Church*, ch. 17 of vol. 1.

⁸ On the epistemic and experiential gulf between church headquarters and the mission field under Joseph Smith's administration, see D. Michael Quinn, "LDS 'Headquarters Culture' and the Rest of Mormonism: Past and Present," *Dialogue* 34 (Fall-Winter 2001), 135-143. On the contours and lacuna of early RLDS belief in the succession rights of Joseph Smith's sons, see W. Grant McMurray, "'True Son of a True Father': Joseph Smith III and the Succession Question," in *RS*, 1:131-145.

⁹ Jason W. Briggs, "A Condensed Account of the Rise and Progress of the Reorganization of the Church of Latter Day Saints," cited in Roger D. Launius, *Joseph Smith III: Pragmatic Prophet* (Urbana: University of Illinois Press, 1988), 89.

¹⁰ Conference resolutions, 12 June 1852, in *Compilation of General Conference Resolutions, 1852-1915* (Lamoni: Board of Publication of the Reorganized Church of Jesus Christ of Latter Day Saints, 1916), 3-4; "Early Reorganization Minutes," 13-14 June 1852, in *HRC*, 3:209-211; Zenos H. Gurley Sr., "History of the New Organization of the Church," *SH* 1 (February 1860), 51-52; Jason W. Briggs deposition, 8 June 1892, in *TLC-R*, 3:586 (Q141-144), 588-590 (Q174-192).

¹¹ Gurley, "History of the New Organization," *SH* 1 (February 1860), 51-52; conference resolution, 7 October 1852, in *Resolutions*, 4; Flanders, "Mormons Who Did Not Go West," 63-64, 68-70; Jason W. Briggs deposition, 8 June 1892, in *TLC-R*, 3:590-591 (Q193-207).

¹² Conference resolution, 7 October 1852, in *Resolutions*, 4; Zenos H. Gurley Sr., Jason W. Briggs, and John Harrington, *A Word of Consolation to the Scattered Saints* (Janesville, WI: D. W. Scott & Co's. Job Office, 1853), 20; Jason W. Briggs deposition, 8 June 1892, in *TLC-R*, 3:593 (Q227-235); Flanders, "Mormons Who Did Not Go West," 63-64.

¹³ Gurley, "History of the New Organization," *SH* 1 (February 1860), 52, and (March 1860), 53-54; Jason W. Briggs deposition, 8 June 1892, in *TLC-R*, 3:593-595 (Q234-254).

¹⁴ Gurley, Briggs, Harrington, *Consolation*. For the number of copies printed, see *HRC*, 3:213.

¹⁵ Gurley, Briggs, Harrington, *Consolation*, 4-5. The main texts cited in this section were *D&C* (LDS) 84:6-28/*D&C* (RLDS) 83:2c-4f; *The Book of Abraham*, 1:3-4, in *PGP*, 29.

¹⁶ Gurley, Briggs, Harrington, *Consolation*, 6-10.

¹⁷ *Idem*, 10. The main text cited in this section was *The Book of Mormon*, 2 Nephi 3:4-24 (LDS)/ 2 Nephi 2:5-47 (RLDS).

¹⁸ Gurley, Briggs, Harrington, *Consolation*, 10-11. The main texts cited in this section were *D&C* (LDS) 86:8-10 and 124:58/*D&C* (RLDS) 84:3a-b and 107:18c.

¹⁹ Gurley, Briggs, Harrington, *Consolation*, 11.

²⁰ *Idem*, 11-12. The main texts cited in this section were *D&C* (LDS) 124:31-32, 45-46/*D&C* (RLDS) 107:10f-11a, 13e-f.

²¹ Gurley, Briggs, Harrington, *Consolation*, 13-14.

²² *Idem*, 14-15. Italics in original.

²³ *Idem*, 16-17.

²⁴ *Idem*, 17-19. The text cited in relation to the succession question was *D&C* (LDS) 43:2-7/*D&C* (RLDS) 43:1a-2c.

²⁵ Gurley, Briggs, Harrington, *Consolation*, 21-23. The relevant passages cited in this section were *The Book of Mormon*, Jacob 2:23-35 (LDS)/Jacob 2:31-47 (RLDS); *D&C* (LDS) 42:22, 49:15-16/*D&C* (RLDS) 42:7d, 48:3a-b; *D&C* (1835) 101.

²⁶ That being said, the crown was passed in the final decade of the twentieth-century to the LDS writers at the Foundation for Ancient Research and Mormon Studies (FARMS), currently known as the Neal A. Maxwell Institute for Religious Scholarship at Brigham Young University.

²⁷ See, for example, Edmund C. Briggs, *Address to the Saints in Utah, Polygamy Proven an Abomination by Holy Writ. Is Brigham Young President of the Church of Jesus Christ, or Is He Not?* (San Francisco: Turnbull & Smith, 1864), 8-12; David Hyrum Smith, *The Bible versus [sic] Polygamy* (Plano, IL: Reorganized Church of Jesus Christ of Latter Day Saints, c. 1869), 3-4; Joseph Smith III, "Deseret News Reviewed," *SH* 30 (23 June 1883), 393-396.

²⁸ For a detailed chronicle of RLDS criticisms on the LDS Church, see Charles Millard Turner, “Joseph Smith III and the Mormons of Utah” (Ph.D. dissertation: Graduate Theological Union, 1985).

²⁹ For remarks to this effect, see the Brigham Young discourse, 23 October 1853, in *JD*, 2:6; Orson Hyde discourse, 6 October 1854, in *JD*, 2:75; Heber C. Kimball discourse, 27 January 1856, in *JD*, 3:197-198; Brigham Young discourse, 15 June 1856, in *JD*, 3:333-344; Brigham Young discourse, 8 October 1859, in *JD*, 7:332-333; Brigham Young discourse, 7 October 1864, in *JD*, 10:339; Brigham Young discourse, 2 January 1870, in *JD*, 13:95; Brigham Young discourse, 6 October 1870, in *JD*, 13:264; Brigham Young discourse, 13 August 1871, in *JD*, 14:208-209; Wilford Woodruff discourse, 2 June 1889, in “The Keys of the Kingdom,” *MS*, 2 September 1889, 548; George Q. Cannon discourse, 7 September 1895, in “Discourse,” *DN*, 28 September 1895, 449; Wilford Woodruff discourse, 4 October 1897, in *October 1897 Conference Report...* (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1897), 22–23. See also Philip L. Barlow, *Mormons and the Bible: The Place of the Latter-Day Saints in American Religion* (New York: Oxford University Press, 1991), ch. 3, particularly p.81. As Barlow documents, there were exceptions to this generalization. Apostle Orson Pratt, most notably, wasn’t entirely comfortable subordinating scriptural authority to the authority of living prophets.

³⁰ “Early Reorganization Minutes,” 8 April 1853, in Launius, *Joseph Smith III*, 90; Gurley, “History of the New Organization,” *SH* 1 (March 1860), 54-58; Briggs, “History of the Reorganized Church,” in *The Messenger* 2 (December 1875) and *HRC*, 3:221-225; Maurice L. Draper, “Apostolic Ministry in the Reorganization,” *RS*, 1:222; Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:592-593 (Q208-226), 595-596 (Q255-259), 611 (Q454-456), 614 (Q489-494), 621-622 (Q581-583)

³¹ On the nomenclature, see Howard, *Church*, 1:330.

³² Briggs, “History of the Reorganized Church,” in *The Messenger* 2 (November 1875) and *HRC*, 3:229-231; Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:596 (Q260-268). The expulsion of the two apostles left the New Organization with but five apostles, not enough to form a quorum. Accordingly, the vacancies were filled at the following conference in April 1855. See *HRC*, 3:231-232.

On the New Organization’s acceptance of baptisms and ordinations performed during Joseph Smith’s administration, see the Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:612 (Q469-471), 620-621 (Q572-575); *HRC*, 3:229.

³³ For a general overview of this period, see Flanders, “Mormons Who Did Not Go West,” ch. 5.

³⁴ [Jason W. Briggs,] *The Voice of the Captives, Assembled at Zarahemla, in Annual Conference, April 6, A. D. 1854, to Their Brethren Scattered Abroad* (Zarahemla, WI.?: n.p., 1854); conference resolution, 8 October 1853, in *Resolutions*, 4.

³⁵ Roger D. Launius, “W. W. Blair Contributed Much To Reorganization,” *Restoration Trail Forum* 4 (May 1978), 1, 6; Flanders, “Mormons Who Did Not Go West,” 89; *HRC*, 3:235, 729. Born in 1828, Blair didn’t enter the Mormon universe until 1851, several years after Joseph Smith’s church, when he accepted baptism into William Smith’s church.

³⁶ William Shepard, “James Blakeslee, the Old Soldier of Mormonism,” *JW* 17 (1997), 113-132; Flanders, “Mormons Who Did Not Go West,” 90; *HRC*, 3:236, 756-760. The Nauvoo High Council excommunicated Blakeslee for his involvement in William Law’s dissident movement. See the Nauvoo High Council minutes, 18 May 1844, in *NCM*, 494. Afterwards, before joining the New Organization, Blakeslee served as an apostle for Sidney Rigdon and James Strang.

³⁷ Flanders, “Mormons Who Did Not Go West,” 91-93; *HRC*, 3:236, 724.

³⁸ Conference resolutions, 6 October 1859, in *Resolutions*, 6-7; *HRC*, 3:237-240; Isleta L. Pement and Paul M. Edwards, *A Herald to the Saints: History of Herald Publishing House* (Independence: Herald Publishing House, 1992), 39-49.

³⁹ Barbara J. Bernauer, “Gathering the Remnants: Establishing the RLDS Church in Southwestern Iowa,” *JW* 20 (2000), 5-33; Pearl Wilcox, *Roots of the Reorganized Latter Day Saints in Southern Iowa* (Independence: privately published, 1989); Danny L. Jorgensen, “The Scattered Saints of Southwestern Iowa: Cutlerite-Josephite Conflict and Rivalry, 1855-1865,” *JW* 13 (1993), 80-97.

⁴⁰ Flanders, “Mormons Who Did Not Go West,” 94-95; Howard, *Church*, 1:351; Bernauer, “Gathering the Remnants,” 24.

⁴¹ Richard P. Howard, *Restoration Scriptures: A Study of Their Textual Development* 2d ed. (Independence: Herald Publishing House, 1995), 33-37, 167-171; David J. Whittaker, "'That Most Important of All Books': A Printing History of The Book of Mormon," *MHS* 6 (Fall 2005), 110-116, 127n39, 128n45; Hugh G. Stocks, "RLDS Publishing and the Book of Mormon, 1860-1910," *JW* 9 (1989), 62-64.

⁴² Gurley, Briggs, Harrington, *Consolation*, 11; Howard, *Restoration Scriptures*, 201-202.

⁴³ Joseph Smith III, "Autobiography," in Edward W. Tullidge, *The Life of Joseph the Prophet* (Plano, IL.: Herald Publishing House, 1880), 757-758.

⁴⁴ Joseph Smith III, "Autobiography," 761-763; *HRC*, 3:258-259; Joseph Smith III to Lyman O. Littlefield, 14 August 1883, in Howard, *Church*, 1:365.

⁴⁵ Richard P. Howard, ed., *The Memoirs of President Joseph Smith III (1832-1914)* (Independence: Herald Publishing House, 1979), 31; *HRC*, 3:259-260.

⁴⁶ Edmund C. Briggs, "A Visit to Nauvoo in 1856," *Journal of History* 9 (October 1919), 449-458; Joseph Smith III, "Autobiography," 767-769; *HRC*, 3:260-263.

⁴⁷ Launius, *Joseph Smith III*, 67-70, 104-108.

⁴⁸ Valeen Tippetts Avery, *From Mission to Madness: Last Son of the Mormon Prophet* (Urbana: University of Illinois Press, 1998), ch. 2

Chapter Eleven
The Crow Creek Branch
1852-1863

1852 was a critical year in the history of Mormonism. In June, the New Organization was formed; in August, the LDS Church shocked the Christian world by announcing the doctrine of polygamy; and in winter, as this chapter shall chronicle, a handful of diminutive Mormon branches embarked on an independent course that, four decades later, would make them the other church of the Temple Lot Case.¹

In Joseph Smith's day, the Church of Jesus Christ of Latter Day Saints had a number of small branches centered roughly 135 miles east of Nauvoo in Woodford County, Illinois. Branches were located in Half Moon Prairie, Woodford County; Bloomington, McLean County; Eagle Creek, Livingston County; Vermillion County, Indiana, and perhaps elsewhere in the area.² Like most outlying branches of the Mormon Church, the members of these branches had limited knowledge of the subterranean developments taking place in Nauvoo. They might have gleaned some information from newspapers, correspondence, and word-of-mouth, but generally they probably knew little if anything of the secret councils, practices, and ordinances established by Joseph Smith.³

The members of these branches were an unusually independent lot. Like most Mormon branches, they probably accepted the wisdom of the Nauvoo Stake in elevating the Quorum of Twelve to the *de facto* presidency of the church after Joseph Smith's 1844 death. In time, though, they heard rumors of the Twelve's polygamous practices.⁴ Whether for this or other reasons, the members of these branches did not follow the Twelve westward. Yet unlike so many other Mormons who stayed behind, these

branches remained independent from other succession contenders like James Strang. Individual members may have dabbled with one or another of these movements.⁵ But none of the branches in a corporate sense identified with the other succession claimants. Perhaps the branches remained aloof because of a lingering appreciation, however tenuous, that the heads of the LDS Church remained the highest authorities in the church. Brigham Young's Quorum of Twelve had been elected the acting presidency of the church in 1844.⁶ And branch members as late as 1852 weren't sure whether allegations of Brighamite polygamy were fact or anti-Mormon propaganda.⁷ When the polygamy announcement confirmed the accusations, one branch member bemoaned that "the greater portion of our authorities in the church are in a state of transgression."⁸ The use of the term "our authorities" may indicate some lingering identification with the Twelve.

At some point, most likely following the 1852 polygamy announcement but possibly earlier, the Bloomington, Eagle Creek, Half Moon Prairie, and Vermillion branches merged into one branch, identified in its early minute book as the "Crow Creek Branch of the Church of Jesus Christ (of Latter Day Saints) which was organized on the 6th day of April A.D. 1830."⁹ As the nomenclature indicated, the Crow Creek Branch considered itself a faithful branch of Joseph Smith's church, which they variously referred to as the "Church of Jesus Christ of Latter day Saints," the "Church of Jesus Christ," and "Christ's Church," but more frequently the "Church of Christ" and, above all, the "Church of Jesus Christ (of Latter Day Saints)."¹⁰ As the parentheses indicated, the branch considered "Latter Day Saints" a clarifying clause rather than part of the

church's official name, which necessarily focused, they believed, on Christ.¹¹ The branch name itself came from a creek in southern Marshall County, Illinois.¹²

We don't know for certain why these independent branches amalgamated into one.¹³ Perhaps they sought strength in numbers; perhaps they were reacting to the growth of the New Organization in northern Illinois and southern Wisconsin; perhaps they were reacting to the LDS polygamy announcement of August 1852, and seeking in an organized fashion to distinguish themselves from polygamist Mormons and fortify one another against the potential backlash *all* Mormons, irrespective of faction, could face.

The first recorded meeting of the Crow Creek Branch took place in the winter of 1852 at the home of Granville Hedrick, a thirty-eight-year-old farmer living just outside Half Moon Prairie (present-day Washburn), Illinois. It doesn't seem to have been an organizational meeting, at least not primarily; instead, the focus was the LDS polygamy announcement of the previous August.¹⁴ Hedrick and most of the other principals in the branch—David Judy, Adna C. Haldeman, Jedediah Owen, William Eaton, Charles Reynolds—were Mormons of long standing who joined the church during the Joseph Smith era.¹⁵ The Mormonism they joined, at least on its public face, condemned polygamy in no uncertain terms. And so the Crow Creek Branch resolved at its opening meeting “to with draw their fellowship to all such as departed from the principles of righteousness & truth.”¹⁶ From that day forward, the Crow Creek Branch met periodically to uphold the true faith once delivered to the Saints. In October 1853, for instance, the branch “resolved to take the *Bible, Book of Mormon, & Book of Doctrine & Covenants* and Build upon the same as a foundation for the faith.”¹⁷ Like the New

Organization, the Crow Creek Branch emphasized the public word of the Scriptures to counteract the no-longer-quite-so-secret councils and practices of the Brighamites.

In 1856, Granville Hedrick burst on to the Mormon literary stage by publishing *The Spiritual Wife System Proven False and the True Order of Church Discipline* in Bloomington, Illinois.¹⁸ It was an impressive debut. Single-spaced with a ten-page preface and 118 pages of main text, Hedrick's essay carried more heft than most nineteenth-century Mormon monographs. The bulk of the work, comprising eighty-seven pages of the main text, focused on polygamy, specifically the revelation on plural marriage the LDS Church revealed to the world four years earlier. Hedrick's may very well have been the most sustained critical commentary on the revelation published up to that date. The remaining thirty-one pages of the monograph focused on the problem of reviving the general authority offices of the Church of Jesus Christ (of Latter Day Saints).

First, Hedrick laid out his texts: The third edition of *The Book of Mormon* (Nauvoo, 1840) and the second European edition of *The Doctrine and Covenants* (Liverpool, 1849), which was published by the LDS Church but contained the same revelations Joseph Smith included in the second American edition (Nauvoo, 1844).¹⁹ Then he presented his interpretive approach: "THE BIBLE[,] BOOK OF MORMON AND BOOK OF DOCTRINE AND COVENANTS WERE GIVEN FOR THE FOUNDATION AND STANDARD OF FAITH AND DOCTRINE FOR THE CHURCH OF JESUS CHRIST."²⁰ The New Organization likewise placed enormous emphasis on scriptural authority, but none of their publications did so quite as incessantly as Hedrick's.²¹ In the preface, for example, he reprinted the

entire minutes of the 1835 canonization of *The Doctrine and Covenants*.²² In the same manner that Protestants judged everything by *The Bible*, Hedrick asked his Mormon audience to use Mormon Scripture to gauge the correctness of their sundry post-martyrdom paths.²³ If any Mormon text from this period could be said to exemplify Martin Luther's principle of *sola scriptura*, it was Hedrick's 1856 work.

Having laid the foundation, Hedrick turned to his main subject, polygamy. Hedrick doubted, but didn't dogmatically deny, that Joseph Smith received the plural marriage revelation Brigham Young ascribed to him. For Hedrick, Smith's culpability made no difference. Polygamy was false doctrine, and if Smith took part, Smith erred:

The claim that the spiritual wife party have, that Joseph Smith gave any such revelation, is very slender indeed; and if it was a question at issue, I do not believe that it could be proven that Joseph gave any such revelation. But the subject matter is not so much with me, whether Joseph gave the revelation or not, it is absolutely false, any how, whether he gave it or not.²⁴

As Hedrick saw it, the "pretended" plural marriage revelation of 1843 failed the truth test in three ways.²⁵ First, its provenance was suspect. Emma Smith purportedly burned the revelation, Hedrick recounted, but Bishop Newel K. Whitney fortuitously made a copy beforehand and passed it on to Brigham Young, who conveniently shielded it from scrutiny until he and his collaborators had induced vast numbers of Saints to become polygamists in the remote Great Basin. To Hedrick, the provenance of this "curious revelation, come in an abortion—got burned up—then locked up" seemed far-fetched.²⁶ Second, the revelation contradicted Scripture. As Hedrick saw it, God did not sanction the polygamy of the biblical patriarchs, *The Book of Mormon* did not leave open the possibility of divinely-sanctioned polygamy, and *The Doctrine and Covenants* did not

condone anything but monogamy.²⁷ Whereas *The Book of Mormon* roundly condemned David's and Solomon's polygamous practices, moreover, the plural marriage revelation largely approved them.²⁸ Third, the revelation contained contradictions. Whereas the revelation promised that Joseph Smith would prosper in life if faithful to the polygamy commandment and Emma Smith would be destroyed if she rejected it, Joseph was killed eleven months after the revelation while Emma still lived.²⁹ Whereas the bulk of the revelation spoke as if Smith was unfamiliar with polygamy, another section indicated that Joseph already had plural wives at the time of the revelation, raising the specter of a prophet who "was in a state of transgression at the time he gave it—and how can the church receive any such revelations from him in this state of things, as valid and genuine from God, he being an adulterer, with a great number of women[?]"³⁰ Hedrick was not saying that Smith died a fallen prophet; he was simply saying that if one believed the revelation came from Smith (which Hedrick, at this time, did not believe), then one would have to concede that Smith was already a polygamist when he produced the text.

From Hedrick's perspective, the plague of polygamy rendered the Mormon condition bleak. Joseph Smith restored the true Christian gospel to the earth, but little over a decade after his death, "the greater portion of our authorities in the church are in a state of transgression."³¹ But Hedrick retained hope. Thousands of Saints had rejected polygamy.³² And he believed "the church, the pure in heart and design, will all be set aright, and be established on the primitive order, as it was founded in its purity, in the early days of Joseph Smith, Jr."³³ To facilitate that process, the second section of Hedrick's book explained how the church could resurrect the priesthood authority of

Joseph Smith's church.³⁴ Hedrick's argument was simple: The general quorums of the church—the First Presidency, Quorum of Twelve, Quorum of Seventy, et cetera—were no longer in operation.³⁵ But there were still plenty of Melchizedek Priesthood holders around who had not forfeited their authority.³⁶ According to *The Doctrine and Covenants*, Hedrick noted, the Melchizedek Priesthood ““holds the right of Presidency, and has power and authority over all the offices in the church.””³⁷ Utilizing their quorum rights and presidential powers, Hedrick argued, the faithful remaining high priests of the church could readily elect and ordain a new president of the high priesthood—a new church president.³⁸ And as the Lord bestows the gifts of the Holy Spirit upon a worthy man following his appointment to a church office, the Lord would turn a newly-elected president of the high priesthood into a prophet, seer, revelator, and translator.³⁹ Hedrick therefore concluded that the Saints need not “be led astray with the idea that some great man, with great and extraordinary claims of authority, will yet arise and set this church in order.”⁴⁰ The seeds of the church's reconstitution were already present.

Such were the arguments of *The Spiritual Wife System Proven False and the True Order of Church Discipline*. Despite the clarity, depth, and scriptural grounding of the book, it did not attract a large following to Granville Hedrick or his succession solution. The Crow Creek Branch remained small, and few embraced Hedrick's prescription of a high priest election to the church presidency. Still, the book placed Hedrick on the map of Mormon thinkers and exegetes. It offered one of the most sustained critiques of the plural marriage revelation around. And it showed how the church could revive itself without falling prey to false prophets and false teachings. Recognizing his contribution,

the Crow Creek Branch endorsed Hedrick's ecclesiological understanding in March 1857.⁴¹ And one month later, the branch set Hedrick apart as its presiding elder.⁴²

Given their pronounced similarities, it was only a matter of time before the Crow Creek Branch of The Church of Jesus Christ (of Latter Day Saints) encountered the New Organization of The Church of Jesus Christ of Latter Day Saints. The two groups were operating in the same region; they saw themselves as faithful continuations of true Mormonism; their roots were mission-field Mormonism, not Nauvoo Mormonism; they recoiled at polygamy and secret councils and secret ordinances; they stressed the written word of *The Bible*, *Book of Mormon*, and *Doctrine and Covenants*; their tones were moderate, their leading figures were modest, and they coexisted peacefully with non-Mormons. The New Organization surely wanted Hedrick's allegiance, he being the most impressive anti-polygamy author to emerge in recent memory. Based on the similarities and demographic disparities of the two organizations, it would seem a foregone conclusion that Hedrick's small branch would follow the lead of so many other midwestern Mormon branches by joining up with the burgeoning New Organization.

For a time it seemed a merger would happen. In April 1857, W. W. Blair—former William Smith apostle, soon-to-be New Organization apostle, future Temple Lot Case deponent—attended a Crow Creek Branch meeting by invitation at the home of David Judy.⁴³ But therein Blair learned that Crow Creek Branch members were skeptical of some of Joseph Smith's revelations.⁴⁴ A month earlier, the branch had determined that it embraced the first edition of *The Doctrine and Covenants* (Kirtland, 1835) and by

implication rejected the second edition of the text (Nauvoo, 1844) with its controversial revelations on Zion's Camp, the Nauvoo Temple, and baptism for the dead.⁴⁵ Despite their differences, five months later, in October 1857, Granville Hedrick and fellow branch member Jedediah Owen (father of a Temple Lot Case deponent) attended a New Organization conference in Blanchardville, Wisconsin.⁴⁶ The conference cordially welcomed them: "On motion Brn. Owen and Hedrick were received as the representatives of the Saints in Woodford County, Illinois, and vicinity and the right hand of fellowship was given them."⁴⁷ As the language indicates, Hedrick wasn't thought of as the head of a rival church; he and Owen were considered representatives of a Mormon branch.⁴⁸ Hedrick conversed with Blair en route, and from their conversation Blair felt impressed that Hedrick "seemed ready to unite with us, but wanted his brethren and sisters to unite when he did." The Crow Creek Branch questioned some of the doctrines of the New Organization, including the doctrine of lineal priesthood and the succession rights of Joseph Smith III, so Hedrick asked Blair and other conference participants to explain the tenets of the New Organization to his congregation.⁴⁹ To facilitate the conversation, the conference issued the following: "On motion, J. W. Briggs was appointed to co-operate with Bro. Hedrick in writing a pamphlet setting forth the true position of our doctrine."⁵⁰ The New Organization also scheduled a Christmas conference at Crow Creek, Woodford County.⁵¹

The Christmas conference apparently never took place, or at least no record of it survives.⁵² But through the winter, W. W. Blair and Zenos H. Gurley Sr. received encouraging communications from Granville Hedrick.⁵³ In April 1858, at the request of

Gurley and Jason W. Briggs, Blair attended the Crow Creek conference in Bloomington, Illinois with Apostle Edmund C. Briggs (another Temple Lot Case deponent). Based upon Hedrick's letters, Blair expected the branch to unite with the New Organization; instead, he came away despairing of any chance the two organizations would merge. As Blair learned, Hedrick now had a radically different understanding of Joseph Smith:

[Hedrick] preached, and such a sermon, (if a sermon you could call it,) I pray God I may never hear again from the lips of a professed saint. It consisted mainly in a tirade of abuse directed against the martyred prophet. Stories were told about him, the telling of which, by his vilest enemies would have been to their everlasting shame.⁵⁴

Blair and Briggs realized that whereas New Organization members believed Joseph Smith died a true prophet (after repenting, some believed, of whatever responsibility he may have borne for polygamy), Hedrick now believed that Smith died a fallen prophet. It had not always been the case: Hedrick's *Spiritual Wife System Proven False* (1856) tried to disassociate Smith from polygamy, and at best it offered a hypothetical—not actual—characterization of Smith as fallen prophet (quoted above). In the two years since, Hedrick's skepticism of Smith had obviously deepened.⁵⁵

Now that the differences between the New Organization and the Crow Creek Branch had become so apparent, the two bodies drifted apart. At its April 1858 general conference, the New Organization called off its joint-pamphlet with the Crow Creek Branch, resolving "That Jason W. Briggs be and is truly exonerated from acting in connection with Granville Hedrick, of Bloomington, Illinois, in writing out matter for publication, as directed by the previous fall conference."⁵⁶ But later that October, Hedrick attended another New Organization conference near Amboy, Illinois. At the

opening session, Hedrick shared the stage with a Sidney Rigdon partisan. The pair addressed the assembly, Jason W. Briggs offered a rebuttal, and nothing more came of it. The substance of Hedrick's speech is unknown, but seeing as how it did not revive talk of a merger, it probably confirmed that there were serious doctrinal differences between the two sides.⁵⁷ Later, representatives from the two groups reportedly proposed a meeting in LaSalle County, Illinois in 1861. But according to an 1896 letter from a prospective participant, Hedrick would only meet on condition that the New Organization reject some of Joseph Smith's revelations. "[T]his we could not do," the author recalled, "hence, nothing resulted."⁵⁸ Unlike most midwestern Mormon branches, Granville Hedrick's Crow Creek Branch remained independent from the Reorganized Church.

In subsequent years, curiously, the Reorganized Church portrayed Granville Hedrick on occasion not as the leader of a branch who stopped short of joining the New Organization but rather as someone who apostatized from the New Organization. The April 1871 general conference of the New Organization passed the following resolution:

Whereas Granville Hedrick has a name on the record of the Reorganized Church of Jesus Christ of Latter Day Saints, and has left the church, and assumed to be the leader of a separate body, having no connection with said church, and opposed to it, be it resolved that this conference does hereby instruct the Secretary to prefer a charge against him for having separated himself from the church....⁵⁹

Clearly, Hedrick did not join the New Organization in any conventional sense of the term. Jason W. Briggs considered Hedrick a guest of the New Organization, never a member; their doctrinal differences were too great, even in 1857.⁶⁰ That being the case, what accounts for the counterintuitive claim that Hedrick joined the New Organization? The answer probably lies in the doctrinal logic of the New Organization. The New

Organization didn't require rebaptism of individuals baptized in Joseph Smith's church; it accepted veteran Mormons on the merits of their original baptism. As a result, the New Organization didn't need to baptize Hedrick to consider him a member.⁶¹ Perhaps it was more than coincidental that the clerk at the October 1857 conference was W. W. Blair, the individual who more than anyone expected Hedrick to join the body.⁶² As it turned out, the New Organization dropped the charges against Hedrick at its September 1871 conference. The committee assigned to the case reported that "finding no evidence that Granville Hedrick ever united with said church, as a member, we declare he is not a member thereof."⁶³ Yet the allegation that Hedrick joined the New Organization would not die; as we shall see, it would prove legally useful in the Temple Lot Case.

The Crow Creek Branch forged a more distinctive identity in the years following its encounter with the New Organization. The branch reiterated regularly that it embraced only the first edition of *The Doctrine and Covenants*.⁶⁴ On Christmas Day 1859, the branch ordained Granville Hedrick presiding high priest and David Judy and Jedediah Owen high priests.⁶⁵ The branch also concluded that "the doctrine of baptism for the dead (by proxy)[,] Tithing as a tenth, Polygamy, Lineal priesthood in the office of the first presidency of the church & the plurality of Gods...are all unscriptural," further distinguishing the branch from both the LDS Church and the New Organization.⁶⁶ On Christmas Eve 1860, the branch debated if it shouldn't modify its name, presumably to the "Church of Christ."⁶⁷ But the debate apparently proved inconclusive, as the policy's chief advocate, George M. Hinkle, was deemed dishonest and expelled from membership

the next year.⁶⁸ In the aftermath, the body continued to identify itself primarily as a branch of the “Church of Jesus Christ (of Latter Day Saints).”⁶⁹ Through it all, the Crow Creek Branch remained small: Twenty-three individuals attended the November 1862 conference, nine the March 1863 conference, and thirteen the April 1864 conference.⁷⁰

But while the Crow Creek Branch remained a branch in numbers alone, in another sense it had become much more than a branch. The branch did not recognize the Brighamites, Josephites, nor any other factions as legitimate expressions of Mormonism. As Hedrick and company saw it, those other bodies had forsaken the truths of the restored gospel for fatal falsehoods like plural wives, plural gods, and lineal priesthoods.⁷¹ To be sure, the Crow Creek Branch recognized that individuals subscribing to those false doctrines enjoyed the gifts of the Spirit too; Christ had not fully abandoned them.⁷² But as far as Hedrick and his brethren saw it, the Crow Creek Branch, as a corporate body, stood as the only vestige of true Mormonism. With no other branch, limb, or even trunk of Mormonism upholding the truth faith, the Crow Creek Branch stood as the only living part of the Mormon tree. As the church’s standard history explains, “the Illinois continuation of the Church of Christ considered themselves as, not only a remnant of the original Church, but that as such remnant they might become a nucleus around which all Saints might gather.”⁷³ In this sense, the Crow Creek Branch wasn’t just a branch of the Church of Jesus Christ; it *was* the Church of Jesus Christ.

In 1863, the Hedrickite transition from *a* branch to *the* Church greatly accelerated. And the individual most responsible for the transformation, aside from Granville Hedrick, was the enigmatic John E. Page, first husband of Temple Lot Case deponent

Mary Judd.⁷⁴ Page converted several hundred in British North America in 1835-1838, making him the most successful Mormon missionary in Canadian history.⁷⁵ In 1838, Joseph Smith appointed Page to the Quorum of Twelve Apostles.⁷⁶ But Page proved a surprisingly lackluster apostle. He failed mission assignments in 1839 and 1840 and was disfellowshipped in 1841. Readmitted the following year, he served missions in 1842 and 1843-1845, serving chiefly as the presiding authority over the Pittsburgh Branch.⁷⁷ But Page never fully redeemed himself. He served more often than not as the apostolic exception: Page was the only apostle whom Joseph Smith didn't admit to the Anointed Quorum, the only apostle whom Smith didn't admit to the Council of Fifty, the only apostle (aside from Amasa Lyman, who belonged to the Twelve but briefly) who didn't serve on the Nauvoo City Council.⁷⁸ Page's fortunes improved somewhat in the later Nauvoo period. Sketchy evidence indicates he took a plural wife before Joseph Smith's death and two additional wives under Brigham Young in 1845.⁷⁹ Page and civil wife Mary received their endowments in Young's Anointed Quorum on 26 January 1845 and participated regularly therein the rest of the year.⁸⁰ But the couple disliked the endowment ceremony, and Apostle Page shocked everyone by renouncing the Twelve and endorsing James Strang in 1846.⁸¹ Over the next decade, Page served as a Strangite apostle (1846-1849), affiliated with James Colin Brewster's movement (1849-52), and founded his own briefly-lived church with William Marks (1855) before discovering the Crow Creek Branch in 1857.⁸² Page joined the Hedrickites in November 1862.⁸³

Even though John E. Page became an apostle in 1838, long after Granville Hedrick suspected that Joseph Smith lost his prophetic standing, Apostle Page gained the

respect of his Hedrickite brethren, for shortly after he joined up with them, the Crow Creek Branch instituted major changes. At a branch meeting on 17 May 1863, Page underscored the “importance of having the primitive order of Apostles & Elders as necessary offices in the church.” Page’s message was warmly received, so with the consent of the members present, he ordained Granville Hedrick, David Judy, Jedediah Owen, and Adna C. Haldeman as apostles, joining him to form a quorum of five apostles.⁸⁴ The Crow Creek Branch followed that up two months later by voting unanimously on 19 July 1863 to appoint a president over the Church of Jesus Christ (of Latter Day Saints) to ensure “the church might be fully conducted after the order in which it was first organized.” The motion sustained, Page and his fellow apostles, high priests, and elders “laid hands upon Granville Hedrick in company with the rest & ordained him to the office of the First Presidency of the Church, to preside over the high priesthood and to be a prophet, seer, revelator and translator to the Church of Christ.”⁸⁵ In 1856, Hedrick had written that high priests and elders had sufficient Melchizedek Priesthood authority to appoint new general authorities over the Church of Christ.⁸⁶ Seven years later, with a push from John E. Page, the Crow Creek Branch made it happen, transforming a local branch into the headquarters of Christ’s church.

Endnotes

¹ For scholarly works on this third church, now known as The Church of Christ (Temple Lot), see the following by R. Jean Addams: *Upon the Temple Lot: The Church of Christ’s Quest to Build the House of the Lord* (Independence: John Whitmer Books, 2010); “Early Sociological Issues Confronted by the Church of Christ (Temple Lot): African Americans, Native Americans, and Women,” *JW* 30 (2010), 109-132; “The Church of Christ (Temple Lot) and the Reorganized Church of Jesus Christ of Latter Day Saints: 130 Years of Crossroads and Controversies,” *JMH* 36 (Spring 2010), 54-127; “The Church of Christ (Temple Lot) and the Law of Consecration,” *JW* 28 (2008), 88-113; “The Church of Christ (Temple Lot), Its Emergence, Struggles, and Early Schisms,” in Newell G. Bringhurst and John C. Hamer, eds., *Scattering of the Saints: Schism within Mormonism* (Independence: John Whitmer Books, 2007), 206-223.

“Reclaiming the Temple Lot in the Center Place of Zion,” *MHS* 7 (Spring/Fall 2006), 7-20. Also helpful is Jason R. Smith, “Scattering of the Hedrickites,” in Bringhurst and Hamer, *Scattering of the Saints*, 224-246. The church’s own best history is B. C. Flint, *An Outline History of the Church of Christ (Temple Lot)* rev. ed. (Independence: Board of Publications of the Church of Christ [Temple Lot], 1953). A helpful nineteenth-century essay is Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 15 September 1888, in “The Hedrickites,” *DN Semi-Weekly*, 25 September 1888, 2, and republished in Jenson and Stevenson, *Infancy of the Church: A Series of Letters*, a supplement to Jenson, *The Historical Record* (Salt Lake City: Andrew Jenson, 1889), 6:12-15.

² Addams provides various branch tallies in *Upon the Temple Lot*, 7, 10, and “Consecration,” 93, and “Emergence,” 207. See also Flint, *Church of Christ*, 98; Smith, “Scattering of the Hedrickites,” 224.

³ My characterization is based upon Granville Hedrick’s initial inclination, documented below in my discussion of his 1856 book, to disassociate Joseph Smith from Nauvoo polygamy. Jason R. Smith reaches a similar conclusion in “Scattering of the Hedrickites,” 225. On the gulf between headquarters- and mission-field Mormonism under Smith, see D. Michael Quinn, “LDS ‘Headquarters Culture’ and the Rest of Mormonism: Past and Present,” *Dialogue* 34 (Fall-Winter 2001), 138-143.

⁴ “The Record and History of the Crow Creek Branch of the Church of Jesus Christ (of Latter Day Saints) which was organized on the 6th day of April A.D. 1830,” 1, undated, typescript, Church of Christ (Temple Lot) sub file, CoC Archives, hereafter cited as the Crow Creek Record. As Addams attentively notes in *Upon the Temple Lot*, 7, the Crow Creek Record contains past tenses that indicate it is a later redaction of the Crow Creek Branch’s 1852-1864 minutes.

⁵ According to W. W. Blair of the New Organization, future Crow Creek Branch leader Granville Hedrick affiliated with spirit rappers and the Mormon factions of William O. Clark and Gladden Bishop. See W. W. Blair to Isaac Sheen, [August-September] 1864, in “Letter from Bro. W. W. Blair,” *SH* 6 (15 September 1864), 91, and *HRC*, 3:636-637. But Hedrick’s newspaper denied the Gladden Bishop and spirit rappers charge, arguing that Hedrick challenged their pretensions. The paper didn’t respond to the Clark charge. See Adna C. Haldeman, “Our Second Reply to Bro. Blair,” *TT* 1 (October 1864), 61.

⁶ Smith, “Scattering of the Hedrickites,” 225, hints at such a possibility. Granville Hedrick, “The Address Continued,” *TT* 1 (September 1864), 33-34, seems to depict the interim 1844 leadership of the Quorum of the Twelve as a legitimate response to the leadership crisis following the Prophet’s death, at least if one accepts the terms of their promotion in Smith’s January 1841 revelation (which Hedrick and his colleagues probably did into the mid-1850s). Yet even if the proto-branches of the Crow Creek Branch still identified with the Twelve up to the 1852 polygamy announcement, it must have been a weak identification, as no branch members of which I’m aware even started westward with the Twelve.

⁷ Crow Creek Record, 1.

⁸ Granville Hedrick, *The Spiritual Wife System Proven False and the True Order of Church Discipline* (Bloomington, IL: W. E. Foote’s Power Press Printing House, 1856), 25.

⁹ Idem, 1 (quote), 5, 9. Addams, *Upon the Temple Lot*, 8, and “Sociological Issues,” 110, suspects that the separate branches started meeting as one branch by 1850 or 1851.

¹⁰ For the “Church of Jesus Christ of Latter day Saints,” see the Crow Creek Record, 1. For the “Church of Jesus Christ,” see the Crow Creek Record, 4, 5. For “Christ’s Church,” see the Crow Creek Record, 1, 10. For the “Church of Christ,” see the Crow Creek Record, 9, 10, 13, 15, 23. For the “Church of Jesus Christ (of Latter Day Saints),” see the Crow Creek Record, 1, 5, 7, 14, 17, 18, and the masthead of the monthly *Truth Teller*, published in 1864-1865 and 1868.

¹¹ Adna C. Haldeman, “Name of the Church,” *TT* 1 (January 1865), 112.

¹² Addams, *Upon the Temple Lot*, 8n2.

¹³ Addams acknowledges the dearth of documentation in *Upon the Temple Lot*, 8n2.

¹⁴ Crow Creek Record, 1.

¹⁵ For biographical information on the principal figures, see the Church of Christ (Temple Lot) membership record, copy of typescript in my possession; Adna C. Haldeman, “More Testimony, If Called For,” *TT* 1 (August 1864), 31; Flint, *Church of Christ*, 98; Addams, *Upon the Temple Lot*, 11n4, 12n7.

¹⁶ Crow Creek Record, 1.

- ¹⁷ Idem, 2. Italics added.
- ¹⁸ Hedrick, *Spiritual Wife System Proven False*.
- ¹⁹ Idem, iv.
- ²⁰ Idem, vi. Similar sentiments can be found throughout the text.
- ²¹ At one point, though, Hedrick allowed that the restored priesthood constituted a supplemental authority to the Scriptures. See idem, 18.
- ²² Idem, vi-x.
- ²³ Idem, 20-24.
- ²⁴ Idem, 36.
- ²⁵ Hedrick described the revelation as “pretended” in idem, 13 (quote), xi.
- ²⁶ Idem, 34-36 (quote, 36).
- ²⁷ Idem, 39-62, 64-87.
- ²⁸ Idem, 64-67, 80-85.
- ²⁹ Idem, 62-64.
- ³⁰ Idem, 36-39 (quote, 38).
- ³¹ Idem, 25 (quote), 92, 93.
- ³² Idem, 89.
- ³³ Idem, 24-25.
- ³⁴ Granville Hedrick, “The Priesthood and the True Orders of Church Government,” in Hedrick, *Spiritual Wife System Proven False*, 88-118.
- ³⁵ Idem, 100.
- ³⁶ Idem, 89, 92-94, 101.
- ³⁷ Idem, 94-95, quoting *D&C* (1835) 3:3, *D&C* (LDS) 107:8, *D&C* (RLDS) 104:3b.
- ³⁸ Idem, 94-100.
- ³⁹ Idem, 98. By contrast, another Crow Creek Branch member, Adna C. Haldeman, later argued in “Our Second Reply to Bro. Blair,” *TT* 1 (October 1864), 62, that a man doesn’t become prophet, seer, and revelator through a church vote; the prophetic gift comes first, the presidential election second.
- ⁴⁰ Hedrick, “Church Government,” in *Spiritual Wife System Proven False*, 93.
- ⁴¹ “A Declaration of Independence and Separation by the Faithful Members of the Church of Jesus Christ,” 5 March 1857, in Flint, *Church of Christ*, 105.
- ⁴² Crow Creek Record, 3-4.
- ⁴³ W. W. Blair to Isaac Sheen, [August-September] 1864, in “Letter from Bro. W. W. Blair,” *SH* 6 (15 September 1864), 91, and *HRC*, 3:636-637; Crow Creek Record, 3-4; W. W. Blair deposition, 8 February 1892, in TLC-C, 1:275-277 (Q490-506). Blair may have met Granville Hedrick on a prior occasion. See the W. W. Blair deposition, 8 February 1892, in TLC-C, 1:230 (Q88). On Blair generally, see Roger D. Launius, “W. W. Blair Contributed Much To Reorganization,” *Restoration Trail Forum* 4 (May 1978), 1; *HRC*, 3:233. On Judy, see Addams, *Upon the Temple Lot*, 12n7.
- ⁴⁴ Seven years later, after relations between the two sides had considerably worsened, Blair reported that in that meeting he learned that Crow Creek Branch members rejected *The Doctrine and Covenants* and weren’t sure which of the Prophet’s revelations were true. See W. W. Blair to Isaac Sheen, 20 September 1864, in “Letter from W. W. Blair,” *SH* 10 (15 November 1864), 156; W. W. Blair deposition, 8 February 1892, in TLC-C, 1:275-276 (Q496-502). But Hedrick’s *Spiritual Wife Doctrine Proven False* (1856) and his later essay, “Review of the ‘Herald,’” *TT* 1 (November 1864), 65-66, indicate that the Crow Creek Branch in 1857 probably didn’t reject *The Doctrine and Covenants* completely, just its later revelations. I suspect that Blair heard them denounce the second edition of the text (Nauvoo, 1844) and question some of the later revelations (1834-1835) of the first edition (Kirtland, 1835).
- ⁴⁵ “A Declaration of Independence and Separation by the Faithful Members of the Church of Jesus Christ,” 5 March 1857, in Flint, *Church of Christ*, 104.
- ⁴⁶ W. W. Blair to Isaac Sheen, [August-September] 1864, in “Letter from Bro. W. W. Blair,” *SH* 6 (15 September 1864), 91, and *HRC*, 3:637.

⁴⁷ General conference resolution, 6 October 1857, in *Compilation of General Conference Resolutions, 1852-1915* (Lamoni: Board of Publication of the Reorganized Church of Jesus Christ of Latter Day Saints, 1916), 6; W. W. Blair deposition, 8 February 1892, in TLC-C, 1:229-230 (Q80-84, 89), 271 (Q429), 272-273 (Q435-448); Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:599 (Q302-303).

⁴⁸ W. W. Blair deposition, 8 February 1892, in TLC-C, 1:270 (Q408), 271 (Q417), 276 (Q502), 277 (506).

⁴⁹ W. W. Blair to Isaac Sheen, [August-September] 1864, in "Letter from Bro. W. W. Blair," *SH* 6 (15 September 1864), 91, and *HRC*, 3:637; W. W. Blair deposition, 8 February 1892, in TLC-C, 1:230 (Q88-91), 271 (Q429), 272 (Q433). For doctrinal differences between the New Organization and the Crow Creek Branch, see the W. W. Blair deposition, 8 February 1892, in TLC-C, 1:275 (Q476-480); Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:612-614 (Q474-488).

⁵⁰ General conference resolution, 6 October 1857, in *Resolutions*, 6; W. W. Blair deposition, 8 February 1892, in TLC-C, 1:274-275 (Q465-480); Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:598-599 (299-301)

⁵¹ General conference resolution, 6 October 1857, in *HRC*, 3:234, but not *Resolutions*, 6.

⁵² *HRC*, 3:234.

⁵³ W. W. Blair to Isaac Sheen, [August-September] 1864, in "Letter from Bro. W. W. Blair," *SH* 6 (15 September 1864), 91.

⁵⁴ W. W. Blair to Isaac Sheen, [August-September] 1864, in "Letter from Bro. W. W. Blair," *SH* 6 (15 September 1864), 91-92. See also Adna C. Haldeman, "Our Second Reply to Bro. Blair," *TT* 1 (October 1864), 61-62; W. W. Blair deposition, 8 February 1892, in TLC-C, 1:271-272 (Q429-432), 275 (Q477, 481-482); Edmund C. Briggs, *Early History of the Reorganization* (Independence: Price Publishing Company, 1998), 113.

⁵⁵ Jason R. Smith notices the changed perspective in "Scattering of the Hedrickites," 225-228.

⁵⁶ General conference resolution, 6 April 1858, in *Resolutions*, 6; Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:599 (Q301).

⁵⁷ W. W. Blair to Isaac Sheen, [August-September] 1864, in "Letter from Bro. W. W. Blair," *SH* 6 (15 September 1864), 92; Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:611-612 (Q463-466, 473-474).

⁵⁸ Joseph Smith III to John R. Haldeman, 1 June 1896, JSIII Letterbook #7, CofC Archives: Hedrick "laid down as a prerequisite that we [the New Organization] were to put away the Book of [Doctrine and] Covenants." For reasons explained earlier, I think it more likely that Hedrick urged the New Organization to reject selected revelations of *The Doctrine and Covenants*, not the entire book.

⁵⁹ General conference resolution, 10 April 1871, in "Annual General Conference," *SH* 18 (1871), 310-311, and *HRC*, 3:613, but excluded from *Resolutions*, 25-26.

⁶⁰ Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:599 (Q302-303), 611-613 (Q466-485).

⁶¹ W. W. Blair deposition, 8 February 1892, in TLC-C, 1:272-273 (Q433-448); Jason W. Briggs deposition, 8 June 1892, in TLC-R, 3:612 (Q469-474).

⁶² W. W. Blair deposition, 8 February 1892, in TLC-C, 1:230 (Q93), 273-274 (Q456-457).

⁶³ Report of Committee on Cases for Trial, 24 September 1871, in "Semi-Annual Conference," *SH* 18 (15 October 1871), 636, and *HRC*, 3:631, and Flint, *Church of Christ*, 106.

⁶⁴ Crow Creek Record, 4-7, 9.

⁶⁵ *Idem*, 8-9.

⁶⁶ *Idem*, 9.

⁶⁷ *Idem*, 10.

⁶⁸ *Idem*, 10-11. Addams, *Upon the Temple Lot*, 9n3, and "Sociological Issues," 110, concludes, by contrast, that the branch actually voted to change its name in 1860, but in practice did not consistently use "Church of Christ" in place of "Church of Jesus Christ (of Latter Day Saints)" until the 1890s. In "Consecration," 94, though, Addams emphasizes that the church merely discussed the matter in 1860, a position closer to my interpretation and that of Flint, *Church of Christ*, 101, 102, 103.

⁶⁹ See the masthead of the monthly *Truth Teller*, published in 1864-1865 and 1868.

⁷⁰ Crow Creek Record, 12, 13, 23, respectively.

⁷¹ See, for example, the contrast presented between the Church of Christ and the New Organization in “Contrast of Doctrines,” *TT* 1 (October 1864), 49-51.

⁷² “Who Are Members Of The Church,” *TT* 1 (October 1864), 62-63.

⁷³ Flint, *Church of Christ*, 101.

⁷⁴ John E. Quist, “John E. Page: Apostle of Uncertainty,” *JMH* 12 (1985), 53-68; William Shepard, “Shadows on the Sun Dial: John E. Page and the Strangites,” *Dialogue* 41 (Spring 2008), 34-66.

⁷⁵ Richard E. Bennett, “‘Plucking Not Planting’: Mormonism in Eastern Canada, 1830-1850,” in Brigham Y. Card, Herbert C. Northcott, John E. Foster, Howard Palmer, and George K. Jarvis, eds., *The Mormon Presence in Canada* (Logan: Utah State University Press, 1990), 23-24.

⁷⁶ Joseph Smith revelation, 8 July 1838, in *JSJ*, 285, and *D&C* (LDS) 118:6; Far West Record, 19 December 1838, in *FWR*, 224, and *HC*, 3:240-241, and summarized in *HRC*, 2:779, 780.

⁷⁷ *MH*, 1:567.

⁷⁸ On the Anointed Quorum, see *JSQA*, xxxix-xliii. On the Council of Fifty, see the William Clayton journal, 19 March and 18 April 1844, in *JWC*, 127, 130; *MH*, 1:521-528. On the Nauvoo City Council, see the Nauvoo City Council minutes, 1841-44, in D. Michael Quinn, “The Mormon Hierarchy, 1832-1932: An American Elite” (Ph.D. dissertation: Yale University, 1976), 17.

⁷⁹ *MH*, 1:567; George D. Smith, *Nauvoo Polygamy: “...but we called it celestial marriage”* (Salt Lake City: Signature Books, 2008), 611, 647. For more specific details, see Joseph Fielding Smith, *Blood Atonement and the Origin of Plural Marriage* (Salt Lake City: Deseret News Press, 1905), 59; Minutes of the Meeting of the [LDS] Council of the Twelve, the Patriarch to the Church, the Assistants to the Twelve, the First Council of the Seventy, and the Presiding Bishopric, 5 May 1954, in Gary James Bergera, “Identifying the Earliest Mormon Polygamists, 1841-44,” *Dialogue* 38 (Fall 2005), 19, and Smith, *Nauvoo Polygamy*, 647n269. Page’s civil wife denied her husband’s involvement in polygamy. See the Mary Judd Page Eaton deposition, 27 April 1892, TLC-C, 2:629-647 (Q1-299).

⁸⁰ See the following sources compiled in *JSQA*, 93-94, 100, 107, 109-110, 112-115, 119, 122, 127, 144, 159, 174, 187, 198-206, 210-211: William Clayton journal, 26 January, 3 April, 8, 11, 25 May, 1, 5, 8, 27 June, 14 September, 24 October, 10, 11 December 1845; Heber C. Kimball diary, 26 January, 23 May, 18 November 1845; George A. Smith journal, 26 January 1845; Willard Richards journal, 27 June, 9 July, 18 November 1845; Historian’s Office Journal, 25 June 1845; John Taylor, “Meeting of the Twelve and others. Dedication of Upper Room of Temple,” 30 November 1845; and William Clayton diary kept for Heber C. Kimball, 10, 11 December 1845; Manuscript History of Brigham Young, 10 December 1845. There is no indication in these records that John and Mary Page ever received the second anointing.

⁸¹ John E. Page to James J. Strang, 1 February 1846, in James Jesse Strang Collection, Beinecke Library, Yale University, New Haven, CT; Quorum of Twelve Apostles to “the Saints of God,” 9 February 1846, in Elden J. Watson, ed., *Manuscript History of Brigham Young, 1846-1847* (Salt Lake City: by the author, 1971), 31; John E. Page to James J. Strang, 12 March 1846, and Chronicles of Voree, 6 April 1846, in Quist, “John E. Page,” 58-59.

⁸² Shepard, “John E. Page,” 39-57; *MH*, 1:567-568. For Page’s initial interest in the Hedrickites, see the Crow Creek Record, 4.

⁸³ Crow Creek Record, 12. Page lived in DeKalb County, Illinois, three counties north of Granville Hedrick’s Woodford County and two counties north of John H. Hedrick’s Marshall County. See Addams, “Reorganized Church,” 57-58, 59n15.

⁸⁴ Crow Creek Record, 14. All five men converted to Mormonism in Joseph Smith’s era.

⁸⁵ Crow Creek Record, 15-17. For clarity’s sake, the latter part of this quotation, beginning with the words “First Presidency,” come from the more polished rendition of the sentence as found in the *Crow Creek Record, from Winter of 1852 to April 24, 1864* (Independence: Church of Christ [Temple Lot], n.d.), 15, quoted in Addams, “Reclaiming the Temple Lot,” 11. The words are identical in the typescript, but the punctuation and grammar are less than desirable. For an eyewitness reflection on Hedrick’s election and ordination, see Adna C. Haldeman, “More Testimony, If Called For,” *TT* 1 (August 1864), 30-32.

⁸⁶ Hedrick, “Church Government,” in *Spiritual Wife System Proven False*, 94-100.

Chapter Twelve
The Josephites
1860-1880

November 1859 marked the eighth anniversary of the Jason W. Briggs revelation identifying Joseph Smith's sons as the rightful leaders of authentic Mormonism. By that time, the eldest Smith son, Joseph III, was no longer a young man needing additional maturation. "Young Joseph" was now only a couple of years shy of his thirtieth birthday. Yet none of the Smith boys had showed an interest in the New Organization. Movement members remained hopeful, but with each passing year it proved a little more difficult to keep the hope alive. Were they awaiting someone who would never come?

That winter, though, Joseph Smith III came around. Beset by financial troubles, grieving over the death of his daughter, Joseph learned by revelation that the New Organization was the only church the Lord found acceptable.¹ So that winter, Joseph decided to join up. On 6 April 1860, Joseph and his mother Emma attended the general conference of the New Organization at Amboy, Illinois. By unanimous vote, the church sustained Joseph as its president. Zenos H. Gurley Sr., William Marks, Samuel Powers, and future Temple Lot Case deponent W. W. Blair ordained him president of the high priesthood of the (reorganized) Church of Jesus Christ of Latter Day Saints. Fourteen years after the Prophet's death, a son had arisen to assume his place.²

Now the question: What sort of leader would Joseph Smith III be? As many nations, religions, and businesses can attest, dynastic positions of power frequently produce disaster. Who was to say the eldest son of the Prophet wouldn't turn out to be as narcissistic as his uncle, William Smith? And even if Joseph III turned out to be a decent

human being, who was to say he would turn out to be a capable leader? Chances that a dynastic succession to the Mormon presidency would turn out poorly were enormous.

As it turned out, the New Organization could not have been more fortunate than to have Joseph Smith III as its president. Though he possessed none of his father's charisma, Joseph III proved a steadier leader, better administrator, and more unifying figure. Joseph III would preside over the Reorganized Church of Jesus Christ of Latter Day Saints, as the New Organization came to be called, for fifty-four years, from 1860 to his death in 1914. In that time, he took the pluralistic and decentralized Reorganization and made it his own. Through it all, he earned the respect of almost everyone he came in contact with, including his fiercest religious opponents—his LDS cousins in Utah.³

Joseph Smith III's presidential administration was characterized by caution, pragmatism, and moderation.⁴ Whereas his father pursued his vision with an often reckless disregard for circumstances, Joseph III keenly appreciated the constraints of his presidency, both internal and external. He recognized that he presided over a patchwork membership culled from every Mormon faction imaginable. He knew instinctively that were he to mislead or lord over his church, his independent-minded members would leave him as quickly as they had other leaders. And so whereas his father resorted at times to secrecy, subterfuge, and intimidation, Joseph III relied on persuasion, transparency, and democratic consent. Joseph III also recognized that unless a community were living in Great Basin-like isolation, the clannishness characteristic of his father's church engendered hostility, violence, and suffering. And so whereas his father encouraged gathering, bloc voting, militarism, and on occasion, seditious activity, Joseph

III decided against a call to gather and encouraged his people to live as peaceable, law-abiding good citizens wherever they might reside.⁵ As a result of his sensible policies, Joseph III enjoyed greater comity both within and without the church than his father.

But for all his patience and diplomacy, Joseph III was no pushover, not at all. Smith would take a blow in the moment if he thought it would enable him to fight another day. And fight another day he did, outlasting all of his contemporaries. Joseph III had a long-term vision for Mormonism, the Reorganization, and his father's legacy, and he pursued that vision with a dogged determination. Indeed, aside from the cracks that Joseph Smith left in the Mormon edifice at his death in 1844, it was the singular vision of his son, more than any other factor, that brought about the Temple Lot Case. That being the case, let us examine the impact of Joseph III's presidential administration in five areas—government, gathering, doctrine, memory, and scripture.

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It took Joseph Smith III many years to consolidate power over the decentralized Reorganization.⁶ He spent the first five years of his presidency working from his Nauvoo home, removed from RLDS population centers.⁷ He didn't control the church newspaper, published in far-off Cincinnati by Isaac Sheen.⁸ He had few administrative colleagues, as there were no First Presidency counselors and just five apostles at the time, and Bishop Israel L. Rogers was stationed off in Plano, Illinois. Smith tried to fill the positions through conference committees, but he found the process ineffective.⁹ In time, though, Joseph gained traction. In July 1861 he issued his first general epistle.¹⁰ In October 1861 he received his first revelation as president, a brief message on tithing.¹¹

That same month, he obtained general supervisory authority over the *Saints' Herald*.¹² By revelation in 1863, he bypassed the cumbersome conference committees and called William Marks, his father's stake president, as his First Presidency counselor.¹³ Upon conclusion of the U.S. Civil War in May 1865, he received a revelation instructing the church to ordain men of all races.¹⁴ That same year, he assumed editorial control of the *Herald*, giving him a venue through which to propagate his views.¹⁵ In 1866, he left Nauvoo and relocated the church headquarters to the RLDS stronghold of Plano, Illinois.¹⁶ In 1873, after continued committee failures, Smith presented a revelation for the first time to a general conference, appointing W. W. Blair, the Reorganization's greatest missionary (and future Temple Lot Case deponent), and David Hyrum Smith, youngest son of the Prophet, as First Presidency counselors, and seven men, including his other surviving brother, Alexander Hale Smith, to the Council of Twelve Apostles. The conference declared the document inspired (though it didn't see fit to canonize it as scripture).¹⁷ Finally, in 1876, Joseph III compiled a parliamentary handbook (and future Temple Lot Case exhibit) entitled, *A Manual of Practice and Rules of Order and Debate for Deliberative Assemblies of the Church of Jesus Christ of Latter Day Saints*, to bring some order to the church's sometimes raucous conference debates.¹⁸ In these and other ways, Joseph III preserved the fundamentally democratic character of the Reorganization while making the body more centralized and efficient.

Joseph III took a similarly patient and diplomatic route on the question of the gathering. Building an American Zion in Jackson County remained as central to the son's vision as to the father's. Early in his presidency, Joseph III dispatched his

stepfather and a lawyer to see about filing a lawsuit to reclaim dispossessed Mormon lands in Jackson County and establishing a Mormon settlement therein. It quickly became apparent that a Mormon gathering would receive another hostile reception.¹⁹ Even so, whereas Joseph Jr. warned the Saints to gather in Zion or suffer destruction in an imminent cataclysm, Joseph III thought the Saints had time to go about the process gradually. Whereas Joseph Jr. pushed his people to morally perfect themselves as they constructed Zion, Joseph III thought the Saints needed to perfect themselves and the larger society a bit more before breaking ground in Zion.²⁰ Many RLDS members, eager to redeem Zion or gather *somewhere*, found Smith's gradualism disappointing. Didn't Jason Briggs's 1851 revelation promise that "one mighty and strong" would gather the pure in heart and reinhabit Zion?²¹ In 1869, Smith met his critics halfway by forming an independent joint-stock company—the Order of Enoch—for the purpose of establishing a community of Saints with minimal millennial fanfare. In 1871, the company founded the town of Lamoni a few miles north of the Missouri border in south-central Iowa. The Lamoni settlement went so well that Smith moved the church headquarters there in 1881.²² At roughly 115 miles north of Independence, Smith looked upon Lamoni as a spiritual and geographical way-station to Zion; it was not lost on the Josephites that Lamoni was much closer to Zion than the Great Basin Kingdom of the Brighamites.²³

Joseph III similarly moderated the doctrine of his church. When Smith joined the Reorganization in 1860, he was in a decided minority on a number of doctrinal questions. Many RLDS members, including *Herald* editor Isaac Sheen, believed in the truthfulness of such Nauvoo-era relics as *The Book of Abraham*, the King Follett discourse, baptism

for the dead, and the doctrine of plural gods.²⁴ In 1865, for example, the RLDS Council of Twelve declared the plural gods doctrine scriptural.²⁵ At first, Joseph III gently pushed back against these Nauvoo holdovers. But as his influence subsequently grew, he distanced the church from Nauvoo's shadow. He noted that his father's church never endorsed *The Book of Abraham*.²⁶ He questioned the accuracy and completeness of the King Follett transcript presented in the LDS "History of Joseph Smith."²⁷ He marginalized the plural gods doctrine and moved the Reorganization towards a more conventional Christian theology.²⁸ He sustained baptism for the dead as a principle but ignored it in practice, depicting it as a "permissive" rite peculiar to its time and place that could be reinstated only by revelation.²⁹ Finally, he denounced LDS temple rites as an incarnation of the secret combinations condemned in *The Book of Mormon*.³⁰ All these issues would receive much attention in the Temple Lot Case.

Similarly, with great patience, Joseph III altered the Reorganization's cultural memory of polygamy's origins. Most RLDS members of the 1850s and 1860s suspected that Joseph Smith bore at least partial responsibility for polygamy's dissemination. RLDS opinion-makers like William Marks, Isaac Sheen, and in time even Joseph III's youngest brother, David Hyrum, believed the Prophet promulgated polygamy in Nauvoo before repenting of the practice shortly before his death.³¹ Indeed, the Council of Twelve tabled a resolution in 1867 absolving the Prophet of the practice due to "the almost universal opinion among the Saints that Joseph was in some way connected with it."³²

For Joseph Smith III, the morality of polygamy did not hinge on his father's involvement in the practice. As he saw it, polygamy was simply wrong, and if his father

promulgated the practice, then his father grievously sinned.³³ But this sensible middle-ground did not represent Joseph III's deepest convictions on the matter. Ultimately, what mattered most to him was absolving his father of the hellish doctrine. "I believe my father was a good man," he declared at his presidential ordination, "and a good man never could have promulgated such doctrines."³⁴ As we reviewed in chapter four, the evidence that Joseph Smith taught and practiced polygamy is overwhelming.³⁵ But the clandestine nature of Nauvoo polygamy, coupled with the fact that much of the evidence of Smith's polygamous practices wasn't publicly available in the nineteenth-century, enabled Joseph III to make a strong case that his father wasn't a polygamist. If Joseph Smith had all these plural wives, Joseph III queried, where were the offspring? Why was it that the only known children sired by Smith at Nauvoo were those he had with civil wife Emma? Why was it that a man brave enough to challenge all manner of venerable Christian traditions wasn't brave enough to openly champion polygamy? Why was it that *The Doctrine and Covenants* published in Nauvoo in 1844 retained the 1835 declaration of Mormon monogamy but excluded the purported 1843 revelation on plural marriage? Why was it that the "History of Joseph Smith" published at Nauvoo and finished by the LDS Church gave no indication that the Prophet practiced polygamy? Joseph III used every angle imaginable to clear the noxious stain of polygamy from his father's name.³⁶

On polygamy, as with plural gods, baptism for the dead, the King Follett discourse, and *The Book of Abraham*, Joseph III bided his time and emerged triumphant. As RLDS members conversant with the Prophet's polygamy either died off (William Marks), kept quiet (Emma Smith), or left the movement (Ebenezer Robinson), Joseph

III's take on Nauvoo polygamy became the popular memory of the Reorganization.³⁷ Instructive here is the case of James Whitehead, an RLDS convert who served as one of the Prophet's clerks in Nauvoo (and would serve late in life as one of the key deponents in the Temple Lot Case). In 1874, Whitehead divulged to W. W. Blair that Joseph Smith promulgated polygamy with Emma's knowledge.³⁸ But conversing with Joseph III in 1885, Whitehead denied the Prophet had any connection with polygamy.³⁹ For a century, the Reorganization would maintain Joseph III's position on the issue.⁴⁰

The Reorganization also developed a somewhat distinctive scriptural canon during the first two decades of Joseph Smith III's administration. In 1863, *Saints' Herald* editor Isaac Sheen published an RLDS edition of *The Doctrine and Covenants* patterned after the edition in common usage in the church, Joseph Smith's posthumously-published second edition (Nauvoo, 1844).⁴¹ Sheen's 1863 edition, like the 1844 Nauvoo edition and subsequent LDS editions, contained eight sections not found in Joseph Smith's first edition (Kirtland, 1835), namely, the Prophet's 1834 revelatory authorization for Zion's Camp, the 1834 revelatory explanation for the march's failure, the 1837 revelation to Apostle Thomas Marsh, the 1838 revelation on tithing, the 1841 revelation on the Nauvoo Temple and Smith family rights, the 1842 epistles on baptism for the dead, and John Taylor's 1844 eulogy for Joseph and Hyrum.⁴² Sheen also added two sections previously unfound in any edition, namely, the individual theophanies of Moses and Enoch as found in Joseph Smith's revision of the *Old Testament*.⁴³ The latter texts clearly differentiated the RLDS *Doctrine and Covenants* from its LDS counterparts, but

otherwise the rival churches had generally similar editions of the Scripture—at least, we shall see, until the 1876 LDS and 1880 RLDS editions of the text.

The least distinctive features of the Reorganization's canon, at least within the circumscribed world of the Mormon Restoration, were its editions of *The Book of Mormon*. By the early 1870s, the Reorganization had run low on stock of the Huntley-Brooks-Wright edition of *The Book of Mormon* (New York City, 1858/1860). Some members, moreover, apparently disliked Zadoc Brooks's sectarian introduction. So in 1874, the Reorganized Church published its own edition of the text. Like the Huntley edition, the 1874 RLDS edition was based upon the text of Joseph Smith's 1840 Nauvoo edition. The RLDS edition differed, however, in that it employed the chapter indicators and numbered paragraphs of the LDS Church's third European (1851) edition.⁴⁴ If anything, the 1874 RLDS edition brought the Reorganization closer to the LDS Church.

But by 1874, the Reorganized Church had already made its most dramatic and distinctive statement on the scriptural canon. In 1866, the church voted in conference to publish Joseph Smith's entire revision of *The Bible*.⁴⁵ The church promptly procured the manuscript from Emma Smith Bidamon, who had kept it from the Twelve in 1844 and safeguarded it as a sacred heirloom for two decades.⁴⁶ Marietta Faulconer and Mark H. Forscutt thereupon wrote a printer's manuscript, Joseph Smith III and W. W. Blair edited the manuscript, and Ebenezer Robinson, one-time publisher of Nauvoo's *Times & Seasons*, published the manuscript, Bishop Israel L. Rogers financing the effort. *The Holy Scriptures, Translated and Corrected by the Spirit of Revelation, by Joseph Smith, Jr., the Seer*, went on sale in December 1867.⁴⁷ It was a stunning triumph for the

Reorganization—and a considerable blow to the LDS Church. Here people could hold tangible evidence that Joseph III and the Reorganization, not Brigham Young and the LDS Church, had completed one of the most critical projects of Mormonism’s founder.⁴⁸ As we shall see in an upcoming chapter, LDS apostle Orson Pratt was so impressed that he would use the RLDS text as a basis for a new LDS scriptural compilation. *The Holy Scriptures* would serve as one of the exhibits in the Temple Lot Case.

Joseph III’s revamping of the Reorganization, gradual and moderate though it was, nonetheless provoked some backlash. His most aggressive opponent, ironically, was the individual who did more save William Smith to prepare the way for Joseph III’s presidency—Jason W. Briggs. In *The Messenger*, the Reorganization’s short-lived (1874-1877) Salt Lake City newspaper, Apostle Briggs argued that all inspiration is mediated by human culture, and that all prophets, scripture, and revelation must be subjected to critical examination, an indirect challenge to Smith family revelation. Privately, Briggs charged Joseph III with “Caesarism” and warned of a Smith family dynasty. He insisted, moreover, that polygamy originated with Joseph Smith himself, notwithstanding the exoneration effort of Smith’s son. In short, a quarter-century after his 1851 revelation had created the reorganization movement, Briggs felt the Reorganized Church had lost its equilibrium under Joseph III. But Briggs wasn’t alone in his critique of Smithian power, revelation, and culpability. Apostle Zenas H. Gurley Jr., son of the Reorganization’s other chief founder, echoed many of Briggs’ arguments and pushed them with greater political savvy. Briggs and Gurley, in short, wished to undo the work,

if not the station, of Joseph III. They wished to revive the more open, diverse, and decentralized Reorganization of the 1850s and early 1860s.⁴⁹

Partly in response to Briggs's and Gurley's challenge, the September 1878 general conference of the Reorganized Church canonized *The Holy Scriptures* (Joseph Smith's inspired translation of *The Bible*), the sundry revelations of Joseph Smith III, and all other conference-sustained revelations Joseph III or his successors might subsequently receive. Resolution #215 defined the RLDS canon as follows:

That this body, representing the Reorganized Church of Jesus Christ of Latter Day Saints, recognize the Holy Scriptures, the Book of Mormon, the revelations of God contained in the Book of Doctrine and Covenants, and all other revelations which have been or shall be revealed through God's appointed prophet, which have been or may be hereafter accepted by the church as the standard of authority on all matters of church government and doctrine, and the final standard of reference on appeal in all controversies arising or which may arise in this Church of Christ.⁵⁰

Accordingly, the second RLDS edition of *The Doctrine and Covenants*, published in 1880, included Joseph III's revelations of 1861, 1863, 1865, and 1873.⁵¹ Smith would receive additional revelations in 1882, 1885, 1887, 1890 and beyond, which in various increments were deemed inspired and added to *The Doctrine and Covenants*.⁵² The revelations of Joseph III were now considered as authoritative as those of his father.⁵³

The 1878 conference did not quell the backlash against Joseph III's policies. Apostles Jason W. Briggs and Zenas H. Gurley Jr. continued their revolt until they were removed from office in 1885 and left the church altogether in 1886.⁵⁴ In the aftermath, the most effective criticisms of Joseph III's policies came from outside the movement, from former allies and sympathizers like David Whitmer, Ebenezer Robinson, and John K. Sheen, who felt that Joseph III was fomenting historical amnesia about his father.⁵⁵

Joseph III would not face another serious internal challenge for the duration of his presidency. He had successfully reshaped the Reorganization as he saw fit.⁵⁶

Finally, it bears mentioning that the manner in which the Reorganization proclaimed Joseph Smith III's succession rights shifted during his administration. For over a decade, from the founding of the movement in 1852 through the first years of Smith's presidency, representatives like Isaac Sheen and Zenas H. Gurley Sr. relied on scriptural texts on lineal priesthood to prove Joseph III's succession rights. The focus wasn't so much on Smith himself, but on scriptural evidence that the president of the high priesthood must come through the lineage of Joseph of Egypt and Joseph of Palmyra. Other members, meanwhile, such as Temple Lot Case deponents Jason W. Briggs and Edmund C. Briggs, appealed to their own personal revelations verifying the Prophet's offspring or Joseph III specifically as the proper successor. Scriptural texts and personal revelations—these were the means by which the New Organization proclaimed Joseph III's succession rights. Strange as it seems now, few early New Organization members knew that Joseph Smith actually blessed Joseph III to serve as his successor. Most New Organization members had their roots in mission-field Mormonism; few were privy to Joseph Smith's inner circle, the setting of Joseph III's blessing, nor had lived in Nauvoo, where word of the blessing disseminated among some of the local members.⁵⁷

But as New Organization missionaries contacted old-time Mormons across the country, they heard reports that Joseph Smith physically ordained Joseph III his successor. Isaac Sheen published a few of these reports in the *Saints' Herald* in the early

1860s.⁵⁸ But it was that indefatigable missionary, W. W. Blair, who more than anyone collected these sundry reports and disseminated them to the church generally. In the October 1865 *Herald*, Blair related that former members of Lyman Wight's Texas colony said Wight often declared "young Joseph would yet lead the church," for "when [Wight], with Joseph and Hyrum were in Liberty Jail, Mo., they put their hands on the lad's head (then but 6 years old,) and the martyr then and there sealed prophetically that calling and blessing upon him." Blair told of George J. Adams's 1844 report to Emma Smith: "The matter is now settled, and we know who Joseph's successor will be: it's little Joseph, for we have just seen him ordained by his father." And most impressive of all, he related the account of James Whitehead, who served as a financial clerk for the Prophet in Nauvoo:

Bro. Whitehead, of Alton, Ill., once the private secretary of Joseph the Martyr, says that he knows that young Joseph [III] was appointed and anointed to be the successor of his father, by his father and others, in a council just before the martyr's death, and he remembers many of those in the council, viz: John Taylor, Willard Richards, Alpheus Cutler, W. W. Phelps, Dr. Bernhisel, Bishop Whitney, and others. Bishop Whitney held the horn and poured out the oil.

Blair asked Joseph III if he could confirm these reports. Joseph III admitted that he didn't remember the Liberty Jail blessing, but "he remembered being in a council in the spring of 1844, at Nauvoo, and that his father declared to the council that he (young Joseph) would be his successor in the leadership of the church." Among those who witnessed his 1844 blessing, Joseph III recounted, were "many that are now in Salt Lake." In one stroke, W. W. Blair presented the first printed accounts of Emma Smith's, James Whitehead's, and Joseph Smith III's recollections of the 1844 blessing.⁵⁹

But if Joseph III could remember his 1844 blessing, why had he been publicly silent about it up to this point? Smith explained to Blair that "he did not wish to be the

first and alone in bearing witness to his own appointment, and that he had hoped that those in Utah and elsewhere, who knew concerning this matter, would have come forward and borne record of the fact.”⁶⁰ LDS leaders had, in fact, spoken in general terms of the leadership rights of Joseph III and his brother David Hyrum.⁶¹ But contra Joseph III’s understanding, few surviving Utah Saints had actually witnessed the 1844 blessing (unless, as it possible, there were LDS eyewitnesses of whom we don’t know). Newel K. Whitney died in 1850.⁶² Willard Richards died in 1854.⁶³ Reynolds Cahoon, whom Whitehead identified on another occasion as an eyewitness, died in 1861.⁶⁴ By 1865, the only surviving LDS figures who witnessed Joseph III’s blessing were W. W. Phelps, Apostle John Taylor, and congressional territorial delegate John M. Bernhisel.⁶⁵ But while Joseph III may have overestimated the number of LDS eyewitnesses, his observation that LDS eyewitnesses failed to bear record of his 1844 blessing rang true—I’m unaware that Phelps, Taylor, or Bernhisel ever acknowledged the event. These three men, and likely other LDS eyewitnesses of whom we don’t know, undoubtedly felt that Joseph III had to join the true Mormon Church to fulfill the Prophet’s blessing. Since Joseph III had joined an apostate rival, they had no interest in legitimizing him.

Be that as it may, W. W. Blair’s article marked a watershed for the succession debate. As W. Grant McMurray observes, Joseph Smith’s blessings of Joseph III “played virtually no role in the formative years of the Reorganization.”⁶⁶ But Blair’s essay tied the disparate memories of scattered individuals together and raised the Prophet’s appointment of the son from rumor to historical event. It shifted the focus of the church’s apologetic approach from abstract textual arguments and subjective revelations to the

concrete historical claim that the father ordained the son his successor. In the decades that followed, the vividly specific recollection of James Whitehead would become the linchpin of RLDS succession arguments.⁶⁷ Fitting, then, that James Whitehead and Joseph Smith III would serve as the first two principal deponents of the Temple Lot Case.

By 1867, if not earlier, Joseph Smith III sensed that the succession issue could be aired in the courts if attached to a property conflict.⁶⁸ A decade later, the Kirtland Temple offered just such an opportunity. The Church of Latter Day Saints dedicated the structure in 1836. But after the Saints fled the area in 1838, the building passed through multiple hands and fell into disrepair.⁶⁹ By the mid-1870s, there were a confusing jumble of deeds and claims to the structure. Attorney Kim L. Loving of the Community of Christ (the former Reorganized Church) has identified four competing title strands.⁷⁰

The Institutional Title. On 5 May 1834, John and Elsey Johnson conveyed the land upon which the Kirtland Temple would stand to Joseph Smith and his successors in the church presidency. The language of the conveyance implied that Smith and his successors held the legal title in trust for the equitable benefit of the unincorporated church. The title was not perfect; the Johnson-Smith transaction took place, for example, before Johnson fully paid off the property in 1836. But Loving considers this title the strongest of the four title strands.⁷¹

The Individual Title. Believing their earlier transaction was problematic, on 4 January 1837 John and Elsey Johnson conveyed the temple property to Joseph Smith once again, only this time as private property rather than entrusted property. Three

months later, facing an impending \$1,000 illegal banking fine and fearing for the fate of the temple, Joseph and Emma Smith conveyed the title to William Marks of the Kirtland High Council on 10 April 1837. Four years later on 11 February 1841, William and Rosannah Marks sold the property back to Joseph for \$1. While the latter conveyance acknowledged that Smith was the sole trustee-in-trust of the church, it did not stipulate that the property would pass down to successor-trustees. In sum, whereas the original 1834 Johnson-Smith deed indicated that Smith was merely the trustee of the property, in this second title strand he acted as if it were his own private property to buy and sell.⁷²

The LDS Title. Given, perhaps, that his 1841 conveyance to the late Joseph Smith did not mention trustee-successors, William Marks quitclaimed the temple to Newel K. Whitney, George Miller, and their trustee-successors in Brigham Young's Church of Jesus Christ of Latter Day Saints on 23 November 1845. On 15 August 1846, Almon W. Babbitt, Joseph L. Heywood, and John S. Fullmer, the church's new trustees, conveyed the temple to Reuben McBride. On 14 December 1846, McBride and his wife sold the property to George Edmunds of Nauvoo. On 6 April 1847, Edmunds and his wife conveyed the property back to Babbitt, Heywood, and Fullmer and their successors as LDS trustees-in-trust. Loving suspects that the transactions to McBride and Edmunds were designed solely to legitimate the trustees' asking price for the temple. When the trustees still couldn't find a buyer, the LDS Church simply abandoned the property.⁷³

The Huntley Title. Mormon schismatic Russell Huntley took physical possession of the temple in approximately 1860. But seeking to cloud the title and foil potential LDS reclamation efforts, longtime anti-Mormon Grandison Newell and local

businessman William L. Perkins subsequently revived the 1837 illegal banking charge against Joseph Smith, forcing a sham probate sale on 19 April 1862 whereby Perkins obtained the title from the administrator of Smith's estate. Newell and Perkins cited the 1837 Johnson-Smith conveyance in their action, alleging that the temple belonged to Joseph Smith as personal property. Turning a quick profit, Perkins later that day quitclaimed the temple to its caretaker, Huntley. Huntley later joined the Reorganized Church, and after a decade of toil and expense caring for the temple, he quitclaimed the structure on 17 February 1873 to fellow RLDS members Joseph Smith III and Mark H. Forscutt.⁷⁴ Huntley, Smith, and Forscutt paid property taxes on the temple from 1862-1878. Previously, the temple had never been taxed.⁷⁵

Despite his desire for a property-based suit over succession, Joseph III initially looked upon his purchase of the Huntley title as a financial opportunity. Smith and Forscutt purchased the Huntley title with the intent of selling the property to pay off their personal debts.⁷⁶ In 1875, Smith negotiated to sell the property to the town of Kirtland, the temple to be converted to civil space. But the town officer backed out of the deal after discovering imperfections in the title.⁷⁷ To fortify his title, Smith apparently asked RLDS bishop Israel Rogers to issue a quit claim deed to the property on behalf of the Reorganization. But Rogers refused, countering that Smith should give a quit claim deed to the church, as the temple, Rogers believed, rightfully belonged to the Reorganization.⁷⁸ In October 1876, the RLDS general conference concurred that the temple should belong to the Reorganization.⁷⁹ Towards that end, Rogers procured an abstract of the property in 1878. The abstract confirmed the imperfections in the Huntley-Smith-Forscutt title and

revealed that the ecclesiastical trust established in the 1830s represented the property's strongest title. The Kirtland Temple, it was evident, qualified for tax-exempt status and rightly belonged to the successor of Joseph Smith's church.⁸⁰

Despite its flimsy foundation, Joseph III's title was not without potential value. By 1878, he and Forscutt had controlled the temple for five years. Russell Huntley, the man from whom they purchased their title, had controlled the temple the previous eleven years, if not longer. All told, Huntley-Smith-Forscutt had held the property for sixteen years. As title abstracter George E. Paine recommended in 1878, Smith and Forscutt could become the rightful owners of the temple if they simply held onto it without contestation until 1883, the twenty-first anniversary of Huntley's 1862 official acquisition; twenty-one years constituted the requisite time in Ohio to perfect a title by adverse possession.⁸¹ Despite the plan's merits, Smith decided not to go that route.⁸² He also refused to simply turn over his title to the Reorganization, as he wished to be compensated for taxes paid on the property and he recognized that if the church's title derived from the flawed Smith-Forscutt title it would share its vulnerabilities.⁸³ Having said that, Smith did see fit in February 1878 to relinquish the physical upkeep of the temple to the church's chief financial officer, Presiding Bishop Israel Rogers, a decision that would prove enormously consequential for the Reorganization.⁸⁴

By 1878, if not sooner, Joseph III had decided that if the Reorganization were to own the temple, it should do so by perfecting the title through a lawsuit, by having the courts declare the Reorganized Church the successor to Joseph Smith's church and the equitable beneficiary of the Kirtland Temple trust.⁸⁵ RLDS ownership of the temple was

of secondary import to Joseph III; what truly mattered to him was legitimating the RLDS succession claim and delegitimizing the LDS Church in the courts of the land.⁸⁶ This was a strategy not without risks. In a suit pitting the equitable title claim of the Reorganized Church against the legal title claim of its own president (Joseph III) and a prominent elder (Forscutt), there was no guarantee a judge wouldn't see evidence of collusion.⁸⁷ In a suit over Mormon succession, there was no guarantee the courts wouldn't rule in favor of the LDS Church, forcing Smith and Forscutt to relinquish the temple to their nemesis.⁸⁸ Transferring the Smith-Forscutt title to the Reorganization or perfecting their title through adverse possession were probably safer options. But Smith preferred to risk it all by airing the Mormon succession controversy in the courts.

As point man in a prospective suit, Joseph III looked to an old friend, attorney George Edmunds Jr. of Nauvoo.⁸⁹ Born of Quaker heritage in New York State in 1822, Edmunds moved to Hancock County, Illinois in 1845, where he remained the bulk of his life. A real estate lawyer by profession, Edmunds served for many years as legal counsel for the Chicago, Burlington and Quincy Railroad. In the 1870s, he served on the county board of supervisors. A Democrat, Edmunds was cousin to Republican senator George Edmunds of Vermont, who, as chairman of the Senate Judiciary Committee, would sponsor the Edmunds Act (1882) and Edmunds-Tucker Act (1887), legislation that would revolutionize the LDS Church. Personally indifferent to religion, Edmunds nonetheless took considerable interest in Mormon affairs. He served as Emma Smith's attorney in the settlement of Joseph Smith's estate, for which Joseph III felt ever grateful. For decades, Edmunds served as a mentor and advisor to Joseph III, ten years his junior.⁹⁰

But George Edmunds could not serve as lead counsel for the Reorganized Church in the Kirtland Temple Suit. As law partner to LDS trustees Almon W. Babbitt, Joseph L. Heywood, and John S. Fullmer in post-exodus Nauvoo, Edmunds briefly owned a title to the Kirtland Temple in 1845-1846, as detailed above in Loving's title breakdown.⁹¹ Edmunds would serve on the RLDS legal team in the Temple Lot Case a decade later. But for the Kirtland Temple Suit, Joseph III would need to seek counsel elsewhere.

Joseph III turned to Edmund Levi Kelley, a member of a three-person committee appointed at the April 1878 RLDS conference to examine the abstract to the temple.⁹² Born to a Mormon family in Southern Illinois in November 1844, Kelley was the same age as Joseph III's younger brother, David Hyrum Smith. Like many Mormons who lived outside Nauvoo, Kelley's father, Richard, sustained the Twelve after the Prophet's death, only to withdraw his allegiance after visiting their encampments on the Missouri in 1847. In 1854, the Kelleys moved to southwestern Iowa, a hothouse of Mormon sectarianism in the wake of the Twelve's departure. The Kelleys entertained the views of various Mormon factions, joining none. But in 1859, they heard the message of Josephite apostles (and future Temple Lot Case deponents) W. W. Blair and Edmund C. Briggs. In time, the Kelley couple and five of their eight children joined the New Organization. Older brother William joined in 1860 and would serve as an apostle in the RLDS Council of Twelve from 1873-1913. Edmund joined in 1864 at the age of nineteen. In 1870, Edmund experienced a vision that spurred him to dedicate his life to the gospel mission. In 1871-72, he became a priest and served an RLDS mission in Michigan under the supervision of Edmund C. Briggs. Returning to Iowa State University, he graduated with

a law degree in June 1873, opened the Kelley Brothers law firm with brother Parley in Glenwood, Mills County, Iowa, and became superintendent of county schools. In 1876, he married Cassie Bishop, with whom he would have eight children.

Despite his many responsibilities, Kelley notified Joseph Smith III that he would be willing to undertake any assignment for the church. Joseph III found a valuable ally and kindred spirit in Kelley. Smith was calm and restrained, Kelley cantankerous and confrontational. But both men relished intellectual battle, and they both took a decidedly legalistic approach towards Mormon texts and history. Capable and committed, shrewd and fearless, Edmund L. Kelley would prove a great asset to the Reorganization.

Kelley performed a number of tasks in preparation for the suit. He scrutinized the temple's abstract in company with the three-person committee. He forged a working relationship with a non-Mormon co-counsel admitted to the Ohio bar. He pressed RLDS secretary Henry Stebbins for pertinent published documents from Mormonism's early years. He identified potential witnesses. He examined the case law pertaining to ecclesiastical schisms and property suits. Kelley's preparations for the Kirtland Temple Suit ably prepared him for the Temple Lot Case a decade later.⁹³

On 18 August 1879, Kelley filed suit on behalf of the Reorganization in the Court of Common Pleas in Lake County, Ohio. He sought possession of the Kirtland Temple against principal defendants Joseph Smith III, Mark Forscutt, and "the Church in Utah of which John Taylor is President, and commonly known as the Mormon Church, & John Taylor, President of said Utah Church." (By this time, Brigham Young had died, and John Taylor, president of the Quorum of the Twelve, was serving as head of the LDS

Church.) In his pleading, Kelley depicted the Reorganized Church as the only legitimate successor of Joseph Smith's church, and as such, he argued, it was entitled to the property of Smith's church, the Kirtland Temple specifically. Since 1873, Kelley charged, Joseph III, Forscutt, and others had "unlawfully kept the plaintiff out of the possession of said premises." In addition, John Taylor and the church in Utah "claims some title to said property as being the successor to said Original Church contrary to the plaintiffs." For this cause, Kelley ended, the Reorganization asked the court to declare the defendants' titles "null and void as against the said title of the plaintiffs."⁹⁴

To meet the Common Law standard that notice must be served on at least one individual to initiate a case, Kelley served notice on a local Ohio woman whom, as far as can be determined, had nothing to do with either Mormonism or the Kirtland Temple. Loving suspects she was an accommodating employee, friend, or relative of Kelley's local co-counsel, J. B. Burrows.⁹⁵ To notify non-resident defendants, Ohio law required plaintiffs to publish notice in a public organ. And so in an equally parsimonious spirit, Kelley published notice in the Ohio *Painesville Telegraph* for six weeks beginning on 21 August 1879. This was how distant defendants Mark Forscutt and John Taylor and the LDS Church were supposed to find out about the case. Loving concludes: "Kelley provided the defendants with only the bare minimum notice required by the law."⁹⁶

As Kelley seemingly intended, none of the defendants responded, and the petition went undisputed. There were a number of reasons John Taylor and the LDS Church might not have responded to the suit—expenses, polygamy prosecutions, the lapse of time, the desecrated status of the Kirtland Temple, the irrelevance of Kirtland to the Great

Basin Kingdom. But the most likely explanation is that they simply did not learn of the suit until it was too late to respond. The *Painesville Telegraph* was not exactly regular reading in Utah.⁹⁷ Even Mark Forscutt, so pivotal to the Reorganization's seminal *Holy Scriptures*, didn't learn his own church had filed suit against him until after the fact. At the April 1880 RLDS general conference, Forscutt bemoaned "that he had received no such notification; that if he had known of the suit, he should have felt it to be his duty to interpose objections, as his honor was partly at stake in the disposal of the Temple." Forscutt questioned "whether it was morally right to institute a suit against parties whose residence was known, and yet never notify those parties of such suit?"⁹⁸

The case went to trial on 17 February 1880 before Judge Laban Smith Sherman of the Court of Common Pleas in Painesville, Ohio. As expected, none of the defendants appeared. Unwilling to take anything for granted, though, Edmund Kelley and his co-counsel walked Judge Sherman through an array of evidence they hoped would convince him the Reorganized Church, and not the LDS Church, represented the continuation of Joseph Smith's church. Kelley entered into evidence excerpts from early Mormon texts like the *Times and Seasons* and *Doctrine and Covenants*. He questioned septuagenarian RLDS apostle Josiah Ells (who converted to Mormonism in 1838) about the doctrines of Joseph Smith's church and the bona fides of Jason W. Briggs, Zenos H. Gurley Sr., William Marks, and other RLDS founders. In closing, Kelley presented Judge Sherman a draft of a possible judgment—a common practice—declaring the Reorganized Church the successor of Joseph Smith's church and the rightful owner of the Kirtland Temple. Kelley had reason to be pleased with the day's proceedings.⁹⁹

Six days later, on 23 February 1880, Judge Sherman announced his verdict.¹⁰⁰ As Kelley had hoped, Sherman accepted all of his arguments—with one critical exception. Sherman ruled that the Reorganized Church had given sufficient notice to the defendants; that Joseph Smith established a church based upon doctrines set forth in *The Bible, Book of Mormon, and Doctrine and Covenants*; that on 11 February 1841, William and Rosannah Marks conveyed the Kirtland Temple to Joseph Smith, trustee-in-trust of the church; that following Smith's death in 1844, the church scattered and disorganized, its estimated 100,000 members splitting into different factions; that one faction, estimated at 10,000 members, settled in Utah under Brigham Young; that officials and members of the original church resuscitated the faith as the Reorganized Church of Jesus Christ of Latter Day Saints, incorporated in Illinois in 1873; that all rival factions save the Utah church eventually dissolved, their memberships largely joining the Reorganization; that the Reorganized Church upholds the same doctrines and organization as Joseph Smith's church; that the Utah church has largely departed from the original faith, introducing such aberrations as polygamy, celestial marriage, and Adam-God "worship." Then came the statement that Edmund Kelley and all Josephites had longed to hear:

And the Court do further find that the plaintiff, the Reorganized Church of Jesus Christ of Latter Day Saints, is the true and lawful continuation of, and successor to the said original Church of Jesus Christ of Latter Day Saints, organized in 1830, and is entitled in law to all its rights and property.

Defendants Joseph III and Mark Forscutt held "a pretended title," the judge determined, spawned by the farcical probate sale of 1862. He therefore concluded that "the legal title to said property is vested in the heirs of said Joseph Smith [Jr.], in trust for the legal successor of said organized church, and that the plaintiffs are not in possession thereof."

By the terms of the foregoing, one might have expected the judge to order the Prophet's heirs to convey the legal title to the Reorganized Church, holder of the equitable title, since the Reorganization, by virtue of its 1873 incorporation, could now hold property in its own right. Instead, Judge Sherman closed with the following:

And thereupon the Court finds as matter of law that the Plaintiff [Reorganized Church] is not entitled to the Judgment or relief prayed for in its petition. And thereupon it is ordered and adjudged that this action be dismissed at the costs of the Plaintiff.

Instead of providing relief for the equitable title holder, the Reorganized Church, Sherman dismissed the case. It was a stunning conclusion to a judgment that otherwise gave the Reorganization everything it wanted. Judge Sherman had mirrored Kelley's draft throughout, but in the final sentences he threw the case out, nullifying whatever legal weight his opinion would have carried. Sherman did so, according to Kim Loving's analysis, because of a technicality Kelley overlooked in his opening petition.¹⁰¹

Other attorneys might have been embarrassed, but Kelley wasn't inclined to second-guess himself. In the aftermath, Kelley acted as if the case had never been dismissed, as if Sherman's comments on succession carried legal weight. In a word, Kelley declared victory. Providing less than full disclosure, apparently, Kelley permitted Joseph Smith III to disseminate Sherman's opinion nationally without word of the case's dismissal.¹⁰² The *Saints' Herald* published Sherman's judgment with the damning final two sentences omitted.¹⁰³ With nobody contesting Kelley's farcical portrayal of the case, it became commonly understood that the Reorganization won the Kirtland Temple Suit.

Kelley could have filed a technicality-free second suit for the temple but did not do so, most likely because his church was overjoyed with Sherman's assessment of the

succession question. Weighing the historical significance of the suit in 1883, Joseph III concluded: “It has certainly drawn the attention of the world upon us a[s] nothing else has ever done.”¹⁰⁴ The Josephites cited Sherman’s (abbreviated) opinion for many decades to come.¹⁰⁵ As Loving concludes, “the essential purpose of the Kirtland Temple litigation was to establish the legitimacy of the Reorganization,” adding “Ownership of the building itself was thus almost incidental.” But as Loving sees it, “the legal effect of the litigation was at best misapprehended and at worst misrepresented.”¹⁰⁶

Legally, Sherman’s verdict changed nothing. Smith and Forscutt retained their clouded title, the RLDS Presiding Bishop maintained physical control of the structure. Polemically, Sherman’s (abbreviated) opinion changed a great deal. With scarcely anyone aware that Sherman threw the case out, the Reorganized Church became universally acknowledged as the owners of the temple. Given that understanding, neither the LDS Church nor any other potential claimant saw fit to legally challenge the Reorganization’s ownership. As a result, the Reorganization maintained undisturbed control of the temple through the 1880s, the 1890s, and into the twentieth-century. In 1882, Edmund Kelley became counselor to new RLDS Presiding Bishop George A. Blakeslee. Under their stewardship, the Reorganization repaired the Kirtland Temple, conducted interpretive tours therein, and placed the church’s stamp on the structure.¹⁰⁷ In 1899, the church replaced the original placard above the east entrance with the following placard: “REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS IN SUCCESSION BY ORDER OF COURT FEBRUARY 1880.”¹⁰⁸ After twenty-one years of adverse possession—Loving puts the conclusive date at 1901—the Reorganized

Church became the lawful owners of the Kirtland Temple. Thus even though the judge threw the case out, Kelley's decision to ignore the dismissal and trumpet the remainder of Sherman's opinion helped the Reorganization legitimate its adverse possession of the structure, resulting ultimately in Smith, Forscutt, and their heirs forfeiting title and the Reorganized Church perfecting its title. The Kirtland Temple Suit helped the Reorganization win the temple, but only in a roundabout manner that few understood.¹⁰⁹

The Kirtland Temple Suit foreshadowed the Temple Lot Case. The issues were similar, the evidence was similar, the title strands were similarly labyrinthine, and some of the same individuals and institutions were involved. Yet there were major differences as well. The defendants actually put up a fight in the Temple Lot Case, and as a result, the Temple Lot Case lasted many more years, involved many more people, and produced much more documentation. The Kirtland Temple Suit was a one-sided farce; the Temple Lot Case was a genuine court battle. But the former gave the Reorganization experience with a religious property suit, experience their opponents would not possess.

Endnotes

¹ Joseph Smith III, "Autobiography," in Edward W. Tullidge, *The Life of Joseph the Prophet* (Plano, IL.: Herald Publishing House, 1880), 772.

² "Early Reorganization Minutes," 6 April 1860, in Richard P. Howard, *The Church Through the Years* 2 vols. (Independence: Herald Publishing House, 1992-1993), 1:375; "The Mormon Conference," *Ambony Times*, 14 April 1860, reprinted in *SH* 1 (May 1860), 101-105, and *HRC*, 3:250-251; "Minutes of Conference," 6 April 1860, *SH* 1 (May 1860), 105-106; conference resolutions, 6 April 1860, in *Compilation of General Conference Resolutions, 1852-1915* (Lamoni: Board of Publication of the Reorganized Church of Jesus Christ of Latter Day Saints, 1916), 7. Questions would later emerge over whether the officiators properly ordained Joseph III to the high priesthood before ordaining him president of the high priesthood. Contemporary minutes report only one ordination. But Joseph III insisted he did in fact receive two ordinations, evidently without the officiators removing and resetting their hands on his head. See the Joseph Smith III deposition, 27-28 January 1892, in 48-49 (Q11), 51 (Q52, 55-57), 120-122 (Q971-1011).

³ Roger D. Launius, *Joseph Smith III: Pragmatic Prophet* (Urbana: University of Illinois Press, 1988), and *Father Figure: Joseph Smith III and the Creation of the Reorganized Church Administrative Biography Series* (Independence: Herald Publishing House, 1990). See also Robert D. Hutchins, "Joseph

Smith III: Moderate Mormon” (M. A. thesis: Brigham Young University, 1977); Charles Millard Turner, “Joseph Smith III and the Mormons of Utah” (Ph.D. dissertation: Graduate Theological Union, 1985).

⁴ Such are the interpretive themes of Alma R. Blair, “Reorganized Church of Jesus Christ of Latter Day Saints: Moderate Mormons,” in F. Mark McKiernan, Alma R. Blair, and Paul M. Edwards, eds., *The Restoration Movement: Essays in Mormon History* rev. ed. (Independence: Herald Publishing House, 1992), ch. 7; Launius, *Joseph Smith III*; Hutchins, “Joseph Smith III”; Clare D. Vlahos, “Moderation as a Theological Principle in the Thought of Joseph Smith III,” *JW* 1 (1981), 3-11.

⁵ A helpful overview of these dynamics can be found in Launius, *Father Figure*, chs. 2-3.

⁶ Roger D. Launius has analyzed this process in *Joseph Smith III*, ch. 7, and “Joseph Smith III and the Quest for a Centralized Organization, 1860-1873,” in *RS*, 2:104-120.

⁷ By 1864, however, the branch that had built up around the Smith family in Nauvoo counted some seventy-five members. See the Joseph Smith III memoirs, in Richard P. Howard, ed., *The Memoirs of President Joseph Smith III (1832-1914)* (Independence: Herald Publishing House, 1979), 79-80.

⁸ Isleta L. Pement and Paul M. Edwards, *A Herald to the Saints: History of Herald Publishing House* (Independence: Herald Publishing House, 1992), 47-50; Launius, *Joseph Smith III*, 148.

⁹ Launius, *Father Figure*, 85.

¹⁰ “The First General Epistle of the President of the Reorganized Church of Jesus Christ of Latter-Day Saints, to all the scattered Saints,” *SH* 6 (August 1861), 121-124, and *HRC*, 3:291-295.

¹¹ Joseph Smith III revelation, 7 October 1861, in *D&C* (RLDS) 114.

¹² General conference resolutions, 6-9 October 1861, in *HRC*, 3:298.

¹³ Joseph Smith III revelation, March 1863, in *D&C* (RLDS) 115.

¹⁴ Joseph Smith III revelation, 4 May 1865, in *D&C* (RLDS) 116. For more on the subject, see Roger D. Launius, *Invisible Saints: A History of Black Americans in the Reorganized Church* (Independence: Herald Publishing House, 1988).

¹⁵ General conference resolutions, 7 April 1865, in “Annual Conference,” *SH* 7 (15 April 1865), 126, and *Resolutions*, 9; Joseph Smith III, “Salutatory,” *SH* 7 (1 May 1865), 129; Pement and Edwards, *Herald*, 56-62.

¹⁶ Joseph Smith III memoirs, in Howard, *Memoirs*, 114; Launius, *Joseph Smith III*, 174.

¹⁷ Joseph Smith III revelation, April 1873, in *D&C* (RLDS) 117. For context and reception, see Richard P. Howard, *Restoration Scriptures: A Study of Their Textual Development* 2d ed. (Independence: Herald Publishing House, 1995), 173. Joseph’s previous counselor, William Marks, died in 1872. Joseph’s other brother, Frederick Granger Williams Smith, died in 1862.

¹⁸ Joseph Smith III and Thomas W. Smith, comps., *A Manual of Practice and Rules of Order and Debate for Deliberative Assemblies of the Church of Jesus Christ of Latter Day Saints* (Plano, IL: Herald Publishing House, 1876); general conference resolution, 6 April 1876, in *Resolutions*, 39.

¹⁹ Roger D. Launius, “Quest for Zion: Joseph Smith III and Community-Building in the Reorganization, 1860-1900,” in *RS*, 3:316-317; Smith, “Autobiography,” in Tullidge, *Joseph the Prophet*, 775-776.

²⁰ Joseph Smith III epistle, 7 November 1860, in “An Address To The Saints,” *SH* 1 (November 1860), 254-256; “Pleasant Chat,” *SH* 13 (1 June 1868), 168-169.

²¹ Jason W. Briggs revelation, 18 November 1851, in “History of the Reorganized Church,” *The Messenger* 2 (November 1875), 1, and *HRC*, 3:201.

²² Roger D. Launius, “The Mormon Quest for a Perfect Society at Lamoni, Iowa, 1870-1890,” *Annals of Iowa* 47 (Spring 1984), 325-342, and *Joseph Smith III*, ch. 8.

²³ Craig S. Campbell, *Images of the New Jerusalem: Latter Day Saint Faction Interpretations of Independence, Missouri* (Knoxville: University of Tennessee Press, 2004), 111-116.

²⁴ For early RLDS support for baptism for the dead, see “The Early Revelations,” *SH* 1 (March 1860), 67-68; “Special Conference,” *SH* 6 (1 October 1864), 106; “Baptism for the Dead,” *SH* 6 (1 November 1864), 129-132; “Letter from W. W. Blair,” *SH* 6 (15 November 1864), 155-159.

For early RLDS support for plural gods, see “A Plurality of Gods,” *SH* 1 (December 1860), 280-283; Council of Twelve minutes, 2-5 May 1865, CofC Archives; *Synopsis of the Faith and Doctrines of the Church of Jesus Christ of Latter Day Saints* (Plano, IL., 1865), 296-302.

For early RLDS uses of the King Follett discourse, see “Eternity of All Spirits,” *SH* 9 (1 May 1864), 131; *Synopsis*, 302.

For early RLDS uses of *The Book of Abraham*, see “The Early Revelations,” *SH* 1 (March 1860), 63; “Two Lineal Priesthoods,” *SH* 1 (May 1860), 118-122; “A Plurality of Gods,” *SH* 1 (December 1860), 280-283; “Brigham Young versus Joseph Smith, Sen.,” *SH* 1 (December 1860), 283-285. Isaac Sheen reprinted the entire *Book of Abraham* in “The Book of Abraham,” *SH* 3 (July 1862), 1-10. He later reprinted it as a pamphlet, as indicated in “Books for Sale,” *SH* 5 (1 April 1864), 112.

²⁵ Council of Twelve minutes, 2-5 May 1865, CofC Archives.

²⁶ *HRC*, 2:569; Joseph Smith III to J. W. Peterson, 16 June 1902, Miscellany Collection, CofC Archives.

²⁷ Joseph Smith III to J. W. Peterson, 16 June 1902, Miscellany Collection, CofC Archives.

²⁸ “The Godhead,” *SH* 29 (15 April 1881), 234; Zenos H. Gurley Jr., “The Godhead,” *SH* 29 (1 May 1881), 246.

²⁹ Council of Twelve minutes, 1-5 May 1865 and 4 April 1892, CofC Archives; “Editorial,” *SH* 21 (15 July 1874), 434; general conference resolutions, 11 April 1884 and 9 April 1886, in *Resolutions*, 72, 78, respectively; Joseph Smith III to L. L. Barth, 26 May 1893, JSIII Letterbook #4, CofC Archives.

³⁰ “The Apostacy of the Latter Day Saints,” *SH* 3 (April and May 1863), 188-192 and 203-207, respectively; general conference resolutions, 9 April 1886, in *Resolutions*, 78; Joseph Smith III to L. L. Barth, 26 May 1893, in JSIII Letterbook #4, CofC Archives; Frederick B. Blair, comp., *The Memoirs of President W. W. Blair* (Lamoni: Herald Publishing House, 1908), 166.

³¹ William Marks to “Beloved Brethren,” 15 June 1853, in *Zion’s Harbinger and Baneemy’s Organ* 3 (July 1853), 53; William Marks, “Opposition to Polygamy, by the Prophet Joseph,” and Isaac Sheen, “The Mormons Again,” in *SH* 1 (January 1860), 22-23 and 23-24, respectively; Council of Twelve minutes, 2-5 May 1865 and 9 April 1867, CofC Archives; William Marks to Hiram Falk and Josiah Butterfield, 1 October 1865, in Launius, *Joseph Smith III*, 199; William E. McLellin to Joseph Smith III, 10 January 1861 and July 1872, in Stan Larson and Samuel J. Passey, eds., *The William E. McLellin Papers, 1854-1880* (Salt Lake City: Signature Books, 2007), 441-442, 488-489; David H. Smith to Sherman I. Smith, 27 July 1872, in Valeen Tippetts Avery, *From Mission to Madness: Last Son of the Mormon Prophet* (Urbana: University of Illinois Press, 1998), 176-177; Zenas H. Gurley Jr. to Joseph Smith III, 1 January 1874, in Turner, “Joseph Smith III,” 586n134.

³² Council of Twelve minutes, 9 April 1867, CofC Archives.

³³ See, for example, the following sources in CofC Archives: Joseph Smith III to J. L. Traughber, 13 February 1878, JSIII Letterbook #1A; Joseph Smith III to Zenos H. Gurley Jr., 5 March 1886, JSIII Letterbook #4; Joseph Smith III to Mrs. D. C. Chase, 7 January 1893, Miscellaneous Letters and Papers.

³⁴ “The Mormon Conference,” *Amboy Times*, 14 April 1860, in *SH* 1 (May 1860), 103, and *HRC*, 3:248.

³⁵ Historians from Joseph III’s own church now more or less concur on this matter. See Richard Howard, “The Changing RLDS Response to Mormon Polygamy: A Preliminary Analysis,” *JW* 3 (1983), 14-29; Alma R. Blair, “RLDS Views of Polygamy: Some Historiographical Notes,” *JW* 5 (1985), 16-28; Launius, *Joseph Smith III*, 191-198; Paul M. Edwards, *Our Legacy of Faith: A Brief History of the Reorganized Church of Jesus Christ Of Latter Day Saints* (Independence: Herald Publishing House, 1991), 107-110; Howard, *Church*, 1:292-295. The ablest counter-argument is Richard and Pamela Price, *Joseph Smith Fought Polygamy: How Men Nearest the Prophet Attached Polygamy to His Name in Order to Justify Their Own Polygamous Crimes* vol. 1 (Independence: Price Publishing Company, 2000). Subsequent chapters of the Prices’ work are available at <http://restorationbookstore.org/jsfp-index.htm>.

³⁶ Joseph Smith III to Zenas H. Gurley Jr., 2 April 1879, in Howard, “RLDS Response to Mormon Polygamy,” 17-18. See also the following publications of Joseph Smith III: *A Reply to Orson Pratt* (Plano, IL: True Latter Day Saints Herald Office, n.d.); *One Wife, or Many?* (Lamoni: The Reorganized Church of

Jesus Christ of Latter Day Saints, n.d.); *Polygamy Not Of God* (Lamoni: Supplement to the *Saints' Advocate*, n.d.); *Reply of Pres. Joseph Smith, to L. O. Littlefield, in Refutation of the Doctrine of Plural Marriage* (Lamoni: Reorganized Church of Jesus Christ of Latter Day Saints, 1885); *Plural Marriage in America* (N.p., n.d.); *Plural Marriage in America: A Critical Examination* (Lamoni: Herald Publishing House, n.d.). For secondary analyses, see Turner, "Joseph Smith III," passim; Roger D. Launius, "Methods and Motives: Joseph Smith III's Opposition to Polygamy, 1860-90," *Dialogue* 20 (Winter 1987), 105-121.

³⁷ See, for example, "Last Testimony of Sister Emma," *SH* 26 (1 October 1879), 289-290; Heman C. Smith, *Was Joseph Smith a Polygamist?* (Lamoni: Herald Publishing House, 1899); Richard C. Evans, *Latter-day Polygamy: Its Origin* (Independence: Ensign Publishing House, c. 1900).

³⁸ W. W. Blair journal, 17 June 1874, CofC Archives.

³⁹ Joseph Smith III journal, 20 April 1885, CofC Archives.

⁴⁰ Howard, "RLDS Response to Mormon Polygamy; Blair, "RLDS Views of Polygamy."

⁴¹ General conference resolution, 8 October 1863, in *Resolutions*, 8-9; Howard, *Restoration Scriptures*, 167-173.

⁴² These sections of the RLDS *D&C* and their LDS equivalents are as follows: Zion's Camp authorization (RLDS 100/LDS 103), Zion's Camp failure (RLDS 102/LDS 105), Thomas B. Marsh (RLDS 105/LDS 112), tithing (RLDS 106/LDS 119), Nauvoo Temple (RLDS 107/LDS 124), Baptism for the Dead epistles (RLDS 109, 110/LDS 127, 128), and Taylor's eulogy (RLDS 113/LDS 135).

⁴³ *D&C* (RLDS) 22 and 36, corresponding to chapters one and seven of the LDS *Book of Moses*. Sheen relied on published excerpts of the Prophet's *Old Testament* translation, as he did not have the original manuscripts available for consultation. For Moses' theophany, he relied on the transcript published in the "History of Joseph Smith," *T&S* 4 (16 January 1843), 71-73; for Enoch's theophany, he consulted "Extract from the Prophecy of Enoch," *E&MS* 1 (August 1832), 2-3, and "History of Joseph Smith," *T&S* 4 (1 October 1843), 336-339. Unbeknownst to Sheen, these published texts relied on manuscripts that did not reflect Joseph Smith's latest revisions. See Kent P. Jackson, *The Book of Moses and the Joseph Smith Translation Manuscripts* (Provo: BYU Religious Studies Center, 2005), 12-17.

⁴⁴ Hugh G. Stocks, "RLDS Publishing and the Book of Mormon, 1860-1910," *JW* 9 (1989), 62-67. In 1892, the Reorganized Church printed a large-print edition with shorter paragraphs.

⁴⁵ General conference resolutions, 10, 12 April 1866, in *Resolutions*, 9, 11.

⁴⁶ Heber C. Kimball diary, 19 August 1844, in *HCK*, 81; *HC*, 7:260 (19 August 1844); Ronald E. Romig, "The New Translation Materials since 1844," in *JST*, 29-31.

⁴⁷ *The Holy Scriptures, Translated and Corrected by the Spirit of Revelation, by Joseph Smith, Jr., the Seer* (Plano, IL.: The Reorganized Church of Jesus Christ of Latter Day Saints, 1867). On the particulars of the editing and printing process, see Romig, "New Translation," in *JST*, 29-36; Jackson, *Book of Moses*, 20-33; Howard, *Restoration Scriptures*, ch. 7.

⁴⁸ W. W. Blair to Joseph Smith III, 8 February 1868, in *SH* 13 (1 March 1868), 76-77.

⁴⁹ Alma R. Blair, "The Tradition of Dissent-Jason W. Briggs," in *RS*, 1:146-161; Clare D. Vlahos, "The Challenge to Centralized Power: Zenus H. Gurley, Jr., and the Prophetic Office," *Courage: A Journal of History, Action, and Thought* 1 (March 1971), 141-158; Launius, *Joseph Smith III*, ch. 12.

⁵⁰ General conference resolutions, 13 September 1878, in *Resolutions*, 46-47.

⁵¹ *D&C* (RLDS) 114, 115, 116, 117.

⁵² *D&C* (RLDS) 118, 119, 120, 121; Howard, *Church*, 2:146-152.

⁵³ For the significance of the 1878 resolutions for the development of the RLDS canonization process, see Don H. Compier, "Canonization in the Reorganized Church of Jesus Christ of Latter Day Saints," *RS*, 3:178-183; Howard, *Church*, ch. 25 of volume 2.

⁵⁴ Blair, "Briggs," 146-161; Vlahos, "Gurley," 150-158; Launius, *Joseph Smith III*, 285-286.

⁵⁵ David Whitmer, *An Address to All Believers in Christ* (Richmond, MO: by the author, 1887), 38-45; [Ebenezer Robinson,] *The Return* 1 (January 1889)-3 (February 1891), passim; John K. Sheen, ed., *The Writings of Joseph Smith, the Seer. Martyred June 27, 1844* The Relic Library (York, NE: by the author, 1889), and *Polygamy; or The Veil Lifted* (York: NE: by the author, 1889).

⁵⁶ Launius, *Father Figure*, 161-162; Turner, "Joseph Smith III," 384.

⁵⁷ W. Grant McMurray, “‘True Son of a True Father’: Joseph Smith III and the Succession Question,” in *RS*, 1:134-137, 139-140; Turner, “Joseph Smith III,” 228-229, 232. The two emphases—scripture and revelation—were not mutually exclusive.

⁵⁸ W. W. Blair remarks, 6 June 1863, in “Special Conference, *SH* 4 (15 July 1863), 27; Edmund C. Briggs to Isaac Sheen, 12 December 1863, in “Letter From E. C. Briggs,” *SH* 5 (1 February 1864), 47.

⁵⁹ W. W. Blair to *Herald*, [c. July-August 1865,] in “Mission of Bro. W. W. Blair. No. 1,” *SH* 8 (1 October 1865), 101; W. W. Blair journal, 15-16 May 1865, in CofC Archives.

⁶⁰ W. W. Blair to *Herald*, [c. July-August 1865,] in “Mission of Bro. W. W. Blair. No. 1,” *SH* 8 (1 October 1865), 101.

⁶¹ Examples up to 1865 include [Orson Pratt], “Apostate’s Last Hobby,” *New York Messenger* 2 (20 September 1845), 92, in *MH*, 1:232; Heber C. Kimball discourse, 29 June 1856, in *JD*, 4:6; Brigham Young office journal, 28 February and 15 August 1860, in Ronald K. Esplin, “Joseph, Brigham and the Twelve: A Succession of Continuity,” *BYU Studies* 21 (Summer 1981), 336-337; Brigham Young discourse, 3 June 1860, in *JD*, 8:69; Brigham Young discourse, 7 October 1863, in Andrew F. Ehat, “Joseph Smith’s Introduction of Temple Ordinances and the 1844 Mormon Succession Question” (M.A. thesis: Brigham Young University, 1982), 243-244.

⁶² *MH*, 1:602.

⁶³ *Idem*, 1:576.

⁶⁴ Cahoon’s presence is mentioned in the Alexander Hale Smith journal, [May 1864], CofC Archives; James Whitehead deposition, 26 January 1892, in TLC-C, 1:25 (Q52). Cahoon’s death is referenced in Robert L. Marrott, “Cahoon, Reynolds,” in Arnold K. Garr, Donald Q. Cannon, and Richard O. Cowan, eds., *Encyclopedia of Latter-day Saint History* (Salt Lake City: Deseret Book, 2000), 165.

⁶⁵ John Taylor died in 1887. See *MH*, 1:599. W. W. Phelps died in 1872. See Sydney Marie Hughes, “Phelps, William W.,” in Garr, Cannon, and Cowan, *Encyclopedia*, 918. John M. Bernhisel died in 1881. See Arnold K. Garr, “Bernhisel, John M.,” in Garr, Cannon, and Cowan, *Encyclopedia*, 98.

⁶⁶ McMurray, “True Son of a True Father,” 139.

⁶⁷ *Idem*, 141-143; Turner, “Joseph Smith III,” 232, 234.

⁶⁸ Joseph Smith III to George Edmunds, 8 August 1867, in Turner, “Joseph Smith III,” 318.

⁶⁹ Christin Craft Mackay and Lachlan Mackay, “A Time of Transition: The Kirtland Temple, 1838-1880,” *JWJ* 18 (1998), 133-148; Roger D. Launius, *The Kirtland Temple: A Historical Narrative* (Independence: Herald Publishing House, 1986), 90-99.

⁷⁰ Kim L. Loving, “Ownership of the Kirtland Temple: Legends, Lies, and Misunderstandings,” *JMH* 30 (Fall 2004), 1-80. My summary, complicated as it is, is an oversimplification of the details Loving provides. The summary titles are my own, not Loving’s.

⁷¹ *Idem*, 3-9, 11, 17, 18, 21-22. Under the terms of the document, the trustee(s) had no authority to convey or mortgage the property. Smith and his successors would need judicial authorization to do so.

⁷² *Idem*, 9-11, 14-15, 17, 21.

⁷³ *Idem*, 12-15, 21, 25-26.

⁷⁴ *Idem*, 15-17, 21, 27-30, 36.

⁷⁵ *Idem*, 21, 31-33, 37.

⁷⁶ Joseph Smith III to Emma Smith Bidamon, 8 March 1873, in Loving, “Kirtland Temple,” 29.

⁷⁷ Joseph Smith III to Alexander Fyfe, 9 July 1881, in Roger D. Launius, “Joseph Smith III and the Kirtland Temple Suit,” *BYU Studies* 25 (Summer 1985), 114-115, and Loving, “Kirtland Temple,” 29-30.

⁷⁸ Launius, *Kirtland Temple*, 109; Launius, “Kirtland Temple Suit,” 114n14.

⁷⁹ *Resolutions*, 41; *HRC*, 4:148.

⁸⁰ Joseph Smith III to Mark H. Forscutt, 23 February 1878, and “General Conference Minutes, April 6-14, 1878,” in Loving, “Kirtland Temple,” 30-31 and 32, respectively.

⁸¹ George Paine to Henry A. Stebbins, 23 December 1878, in Loving, “Kirtland Temple,” 34-36.

⁸² Loving, “Kirtland Temple,” 36-38.

⁸³ Joseph Smith III memoirs, in Loving, “Kirtland Temple,” 37-38, 72; Joseph Smith III to Alexander Fyfe, 9 July 1881, in Launius, “Kirtland Temple Suit,” 114.

⁸⁴ Joseph Smith III to Mark H. Forscutt, 23 February 1878, in Loving, “Kirtland Temple,” 48, 72-73; Israel Rogers, “Presiding Bishop’s Report,” *SH* 27 (15 May 1880), 147, in Barbara Walden, “Prophet, Seer, and Tour Guide: The Changing Message of Kirtland Temple Interpreters from 1830-1930,” *JWJ* 29 (2009), 16n54.

⁸⁵ Joseph Smith III memoirs and Joseph Smith III to George Paine, 31 January 1879, in Loving, “Kirtland Temple,” 37-38 and 44-45, respectively; Joseph Smith III to Alexander Fyfe, 9 July 1881, in Launius, “Kirtland Temple Suit,” 114.

⁸⁶ Israel A. Smith, “The Kirtland Temple Litigation,” *SH* 90 (9 January 1943), 42, in Loving, “Kirtland Temple,” 42; Joseph Smith III memoirs, in Howard, *Memoirs*, 310.

⁸⁷ George Paine to Henry A. Stebbins, 16 January 1879, in Loving, “Kirtland Temple,” 44.

⁸⁸ RLDS leaders were cognizant but generally dismissive of this possibility. See Henry A. Stebbins to George Paine, 14 January 1879, and Joseph Smith III to George Paine, 31 January 1879, in Loving, “Kirtland Temple,” 43 and 45, respectively.

⁸⁹ Loving, “Kirtland Temple,” 45.

⁹⁰ Charles A. Gilchrist, *An Illustrated Historical Atlas of Hancock County* (Chicago: A. T. Andreas, 1874), 110; *Platbook of Hancock County Illinois* (Chicago: Alden, Ogle and Co., 1891), 117-118; Joseph Smith III memoirs, in Howard, *Memoirs*, 39, 48, 62-63, 78, 191, 218, 277, 450; Charles J. Scofield, ed., *History of Hancock County* (Chicago: Munsell Publishing Company, 1921), 696-697, 729-730, 736, 759, 760, 1050, 1064-1065, 1098, 1412, 1423-1424, 1427; Robert M. Cochran, et. al., *History of Hancock County, Illinois: Illinois Sesquicentennial Edition* (Carthage, IL: Board of Supervisors of Hancock County, 1968), 97-98n1, 210-211, 626

⁹¹ Loving, “Kirtland Temple,” 45; Joseph Smith III memoirs, in Howard, *Memoirs*, 62.

⁹² “General Conference Minutes, April 6-14, 1878,” *SH* 25 (1 May 1878), 129, 135, 139, in Loving, “Kirtland Temple,” 32-33, 45.

The following sketch is based upon *MRLDS*, 4:828; *HRC*, 4:726; Benjamin F. Gue and Benjamin F. Shambaugh, *Biographies and Portraits of the Progressive Men of Iowa: Volume 2, Leaders in Business, Politics and the Professions, together with the beginnings of A Western Commonwealth* (Des Moines: Conaway & Shaw, 1899), 338-341; J. M. Howell and Heman C. Smith, eds., *History of Decatur County Iowa and Its People* (Chicago: S. J. Clarke Publishing Company, 1915), 1:97-100; W. Z. Hickman, *History of Jackson County Missouri* (Topeka and Cleveland: Historical Publishing Company, 1920), 685-688; Roy Cheville, *They Made A Difference: A Roster of Thirty Persons Whose Participation Made Significant Impact upon the Latter Day Saint Movement* (Independence: Herald Publishing House, 1970), 247-257; Edmund G. Kelley, *The Making of a Frontier Missionary: ...the early years of Apostle William H. Kelley* (Independence: Herald Publishing House, 1980), 12-17, 90-94, 173-192; Joseph Smith III memoirs, in Howard, *Memoirs*, 319, 456.

⁹³ Loving, “Kirtland Temple,” 46-48. Focusing on precedents that rewarded doctrinal and procedural continuity in divided churches, Kelley felt confident the case law would help the Reorganization, overlooking the substantial body of cases that prioritized the rule of the majority in divided churches over doctrinal and other considerations.

⁹⁴ *The Reorganized Church of Jesus Christ of Latter Day Saints v. Lucius Williams, Joseph Smith III, Mark H. Forscutt, the Church in Utah of which John Taylor is President, and commonly known as the Mormon Church, & John Taylor, President of said Utah Church: Bill of Complaint*, 18 August 1879 (Lake County, OH: Court of Common Pleas), in Loving, “Kirtland Temple,” 50-52. Kelley avoided the proper name of the LDS Church, as it bore too strong a resemblance to the final name of Joseph Smith’s church.

⁹⁵ Loving, “Kirtland Temple,” 52.

⁹⁶ *Painesville Telegraph*, 21 August 1879, in idem, 52-54.

⁹⁷ Eric Paul Rogers and R. Scott Glauser, “The Kirtland Temple Suit and the Utah Church,” *JMH* 30 (Fall 2004), 81-97.

⁹⁸ “Conference Minutes Supplement,” *SH* 27 (1 June 1880), 180, in Loving, “Kirtland Temple,” 67-69.

⁹⁹ Loving, “Kirtland Temple,” 58-59.

¹⁰⁰ *The Reorganized Church of Jesus Christ of Latter Day Saints v. Lucius Williams, Joseph Smith III, Mark H. Forscutt, the Church in Utah of which John Taylor is President, and commonly known as the Mormon Church, & John Taylor, President of said Utah Church: Opinion*, 23 February 1880 (Lake County, OH: Court of Common Pleas), in Loving, “Kirtland Temple,” 60-62.

¹⁰¹ Loving, “Kirtland Temple,” 48, 66, 71. For somewhat differing explanations of Sherman’s reasoning, see Launius, *Joseph Smith III*, 260; Turner, “Joseph Smith III,” 324, 591n176.

¹⁰² Joseph Smith III sent dispatches to the *Chicago Tribune*, *Chicago Times*, *Chicago Evening Journal*, *Chicago Inter-Ocean*, and *Burlington Hawkeye*. See Turner, “Joseph Smith III,” 591n178.

¹⁰³ “The Reorganization in Court,” *SH* 27 (15 March 1880), 89, in Loving, “Kirtland Temple,” 63-64.

¹⁰⁴ Joseph Smith III to Edmund L. Kelley, 10 July 1883, in Loving, “Kirtland Temple,” 74.

¹⁰⁵ See, for example, Rudolph Etzenhouser, *The Whole Gospel Briefly Set Forth* (Lamoni: Board of Publication of the Reorganized Church of Jesus Christ of Latter Day Saints, 1908), 24-25, 28; F. E., *Joseph Smith in His Own Defense* (Lamoni: Herald Publishing House, n.d.), 37-38; Elbert A. Smith, *The Church in Court* (Lamoni: Herald Publishing House, n.d.), 3-6; Heman C. Smith, “The Reorganized Church of Jesus Christ of Latter Day Saints,” *Journal of History* 13 (January 1920), 71-73; *HRC*, 4:302-304; Inez Smith Davis, *The Story of the Church* (Independence: Herald Publishing House, 1969), 554.

¹⁰⁶ Loving, “Kirtland Temple,” 42-43 and 78, respectively.

¹⁰⁷ Joseph Smith III memoirs, in Howard, *Memoirs*, 200; Barbara Walden, “The Kirtland Letters of Catherine ‘Cassie’ Kelley,” *JWJ* 24 (2004), 125-134; Walden, “Kirtland Temple Interpreters,” 16-18.

¹⁰⁸ Loving, “Kirtland Temple,” 76.

¹⁰⁹ *Idem*, 2, 72-74.

Chapter Thirteen
The Hedrickites
1863-1881

Granville Hedrick argued in 1856 that a church president properly elected and ordained would receive the spiritual gifts of a prophet, seer, and revelator.¹ And so it was that on 16 August 1863, one month after his presidential ordination, Hedrick received his first revelation as Mormonism's prophet. Therein the Lord explained that due to disobedience, early Mormons were expelled from Jackson County in November 1833; due to pride, Joseph Smith concocted the ill-fated Zion's Camp march; due to iniquity, the Prophet and his people became susceptible to false doctrines; due to a merciful Lord, a man would yet arise to redeem Zion.² In so many words, the revelation pinpointed the date of Smith's prophetic fall. Smith's 16 December 1833 revelation, promising Zion's redemption, came of God; his 24 February 1834 revelation, authorizing Zion's Camp, did not. Before 24 February 1834, in other words, Smith was a true prophet; on 24 February 1834, he became a fallen prophet.³ In this manner, Hedrick's 1863 revelation qualified his stance towards the first edition of *The Doctrine and Covenants* (1835). Heretofore he had accepted the first edition more or less without reservation; hereinafter the church he led rejected all revelations in the text dated 24 February 1834 and after.⁴ The 24 February 1834 demarcation would ever after distinguish the Hedrickites from other wings of Mormonism, and it would be the subject of questioning in the Temple Lot Case.

Granville Hedrick received a second revelation about Mormons in Missouri several months later on 24 April 1864.⁵ But whereas his 1863 revelation focused on the past, his 1864 revelation focused on the future. Hedrick's 1864 revelation has received

merely a footnote in the broad scope of Mormon historiography, but it is actually one of the most remarkable revelatory texts in Mormon history. The predictions were bold, the circumstances horrendous, and the outcome surprising. Not only that: The Temple Lot Case would not have happened without Hedrick's 1864 revelation.

To fully appreciate the 1864 revelation, we need to revisit the Mormon experience in Missouri. Despite the expulsion from Jackson County in 1833 and expulsion from the state in 1838-1839, almost all factions of Mormonism past mid-century continued to believe that the Saints would establish Zion, the New Jerusalem, in Jackson County, Missouri someday. Brigham Young assured his people in 1860: "The day will come, as sure as the sun now shines and the Lord Almighty leads us through...when this people will return to the land of their inheritance."⁶ Granville Hedrick declared in 1868 that "the only appointed place for the gathering of the saints is in the State of Missouri."⁷ Joseph Smith III wrote in 1884: "We believe that the gospel dispensation is a gathering one; and that no other place than Jackson County has been appointed as a centre."⁸

Mormons of all stripes believed the redemption of Zion would take place in the near future. An 1832 Joseph Smith revelation prophesied that the temple of the New Jerusalem would "be reared in this generation; for verily, this generation shall not all pass away until an house shall be built unto the Lord."⁹ Brigham Young promised the April 1845 Nauvoo general conference that "as the Lord lives we will build up Jackson county in this generation (cries of amen)."¹⁰ Decades later, the prophetic deadline remained of vital concern to Joseph Smith III: "Time is passing, the generation will soon be gone."¹¹

Yet the prophetic promises for Jackson County were a nettlesome matter for mid-century Mormons, as not a single Mormon lived in Jackson County. After the violence of the 1830s, Mormons were nervous about entering Missouri, and Jackson County in particular. When Joseph Smith and company visited the Temple Grounds at the conclusion of Zion's Camp in 1834, they did so stealthily.¹² When several apostles visited the Far West temple grounds in 1839, they did so as quickly as possible.¹³ Over the next two decades, however, Mormons discovered that they could operate without debilitating opposition in Missouri's myriad river towns. Mormons traveling on the Mississippi to and from Nauvoo became familiar figures in St. Louis and other Missouri ports in the early 1840s. Later that decade and into the 1850s, LDS migrants en route to Utah used various Missouri River ports as waystations, including, for a season, Westport and the City of Kansas (the future Kansas City) in Jackson County.¹⁴ By the mid-1850s, then, it had become apparent that most Missourians would tolerate Mormons so long as the Saints were heading elsewhere or they weren't settling in sufficient numbers to challenge the local status quo. Still, the most pertinent question remained unanswered: Would Jackson County tolerate a sizeable and permanent Mormon presence?

Subsequent events offered a definitive answer to that question, or so it seemed. In 1854, the U. S. Congress passed the Kansas-Nebraska Act, creating the Kansas Territory in the former Indian Territory on Jackson County's western border and leaving its status as a free or slave territory up to popular vote.¹⁵ Sensing an opportunity and a threat, Missouri's pro-slavery senator, David Atchison, an attorney who defended the Mormons in the 1830s, enthused with grim irony: "We intend to 'Mormonize' the Abolitionists."

Determined to turn the new territory for slavery, hundreds of proslavery residents from Jackson County and western Missouri crossed into Kansas, cast illegitimate votes, and murdered and intimidated anti-slavery settlers.¹⁶ Jackson County residents helped ignite a regional civil war antedating, and in no small part precipitating, the national Civil War.

During the Civil War proper (1861-1865), no region on the continent experienced such sustained lawlessness and barbarism as western Missouri. Here, more thoroughly than elsewhere, the Civil War transformed from a “limited war” fought among soldiers into an almost “total war” against civilians.¹⁷ Confederate guerrillas slaughtered hundreds; the free soil Kansas Seventh Cavalry ravaged the area. The State of Missouri officially sided with the Union, but rebel guerrillas coordinating with Sterling Price’s Confederate forces decimated Union railways and supplies. To isolate the guerrillas, Union General Thomas Ewing issued his infamous Order No. 11 on 25 August 1863, expelling thousands of residents and incinerating all structures in four western Missouri counties. Jackson County became a smoldering no-man’s land.¹⁸ If Mormons were wondering if Jackson County had become more tolerant over the years, the events of Bleeding Kansas and the Civil War seemed to answer a resounding “no.”

Such were the circumstances when Granville Hedrick issued his revelation before thirteen fasting and praying church members on 24 April 1864. Far from avoiding the charred wasteland of Jackson County, the revelation commanded church members to return to the Temple Grounds in Jackson County:

[P]repare, O ye people, yourselves in all things, that you may be ready to gather together upon the consecrated land which I have appointed and dedicated by My servant, Joseph Smith and the first Elders of My church, in Jackson County, State of Missouri, for the gathering together of My Saints that they might be assembled

in the day of My chastening hand, when your Lord will pour out His wrath and indignation upon the ungodly.

Safety in Zion, destruction in Babylon—the apocalyptic dualism of Joseph Smith’s revelations pervaded Hedrick’s revelation and seemed even more fantastical, given the facts on the ground, than it had thirty years earlier. But Hedrick’s revelation didn’t just demand a seemingly suicidal return to Jackson County—it set a deadline too. More date-specific than any of Smith’s Zion revelations, Hedrick’s 1864 revelation gave his people a window of just three years to return to Jackson County:

[P]repare yourselves and be ready against the appointed time which I have set and prepared for you, that you may return in the year A. D. 1867, which time the Lord, by your prayers and faithfulness in all things, will open and prepare a way before you that you may begin to gather at that time.

Time was of the essence for the gathering of the godly, the revelation indicated, because the Civil War would pale compared to the judgments soon to follow on the wicked:

Hear, now, O ye people of My church—take counsel together that you may escape the awful calamity of war and famine which shall fall upon this people of the Northern States, beginning in the year 1871, at which time the sword shall fall heavily upon the people, and famine shall quickly follow, and thus shall the sword continue to be drawn, and by bloodshed shall this nation war and contend until they are overthrown and their liberties taken away from them, which shall terminate in the year 1878, and thus anarchy and destruction shall reign throughout the dominions of the wicked while you, the people of My church, shall be assembled and grow up into a peaceable multitude....

So went Granville Hedrick’s 1864 revelation.¹⁹ Sweeping, specific, uncompromising, and risky, it left little wiggle room for the Hedrickites. Peaceful Illinois farmers would have to leave their homes, upend their families, and enter a war zone.

As we've seen, the Church of Jesus Christ (of Latter Day Saints) hit its stride during the Civil War—appointing apostles (May 1863), appointing a president (July 1863), and receiving revelations (August 1863/April 1864) that clarified the timelines of Joseph Smith's fall and Zion's redemption. In July 1864, the Hedrickites' momentum continued with the publication of the inaugural issue of their first newspaper, *The Truth Teller*, published monthly by Adna C. Haldeman in Bloomington, Illinois.²⁰

The Truth Teller offered an uncompromisingly stark, dualistic interpretation of Joseph Smith. The masthead of the first six issues (July-December 1864) declared that *The Truth Teller* would offer “an exposition of all the False Doctrines that have been imposed upon the Church.”²¹ True to its word, these six issues, edited evidently by Haldeman but authored chiefly by Hedrick, lambasted fallen prophet Joseph Smith for Zion's Camp,²² financial speculation at Kirtland,²³ the Danites and the tithing revelation at Far West,²⁴ the 1841 revelatory deflection from Jackson County,²⁵ polygamy, polytheism, and baptism for the dead at Nauvoo,²⁶ and his failure to publicly appoint a successor.²⁷ It was quite possibly the most devastating critique of the Prophet written up to that time by individuals who still believed to some degree in his prophetic inspiration.

By December 1864, however, Granville Hedrick feared he might be turning off readers from Joseph Smith altogether.²⁸ Pivoting quickly, the masthead of the January 1865 issue announced that the paper would hereinafter demonstrate that “Joseph Smith was once a great and true Prophet of God.”²⁹ True to its word, the remaining six issues of volume one (January-June 1865), edited and almost certainly authored by Hedrick, defended the truth of *The Book of Mormon* and Smith's revelations up to February

1834.³⁰ The January issue documented that the Civil War, the devastation in Jackson County, and the nation's horrific cholera outbreak fulfilled prophecies of Smith and *The Book of Mormon*.³¹ Subsequent issues presented ethnographic and archeological evidence confirming the historicity of *The Book of Mormon*.³² The dual six issue spans were as bifurcated an interpretation of Joseph Smith's work as one could imagine.

The Truth Teller also revealed that whereas the Crow Creek Branch of the 1850s had defined itself in large measure by its reaction against the Brighamites, by 1864 the Hedrickites were more immediately concerned with the Josephites. *The Truth Teller* kept up a running controversy in its first months with *Saints' Herald* editor Isaac Sheen and *Herald* contributor, future First Presidency counselor, and future Temple Lot Case deponent W. W. Blair. *The Truth Teller* questioned Sheen's judgment for formerly championing William Smith.³³ It characterized Blair as an unchristian opponent of free speech.³⁴ More substantively, *The Truth Teller* deemed the "New Organization" an appropriate title for a church that came into existence in 1853 and was not the continuation of the original Mormon Church.³⁵ It criticized the New Organization for retaining Joseph Smith's false doctrines of plural gods and baptism for the dead (this was before Joseph III distanced the Reorganization from these Nauvoo doctrines).³⁶ It questioned the prophetic pretensions of Joseph III: "Has he revealed something that was not before known?"³⁷ But the paper reserved its greatest vitriol for the doctrine of lineal priesthood, characterizing it as an unscriptural, anti-republican, and anti-democratic falsehood invented after the Prophet's death by William Smith and Isaac Sheen.³⁸

The Truth Teller didn't heap as much scorn on the LDS Church. To be sure, it characterized the Brighamites as rebels against God and government, and polygamy as an anti-republican practice that needed to be crushed.³⁹ But it also portrayed the LDS Church as the rightful successor of the fallen church Joseph Smith left behind at Nauvoo. If one accepted the remarks pertaining to the Twelve in Smith's false 1841 revelation, Granville Hedrick commented, one should accept the legitimacy of the Twelve's interim leadership after the Prophet's death.⁴⁰ On more than one occasion, the paper opined that the Brighamites were doing nothing but what they had learned from Joseph Smith; Brigham Young was simply carrying out the false teachings of a fallen prophet.⁴¹ Indeed, if Smith really blessed Joseph III to serve as his successor, Adna Haldeman quipped, Joseph III should be leading the LDS Church, not the upstart New Organization.⁴²

Finally, *The Truth Teller* clarified and publicized the doctrines of its sponsor church. It gave prominent coverage to Granville Hedrick's revelations.⁴³ It laid out the church's basic gospel beliefs.⁴⁴ It reprinted and recommended Joseph Smith's 1833 dietary revelation, the "Word of Wisdom."⁴⁵ It rebutted the charge that the Hedrickites embraced *The Book of Commandments* (1833), clarifying that they had accepted the first edition of *The Doctrine and Covenants* (1835) unconditionally until the 1863 revelation specified that the church should only accept Smith's revelations up to February 1834.⁴⁶ It identified Hedrick's Church of Jesus Christ (of Latter Day Saints) as the same body organized by Joseph Smith in 1830, "which Church Organization is the only one now on earth, that God has accepted by Revelation through its Revelator."⁴⁷

After twelve issues, fiscal constraints forced the Hedrickites to suspend publication of *The Truth Teller*.⁴⁸ By then, though, the newspaper had already done much to fortify and differentiate the identity of The Church of Jesus Christ (of Latter Day Saints). Good thing too, because soon the Hedrickites would embark on a task no other Mormons had dared try in over three decades—settle in Jackson County.

Granville Hedrick's April 1864 revelation promised that the Lord would open a way for the redemption of Zion. Subsequent events seemed to bear out the prediction, as the final stages of the Civil War purged or at least moderated Jackson County's most violent elements. Samuel Curtis's Union Army broke Sterling Price's Confederate Army and guerrilla allies at the October 1864 Battle of Westport in Kansas City.⁴⁹ Unionists took control of Jackson County, stripped local Confederates of rights, abolished slavery, and granted limited civil rights to blacks. Jackson County, a former bastion of pro-slavery sentiment, now became officially Republican.⁵⁰ Scattered rebels like Jesse James inaugurated new waves of lawlessness in western Missouri, but most residents by the end of war sought nothing but peace and prosperity. They wanted war no more.⁵¹

Into this providential opening came a vanguard of three brave Illinois families from the Church of Jesus Christ (of Latter Day Saints). In October 1865, six months after the war, John H. Hedrick, Granville's younger brother, purchased a farm east of Independence, making him in all likelihood the first Mormon to settle in Jackson County since 1833. John T. Clark and Jedediah Owen (the latter the father of a Temple Lot Case deponent) followed behind, purchasing farms in Jackson County in April and July 1866,

respectively.⁵² A caravan of several families followed that winter, arriving on 27 February 1867, the target-year of Granville Hedrick's 1864 revelation, led reportedly by George P. Frisbey, who would figure prominently in the Church of Christ during the Temple Lot Case a quarter of a century later.⁵³ With the caravan's arrival, the church gathered at the home of earlier arrival John T. Clark on 3 March 1867, the first Mormon service held in Zion in three decades.⁵⁴ Ironically, Granville Hedrick himself didn't arrive in Missouri until 1868-1869.⁵⁵ Meanwhile, some members, most notably David Judy, didn't move to Missouri at all, but remained behind in Illinois.⁵⁶ (Apostle John E. Page died in Illinois in October 1867.⁵⁷) Exceptions notwithstanding, most church members successfully relocated to the promised land of Zion in Jackson County. The Hedrickites accomplished what no other Mormons had dared attempt.

The Hedrickites didn't keep their Mormon roots secret, but they wisely avoided provocation. Arriving in Missouri, Granville Hedrick reportedly issued a revelation cautioning his followers to "scatter out."⁵⁸ The revelation had multiple interpretations, but one of its possible inferences, I would suggest, was that church members should avoid the aggressive clannishness of early Mormons.⁵⁹ Unlike the Mormons of the 1830s, the Hedrickites didn't bring thousands of converts in their wake, they didn't build up the strength to potentially dominate the county. Unlike the most impolitic of their predecessors, moreover, they didn't boast they were entitled to the region by God. The Hedrickites weren't a revolutionary social force in Jackson County; they were a church.

In turn, the Hedrickites found that most Jackson County residents were now more interested in building a stable community than tearing a stable minority community

down.⁶⁰ “The people in Independence are not only willing we shall come back, but many are anxious for us to do so,” one newcomer observed. “They are very friendly with us.”⁶¹

Church members did not encounter any prohibitive opposition from local residents:

Independence, in 1867, was far from being the peaceful law-abiding place it is today, but into the town came our people, not deigning to hide their religious belief, but freely informing all questioners concerning the nature of their faith. While some of the rougher element were disposed to “show their teeth” yet the most of the people were willing to welcome our people as citizens of the state.⁶²

The population of Jackson County had shifted considerably over the past three decades. Many of the Mormons’ persecutors had left sometime earlier, while others with no connection to the Missouri-Mormon conflict had moved into the area.⁶³ For these and other reasons, the Hedrickites quickly found they could live in peace in Jackson County.

Settling in Jackson County, the Hedrickites learned that the Independence Temple Grounds had changed dramatically in the three decades since the Mormon expulsion. In August 1831, you’ll recall, Joseph Smith dedicated the highest plateau in western Independence, south of the curve in the Osage Trace Trail, as the Temple Grounds of Zion.⁶⁴ Smith laid a markerstone identifying the northeastern corner of the prospective temple, but otherwise left the dimensions of the structure and sacred grounds unspecified. The property gained dimension four months later when Bishop Edward Partridge purchased 63.27 acres, the dedication site included, on 19 December 1831.⁶⁵ Over the next two years, the Mormons improved the sixty-three acre Temple Tract with crops, a schoolhouse, an open-air meeting space, and possibly a quarry and three homes; otherwise the grounds remained timbered and largely indistinguishable from the

unimproved woodlands surrounding it.⁶⁶ But Smith didn't intend the grounds to remain that way. In 1833, he outlined plans for a complex consisting of twenty-four temples.⁶⁷ But before Bishop Partridge could implement the Prophet's designs, violent mobs expelled the Mormons from Jackson County in November 1833.⁶⁸

Three decades later, the Hedrickites found a much different landscape. Most of the trees on the sixty-three acres had been cut down.⁶⁹ The grounds were mostly pasture now, with two dozen homes and structures scattered about thereon.⁷⁰ The homes of the Partridge bishopric were long gone, like all traces of Mormon habitation.⁷¹ And whereas the sixty-three acres had been a largely seamless, wooded expanse in 1831-1833, the grounds were now partitioned and enclosed.⁷² The northern fourth of the property was dissected east to west by Kansas Avenue (which has since been all but eliminated from the grounds) and Walnut Avenue (which remains today) and from north to south by Temple Street (the current River Boulevard), and Smiths Street (the current Bowen Street). The eastern and southern boundaries of the sixty-three acres were demarcated, respectively, by Nebraska Street (the current Union Street) and Pacific Avenue (which remains today). The Osage Trail, the curved route that served as the western and northern boundaries of the property, was now known variously as Westport Road or Lexington Street or Avenue.⁷³ The Temple Tract was no longer a wilderness on the edge of town; it had been absorbed into the expanding urban space of Independence.

The physical partitions of the grounds hinted at another dramatic transformation. The Temple Tract as a single unit no longer existed; over the previous three decades, the title to the sixty-three acres had become clouded, and multiple claimants had divided the

grounds into multiple properties. On one front, Edward Partridge reportedly transferred the Temple Tract in the 1830s to *Book of Mormon* underwriter Martin Harris. Harris, in turn, purportedly sold the property to an unknown party.⁷⁴ Neither transaction made it into the land records of Jackson County.⁷⁵ On another front, non-Mormon Lemuel Edwards sold a quit claim deed to the sixty-three acres in 1842 to Jackson County businessman Samuel H. Woodson. The basis for Edwards's claim is unknown; speculation exists that he procured Martin Harris' title.⁷⁶ On yet another front, the family of the late Edward Partridge sold a quit claim deed to the property in 1848 to Jackson County resident James Poole.⁷⁷ But creditors soon came after Poole, and Jackson County sheriff B. F. Thompson sold Poole's title to one John Maxwell later that year.⁷⁸

By 1849, then, non-Mormons Samuel Woodson and John Maxwell held competing titles to the sixty-three acres. But rather than fight it out, the two men cooperated. In 1851, they subdivided the northern fourth of the Temple Tract into thirty-one lots known as Woodson's and Maxwell's Addition to the City of Independence. For the time being, the duo didn't sell the lots, but held on to them. Nonetheless, the Addition was of potentially enormous significance for Mormons everywhere, as it subdivided Joseph Smith's consecrated knoll, the most sacred Mormon site in Jackson County, into eight separate lots—Lots 15-22 of Woodson's and Maxwell's Addition—and a triangular strip of land directly north of Lots 15, 18, and 19.⁷⁹

In the aftermath, Samuel Woodson purchased a quit claim deed to the sixty-three acres from John Maxwell. But Maxwell died in 1856 before signing the deed. So Woodson filed suit against Maxwell's estate. Delivering their verdict in 1859, the

Jackson County Circuit Court ordered the sheriff to sell the lots of the sixty-three acres and divide the proceeds between Woodson's and Maxwell's heirs.⁸⁰

The 1859 court order spelled the end of the Temple Tract as a cohesive property. From 1831-1859, despite the Mormon expulsion, competing non-Mormon titles, and the subdivision of its northern tier, the sixty-three acres had remained a single property. But beginning with the sheriff's sale of September 1859, the tract was divided into multiple properties with multiple owners. The consecrated knoll sold quickly, what with its appealing elevation and proximity to the neighborhood thoroughfare, Westport Road or Lexington Avenue. Specifically, in 1859, Sheriff John Hayden sold Lot 16 to John Kelley, Lot 20 to John Montgomery, Lot 21 to Thomas Swope, and Lots 17, 18, 19, and 22 to Joseph Irwin. In 1860, Samuel Woodson sold Lot 15 to Adolphus and Susan Kean. In 1866, Thomas Swope resold Lot 21 to Jacob Tindall. Mormonism's most sacred site was now owned by five different non-Mormon title holders.⁸¹ Meanwhile, the bulk of the sixty-three acres were gradually subdivided into several other developments, namely, St. John's Addition, St. John & Dawson's Addition, Torpey & Serviss's Addition, Prospect Place, the Missouri Pacific Railroad depot, the western portion of the William Chrisman estate, and a tract of land to the east of St. John & Dawson's Addition.⁸²

When the Hedrickites arrived in Jackson County in the mid-to-late 1860s, they found the Temple Grounds of Zion, both the core consecration site and the larger sixty-three acres, owned, divided, improved, and secularized by sundry non-Mormon title holders. The Temple Grounds had been desecrated since the 1830s; now they were well on their way to being completely obliterated from the landscape.⁸³

The challenge of reclaiming Edward Partridge's sixty-three acres from so many different property owners, let alone building the twenty-four temples called for in Joseph Smith's 1833 plats for Zion, would have been daunting tasks for any Mormon returnees in the 1860s. But Granville Hedrick and his brethren never showed any interest in a "greater" Temple Grounds, even though Partridge's purchase and Smith's plats originated before the Prophet's 1834 fall from grace. The Hedrickites were only interested in the core of Partridge's sixty-three acres, the Temple Lot proper, the knoll where Joseph Smith stood during the consecration ceremony of 1831. And they were only interested in constructing one temple in Zion, not twenty-four.⁸⁴

I'm unaware of a Hedrickite explanation for their disregard of Smith's and Partridge's greater Temple Grounds.⁸⁵ In lieu of an explanation, I would hazard four possible guesses. First, the Hedrickites may have concluded that Smith's plats and Partridge's purchase weren't specifically sanctioned in Scripture. The Saints were commanded by revelation to purchase the lot for the temple and every tract lying westward and bordering the prairies. Though Partridge's purchase would seem to represent a step towards that goal, the sixty-three acres were not singled out specifically.⁸⁶ Likewise, the plats of Zion did not receive the imprimatur of revelation, at least not in any explicit and canonical form.⁸⁷ Second, the Hedrickites may have decided that the Temple Lot alone would suffice for the Lord's purposes. Joseph Smith's revelations spoke of only one temple at Zion, and the consecrated knoll could clearly accommodate that one temple.⁸⁸ Third, the Hedrickites may have decided that the facts

on the ground bespoke a smaller, not greater, Temple Grounds. Partridge's sixty-three acres were now owned by multiple non-Mormon owners who had erected twenty structures and counting thereupon. Still, some sections of the sixty-three acres remained structure-free, and one of those sections was the consecrated knoll. While it would have been difficult to look at the sixty-three acres in the late 1860s and not envision anything other than the future urban development of western Independence, one could still look at the knoll and realistically envision a temple.⁸⁹ Fourth, the Hedrickites may have decided they would provoke less opposition if they kept their ambitions modest. Had they entered Independence and declared that they intended to recapture all sixty-three acres and/or erect twenty-four temples, the Hedrickites might have received the same reception as their predecessors. Instead they forsook the imperial ambitions of early Mormonism, set their sights on a small knoll in the neighborhood, and quietly blended in.

Over a five-month period in late 1867, vanguard settler John H. Hedrick privately purchased three of the lots comprising the Temple Lot—Lot 21 from Jacob Tindall, Lot 20 from John Montgomery, and Lot 16 from the estate of John Kelley.⁹⁰ The acquisitions must have been deeply encouraging and gratifying to the bulk of the church membership who risked their lives and fortunes relocating to Jackson County in Frisbey's caravan the previous February. John Hedrick held on to the lots for two years, and then in November 1869, following the arrival of his older brother, he transferred the properties to Granville Hedrick in the latter's role as "President of the Church of Christ and as 'Trustee in Trust' for the Church of Christ."⁹¹ With that transaction, the trustee of the Church of Jesus Christ (of Latter Day Saints) owned nearly three-eighths of Joseph

Smith's consecrated knoll, an enormous accomplishment considering the benighted history of the place.

One individual who was impressed was William E. McLellin, founding member of Joseph Smith's Quorum of Twelve Apostles. McLellin broke away from Smith in 1837-1838 convinced the Prophet had gone astray. For the better part of three decades since, he had pined for the early Mormon gospel he embraced in 1831, including its exclusive emphasis on Jackson County, Missouri as the land of Zion.⁹² McLellin's views aligned in many ways with those of Granville Hedrick, so when the Hedrickites moved to Jackson County and purchased portions of the Temple Lot, McLellin paid them a visit in 1869. He liked what he saw: The Hedrickites worshipped in Zion, preached the gospel to the Lamanites (specifically the Creeks in Indian Territory), upheld the principles of 1830-1834, and made a convincing case that some of Hedrick's prophecies had already been fulfilled. McLellin left convinced. He sold his Michigan home, purchased a house in Independence, and joined the church.⁹³ In November, though, McLellin left the Hedrickites. "They are in reality nothing but Latter Day Saints," he wrote without elaboration. "True they dont hold to polygamy, but they hold to many wild notions of that infamous ism."⁹⁴ Regardless, McLellin spent the rest of his days in Independence.⁹⁵ He was one of the first of many Mormons the Hedrickites would inspire to settle in Zion.

McLellin may have left, but Granville Hedrick's loyal brethren were eager to build on the reclaimed grounds. In 1870, George D. Cole, a new convert who would figure prominently in the church during the Temple Lot Case, dreamt prophetically of the temple's construction.⁹⁶ But three lots did not make for much of a construction site. Lots

15, 17, 18, 19, and 22 of the Temple Lot remained in non-Mormon hands, and two of the church's lots (20 and 21) were separated from their other lot (16) by a non-Mormon lot (17). On 28 April 1872, the church sought the Lord's will on the matter. In response, Granville Hedrick and David Judy received a revelation stipulating that though the time for the temple's construction drew near, the church should first build a multi-purpose meetinghouse.⁹⁷ The revelation's recommended sequence of meetinghouse first and temple second would ever after inform the church's approach to the Temple Lot.

But despite their gratifying successes in Jackson County, the Hedrickites experienced greater dissension in Zion than they ever had in Illinois. "The Hedrickit[e]s here have brok[en] in two," William McLellin reported in February 1872. "One party assumes to be church of Christ, the other holds with Granville."⁹⁸ In conversation with the Hedrickites the following decade, LDS historian Andrew Jenson learned that after their arrival in Zion, the Hedrickites were "crippled considerably and the number of members reduced to such an extent that no regular meetings were held for several years except [biannual] conference meetings."⁹⁹ Unfortunately, the issues at play in the disunity remain murky. Was Hedrick's prophetic authority questioned? Did disquiet result from the church's incomplete reclamation of the Temple Lot or the apparent failure of Hedrick's apocalyptic predictions for 1871? One reputed factor was a rupture between Granville, the church president, and brother John, procurer of the Temple Lot properties. John may have become friendly towards the Reorganized Church.¹⁰⁰ Tragically, John broke his neck in an accident and died on 11 May 1872.¹⁰¹ But if Jenson and his sources were accurate, the congregational instability continued after John's death. It is perhaps

telling that in 1874 Granville Hedrick purchased and settled on a farm thirty-five miles west of Jackson County in Johnson County, Kansas.¹⁰²

Despite the internal turmoil, for three and a half years the Hedrickites made do with their incomplete Temple Lot. Then in July 1873, church member William Eaton, husband of future Temple Lot Case deponent Mary Page Eaton, purchased Lots 17, 18, 19, and 22 from non-Mormon Joseph Irwin. The following year, in March 1874, Eaton purchased Lot 15, the reported site of Joseph Smith's 1831 dedication ceremony, from Susan Nelson (the former Susan Kean) and Maria McClanahan.¹⁰³ Like John Hedrick eight years earlier with Lots 16, 20, and 21, Eaton transferred Lots 15, 17, 18, 19, and 22 to trustee-in-trust Granville Hedrick in November 1877.¹⁰⁴ The Church of Jesus Christ (of Latter Day Saints) now owned eight contiguous lots or roughly 2.5 acres total of Joseph Smith's sacred knoll, the vast majority of the site.¹⁰⁵ Forty-four years after the Mormon expulsion, a Mormon body once again owned the Temple Lot.

The Mormon reclamation of the Temple Lot did not go unnoticed by Missouri residents. Within two weeks of the Eaton-Hedrick transaction, newspapers in St. Louis and Kansas City ran a story entitled "A Mormon Temple for Missouri." Non-Mormon Missourians read therein that "the erection of the Temple will shortly be commenced."¹⁰⁶ At one time such an announcement might have provoked mob retaliation; now it provoked, at worst, flickering embers of resentment. Times indeed had changed.

As it turned out, though, the Church of Christ wouldn't build a structure on the Temple Lot for several years to come. To raise funds for a building project, the church voted unanimously in conference in April 1871 to institute a law of tithing by the tenth,

which the church had rejected years earlier as a doctrinal relic of Joseph Smith's fallen period.¹⁰⁷ The church collected materials to build a meetinghouse, but the effort ultimately came to naught.¹⁰⁸ Year after year, the Hedrickites paid property taxes on the Temple Lot, usually through financial agent, second-generation member, and future Temple Lot Case deponent Alma Owen.¹⁰⁹ But financial limitations and perhaps internal divisions as well prevented the church from building the meetinghouse outlined in Granville Hedrick's 1872 revelation, let alone the millennial temple envisioned in Joseph Smith's 1831-1832 revelations. As urban development remade western Independence in the 1870s and 1880s, the vacant Temple Lot increasingly stood out from the surrounding neighborhood.¹¹⁰ Youths used it as a baseball diamond.¹¹¹ One resident later recalled that "it lay there as a loose lot and was used as a camping ground for circuses and for any other purpose that people who came along wanted to use it for."¹¹²

Yet if the Hedrickites never did another thing to improve the Temple Lot, the sheer fact that they owned the property was accomplishment enough. Had they not risked their lives entering Jackson County and reclaiming the Temple Lot when they did, the most sacred site in Mormon eschatology quite possibly could have been obliterated forever, much like the Mormon lands that became secularized Kansas City real estate.¹¹³ In the 1860s, the LDS Church wasn't planning on returning to Jackson County anytime soon.¹¹⁴ Likewise, when the heads of the Reorganized Church learned of Hedrick's call to Zion, they warned their members: "We would caution all our readers against going to that land before God commands His saints to go there by His prophet Joseph [Smith III]. If any go there before that time, they may expect that the judgments of God will come

upon them.”¹¹⁵ Without the Hedrickites, Mormons may not have established a presence in Jackson County for another decade or more. And by that time, the non-Mormon owners of the Temple Lot, like the owners of the surrounding sixty-three acres, may well have erected homes and other structures thereon, reducing the possibility that a Mormon group could purchase its lots in the immediate future. Of course, Mormon regard for Independence, Jackson County, and the Temple Grounds was probably too engrained in the tradition to ever be completely forgotten. But had the Hedrickites not reestablished a Mormon foothold and reclaimed the Temple Lot in Independence before the city’s rapid development in the last decades of the century, it’s possible that Mormons of all stripes would not enjoy the presence they do in Independence today and that Independence would not stand as a destination of Mormon tourism and pilgrimage. Without the Church of Christ, the Temple Lot may well have proven a chimera or a historical curiosity rather than one of the foremost examples of sacred space in North America.¹¹⁶



As the years passed, the generation that transformed the Church of Christ from a collection of Illinois branches to the stewards of Mormonism’s most sacred site passed from the scene. As I mentioned earlier, Apostle John E. Page died in 1867, and the church’s first Jackson County settler and Temple Lot purchaser, John H. Hedrick, died in 1872.¹¹⁷ In 1881, three pillars of the church died in rapid succession—apostle, president, and trustee-in-trust Granville Hedrick,¹¹⁸ apostle-publisher Adna C. Haldeman,¹¹⁹ and apostle-Jackson County pioneer Jedediah Owen.¹²⁰ The founding generation was not completely gone; David Judy, last of the five apostles, remained alive.¹²¹ But over the

course of the 1880s, a new generation of leaders would arise in the Church of Jesus Christ, and this new generation would rethink some of Granville Hedrick's policies and navigate the church through the rocky shoals of the Temple Lot Case.

Endnotes

¹ Granville Hedrick, *The Spiritual Wife System Proven False and the True Order of Church Discipline* (Bloomington, IL: W. E. Foote's Power Press Printing House, 1856), 98.

² Granville Hedrick revelation, 16 August 1863, in "Revelation," *TT* 1 (July 1864), 5-6, and "The Record and History of the Crow Creek Branch of the Church of Jesus Christ (of Latter Day Saints) which was organized on the 6th day of April A.D. 1830," undated, typescript, Church of Christ (Temple Lot) sub file, CoC Archives, hereafter cited as the Crow Creek Record, 18-22. On the conference setting of the revelation, see Adna C. Haldeman, "More Testimony, If Called For," *TT* 1 (August 1864), 30-32.

³ The February 1834 demarcation was subsequently reaffirmed in Granville Hedrick, "The Address Continued," *TT* 1 (September 1864), 36; "Responsency," *TT* 1 (September 1864), 47; Granville Hedrick, "Review of the 'Herald,'" *TT* 1 (November 1864), 65; Granville Hedrick, "False Doctrines," *TT* 1 (December 1864), 85-96. The latter essay traced Smith's prophetic fall in considerable detail.

⁴ "Responsency," *TT* 1 (September 1864), 47; "Contrast of Doctrines," *TT* 1 (October 1864), 51; Hedrick, "Review of the 'Herald,'" *TT* 1 (November 1864), 65-66. Jason R. Smith hints that conditional readings may have started as early as 1857 in his essay "Scattering of the Hedrickites," in Newell G. Bringhurst and John C. Hamer, eds., *Scattering of the Saints: Schism within Mormonism* (Independence: John Whitmer Books, 2007), 226-227.

⁵ According to Hedrick family tradition, Granville received the revelation by means of an angelic visitation. See the Nicholas F. Denham interview, September 2005, in R. Jean Addams, "The Church of Christ (Temple Lot) and the Reorganized Church of Jesus Christ of Latter Day Saints: 130 Years of Crossroads and Controversies," *JMH* 36 (Spring 2010), 68-69n54.

⁶ Brigham Young discourse, 21 October 1860, in *JD*, 8:225.

⁷ Granville Hedrick, "A Proclamation," 2 February 1868, in *TT* 2 (June 1868), 200.

⁸ Joseph Smith III to Kate Field, 1 September 1884, in JSIII Letterbook #4, CoC Archives.

⁹ Joseph Smith revelation, 22-23 September 1832, in *MRB*, 274-275/452-455, *D&C* (LDS) 84:2-5, *D&C* (RLDS) 83:1b-2b.

¹⁰ Brigham Young discourse, 6 April 1845, in "Speech," *T&S* 6 (1 July 1845), 956. I've removed a couple of extraneous commas for the sake of clarity.

¹¹ Joseph Smith III to George P. Frisbey, 6 May 1911, Orders and Quorum Papers, CoC Archives.

¹² *HC*, 2:120, but not included in *HRC*.

¹³ Wilford Woodruff journal, 17-26 April 1838, in *WWJ*, 1:324-327; W. W. Phelps to Sally Phelps, 1 May 1839, in Alexander L. Baugh, "A Community Abandoned: W. W. Phelps' 1839 Letter to Sally Waterman Phelps from Far West, Missouri," *Nauvoo Journal* 10 (Fall 1998), 25-27; *President Heber C. Kimball's Journal. Seventh Book of the Faith-Promoting Series. Designed for the Instruction and Encouragement of Young Latter-Day Saints* (Salt Lake City: Juvenile Instructor Office, 1882), 56, 74-75.

¹⁴ Fred E. Woods has written several essays on this subject. See his "Between the Borders: Mormon Transmigration Through Missouri, 1838-1868," in Thomas M. Spencer, ed., *The Mormon Missouri Experience* (Columbia: University of Missouri Press, 2010), ch. 9; "The 1854 Mormon Emigration at the Missouri-Kansas Border," *Kansas History* 32 (Winter 2009-2010), 226-245; "Two Sides of a River: Mormon Transmigration through Quincy, Illinois, and Hannibal, Missouri," *MHS* 2/1 (2001), 119-147; William G. Hartley and Fred E. Woods, *Explosion of the Steamboat Saluda: A Story of Disaster and Compassion Involving Mormon Emigrants and the Town of Lexington, Missouri, in April 1852* (Salt Lake City: Millennial Press, 2002); Fred E. Woods and Thomas L. Farmer, *When the Saints Come Marching In: A History of the Latter-day Saints in St. Louis* (Salt Lake City: Millennial Press, 2009). See

also Richard E. Bennett, “‘We Had Everything to Procure from Missouri’: The Missouri Lifeline to the Mormon Exodus, 1846–1850,” *MHS* 8 (Spring/Fall 2007), 91–105.

¹⁵ James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Ballantine Books, 1988), 121-125. The Indians who were forcibly relocated to Kansas twenty-five years earlier were now forced further westward into what remained of Indian Territory, which Americans would similarly overrun after 1887 and transform in 1890 into the Oklahoma Territory. See Donald W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History. Volume 2: Continental America, 1800-1867* (New Haven: Yale University Press, 1993), 78-103, 179-188, and *Volume 3: Transcontinental America, 1850-1915* (New Haven: Yale University Press, 1998), 163-166.

¹⁶ McPherson, *Battle Cry of Freedom*, ch. 5; Stanley Vestal, *The Missouri* (New York: Rinehart & Co., 1945), 106-115. Meinig, *Shaping of America*, 3:91, sees the violent expulsion of the Mormons in the 1830s as “a particularly ugly prelude to ‘Bleeding Kansas.’”

¹⁷ James M. McPherson, *Drawn With the Sword: Reflections on the American Civil War* (New York: Oxford University, 1996), ch. 5, particularly pages 70-75.

¹⁸ Michael Fellman, *Inside War: The Guerrilla Conflict in Missouri During the American Civil War* (New York: Oxford University Press, 1990); McPherson, *Battle Cry of Freedom*, 290-293, 350-354, 783-788; Vestal, *The Missouri*, 115-117.

¹⁹ Granville Hedrick revelation, 24 April 1864, in “Revelation,” *TT* 1 (July 1864), 4, and the Crow Creek Record, 23-25.

²⁰ For an online typescript of *The Truth Teller*, see http://www.churchofchrist-tl.org/pdf/truth_teller_July1864.pdf. I’ve relied on the typescript throughout this chapter. A comparison of the typescript with the original reveals minor errors (for example, “C. Reynolds” and his \$8 payment is omitted from the remittances listed on the final page of the June 1868 issue), but no serious mistakes that I’ve come across.

²¹ Masthead on every issue from *TT* 1/1 (August 1864), 17, to 1/6 (December 1864), 81.

²² Hedrick, “The Address Continued,” *TT* 1 (September 1864), 36; “Responsency,” *TT* 1 (September 1864), 47; Hedrick, “Review of the ‘Herald,’” *TT* 1 (November 1864), 65, 74; Hedrick, “False Doctrines,” *TT* 1 (December 1864), 86-92.

²³ Hedrick, “Review of the ‘Herald,’” *TT* 1 (November 1864), 69-70, 72; Hedrick, “False Doctrines,” *TT* 1 (December 1864), 86-92.

²⁴ On the Danites, see Hedrick, “Review of the ‘Herald,’” *TT* 1 (November 1864), 68, 73; John E. Page to Bro. Fairchild, [c. fall 1864], in *TT* 1 (November 1864), 79-80; Hedrick, “False Doctrines,” *TT* 1 (December 1864), 86-92. On the tithing revelation, see Hedrick, “Review of the ‘Herald,’” *TT* 1 (November 1864), 69-70, 72.

²⁵ Granville Hedrick, “An Address,” *TT* 1 (July 1864), 6-14; Hedrick, “The Address Continued,” *TT* 1 (September 1864), 33-41; Hedrick, “Review of the ‘Herald,’” *TT* 1 (November 1864), 76-78.

²⁶ On polygamy, see Granville Hedrick, “The Second Address,” *TT* 1 (October 1864), 53-54, 56; Adna C. Haldeman, “Our Second Reply to Bro. Blair,” *TT* 1 (October 1864), 60; “Polytheism,” *TT* 1 (December 1864), 84. On baptism for the dead, see Hedrick, “The Address Continued,” *TT* 1 (August 1864), 17-21; Hedrick, “The Address Continued,” *TT* 1 (September 1864), 36-37; Hedrick, “The Second Address,” *TT* 1 (October 1864), 52-53; Hedrick, “A Proclamation,” 2 February 1868, in *TT* 2 (June 1868), 202. On polytheism, see Hedrick, “The Address Continued,” *TT* 1 (September 1864), 37-40; “The Restorer,” *TT* 1 (September 1864), 47; Hedrick, “The Second Address,” *TT* 1 (October 1864), 52-54; “Polytheism,” *TT* 1 (December 1864), 83-84.

²⁷ [Granville Hedrick,] “Joseph Smith a Fallen Prophet,” *TT* 1 (September 1864), 44-46; Granville Hedrick, “Joseph Smith a Fallen Prophet,” *TT* 1 (October 1864), 51-52.

²⁸ Hedrick, “False Doctrines,” *TT* 1 (December 1864), 92-93.

²⁹ Masthead on every issue from *TT* 1/7 (January 1865), 97, to 2/2 (December 1868), 209.

³⁰ The shift in tone is acknowledged in B. C. Flint, *An Outline History of the Church of Christ (Temple Lot)* (Independence: Church of Christ Board of Publications, 1953), 123.

³¹ Untitled essay, *TT* 1 (January 1865), 97-112.

³² Untitled essay (continued), *TT* 1 (May 1865), 164-176; untitled essay (continued), *TT* 1 (June 1865), 177-192.

³³ “A Pretended Revelation,” *TT* 1 (September 1864), 46-47; “‘And The Last State Of That Man Is Worse Than The First,’” *TT* 1 (December 1864), 81-83.

³⁴ “Reply to Bro. Blair,” *TT* 1 (August 1864), 28-30. The basis of the charge was Blair’s belief in lineal priesthood and his anger over the Hedrickites’ use of the *Herald*’s subscription list.

³⁵ Adna C. Haldeman, “Our Second Reply to Bro. Blair,” and “Read and Examine Before You Decide,” *TT* 1 (October 1864), 59-62 and 63-64, respectively.

³⁶ Hedrick, “The Address Continued,” *TT* 1 (September 1864), 37-40; “The Restorer,” *TT* 1 (September 1864), 47; “Contrast of Doctrines,” *TT* 1 (October 1864), 51; Haldeman, “Our Second Reply to Bro. Blair,” *TT* 1 (October 1864), 59-62; Hedrick, “Review of the ‘Herald,’” *TT* 1 (November 1864), 68-79; “Polytheism,” *TT* 1 (December 1864), 83-84.

³⁷ “Inconsistent Warning,” *TT* 1 (September 1864), 48.

³⁸ “Liberty,” *TT* 1 (August 1864), 27-28; “A Pretended Revelation,” *TT* 1 (September 1864), 46-47; Haldeman, “Our Second Reply to Bro. Blair,” *TT* 1 (October 1864), 60-62; John E. Page to Bro. Fairchild, [c. fall 1864], in *TT* 1 (November 1864), 79-80; “‘And The Last State Of That Man Is Worse Than The First,’” *TT* 1 (December 1864), 81-83; “Polytheism,” *TT* 1 (December 1864), 84; Hedrick, “A Proclamation,” 2 February 1868, in *TT* 2 (June 1868), 203.

³⁹ Untitled essay, *TT* 1 (January 1865), 103; Untitled essay, *TT* 1 (February 1865), 113-118.

⁴⁰ Hedrick, “The Address Continued,” *TT* 1 (September 1864), 33-34.

⁴¹ Haldeman, “Our Second Reply to Bro. Blair,” *TT* 1 (October 1864), 60; “Polytheism,” *TT* 1 (December 1864), 84.

⁴² Haldeman, “Our Second Reply to Bro. Blair,” *TT* 1 (October 1864), 62.

⁴³ Granville Hedrick revelation, 24 April 1864, in “Revelation,” *TT* 1 (July 1864), 4; Granville Hedrick revelation, 16 August 1863, in “Revelation,” *TT* 1 (July 1864), 5-6. A subsequent third revelation was featured in “A Revelation to the Church,” *TT* 1 (April 1865), 145. It predicted a foreign attack, the collapse of the United States, a papal resurgence, and the birth of a Christian republic.

⁴⁴ Untitled essay, *TT* 1 (March 1865), 132-139; untitled essay, *TT* 1 (April 1865), 146-160.

⁴⁵ “Word of Wisdom,” *TT* 1 (July 1864), 16.

⁴⁶ “Corrections of the Herald,” *TT* 1 (September 1864), 42; Hedrick, “Review of the ‘Herald,’” *TT* 1 (November 1864), 65-66.

⁴⁷ “Contrast of Doctrines,” *TT* 1 (October 1864), 51.

⁴⁸ “To The Readers Of The Truth Teller,” *TT* 1 (May 1865), 176; untitled comment, *TT* 1 (June 1865), 192.

⁴⁹ Howard N. Monnett, *Action Before Westport, 1864* rev. ed. (Boulder: University Press of Colorado, 1995); Paul Kirkman, *The Battle of Westport: Missouri’s Great Confederate Raid Civil War Sesquicentennial* (Charleston, SC: The History Press, 2011); McPherson, *Battle Cry of Freedom*, 787-788.

⁵⁰ Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* New American Nation Series (New York: Harper & Row, 1988), 41-43, 185-186, 259, 297-303, 414, 442.

⁵¹ Vestal, *The Missouri*, 117-118. Democrats ended Reconstruction in the 1870s and reinstated a conservative brand of government, albeit in more moderate form than had prevailed before the war. The gains of Reconstruction did not all go for naught. See William E. Parrish, *A History of Missouri. Volume III: 1860-1875* (Columbia: University of Missouri Press, 1973), v, ch. 10.

⁵² R. Jean Addams, “Reclaiming the Temple Lot in the Center Place of Zion,” *MHS* 7 (Spring/Fall 2006), 11-12.

⁵³ Flint, *Church of Christ*, 107-108; R. Jean Addams, “The Church of Christ (Temple Lot), Its Emergence, Struggles, and Early Schisms,” in Bringham and Hamer, *Scattering of the Saints*, 209.

⁵⁴ Church of Christ minutes, 3 March 1867, in Flint, *Church of Christ*, 108-109, and mentioned in Arthur M. Smith, *A Brief History of The Church of Christ (Temple Lot): Origin of the Church and Some of the Differences Between It and Other Factions of the Restoration* 2d ed. (Independence: Church of Christ [Temple Lot] Board of Publications, 1966), 10.

⁵⁵ William E. McLellin to “Our very dear friends,” 12 July 1869, in Stan Larson and Samuel J. Passey, eds., *The William E. McLellin Papers, 1854-1880* (Salt Lake City: Signature Books, 2007), 450-452; Addams, “Church of Christ,” 210. Similarly, Richard Hill didn’t arrive until 1868 and William Eaton until the early 1870s. See R. Jean Addams, “Early Sociological Issues Confronted by the Church of Christ (Temple Lot): African Americans, Native Americans, and Women,” *JWJ* 30 (2010), 112n12.

⁵⁶ Addams, “Sociological Issues,” 112n12.

⁵⁷ *MH*, 1:568. According to Page’s widow, future Temple Lot Case deponent Mary Judd Page Eaton, John E. Page sympathized with the Reorganized Church before his death.

⁵⁸ Nicholas F. Denham statement (quoting Estella Hedrick), 29 March 1999, in Addams, “Church of Christ,” 211.

⁵⁹ “In 1868, the brethren divided for the purpose of buying the Temple lot, and in order to do it quietly and avoid trouble it was bought in sections by different members.” Quoted from Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 15 September 1888, in “The Hedrickites,” *DN Semi-Weekly*, 25 September 1888, 2, and republished as “Letter 5” in Jenson and Stevenson, *Infancy of the Church: A Series of Letters*, 12-15, a supplement to volume 6 of Jenson, *The Historical Record* (Salt Lake City: Andrew Jenson, 1889). Jenson doesn’t claim that the Hedrickites kept their religious identity secret, which I think would have been difficult given their mass entry into Independence and their abiding interest in the Temple Lot. Rather, I take Jenson to mean that they kept a deliberately low profile. For similar testimony, see Andrew Jenson, “The Temple Lot,” *The Historical Record* 7 (December 1888), 648.

⁶⁰ John T. Crisp deposition, 27 April 1892, TLC-C, 2:649-650 (Q14-16).

⁶¹ William E. McLellin to “Our very dear friends,” 12 July 1869, in Larson and Passey, *McLellin Papers*, 452. McLellin joined the Hedrickites at this time and settled permanently in Independence.

⁶² *Evening and Morning Star* 6 (December 1905), 1. Cf. Clarence L. Wheaton, *Historical Facts Concerning The Temple Lot: “That Interesting Spot of Land West of the Court House” at Independence, Missouri* 2d ed. (Independence: Church of Christ [Temple Lot] Board of Publications, 1972), 5.

⁶³ Jacob Gregg deposition, 7 May 1892, TLC-C, 2:685-687 (Q172-178, 202-205); William Stewart deposition, 9 May 1892, 2:690 (Q27-31), 692-694 (47-84).

⁶⁴ Ezra Booth to Ira Eddy, 1831, in Eber D. Howe, *Mormonism Unveiled: or, A Faithful Account of That Singular Imposition and Delusion, From Its Rise To The Present Time....* (Painesville, OH: by the author, 1834), 198-199; John Whitmer history, in *BJW*, 86-87; Joseph Smith history, 1838-1839, in *PJS*, 1:360-361; Dean C. Jessee, “Joseph Knight’s Recollections of Early Mormon History,” *BYU Studies* 17 (Autumn 1976), 39; William G. Hartley, *Stand By My Servant Joseph: The Story of the Joseph Knight Family and the Restoration* (Provo: Joseph Fielding Smith Institute for Latter-day Saint History/Salt Lake City: Deseret Book, 2003), 131-133; W. W. Phelps, “A Short History of W. W. Phelps’ Stay in Missouri,” 21 April 1864, in Ronald E. Romig, *Early Independence, Missouri: “Mormon” History Tour Guide* (Blue Springs, MO: Missouri Mormon Frontier Foundation, 1994), 15-16; William H. Kelley to editor, 16 January 1882, in “Letter from Elder W. H. Kelley,” *SH* 29 (1 March 1882), 67; John L. Traughber, “Some Statements by Dr. W. E. McLellan [sic],” 23 May 1884, in Larson and Passey, *McLellin Papers*, 518n1; John Taylor deposition, 15 March 1892, TLC-C, 2:394 (Q33), 399 (Q88), 400 (Q98), 401 (Q107).

The precise location of the dedication ceremony has been a matter of some dispute. See, most notably, Richard and Pamela Price, *The Temple of the Lord: The Location and Purposes of the Temple which is to be built in Independence, Missouri* (Independence: by the authors, 1982), chs. 3, 8-9. That the dedication took place on the elevated knoll to the south of the curve of the Osage Trace Trail seems evident, though, from Ezra Booth to Ira Eddy, 1831, in Howe, *Mormonism Unveiled*, 198-199; Parley P. Pratt, *The Autobiography of Parley Parker Pratt* Classics in Mormon Literature (Salt Lake City: Deseret Book, 1985), 166; William E. McLellin letter fragment, c. May 1869, in Larson and Passey, *McLellin Papers*, 449; Orson Pratt to Marian Stevens House, 18 September 1878, in Kate B. Carter, comp., *Heart Throbs of the West* 12 vols. (Salt Lake City: Daughters of Utah Pioneers, 1939-1951), 5:417; John Taylor deposition, 15 March 1892, TLC-C, 2:398-399 (Q79-86), 400 (Q98); Hiram Rathbun Sr. deposition, 19-20 April 1892, TLC-C, 2:504-505 (Q37), 513-514 (Q106-110), 540-542 (Q486-496), 543-544 (Q527-531); William R. Wilson deposition, 11 July 1892, TLC-R, 3:801-803 (Q145-176); John H. Taylor deposition, 11

July 1892, TLC-R, 3:803 (Q14), 805-806 (Q46-60); Alexander Majors, "Seventy Years On The Frontier," *Journal of History* 10 (January 1917), 5. Two other testimonies tending in the same direction, albeit without similar specificity, are the William McCoy deposition, 9 February 1892, TLC-C, 2:364 (Q17), 365 (Q30-32); Robert Weston deposition, 21 April 1892, TLC-C, 2:578-579 (Q14-40), 586-588 (Q125-148).

⁶⁵ Jones and Clara Flournoy to Edward Partridge, 19 December 1831, in the Edmund L. Kelley deposition, 20 April 1892, TLC-C, 2:553-556 (Q26), and Price and Price, *Temple of the Lord*, 35, 37-38, and summarized in Arthur M. Smith, ed., *Temple Lot Deed: A complete record of all legal transfers of that interesting spot of ground known as The Temple Lot* 2d ed. (Independence: The Board of Publications of the Church of Christ [Temple Lot], 1954), 5, and O. B. and Joanne Chiles Eakin, eds., *Record of Original Entries to Lands in Jackson County Missouri with Additional Records Relating to First Land Ownership* (Independence: by the authors, 1985), 35.

⁶⁶ On planting crops, see the Duncan Chapman statement, in Ronald E. Romig and John H. Siebert, "Historic Views of the Temple Lot," *JWJ* 7 (1987), 24. On the open-air meeting space, see Pratt, *Autobiography*, 166; Nathan Porter journal, 1842, in Romig and Siebert, "Temple Lot," 22; Hiram Rathbun Sr. deposition, 19-20 April 1892, TLC-C, 2:504-505 (Q29, 37), 541-542 (Q488-504) 543 (Q516, 519); Robert Weston deposition, 21 April 1892, TLC-C, 2:585 (Q118). On the schoolhouse, see the John Taylor deposition, 15 March 1892, TLC-C, 2:393 (Q17-18), 398 (Q78); Hiram Rathbun Sr. deposition, 19-20 April 1892, TLC-C, 2:504 (Q29), 542 (Q501-503); Romig and Siebert, "Temple Lot," 23-24; Romig, *Independence*, 27. On the quarry, see the John Taylor deposition, 15 March 1892, TLC-C, 2:393-394 (Q24-25), 398 (Q76-77), 399-400 (Q83-98); Romig and Siebert, "Temple Lot," 22-24. On the homes, see the Emily Dow Partridge deposition, 14 March 1892, TLC-C, 2:372-373 (Q47-52); John Taylor deposition, 15 March 1892, TLC-C, 2:393-394 (Q23-28), 398 (Q78); Hiram Rathbun Sr. deposition, 19 April 1892, TLC-C, 2:504 (Q30-31); Robert Weston deposition, 21 April 1892, TLC-C, 2:588 (Q149-151), 592 (Q209-217); Elsie Barrett, "M. E. Rollins Lightner" and Duncan Chapman statement, in Romig and Siebert, "Temple Lot," 26, 27n17. On the timbered character of the property, see Pratt, *Autobiography*, 166-167; Hiram Rathbun Sr. deposition, 19-20 April 1892, TLC-C, 2:523 (Q242-249), 524 (Q255), 542 (Q498-509); Robert Weston deposition, 21 April 1892, TLC-C, 2:585 (Q118), 589 (Q171-174).

⁶⁷ Joseph Smith and Frederick G. Williams, plat of the City of Zion, in Joseph Smith, Sidney Rigdon, and Frederick G. Williams to W. W. Phelps and the church in Zion, 25 June 1833, in Steve L. Olsen, *The Mormon Ideology of Place: Cosmic Symbolism of the City of Zion, 1830-1846* Dissertations in Latter-day Saint History (Provo: Joseph Fielding Smith Institute for Latter-day Saint History and *BYU Studies*, 2002), Appendix B, Figure 3, with typescripts in *HC*, 1:357-359, and *HRC*, 1:297-298; Joseph Smith and Frederick G. Williams, revised plat of the City of Zion, in Oliver Cowdery to the church in Zion, August 1833, in C. Mark Hamilton, *Nineteenth-Century Mormon Architecture and City Planning* (New York: Oxford University Press, 1995), 17-19, 34, 147n13, and Ronald E. Romig and John H. Siebert, "Jackson County, 1831-1833: A Look at the Development of Zion," in *RS*, 3:300, 302.

⁶⁸ Warren A. Jennings, "Zion is Fled: The Expulsion of the Mormons from Jackson County, Missouri" (Ph.D. dissertation: University of Florida, 1962).

⁶⁹ Pratt, *Autobiography*, 166-167; Albert Ruger, "Bird's Eye View of the City of Independence, Jackson County, Missouri, 1868," *JWJ* 7 (1987), front cover; Orson Pratt and Joseph F. Smith to John Taylor and the [LDS] Council of the Twelve, 17 September 1878, in "Report of Elders Orson Pratt and Joseph F. Smith," *MS* 49 (9 December 1878), 769; Orson Pratt to Marian Stevens House, 18 September 1878, in Carter, *Heart Throbs*, 5:417; Orson Pratt discourse, 26 October 1879, in *JD*, 24:24; Robert Weston deposition, 21 April 1892, TLC-C, 2:589 (Q173-174); Ember Mason deposition, 6 July 1892, TLC-R, 3:693 (Q159-163).

⁷⁰ On the pastured appearance of the grounds, see Ruger, "Bird's Eye View"; Robert Weston deposition, 21 April 1892, TLC-C, 2:588-589 (Q164-165); Ember Mason deposition, 6 July 1892, TLC-R, 3:788 [688]-689 (Q50-73), 693 (Q164-166); John H. Taylor deposition, 11 July 1892, TLC-R, 3:803-804 (Q14-29). On the structures, see Ruger, "Bird's Eye View"; William E. McLellin letter fragment, c. May 1869, in Larson and Passey, *McLellin Papers*, 449; James A. Little to editor, 15 November 1875, in *MS* 38

(17 January 1876), 37; Thomas Maxwell deposition, 9 July 1892, TLC-R, 3:708-716 (Q1-138); William R. Wilson deposition, 11 July 1892, TLC-R, 3:799-800 (Q100-122).

⁷¹ Pratt, *Autobiography*, 167; Robert Weston deposition, 21 April 1892, TLC-C, 2:581 (Q61). The Partridge home has since been reconstructed as a historical site. But the specific location and composition of the original structure has been a matter of some discussion. See Romig, *Independence*, 24.

⁷² William E. McLellin mentioned the lot divisions in his letter fragment, c. May 1869, in Larson and Passey, *McLellin Papers*, 449. My discussion of street partitions follows in the main text. On fenced enclosures specifically, see the Robert Weston deposition, 21 April 1892, TLC-C, 2:579 (Q37); Ember Mason deposition, 6 July 1892, TLC-R, 3:786 [686]-788 [688] (Q18-59), 689-691 (Q83-127) 692-693 (Q140-154); John H. Taylor deposition, 11 July 1892, TLC-R, 3:803-804 (Q10-29).

⁷³ “Plat of Woodson and Maxwell’s Addition to the town of Independence,” 1851, with annotations in Price and Price, *Temple of the Lord*, 88; “Plan of Woodson’s and Maxwell’s Addition to the City of Independence,” 1851, in Ronald E. Romig and John H. Siebert, “The Genesis of Zion and Kirtland and the Concept of Temples,” in *RS*, 4:101; Ruger, “Bird’s Eye View”; William R. Wilson deposition, 11 July 1892, TLC-R, 3:801-803 (Q139-176). Some of the street names fluctuated in the nineteenth-century. Temple Street (the current River Boulevard) was also known as Ruffner Street. Lexington Avenue was also known as Westport Road or Electric Street.

⁷⁴ LDS Journal History, 26 April 1848, in Price and Price, *Temple of the Lord*, 44-46, and H. Michael Marquardt, “The Independence Temple of Zion,” *Restoration: The Journal of Latter Day Saint History* 5 (October 1986), 14; William E. McLellin letter fragment, c. May 1869, and William E. McLellin to “Our very dear friends, 12 July 1869, in Larson and Passey, *McLellin Papers*, 449 and 453, respectively; LaMar C. Berrett and Max H. Parkin, *Sacred Places, A Comprehensive Guide to Early LDS Historical Sites: Volume 4, Missouri* (Salt Lake City: Deseret Book Company, 2004), 27; Craig S. Campbell, *Images of the New Jerusalem: Latter Day Saint Faction Interpretations of Independence, Missouri* (Knoxville: University of Tennessee Press, 2004), 372n1. The Partridge-Harris transaction, if it occurred at all, almost certainly took place before Harris’s alienation from the church in 1837-1838. Given the silence of Jackson County records on the matter, it stands to reason that the transaction took place following the Mormon expulsion from the county in 1833. Curiously, W. W. Blair heard that Harris purchased the Temple Grounds *before* Partridge, but transferred them to the bishop for the benefit of the church. See W. W. Blair to Edmund L. Kelley, 12 May 1887, typescript, P16, f15, CofC Archives.

⁷⁵ J. A. Kelting recalled that Martin Harris “wrote to Independence that he had sold that land – but there are no deeds, or ever made their appearance.” See the LDS Journal History, 26 April 1848, in Price and Price, *Temple of the Lord*, 45, and Marquardt, “Independence Temple,” 17n37. Two decades later, a former Mormon apostle wondered if the Harris deed was ever recorded in Jackson County. See William E. McLellin to “Our very dear friends, 12 July 1869, in Larson and Passey, *McLellin Papers*, 453.

⁷⁶ Lemuel I. Edwards to Samuel H. Woodson, 10 August 1842, in Wheaton, *Temple Lot*, 2; Price and Price, *Temple of the Lord*, 87; TLC-R, 9 July 1892, 3:704; and mentioned in Jenson, “Temple Lot,” 647.

⁷⁷ LDS Journal History, 26 April 1848, in Price and Price, *Temple of the Lord*, 44-46, and Marquardt, “Independence Temple,” 14; Berrett and Parkin, *Sacred Places: Missouri*, 27; Campbell, *New Jerusalem*, 372n1; Jenson, “Temple Lot,” 647-648.

⁷⁸ James Pool[e] by B. F. Thompson, Sheriff, to John Maxwell, 24 March 1849, in Smith, *Temple Lot Deed*, 6; Wheaton, *Temple Lot*, 2; Jenson, “Temple Lot,” 648; respondent’s evidence, 9 July 1892, in TLC-R, 3:703, 707. The transaction took place on 22 September 1848.

⁷⁹ “Plat of Woodson and Maxwell’s Addition to the town of Independence,” 1851, with annotations in Price and Price, *Temple of the Lord*, 88; “Plan of Woodson’s and Maxwell’s Addition to the City of Independence,” 1851, in Romig and Siebert, “Genesis,” 101; Robert Weston deposition, 21 April 1892, TLC-C, 2:586 (Q125); respondent’s evidence, 9 July 1892, in TLC-R, 3:707; John H. Taylor deposition, 11 July 1892, TLC-R, 3:803-806 (Q11-54). On the duo’s cooperation, see Smith, *Temple Lot Deed*, 7; Campbell, *New Jerusalem*, 93.

⁸⁰ Samuel H. Woodson v. Robert G. Smart, administrator of the John Maxwell Estate, and Others, 11 September 1859, in Smith, *Temple Lot Deed*, 7-8; H. G. Henley deposition, 9 July 1892, TLC-R, 3:699-700 (Q9-15); respondent's evidence, 9 July 1892, in TLC-R, 3:704.

⁸¹ John A. Hayden, Sheriff, to John Kelley (Lot 16), John Montgomery (Lot 20), Thomas Swope (Lot 21), and Joseph Irwin (Lots 17, 18, 19, 22), 15 September 1859, in Smith, *Temple Lot Deed*, 8-11, Wheaton, *Temple Lot*, 2-3, and respondent's evidence, 9 July 1892, in TLC-R, 3:703-707; Samuel and Margaret Woodson to Adolphus and Susan Kean (Lot 15), 23 November 1860, in Smith, *Temple Lot Deed*, 11, Wheaton, *Temple Lot*, 3, and respondent's evidence, 9 July 1892, in TLC-R, 3:706; Thomas Swope to Jacob Tindall (Lot 21), 13 May 1866, in Smith, *Temple Lot Deed*, 8, Wheaton, *Temple Lot*, 3, and respondent's evidence, 9 July 1892, in TLC-R, 3:705.

⁸² "Plat of 63 and 43/166 Acres sold by Jones H. Flournoy & Wife, to Edward Partridge," in Marquardt, "Independence Temple," front cover; Jenson, Stevenson, and Black to editor, 15 September 1888, in "The Hedrickites," *DN Semi-Weekly*, 25 September 1888, 2, and republished as "Letter 5" in Jenson and Stevenson, *Infancy of the Church*, 14; P. H. Grinter deposition, 9 July 1892, TLC-R, 3:700-703 (Q1-50); respondent's evidence, 9 and 11 July 1892, in TLC-R, 3:707 and 806-807, respectively; Campbell, *New Jerusalem*, 92-94.

⁸³ For essays on desecration, obliteration, and other dynamics of similarly contested American spaces, see Kenneth E. Foote, *Shadowed Ground: America's Landscapes of Violence and Tragedy* (Austin: University of Texas Press, 1997); Edward T. Linenthal, *Sacred Ground: Americans and Their Battlefields* 2d ed. (Urbana: University of Illinois Press, 1993); David Chidester and Edward T. Linenthal, eds., *American Sacred Space Religion in North America* (Bloomington: Indiana University Press, 1995). James A. Little, an LDS Church member, opined that "every scheme was devised to obliterate [Mormon] land titles" in his letter to the editor, 15 November 1875, in "Correspondence," *MS* 38 (17 January 1876), 37.

⁸⁴ Campbell, *New Jerusalem*, 104.

⁸⁵ See, for example, the lack of an explanation in Flint, *Church of Christ*, 109-111.

⁸⁶ Joseph Smith revelation, 20 July 1831, in *MRB*, 158-159/594-597, *D&C* (1835) 27:1, *D&C* (LDS) 57:1-5, *D&C* (RLDS) 57:1-2. For a similar command, see the Joseph Smith revelation, 1 August 1831, in *MRB*, 166-167, *BC* 59:64, *D&C* (LDS) 58:52, and *D&C* (RLDS) 58:11c.

⁸⁷ Romig and Siebert, "Genesis," 104-105, think it a historical accident that the designs for Zion, unlike similar designs for Kirtland, weren't canonized in Mormon scripture.

⁸⁸ Joseph Smith revelation, 20 July 1831, in *MRB*, 158-159/594-597, *D&C* (1835) 27:1, *D&C* (LDS) 57:1-5, *D&C* (RLDS) 57:1-2; Joseph Smith revelation, 22-23 September 1832, in *MRB*, 274-275/452-455, *D&C* (LDS) 84:2-5, *D&C* (RLDS) 83:1b-2b.

⁸⁹ That the Temple Lot remained vacant in the two decades after the Civil War, see the William E. McLellin letter fragment, c. May 1869, in Larson and Passey, *McLellin Papers*, 449; Ruger, "Bird's Eye View"; James A. Little to editor, 15 November 1875, in *MS* 38 (17 January 1876), 36-38; "A Mormon Temple for Missouri," *St. Louis Globe-Democrat*, 15 November 1877, 1, and "A Mormon Temple for Missouri," *KCT*, 17 November 1877, 2, both cited in R. Jean Addams, *Upon the Temple Lot: The Church of Christ's Quest to Build the House of the Lord* (Independence: John Whitmer Books, 2010), 19. A number of Temple Lot Case deponents testified to the same effect.

⁹⁰ Jacob Tindall to John H. Hedrick (Lot 21), 22 August 1867; John Montgomery to John H. Hedrick (Lot 20), 24 September 1867; George W. Buchanan, administrator of the John Kelley Estate, to John H. Hedrick (Lot 16), 12 December 1867. All in Smith, *Temple Lot Deed*, 9; Wheaton, *Temple Lot*, 3; Addams, *Upon the Temple Lot*, 15. Hedrick's purchases were contemporaneously confirmed in the William E. McLellin letter fragment, c. May 1869, in Larson and Passey, *McLellin Papers*, 449.

⁹¹ John H. Hedrick and Elizabeth Ann Hedrick to Granville Hedrick (Lots 16, 20, 21), 8 November 1869, in Smith, *Temple Lot Deed*, 10; Wheaton, *Temple Lot*, 3; Addams, *Upon the Temple Lot*, 15; respondent's evidence, 9 July 1892, TLC-R, 3:706. The transaction was confirmed the following decade in James A. Little to editor, 15 November 1875, in "Correspondence," *MS* 38 (17 January 1876), 37.

⁹² William D. Russell, "Portrait of a 'True Believer' in Original Mormonism," in Larson and Passey, *McLellin Papers*, ch. 6. For a caution against any simplistic interpretation of the mercurial

McLellin, see D. Michael Quinn, “‘My Eyes Were Holden In Those Days’: A Study of Selective Memory,” in Larson and Passey, *McLellin Papers*, ch. 4.

⁹³ William McLellin to “Our very dear friends,” 12 July 1869, in Larson and Passey, *McLellin Papers*, 450-452. McLellin was relieved that Hedrick, despite his position as church president and sometime revelator, didn’t really portray himself as Joseph Smith’s successor. McLellin still considered David Whitmer Smith’s chosen successor. As McLellin saw it, Hedrick had a gift and calling, and if Hedrick stayed within the bounds of that calling, he would serve God well.

⁹⁴ William E. McLellin to “My dear Friends,” February 1870, in Larson and Passey, *McLellin Papers*, 457.

⁹⁵ John L. Traughber Jr. statement, 23 May 1884, in Larson and Passey, *McLellin Papers*, 518n†; *MH*, 1:564; Berrett and Parkin, *Sacred Places: Missouri*, 75-76.

⁹⁶ George D. Cole, “Dream or Vision,” *Zion’s Advocate* 3 (November 1926), 2, in Addams, *Upon the Temple Lot*, 18.

⁹⁷ Granville Hedrick and David Judy revelation, 28 April 1872, in John R. Haldeman, “An Important Action,” *Searchlight* 3 (October 1898), 261.

⁹⁸ William E. McLellin to “My old friends,” 22 February 1872, in Larson and Passey, *McLellin Papers*, 482.

⁹⁹ Jenson, Stevenson, and Black to editor, 15 September 1888, in “The Hedrickites,” *DN Semi-Weekly*, 25 September 1888, 2, and republished as “Letter 5” in Jenson and Stevenson, *Infancy of the Church*, 14.

¹⁰⁰ Addams, “Church of Christ,” 211. Some Hedrick family members did ultimately switch sides.

¹⁰¹ John H. Hedrick obituary, in *SH* 19 (15 September 1872), 574.

¹⁰² Francis M. Black, Susan B. Black, David Waldo, and William McCoy to Granville Hedrick, 29 August 1874, in Addams, *Upon the Temple Lot*, 11n4, 19n4; Flint, *Church of Christ*, 114. One of the figures Hedrick purchased his Kansas farm from was regional legend and future Temple Lot Case deponent William McCoy, who served decades earlier as the first mayor of Independence.

¹⁰³ Joseph C. Irwin and Mary Irwin to William Eaton (Lots 17, 18, 19, 22), 9 July 1873; Maria McClanahan and Susan Nelson (formerly Susan Kean) to William Eaton (Lot 15), 7 March 1874. All in Smith, *Temple Lot Deed*, 11; Wheaton, *Temple Lot*, 3; Addams, *Upon the Temple Lot*, 16; respondent’s evidence, 9 July 1892, TLC-R, 3:706. Eaton’s purchases were contemporaneously confirmed in James A. Little to editor, 15 November 1875, in “Correspondence,” *MS* 38 (17 January 1876), 37.

¹⁰⁴ William Eaton and Mary Judd Page Eaton to Granville Hedrick (Lots 15, 17, 18, 19, 22), 5 November 1877, in Smith, *Temple Lot Deed*, 11-12; Wheaton, *Temple Lot*, 3; Addams, *Upon the Temple Lot*, 16; respondent’s evidence, 9 July 1892, TLC-R, 3:706; Orson Pratt and Joseph F. Smith to John Taylor and the [LDS] Council of the Twelve, 17 September 1878, in “Report of Elders Orson Pratt and Joseph F. Smith,” in *MS* 49 (9 December 1878), 770.

¹⁰⁵ At last, in 1906, the City of Independence sold Richard Hill, trustee-in-trust of the Church of Christ, a small triangular strip of land abutting the northern border of Lots 15, 18, 19 of the Temple Lot. The city had intended to turn the strip into a street but abandoned the plan. The addition of this strip increased the size of the Temple Lot to roughly 2.65 acres, the dimensions of the Temple Lot to this day. See the City of Independence to Richard Hill, 17 July 1906, in Smith, *Temple Lot Deed*, 12; Wheaton, *Temple Lot*, 3; Addams, “Reclaiming the Temple Lot,” 15. By contrast, the church never acquired the thirty foot strip of land lying west of Lots 21 and 22. The City of Independence named this strip “Temple Court” and used it to widen Bowen Avenue. See Addams, “Reclaiming the Temple Lot,” 15.

¹⁰⁶ “A Mormon Temple for Missouri,” *St. Louis Globe-Democrat*, 15 November 1877, 1, and “A Mormon Temple for Missouri,” *KCT*, 17 November 1877, 2, cited in Addams, *Upon the Temple Lot*, 19.

¹⁰⁷ *Conference Minutes* (Independence: The Church of Christ [Temple Lot], n.d.), 5 April 1871, in R. Jean Addams, “The Church of Christ (Temple Lot) and the Law of Consecration,” *JWJ* 28 (2008), 96. For their earlier rejection, see the Crow Creek Record, 9, 13.

¹⁰⁸ James A. Little to editor, 15 November 1875, in “Correspondence,” *MS* 38 (17 January 1876), 37. Limited evidence indicates that the Church of Christ erected a structure on a portion of the property

sometime before the late 1880s. See Flint, *Church of Christ*, 114; George Edmunds to Edmund L. Kelley, 22 June 1889, P51, f1, CofC Archives. But the evidence pointing towards a vacant lot is more persuasive.

¹⁰⁹ Alma Owen and Richard Hill deposition, 9 July 1892, TLC-R, 3:717-726 (Q1-140); respondent's evidence, 15 July 1892, TLC-R, 3:810-811; respondent's evidence, 2 August 1892, TLC-R, 3:812.

¹¹⁰ For a detailed history of local urban development, see Pearl Wilcox, *Jackson County Pioneers* (Independence: by the author, 1975).

¹¹¹ James A. Little to editor, 15 November 1875, in *MS* 38 (17 January 1876), 37.

¹¹² Thomas Halley deposition, 9 February 1892, TLC-C, 3:366 (Q7). For similar testimony, see the Clarence St. Clair deposition, 9 February 1892, TLC-C, 3:367 (Q10).

¹¹³ Campbell, *New Jerusalem*, 65.

¹¹⁴ The Latter-day Saints still spoke of returning to Jackson County, but for the moment they remained preoccupied with building their Rocky Mountain Zion and protecting it from Gentile influence. See Campbell, *New Jerusalem*, 126-137.

¹¹⁵ "The Truth Vindicated.—No. 1," *SH* 6 (15 August 1864), 49.

¹¹⁶ For thoughts along these lines, see Campbell, *New Jerusalem*, passim; Addams, "Reclaiming the Temple Lot," 15-17; Jon Taylor, *A President, a Church, and Trails West: Competing Histories in Independence, Missouri* (Columbia: University of Missouri Press, 2008).

¹¹⁷ On Page, see *MH*, 1:568. On Hedrick, see the obituary in *SH* 19 (15 September 1872), 574.

¹¹⁸ Church of Christ (Temple Lot) membership record, 1, copy of typescript in my possession; Addams, *Upon the Temple Lot*, 11n4.

¹¹⁹ Addams, *Upon the Temple Lot*, 12n7.

¹²⁰ Church of Christ (Temple Lot) membership record, 1, copy of typescript in my possession; Addams, *Upon the Temple Lot*, 12n7.

¹²¹ Addams, *Upon the Temple Lot*, 12n7.

Chapter Fourteen
Brigham and Beyond
1860-1880

As Granville Hedrick's Church of Christ reclaimed the Temple Lot in Missouri, Brigham Young's Church of Jesus Christ of Latter-day Saints continued along its own distinctive path. But whereas the LDS Church of the 1850s provided great fodder for the Temple Lot Case with controversial subjects like polygamy, the Adam-God doctrine, the Reformation, and blood atonement, LDS developments of the following two decades attracted comparatively little attention in the case except as they pertained to succession, scripture, and temple ritual. To these developments we now turn.

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For the LDS Church, the field of competition over Mormon succession changed considerably in the 1860s. In the 1840s-1850s, the Brighamites faced a legion of challengers—Sidney Rigdon, James Strang, Alpheus Cutler, William Smith, and others. By the 1860s, the competition had whittled down and coalesced into one preeminent challenger—the New Organization or Reorganized Church of Jesus Christ of Latter Day Saints.¹ The affiliation of Joseph Smith's family with the New Organization in the 1860s rendered the LDS Church vulnerable on the succession question to a degree it had not been since the heyday of James Strang in 1844-1846. In RLDS president Joseph Smith III, Brigham Young faced his most disciplined and tenacious rival yet. And in Joseph III's youngest brother, David Hyrum Smith, Young faced a charismatic and creative youth who reminded Mormons everywhere of their dearly departed prophet.

Young was vulnerable to the Smith sons, first of all, because the young men had legitimate succession claims. LDS leaders recognized that Joseph Smith wanted Joseph III to succeed him in leadership.² In the 1850s, LDS leaders held out hope that Joseph III would disregard his mother's obstructionism, embrace the LDS Church, and rise through its leadership ranks (much like the sons of Hyrum Smith soon would).³ LDS apostle George A. Smith tried repeatedly in the 1850s to persuade Joseph III, his cousin, to join the Utah church.⁴ The effort culminated in 1860, when the seven surviving sons of brothers Joseph, Hyrum, and Samuel Smith reunited in Nauvoo, sixteen years after their fathers' tragic deaths. Hyrum's sons (John and Joseph F.) and Samuel's son (Samuel H. B.) yearned to bring Joseph's sons (Joseph III, Alexander Hale, Frederick Granger, and David Hyrum) into the LDS fold; instead they confirmed that Joseph III had accepted the presidency of the New Organization in April of that year. United by blood and childhood experience, the young cousins would remain cordial, with exceptions, throughout their lives. But ever after, they would remain divided by religion and region.⁵

As hopes dimmed for Joseph Smith's eldest son, Brigham Young looked to the Prophet's youngest son, David Hyrum Smith. As you'll recall, Emma Smith gave birth to David on 17 November 1844, five months after her husband's death. As the couple's only child born "under the covenant" (i.e. following his parents' celestial marriage and second anointing), the Prophet anticipated that his unborn son would be the David spoken of in Scripture who presides over the Kingdom of Israel in the last days.⁶ For this cause, Young assured his people at the October 1863 general conference that even though it now appeared Joseph III "would never lead the Latter-day Saints," the Prophet had told Young

“I shall have a son born to me, and his name should shall be called David; and on him, in some future time, will rest the responsibility that now rests upon me.”⁷ But as it turned out, David followed his eldest brother’s footsteps, joined the Reorganization, and became a beloved singer, poet, and missionary for the RLDS cause.⁸ None of Joseph Smith’s sons would ever accept the LDS Church. From 1860 onward, the Prophet’s sons stood as living embodiments of a viable Mormon alternative to Brighamism.

Brigham Young was also vulnerable to the RLDS challenge insofar as his succession claim *as an individual* arguably could not match those of the Prophet’s sons. As we’ve seen, Joseph Smith specifically and individually identified his eldest and youngest boys as potential successors. By comparison, while the Prophet entrusted unparalleled administrative responsibilities to Young’s Quorum of Twelve at Nauvoo and allowed Young to administer ordinances in the Anointed Quorum that only Joseph and Hyrum themselves administered, he never individually singled out Young as a potential successor. Young became acting president after Joseph’s death by virtue of his apostolic seniority in the Twelve and his liturgical authority in the Anointed Quorum. These were formidable bases of authority, but they were not as direct and individually-tailored as the Prophet explicitly identifying his eldest and youngest sons as potential successors.⁹

Perhaps on this account, Young never fully thought himself Joseph Smith’s prophetic successor. He assumed the Prophet’s administrative and ritual responsibilities without hesitation in 1844-1845, but he never felt comfortable assuming Joseph Smith’s prophetic mantle. Nine days after Nauvoo residents sustained Young’s Quorum of Twelve as an ad hoc presidency in 1844, Young published a circular that read:

You are now without a prophet present in the flesh to guide you; but you are not without Apostles, who hold the keys of power to seal on earth that which shall be sealed in heaven, and to preside over all the affairs of the church in all the world...Let no man presume for a moment that [Joseph Smith's] place will be filled by another; for, remember he stands in his own place, and always will.¹⁰

Unlike other succession claimants who delivered multiple revelations in the name of the Lord—the ranks of whom would in time also include Joseph III—Young published only one revelation in his decades of leadership.¹¹ Only once in his first twenty-five years as president, moreover, did Young present himself for a sustaining vote in conference as a prophet, seer, and revelator.¹² Even then, he seemed almost apologetic about it, remarking that the title “always made me feel as though I am called more than I am deserving of.”¹³ In 1860, two months after Joseph III's ordination as RLDS president, Young candidly told his people: “The brethren testify that brother Brigham is brother Joseph's legal successor. You never heard me say so. I say that I am a good hand to keep the dogs and wolves out of the flock.”¹⁴ Young saw himself as an apostle of Jesus Christ and the prophet Joseph Smith; he didn't really see himself as Joseph's prophetic successor.¹⁵ On this score, Young could come up short in comparisons to Joseph III.

Young was also vulnerable to the RLDS challenge in the 1860s and 1870s insofar as Joseph III took the fight to the LDS Church like no challenger had before. Joseph III believed that most Utahns would abandon Brighamism if exposed to the true (RLDS) brand of Mormonism.¹⁶ Towards that end, he sent missionaries to Utah in 1863, including Apostle Edmund C. Briggs, future Temple Lot Case deponent. LDS leaders took a hard line against the missionaries, denying them meeting space and refusing to engage them in debate. Undeterred, the missionaries converted hundreds of disgruntled

Brighamites and established branches in Utah's major towns.¹⁷ In 1865, Young called for the suppression of Lucy Mack Smith's 1853 autobiography, possibly because the Prophet's mother had presented the Mormon story as the story of the Smith family, lending implicit support to the RLDS doctrine of lineal succession.¹⁸ Even so, the following year, Joseph III employed his greatest leverage of all against Brigham Young—the Smith pedigree. Joseph III dispatched Alexander Hale Smith to the West in 1866, making him the first of the Prophet's sons to preach the RLDS message in Utah.¹⁹ In 1869, Alexander returned with the son of promise, David Hyrum Smith.²⁰ Never before had Young confronted such a sustained and direct challenge to his kingdom.

As it turned out, the Josephites could not sustain their initial success in Utah. David Hyrum Smith returned to Utah in 1872, only to conclude, contrary to his brothers, that his father had indeed practiced polygamy, and contrary to the Brighamites, that it was a grievous sin. Tragically, the dissonance may have proved too much for the sensitive soul. David's already-fragile mental state deteriorated, leading Joseph III to permanently institutionalize him in an Illinois asylum in 1877.²¹ In David's absence, future Temple Lot Case deponent Jason W. Briggs assumed control of the Utah Mission in 1874.²² In 1876, Joseph III paid his first visit to Utah.²³ But by then the mission's best days were over. By 1900, at least three thousand Utah and Idaho residents had left the LDS Church and joined the Reorganized Church. The bulk of the conversions, though, took place during the mission's first eight years, from 1863-1871.²⁴ Hopes and worries to the contrary, Latter-day Saints did not abandon Brighamism en masse.

Still, in the 1860s and into the 1870s, the Josephite challenge to the LDS Church seemed formidable, and in the face of that challenge, LDS elites, and to some extent the LDS rank-and-file, took steps to denigrate the RLDS succession claim and bolster the LDS succession claim. In the following pages we will examine four LDS responses of relevance to the Temple Lot Case: The LDS critique of Joseph III's presidential ordination, Orson Hyde's and Brigham Young's 1860 origin story of the LDS First Presidency, the efforts of LDS apostle Joseph F. Smith to document polygamy's origins, and the evolving cultural memory of Young's 1844 showdown with Sidney Rigdon.

In their polemical contests against Sidney Rigdon and other succession claimants in the 1840s-1850s, LDS apologists emphasized a principle that had been largely taken for granted during Joseph Smith's administration, namely, that one of lesser priesthood authority could not ordain someone to a higher office—that a stream, to use one popular analogy, could not rise higher than its source.²⁵ It was a convenient and generally effective argument for the Twelve, being as their own authority, if we may over-generalize a bit, depended more on administrative order than spontaneous charisma or lineal dynasticism.²⁶ When Rigdon administered temple ordinances he himself did not receive, when James Strang bestowed authority he himself (as the Twelve saw it) did not possess, the Twelve countered with arguments about office, ordination, and hierarchy.²⁷

LDS apologists dusted off these arguments when they learned the details of Joseph Smith III's ordination as RLDS president. If you'll recall, Joseph III received his ordination in April 1860 under the hands of New Organization high priest William Marks

and New Organization apostles Zenas H. Gurley Sr., William W. Blair, and Samuel Powers.²⁸ Obviously, the New Organization believed the four officiators held sufficient priesthood authority to ordain the president of the church. From an LDS perspective, however, the four officiators possessed no such authority—not from the New Organization, not from Joseph Smith’s church, not from any church.²⁹

To begin with, LDS critics did not believe the New Organization empowered the four men to legitimately ordain a church president. The LDS Church did not recognize New Organization authority; in LDS eyes, the New Organization was an apostate organization. It followed, as a corollary, that the authority the four officiators possessed as high priests and apostles of the New Organization was no authority whatsoever. From the vantage point of Salt Lake City, William Marks and company were not apostles and high priests of the Lord Jesus Christ; they were deluded pretenders who, in truth, derived no authority from the New Organization to ordain the president of the Lord’s church.

But what of the authority Marks and company received from the church of Joseph Smith? Did the four officiators receive authority before 1844 sufficient to ordain a church president in 1860? To LDS critics, the answer could not have been more clear-cut. William Marks, they noted, had been a prominent stake president under Joseph Smith, but his authority had always been local, not general, in nature. By contrast, Zenas Gurley Sr. had been just an ordinary elder and possibly a seventy under Smith. Even more remarkably, W. W. Blair and Samuel Powers hadn’t even belonged to the Mormon Church in Smith’s era! In LDS eyes, it was laughably clear that none of the officiators at Joseph III’s ordination possessed presidential powers traceable back to the Prophet.

Marks and company did not have the power to ordain a church president before Joseph Smith's death in 1844; they certainly did not have that power in 1860.

Finally, LDS critics added, three of the men who participated in Joseph III's ordination—Marks, Gurley, and Blair—aligned with discredited apostate leaders before joining the New Organization. Gurley sided with James Strang, Blair with William Smith, and Marks flitted around from Sidney Rigdon to James Strang to Charles B. Thompson to John E. Page. In LDS opinion, Marks, Gurley, and Blair were men tossed about by every gust of false doctrine. Clearly they derived no authority from their apostate backgrounds sufficient to ordain the president of the Lord's church.

Based on these facts and interpretations, LDS critics concluded that Joseph Smith III obtained no presidential authority at his presidential ordination. The men who officiated at his ordination had no authority to ordain a church president. The stream, in this case, had risen higher than its source. "A strange affair indeed," read the initial LDS comment on the ordination, "the Lesser has ordained the greater."³⁰

From 1860 onward, debunking the authority of Marks and company—and in turn, Joseph Smith III—became a standard trope of LDS attacks. For LDS critics, it wasn't enough that Joseph Smith wanted Joseph III to succeed him, it wasn't enough that Joseph III obtained a legitimate succession claim in his youth. As the Brighamites saw it, Joseph III could only serve as church president if ordained by proper priesthood authority, LDS priesthood authority; Marks, Gurley, Blair, and Powers would not do.

While LDS critics diminished the presidential authority that Joseph Smith III received in 1860, in that same year, Brigham Young, president of the LDS Church, and Orson Hyde, president of the LDS Quorum of Twelve Apostles, magnified Young's own presidential authority by claiming, evidently for the first time, that a dramatic supernatural event catalyzed the creation of Young's First Presidency in 1847.

According to contemporary records from 1847, the decision-making process behind the creation of Brigham Young's First Presidency was fairly mundane. In the fall of 1847, Young proposed that three apostles separate from the Twelve as a reconstituted First Presidency.³¹ The post-martyrdom presidency of the Twelve had worked quite well, but Young felt that going forward the church needed a traditional allocation of responsibility wherein a First Presidency presided over the entire church and the Twelve focused on the mission field. Five of the nine apostles present with Young at the time, however, had misgivings about his proposal. Wilford Woodruff thought the unprecedented step of creating a First Presidency out of the Twelve required revelatory approval. But Young persisted, arguing that presidential power was inherent in the apostleship, as evident in the example of the apostle Peter. After weeks of discussion and debate, the apostles concluded that the Holy Spirit approved of the proposal.³² On 5 December 1847, the quorum sustained Young as Joseph Smith's successor in a reconstituted First Presidency.³³ Inspiration certainly factored into the process, but the inspiration was more subtle, gradual, and confirmatory than stark, sudden, and definitive.

When Joseph Smith III emerged as a succession threat thirteen years later, Brigham Young and Orson Hyde evidently felt that Young's path to the First Presidency

needed some dramatic embellishing. On 4 April 1860, two days before Joseph III's anticipated ordination as RLDS president, Young recounted in private to the Quorum of Twelve that there were divisions among the apostles in 1847 over his First Presidency proposal until at "Orson Hyde's the power came upon us, a shock that alarmed the neighborhood." Young recalled that even Orson Pratt, the chief opponent of his proposal, endorsed the First Presidency plan once "the Revel[ation] was given us."³⁴

Six months later, speaking in the October 1860 general conference, Apostle Orson Hyde elaborated on this 1847 revelation:

The voice of God came from on high, and spake to the Council. Every latent feeling was aroused, and every heart melted. What did it say unto us? "Let my servant Brigham step forth and receive the full power of the presiding Priesthood in my Church and kingdom."

Like Young, Hyde claimed that the entire neighborhood felt the revelation:

Men, women, and children came running together where we were, and asked us what was the matter. They said that their houses shook, and the ground trembled, and they did not know but that there was an earthquake. We told them that there was nothing the matter—not to be alarmed; the Lord was only whispering to us a little, and that he was probably not very far off. We felt no shaking of the earth or of the house, but were filled with the exceeding power and goodness of God.

Hyde acknowledged that this was all new information to the Saints in 1860. "I do not know that this testimony has often, if ever, been given to the masses of the people before....We said nothing about the matter in those times, but kept it still." The revelation nonetheless was real, Hyde testified, and it refuted critics who said that "Brigham was appointed by the people, and not by the voice of God." Hyde had the New Organization in mind here, for he specifically denounced critics obsessed with "lineal descent."³⁵ After Hyde's address, Young arose and seconded Hyde's account.³⁶

Other participants in the apostles' 1847 debates, however, remembered no such revelation. Wilford Woodruff was always the first to acknowledge the signs, wonders, and revelations of God, but in private he confided to historian Edward W. Tullidge that the retrospective claims for this particular revelation were not true.³⁷ Woodruff reiterated the point decades later as LDS president, telling young apostle Abraham Cannon that “he does not remember any particular manifestations at the time of the organization of the Presidency.”³⁸ Orson Pratt likewise remarked that if the Lord spoke in those 1847 debates, he personally did not hear it.³⁹ The minutes of the 1847 debates make no mention of a revelatory irruption, nor of neighbors asking about a commotion, nor of a sudden consensus around Brigham Young's First Presidency proposal.⁴⁰

With their claim of an earth-shaking revelation, Young and Hyde may have been reinterpreting an incident documented in the minutes of the 5 December 1847 meeting of the Quorum of Twelve. Pressuring Orson Pratt to accept his First Presidency proposal, Young became demonstrative: “[T]hats the wa[y] I feel (full of Spirit & Shout).” Moments later, Young similarly exclaimed, “ag[ai]n I see [say] Glory Hallaluyah (Shout & sing).” Pratt wasn't impressed: “If I [h]ad the priv[ilege] of roaring[,] I co[ul]d roar too.” George A. Smith followed by expressing his own skepticism of Young's plan. But Young persisted: “[I]t is in my [head] like 7 thunders rolling—I wo[ul]d not [h]av[e] alloed [hollered] tonight but its in me.” Ultimately Pratt and the other skeptics relented, and the meeting ended with the apostles endorsing Young's proposal.⁴¹ If Young's and Hyde's claim of a revelatory disturbance had any historical foundation, it was probably Young's enthusiastic singing and shouting on 5 December 1847.

The problem with Hyde's and Young's claim was that apparently no other apostles present at the 5 December 1847 meeting interpreted Young's singing and shouting as revelation. And whereas the revelation in Hyde's and Young's accounts produced unanimity, the 5 December 1847 minutes show that the debate that day continued long past Young's verbal demonstration. So while Young and Hyde may not have invented their 1860 accounts out of whole cloth, it seems they embellished the truth, probably to counteract Joseph III's assumption of a rival church presidency.

The discrepancy between previous accounts of the 1847 meetings and the revelation claimed by Young and Hyde in 1860 did not pass unnoticed. RLDS editor Isaac Sheen questioned the matter in the March 1861 *Saints' Herald*.⁴² After a falling out with the LDS Church, Edward Tullidge published the damning private admissions of Woodruff and Pratt in an 1880 book sponsored by the Reorganized Church.⁴³ As time passed, Hyde and Young would remain as the only participants in those 1847 debates to testify of the revelation; no other apostles perpetuated the claim (though they refrained from publicly challenging the claim). Perhaps because of its questionable foundation, the story of the revelation accompanying the establishment of Brigham Young's First Presidency did not become a staple of LDS cultural memory and history.⁴⁴

A more enduring LDS response to the RLDS threat began nine years later, catalyzed by the 1869 Utah mission of David Hyrum Smith and Alexander Hale Smith. To counter his cousins' interpretation of Mormon history, LDS apostle Joseph F. Smith sought out evidence proving that his uncle, Joseph Smith, and father, Hyrum Smith, were

complicit in polygamy's propagation. Joseph F. was disappointed by his findings. "I was astonished at the scarcity of evidence," he confided to fellow apostle Orson Pratt. "I might say almost total absence of direct evidence upon the subject as connected with the prophet Joseph himself."⁴⁵ To help fill the void, Joseph F. collected affidavits from the plural wives and polygamous co-conspirators of Joseph and Hyrum. By the end of the year, Joseph F. had collected fifty-four affidavits; by the end of 1870, sixty affidavits. Ultimately, the LDS affidavit collection would contain seventy-five statements in total.⁴⁶

Joseph F. Smith didn't publish any of the affidavits until spurred a decade later by another RLDS challenge. In 1879, Joseph Smith III published an interview with his mother, Emma Smith, wherein the Prophet's widow denied her late husband's involvement in polygamy.⁴⁷ In rebuttal, Joseph F. published seven of his affidavits in the *Deseret News*.⁴⁸ Following Joseph F.'s public airing, several of the Prophet's plural wives and co-conspirators published affidavits on their own in LDS publications.⁴⁹ Going further, in 1887 LDS historian Andrew Jenson published twelve of Joseph F.'s affidavits and thirteen additional affidavits in his periodical, *The Historical Record*.⁵⁰ In 1905, Joseph Fielding Smith, the son of Joseph F., published seventeen of his father's affidavits in a work entitled *Blood Atonement and the Origin of Plural Marriage*.⁵¹ With Joseph Fielding's publication, twenty-four of the affidavits had been published in total.⁵²

The affidavits offered invaluable first-person testimony of polygamy's clandestine origins at Nauvoo. As documented in an earlier chapter, the contemporary evidence for Joseph's and Hyrum's polygamous activities from 1841-1844 is more abundant than Joseph F. initially realized. But in 1869 and into the twentieth-century, much of that

evidence lay in storage unexamined, and much of it lay in journal jottings that suggested nothing without a greater grasp of polygamy's labyrinthine details. In time, though, the affidavit collection that Joseph F. Smith began would serve as a Rosetta Stone for Nauvoo polygamy, helping historians identify couplings, sealing dates, co-conspirators, and circumstances. One can appreciate its value from, for example, the 1869 affidavit of Emily Dow Partridge as published in Andrew Jenson's *Historical Record* (1887):

Be it remembered that on this the first day of May, A. D. 1869, personally appeared before me, Elias Smith, probate judge for said county, Emily Dow (P.) Young, who was by me sworn in due form of law, and upon her oath said, that on the 11th day of May, A. D. 1843, at the City of Nauvoo, County of Hancock, State of Illinois, she was married or sealed to Joseph Smith, President of the Church of Jesus Christ of Latter-day Saints, by James Adams, a High Priest in said church, * * * in presence of Emma (Hale) Smith, (now Emma Bidamon) and Eliza M. Partridge Smith, (now Eliza M. Lyman.)

(Signed)

EMILY D. P. YOUNG.

Subscribed and sworn to by the said Emily D. P. Young, the day and year first above written.

[SEAL.]

ELIAS SMITH,
Probate Judge.⁵³

Unlike some other testators, Emily offered hardly any details here of her courtship and sealing to Joseph Smith. But she provided names and a date, and using such information, later generations of historians would be able to reconstruct the story of Nauvoo polygamy.⁵⁴ Without Joseph F.'s affidavit effort, it would have been much more difficult for historians to do that work, and many details, connections, and nuances would have been lost forever to the silences of history. Ironically, it was the Josephites' denial of the Prophet's polygamy that spurred greater documentation of his involvement.

Joseph F. Smith's affidavit campaign and the Temple Lot Case began more than two decades apart, yet they were complimentary efforts, at least in terms of their

evidentiary import for the study of Nauvoo polygamy. In all, eight of the individuals who recorded affidavits—Emily Dow Partridge, Melissa Lott Willes, Mercy Rachel Thompson, Joseph B. Noble, Lucy Walker Kimball, Lorenzo Snow, Joseph C. Kingsbury, Bathsheba W. Smith—would subsequently testify in the Temple Lot Case. Though the substance of their affidavits and depositions would generally be the same in regard to polygamy, the question-and-answer format of the depositions produced a wealth of nuances and details that their affidavits did not. The Temple Lot Case would, in effect, add flesh and sinew to the bare-bones testimony of the affidavits.

Now we turn to the most popular LDS response to the Josephite threat. As detailed in the chapter on the 1844 succession crisis, Brigham Young’s performance against Sidney Rigdon on 8 August 1844 and at other subsequent Nauvoo events reminded a number of Mormons of their late prophet. Henry Brooks described Young in November 1844: “He is an excellent man, and favors Br. Joseph, both in person, and manner of speaking, more than any person ever you saw looks like another.”⁵⁵ In December, Jesse Little recounted the impressions of a friend who saw Young address the Saints: “I rec[eive]d a Letter from Bro Egan at the time of the Conference he said ‘if a man had been blinded he would hardly have known if it were not Joseph.’”⁵⁶ Some saw Young’s performance(s) as evidence of a divine call. Young was so convincing on August 8th, the Twelve’s *Times and Seasons* editorialized in September 1844, “that every saint could see that Elijah’s mantle had truly fallen upon the ‘Twelve.’”⁵⁷ Wilford Woodruff wrote in February 1845: “It was evident to the Saints that the mantle of Joseph

had fallen upon him.”⁵⁸ William Burton found a similar sentiment in Nauvoo in spring 1845: “The spirit of Joseph appeared to rest upon Brigham.”⁵⁹

With time, the miraculous qualities of Young’s post-martyrdom performances became more pronounced. In a memoir penned as a missionary in French Polynesia in 1851, Caroline Barnes Crosby wrote of Young’s performance on 8 August 1844: “It was the first time that I ever thought he resembled bro. Joseph. But almost every one exclaimed that the mantle of Joseph had fallen on Brigham.”⁶⁰ That same year, Emily Smith Hoyt, first cousin of the Prophet, used Young’s performance to justify her impending hegira to Utah: “I knew that Joseph was dead. And yet I often startled and involuntarily looked at the stand to see if it was not Joseph. It was not, it was Brigham Young.”⁶¹ The first published account of such a transformation appeared in the 29 July 1857 *Deseret News*, wherein Brigham Young referred to Albert Carrington’s testimony that Young appeared as Joseph Smith during the October 1844 general conference.⁶²

Whether by happenstance or causation, accounts of Young’s transformation increased in frequency, detail, and circulation in 1869-1872, when David Hyrum Smith’s recurring presence in Utah made the Josephite challenge more immediate than ever. In October 1869, LDS apostle Orson Hyde testified in general conference:

This is my testimony, it was not only the voice of Joseph, but there were the features, the gestures and even the stature of Joseph there before us in the person of Brigham. And though it may be said that President Young is a complete mimic, and can mimic anybody, I would like to see the man who can mimic another in stature who was about four or five inches higher than himself.

Hyde’s address was published in the *Deseret News Semi-Weekly* on 16 November 1869, making it the first printed, explicit claim of a change in appearance taking place during

the showdown with Rigdon a quarter of a century earlier.⁶³ In October 1870, Apostle George Q. Cannon described the transformation in the LDS youth periodical. Cannon's would become the most influential account of the event:

...not only was it the voice of Joseph which was heard; but it seemed in the eyes of the people as though it was the very person of Joseph which stood before them. A more wonder and miraculous event than was wrought that day in the presence of that congregation we never heard of.⁶⁴

In 1872, apostle and future Temple Lot Case deponent Wilford Woodruff testified:

Every man and every woman in that assembly, which perhaps might number thousands, could bear the same testimony....just as quick as Brigham Young rose in that assembly, his face was that of Joseph Smith—the mantle of Joseph had fallen upon him, the power of God that was upon Joseph Smith was upon him; he had the voice of Joseph, and it was the voice of the shepherd.

Woodruff's account was published in the *Deseret News Weekly* on 22 May 1872.⁶⁵

In time, the 1844 “transfiguration” of Brigham Young became a standard element of the LDS story, much more so than the revelation accompanying the establishment of the LDS First Presidency in 1847.⁶⁶ Whereas Young and Hyde were the only individuals to testify of the 1847 revelation, Lynne Watkins Jorgensen has uncovered 121 accounts—sixty-eight firsthand, fifty-two secondhand—of the 1844 transfiguration.⁶⁷ Young's transfiguration is probably one of the most widely attested miracles of the modern era.

But some accounts of the event are problematic. Wilford Woodruff routinely recorded signs and wonders in his journal, yet he didn't mention a miraculous change of appearance in his lengthy 8 August 1844 journal entry.⁶⁸ Zina Diantha Huntington Jacobs testified of the transfiguration decades later, yet her diary entry on 8 August 1844 mentioned no miracle.⁶⁹ Orson Hyde wasn't even in Nauvoo on August 8th; he didn't return to Nauvoo until the 13th.⁷⁰ Similarly, John D. Lee didn't arrive in Nauvoo until

August 20th, yet he too later indicated he witnessed the August 8th miracle.⁷¹ George Laub testified of the transfiguration in a journal thought to be written in the 1850s, but what appears to be an earlier journal written in the 1840s didn't mention it.⁷²

Critics have also noted curious silences about the event. No contemporary journal or minutes from 8 August 1844 mention the transfiguration. Subsequent issues of the Twelve's *Times and Seasons* and *Nauvoo Neighbor* didn't mention it. Subsequent letters from the Twelve and individual apostles didn't mention it. It wasn't mentioned in the September 1844 excommunication trial of Sidney Rigdon. Orson Hyde and Jedediah Grant didn't mention it in broadsides against Rigdon. The Twelve and their supporters didn't mention it to combat the Strangite charge that Brigham Young was no prophet. They didn't mention it to combat the charge that Young was elected by the people, not by God. It wasn't mentioned in the 1847 debates over Young's First Presidency proposal. It wasn't mentioned in the church history produced by LDS apostles in the 1850s. Wilford Woodruff didn't mention it in any explicit form until 1872.⁷³

The Josephite threat did not precipitate the transfiguration claim. Accounts of Brigham Young's transfiguration predated both the ordination of Joseph Smith III in 1860 and the emergence of the New Organization in 1852. That being said, transfiguration accounts accelerated in number and detail after the rise of the Josephites. Whether they would have proliferated in equal measure without the Josephite threat is a counterfactual we can never know. What is beyond dispute, however, is that accounts of the 1844 transfiguration, more so than the rarely-reported 1847 revelation validating Young's First Presidency, served a need in the LDS community insofar as it

demonstrated that despite Brigham Young's revelatory reticence, the Lord confirmed his mission with a supernatural manifestation surpassing any of his Josephite rivals.

As succession arguments evolved, so too did the LDS temple experience. LDS leaders selected a site for a temple on 28 July 1847, four days after the pioneers' arrival in the Salt Lake Valley.⁷⁴ But the Salt Lake Temple wouldn't be completed for over four decades, and many years would similarly pass before the church completed any of its smaller temples in southern Utah (St. George), northern Utah (Logan), and central Utah (Manti). And so the LDS Church had a temple at the beginning of Brigham Young's presidency (Nauvoo Temple, 1845-1846) and a temple at the end of his presidency (St. George Temple, 1877), but for three decades in between, the church had to make do with less-than-ideal settings for its temple rites. Specifically, LDS leaders performed the first endowment in Utah atop Salt Lake City's Ensign Peak on 21 July 1849.⁷⁵ Between 1851 and 1855, LDS authorities performed 2,222 endowments in the Council House, Salt Lake City's first public building and home of the territorial legislature.⁷⁶ In 1855, the church constructed an interim home for temple rites, the Endowment House, a two-story building on Temple Square designed exclusively for ordinance work. The Endowment House remained in almost continual operation for over three decades, until 1889.⁷⁷

The makeshift arrangements meant that for the bulk of Brigham Young's presidency, the LDS Church did not administer the full range of its rites. Like Joseph Smith before him, Young believed that certain ordinances normally reserved for temples could be performed outside temples if no temples were operational, but that certain

ordinances could only be performed in temples, regardless of circumstances.⁷⁸ As the construction of the Salt Lake Temple suffered recurring delays, however, Young apparently decided he could not wait any longer to administer certain ordinances he wished to hold in reserve.⁷⁹ And so it was on 31 December 1866—eleven years after the opening of the Endowment House, but still a decade away from the completion of the St. George Temple—second anointings were administered for the first time since Nauvoo.⁸⁰ After a similar two-decade hiatus, the church resumed baptisms for the dead in July 1867.⁸¹ By the time it closed in 1889, the Endowment House had hosted 134,053 baptisms for the dead, 54,170 endowments for the living, and 694 second anointings.⁸²

Church leaders adjusted some of the rites during this interim period. At Nauvoo, all proxy marriage sealings had involved at least one living spouse; in the Endowment House, the church for the first time conducted proxy sealings for two deceased spouses.⁸³ And so by 1889, the Endowment House had hosted 31,052 sealings of living couples and 37,715 sealings of dead couples.⁸⁴ The church also added a Christian minister to the casting roles of the endowment drama.⁸⁵ Husbands rather than temple workers began escorting wives through the endowment veil.⁸⁶ Other modifications were likely attempted from time-to-time to improve the administration of ordinances.

Arguably the most significant ritual modifications of Brigham Young's presidency took place following the private dedication of the St. George Temple on 1 January 1877. On the cusp of a new era of temple activity, Young spent months refining, systematizing, and committing to writing the endowment ceremonies in collaboration with Apostle Wilford Woodruff.⁸⁷ In the process, Young introduced a lecture at the veil

steeped in the Adam-God doctrine.⁸⁸ Young and Woodruff also revived the adoption ordinance administered in the Nauvoo Temple in 1845-1846.⁸⁹ They revived the Nauvoo ordinance of sealing children to parents.⁹⁰ Above all, they placed the salvation of the dead on equal footing with the salvation of the living, making possible Joseph Smith's directive that one day the dead would receive all ordinances of the gospel through the vicarious work of the living.⁹¹ Towards that end, Young and Woodruff introduced an ordinance whereby the dead could be sealed by proxy to their parents or children.⁹² They introduced proxy adoptions for the dead.⁹³ They performed proxy priesthood ordinations for the dead.⁹⁴ They revived the Nauvoo ordinance of vicarious second anointings for the dead.⁹⁵ And they pioneered the ordinance of proxy endowments for the dead.⁹⁶

Wilford Woodruff embraced vicarious ordinances with a particular passion. On 1 March 1877, he celebrated his seventieth birthday by having 154 women perform proxy endowments on behalf of deceased women to whom he had been eternally sealed.⁹⁷ Recognizing Woodruff's commitment, Young appointed him founding president of the St. George Temple on April 8th.⁹⁸ Later that August, Woodruff performed proxy baptisms and endowments for eminent men and women of history to whom he bore no relation, expanding the scope of LDS vicarious ordinances beyond the previous norm of family and friends.⁹⁹ As temples opened across Utah in subsequent years, many Latter-day Saints followed Woodruff's example. Through 1893, roughly 1,200 adoptions for the living and 13,000 adoptions for the dead were performed in temples.¹⁰⁰ By 1898, 486,198 endowments and 3,411 second anointings for the dead were performed in temples.¹⁰¹ Woodruff's contributions would make him the foremost champion of LDS

temple work in the last quarter of the nineteenth-century.¹⁰² He and other LDS deponents would be questioned at length about temple work in the Temple Lot Case.

As Brigham Young and Wilford Woodruff deepened the temple-building identity of the Latter-day Saints, another aged apostle, septuagenarian Orson Pratt, charted the scriptural canon of the LDS Church on a similarly distinctive course.

Up to the 1870s, the LDS Church and the Reorganized Church used similar editions of *The Doctrine and Covenants*. Isaac Sheen published an RLDS edition in 1863, and the LDS Church published its own editions in England in 1845, 1849, 1852, 1854, 1866, and 1869. But aside from Sheen's inclusion of two additional Joseph Smith revelations, the texts of the two churches were basically the same, as both were based upon Joseph Smith's second edition, published posthumously in Nauvoo in the fall of 1844 and reissued by Brigham Young's Quorum of the Twelve in 1845 and 1846.¹⁰³

But in the 1870s, Brigham Young asked Orson Pratt to prepare a new American edition of the text, the first American edition published by the LDS Church since the 1846 Nauvoo reissue. Printed in Salt Lake City in 1876, Pratt's edition broke dramatically from the textual consensus of the previous three decades. Whereas prior editions of *The Doctrine and Covenants* formatted revelations in paragraphs, the 1876 edition presented them in biblical-type verse. Whereas prior editions presented revelations in a sort of topical order, the 1876 edition presented them chronologically.¹⁰⁴ The biggest difference of the text, though, lay in its contents. Whereas prior LDS editions contained the same revelations as Smith's 1844 Nauvoo edition, Orson Pratt

added twenty-six revelations to the 1876 edition. Twenty-five of the additions came from Smith's own writings; the final addition was Brigham Young's 1847 revelation on the westward exodus.¹⁰⁵ Pratt's selections implicitly affirmed that Joseph remained a true prophet for the duration of his career and that Brigham was his rightful successor.

Topically, Pratt's additions touched on priesthood, the name of the church, the doctrines of the temple, and the sacred standing of former Mormon habitations in Caldwell County and Daviess County, Missouri, among other matters. Beyond any other single subject, however, the 1876 LDS *Doctrine and Covenants* differed from all prior editions most thoroughly and spectacularly on the subject of marriage. All prior editions up to 1876 contained the church's 1835 statement sustaining monogamy as the Mormon marital norm. For the 1876 edition, however, Pratt omitted the 1835 monogamy statement and replaced it with Joseph Smith's 1843 revelation on celestial and plural marriage, the text that Brigham Young publically released to an outraged nation in August 1852. With the 1876 *Doctrine and Covenants*, the most notorious text in Mormon history entered a book of LDS Scripture. To the present, the controversial revelation remains Section 132 of the LDS *Doctrine and Covenants*.¹⁰⁶

The 1876 edition marked a turning-point in the history of Mormon scriptural texts. Up to that point, particularly before the release of Isaac Sheen's RLDS edition in 1863, it was not uncommon for members of the New Organization/Reorganized Church to use LDS editions of *The Doctrine and Covenants*, particularly the 1844, 1845, and 1846 editions published by the Quorum of Twelve in Nauvoo.¹⁰⁷ Beginning with the 1876 edition, however, current LDS editions of the text became anathema to the

Reorganization. The inclusion of the polygamy revelation and Brigham Young revelation, coupled with the exclusion of the 1835 statement on monogamy, rendered the 1876 *Doctrine and Covenants* unpalatable to RLDS members.¹⁰⁸ Orson Pratt's 1876 edition permanently cleaved the scriptures of the LDS and RLDS churches.

Pleased with Pratt's work on *The Doctrine and Covenants*, LDS leaders subsequently asked the apostle to prepare the first American edition of *The Pearl of Great Price*, that popular collection of difficult-to-find Joseph Smith materials published by Apostle Franklin D. Richards for the LDS British Mission in 1851. If you'll recall, *The Pearl of Great Price* contained the Moses and Enoch theophanies from Smith's *Genesis* revision, Smith's revision of Jesus's apocalyptic sermon in *Matthew 24*, Smith's 1838-1839 autobiography, the translation of *The Book of Abraham*, the 1842 Articles of Faith, and choice revelations from *The Doctrine and Covenants*.¹⁰⁹ *The Pearl of Great Price* had become a favorite of British and, thanks to British immigration, American Latter-day Saints. By the 1870s, LDS leaders wished to increase its availability. The result was Orson Pratt's 1878 American edition of *The Pearl of Great Price*.¹¹⁰

Pratt made notable changes to the *Pearl of Great Price*. He added Joseph Smith's plural marriage revelation to the contents, the same revelation he earlier added to the 1876 *Doctrine and Covenants*.¹¹¹ Elsewhere, Pratt improved the Moses and Enoch extracts of the *Pearl of Great Price* by placing them in chronological order and adding the intermediate material of Smith's *Genesis* revision, providing LDS readers for the first time with the complete opening chapters of Smith's *Genesis*.¹¹²

Pratt's most significant change was his source material. For the original 1851 *Pearl of Great Price*, Franklin D. Richards drew his Moses and Enoch texts from extracts published in the 1830s and 1840s in *The Evening and Morning Star*, the "Lectures on Faith," the *Times and Seasons*, as well as, evidently, an imperfect manuscript copy. A quarter of a century later, Pratt recognized that *The Holy Scriptures* (1867), the RLDS version of Smith's biblical revision, offered a superior text of Smith's *Genesis* than the texts Richards relied upon. Pratt didn't know the complicated manuscript history of Smith's biblical revision, but he nonetheless recognized that the manuscripts Joseph Smith III utilized for *The Holy Scriptures* represented the Prophet's later and superior draft of *Genesis*. For this reason, Pratt discarded Richards's version of the *Genesis* materials and silently substituted the Reorganization's version. When LDS readers read the uncut *Genesis* revision for the first time in Pratt's *Pearl of Great Price*, they had no idea they were reading a text reliant to a great extent on Joseph III and the Reorganized Church. Be that as it may, Pratt's instincts were on the mark. The RLDS text Pratt relied upon represented a significant improvement over Richards's text.¹¹³

Having produced a revised edition of *The Doctrine and Covenants* in 1876, followed by the revised edition of *The Pearl of Great Price* in 1878, Orson Pratt, now the church's lone surviving member of Joseph Smith's original Quorum of Twelve, did much to improve and distinguish the LDS presentation of Joseph Smith's revelations. During the October 1880 general conference, one year before Pratt's death, newly-sustained First Presidency counselor Joseph F. Smith recognized Pratt's accomplishment by proposing that the church sustain the 1876 *Doctrine and Covenants* and the 1878 *Pearl of Great*

Price as canonical texts. The vote carried unanimously.¹¹⁴ In this manner, the LDS Church canonized the revelation on plural marriage and entered the Temple Lot Case with not three, but four, books in its canon: *The Holy Bible*, *The Book of Mormon*, *The Doctrine and Covenants* (1876) and *The Pearl of Great Price* (1878).

In a previous chapter on the Reorganized Church, we saw that the Josephites made significant changes to their own scriptural canon beginning in the late 1870s. Taken together, we see that from 1876-1880, the LDS Church and RLDS Church canonically distanced themselves from each other and their Mormon contemporaries. In 1876, the LDS Church added the revelation on plural marriage, the Brigham Young revelation, and twenty-four other new sections to its *Doctrine and Covenants*.¹¹⁵ In 1878, the Reorganized Church canonized *The Holy Scriptures* (the RLDS version of Joseph Smith's biblical revision) and the revelations of Joseph Smith III.¹¹⁶ In 1880, the Reorganized Church incorporated the revelations of Joseph III in a new RLDS edition of *The Doctrine and Covenants*.¹¹⁷ In 1880, the LDS Church canonized Pratt's 1876 *Doctrine and Covenants* and his 1878 *Pearl of Great Price*.¹¹⁸ All these new texts save *The Pearl of Great Price* would receive considerable scrutiny in the Temple Lot Case.

Unlike his *Doctrine and Covenants* assignment, Orson Pratt's commission for *The Pearl of Great Price* didn't come from Brigham Young. The LDS president passed away on 29 August 1877 at the age of seventy-six. A towering figure of the nineteenth-century, Young led the LDS Church for thirty-three years, guided his people to a new homeland, founded a massive irrigation-based civilization, and placed his stamp on a

religion, a region, and an era.¹¹⁹ Like his long-deceased mentor Joseph Smith, Brigham Young would come up time and time again in the Temple Lot Case.

During Young's presidency, it wasn't altogether clear who would succeed him after his death. One option was a lineage-based successor. While the LDS Church rejected the uncompromising RLDS doctrine of lineal presidential succession, by every other marker, lineage remained a more potent concept in the LDS Church than in the RLDS Church. LDS leaders believed that Latter-day Saints had the "believing blood" of Abraham coursing through their veins, that they comprised a literal rather than figurative Israel.¹²⁰ As they saw it, Joseph Smith's family wasn't the only family entitled to the priesthood. In 1847, Brigham Young declared: "I am entitled to the Keys of the Priesthood according to lin[e]age & Blood. So is Brother H. C. Kimball & many others."¹²¹ As an outgrowth of this belief, the LDS hierarchy through the nineteenth-century and beyond was an extended kinship network of fathers, sons, brothers, uncles, and cousins—an "American Elite," in D. Michael Quinn's apt characterization.¹²²

In this milieu, a successor chosen at least in part on the basis of lineage remained a possibility. Into the 1860s, LDS leaders held out hope that the sons of the Prophet, Joseph III and/or David Hyrum, would assume their rightful place in the LDS hierarchy. With those hopes fading, in 1866 Young privately ordained twenty-eight year old Joseph F. Smith to the apostleship, appointing the son of Hyrum Smith assistant counselor in the First Presidency.¹²³ One year later, Joseph F. entered the Quorum of Twelve.¹²⁴ But Young also wished his own posterity to lead the church. Through the years, he secretly ordained four of his sons as apostles, specifically John Willard Young in 1855 (at eleven

years of age), Joseph Angel Young (twenty-nine) and Brigham Young Jr. (twenty-seven) in 1864, and Brigham Heber Young (born in 1845) sometime thereafter.¹²⁵ Having been privately ordained, Young's sons, like Joseph F. Smith, did not automatically enter the Quorum of Twelve. But in October 1861 general conference, Young announced that quorum seniority would subsequently hinge not on age, as Joseph Smith had counseled, but on length of service as an apostle.¹²⁶ This meant that were Young's sons to enter the Quorum of Twelve, their youthful ordinations would give them a decided head start towards quorum seniority and ultimately the church presidency.¹²⁷

Still, lineage alone probably wouldn't be the determining factor in finding Young's successor. Young himself became church president not by lineage, but by dint of age-based seniority within the Twelve.¹²⁸ But as he looked ahead to potential successors from within the Twelve, Young didn't like what he saw. Orson Hyde had served as apostle since 1835 and quorum president since 1847, but Hyde could be erratic at times, and in 1838 he turned against the Prophet for a season.¹²⁹ Second in line stood Orson Pratt, who likewise had been an apostle since 1835, but had broken with the Prophet briefly in 1842 and clashed with Young over doctrinal matters ever since.¹³⁰ To prevent these men from becoming president, Young and a compliant Twelve decided in April 1875 that quorum seniority would now be measured by one's *uninterrupted* apostolic service. In an instant, Hyde dropped from first to third in the quorum and Pratt from second to fourth.¹³¹ Ironically, that made John Taylor the senior quorum member, and for reasons less dramatic than those with Hyde and Pratt, Young didn't want Taylor to become president either.¹³² But rather than depose Taylor outright, Young simply and

silently refused to recognize Taylor as president of the Twelve. From 1875-1877, Young omitted the quorum presidency from the list of offices sustained in conference. For two years, church members had no idea that Taylor was now, by default, the senior apostle.¹³³

On 4 September 1877, six days after Young's death, LDS leaders sustained the Quorum of Twelve as the acting church presidency, John Taylor as president of the Twelve, and Young's counselors (John Willard Young and Daniel H. Wells) as assistants to the Twelve.¹³⁴ At October general conference, the Twelve for the first time publicly identified John Taylor as quorum president.¹³⁵ George Q. Cannon related that Young had placed Taylor "ahead of two others, until by the unanimous voice of the Apostles he was acknowledged the Senior Apostle, holding the oldest ordination without interruption of any man among the Apostles."¹³⁶ Yet most apostles weren't eager to install Taylor or anyone else as a new church president. The apostles hadn't appreciated Young's autocratic behavior, and they had no desire to subjugate themselves to another president.¹³⁷ For the time being, the Twelve led the church as a collegial body.

A succession selection informed by considerations of lineage still remained an option, but by now only one such candidate inspired any passion. The RLDS sons of Joseph Smith had disqualified themselves. John Willard Young had proven himself an unscrupulous businessman.¹³⁸ Brigham Young Jr. had served capably in the Quorum of Twelve since 1868, but there was no clamor for a second Young presidency.¹³⁹ By 1877, only junior apostle Joseph F. Smith inspired serious talk of a lineage-based candidate. Within weeks of Young's death, former First Presidency counselor Daniel H. Wells urged the Twelve to promote the young and vigorous Joseph F. as president. But the

Twelve vetoed the proposal.¹⁴⁰ Whether they voted so in deference to quorum seniority or in opposition to an immediate reconstitution of the First Presidency isn't clear.¹⁴¹

For three years after Young's death, Quorum of Twelve president John Taylor lobbied for the creation of a new First Presidency, but the apostles remained reluctant. Orson Pratt preferred a younger president over the septuagenarian Taylor. Daniel H. Wells reiterated his preference for Joseph F. Smith. But Taylor persisted, and after three days of debate in October 1880, the Twelve relented and sustained John Taylor as Brigham Young's successor, bringing the three-year apostolic interregnum to an end. For First Presidency counselors, Taylor selected George Q. Cannon, uncle of a principal figure in the Temple Lot Case, and Joseph F. Smith, the Smith family standard-bearer in the LDS Church. Wilford Woodruff was now president of the Twelve.¹⁴²

The 1880 succession of John Taylor reaffirmed that the Quorum of Twelve remained the bedrock authority in the LDS Church. The First Presidency was just an extension of the Twelve in the LDS Church, and most LDS leaders understood that even potential lineal successors from the families of Joseph, Hyrum, and Brigham should work their way up through the Twelve to the presidency like everyone else. In that sense, the LDS Church remained very much the product of the popular vote at Nauvoo on 8 August 1844 sustaining the quorum, not an individual, as the post-martyrdom leaders of the church. That being said, John Taylor's succession did not end LDS apostolic debates over the custom of the senior apostle ascending to the presidency or the possibility of a prince from Hyrum Smith's family leapfrogging over older apostles to the presidency. In that sense, debates over Taylor's succession revealed that the LDS principle of apostolic

succession still bore the ambiguities of its ad hoc origins. The strengths and weaknesses alike of LDS presidential succession would soon be explored in the Temple Lot Case.

These developments in succession, scripture, and temple work took place by and large at a time when the LDS Church enjoyed considerable autonomy in Utah Territory. During the last years of Brigham Young's presidency, however, that autonomy started to constrict. By the time John Taylor took office in 1880, a collision between the church and the U.S. Government seemed imminent. That collision would define the LDS experience of the late nineteenth-century, and in ways small and great impact the Temple Lot Case.¹⁴³ Several individuals in the LDS showdown with the federal government would figure prominently in the Temple Lot Case.

The public acknowledgement of LDS plural marriage in August 1852 provoked a national outcry, but Utah Mormons for a variety of reasons were able to practice polygamy with impunity for many years thereafter. When Congress created Utah Territory in 1850, federal laws did not prohibit bigamy or polygamy.¹⁴⁴ In 1851, the Utah Legislature ensured local (LDS) control of judicial and law enforcement matters by appointing a territorial marshal and attorney, empowering the marshal to summon juries, and expanding the jurisdiction of locally-controlled probate courts to include all criminal and civil cases.¹⁴⁵ In 1854, the Utah Legislature rejected the Anglo-American common law with its prohibition on bigamy.¹⁴⁶ For these and other reasons, a generation of polygamists enjoyed considerable autonomy in federal Utah Territory.

Washington D.C. took notice. In June 1856, the newly-formed Republican Party characterized slavery and polygamy as “twin relics of barbarism.”¹⁴⁷ That same month, Rep. Justin Smith Morrill of Vermont, a Whig-turned-Republican, introduced the first congressional antipolygamy bill. The bill never came up for debate, as Congress was more preoccupied with Bleeding Kansas and the upcoming election.¹⁴⁸ But Rep. Morrill persisted, and with the secession of uncooperative southern legislators at the dawn of civil war in 1861, the first Republican president, Abraham Lincoln, signed the first federal prohibition of bigamy in July 1862, the Morrill Anti-Bigamy Act. The Morrill Act made bigamy a felony in U.S. territories punishable by up to \$500 in fines and five years’ imprisonment. It also targeted the financial power of the LDS Church, annulling the territorially-enacted incorporation of the church, limiting the church to \$50,000 in real estate in any U.S. territory, and authorizing the federal government to escheat (seize) all assets above that limit.¹⁴⁹ “The Morrill Act was unprecedented,” writes Sarah Barringer Gordon. “The federal government had never before assumed such supervisory power over structures of private authority.”¹⁵⁰ Proponents reconciled the bill with the principle of religious toleration by depicting the LDS religion as something other than religion.¹⁵¹

But Lincoln didn’t enforce Morrill, as he already had enough enemies to contend with in wartime. “You go back and tell Brigham Young that if he will let me alone,” Lincoln quipped, “I will let him alone.”¹⁵² After the war, the Saints had little difficulty working around Morrill. A caveat in the legislation undermined the disincorporation edict.¹⁵³ Young avoided the \$50,000 limit by holding church property in his own name.¹⁵⁴ Federal officials could rarely find proof of privately-solemnized plural marriage

ceremonies.¹⁵⁵ Even when verified, LDS judges and juries refused to convict their own.¹⁵⁶ In the late 1860s and into the 1870s, finally, Washington D.C. was more preoccupied with Southern Reconstruction.¹⁵⁷ Polygamy continued largely unmolested.

Latter-day Saints gave the lie to claims of polygamous tyranny and female victimhood by enfranchising Utah women in 1870, fifty years before the 20th Amendment.¹⁵⁸ Undeterred, Rep. Shelby M. Cullom, Republican of Illinois, sponsored a bill that year that applied the coercive means of Reconstruction to Utah. The Cullom bill criminalized cohabitation and adultery, federalized jury selection and judicial and law enforcement appointments, barred polygamists from naturalization, voting, and public office, barred believers in plural marriage from jury service in polygamy and cohabitation cases, annulled the common law privilege that wives need not testify against their husbands, escheated polygamists' property for their descendants' use, and authorized the president to use the Army for law enforcement. A pared-down version of the bill passed the House of Representatives but died in the Senate. But the Cullom bill was a harbinger of the future; its draconian proposals would resurface in later legislation.¹⁵⁹

In 1874, Republican president Ulysses S. Grant signed a bill sponsored by Rep. Luke P. Poland (R-Vermont) ensuring federal jurisdiction over all civil, criminal, and chancery cases in Utah Territory, replacing the territorial marshal and attorney with a federal marshal and federal attorney, and introducing jury selection rules to exclude polygamists.¹⁶⁰ For a quarter-century, local judicial autonomy had enabled LDS judges, juries, and law enforcement officials to shield polygamists; with the Poland Act, that autonomy started to end. As Ken Driggs observes, "the necessary machinery for the

mass prosecutions of Mormons was now in place.”¹⁶¹ Case in point: It was only with passage of the Poland Act that John D. Lee was finally brought to justice for the 1857 Mountain Meadows Massacre.¹⁶² By federalizing much of Utah’s judiciary, the Poland Act added some teeth to the ineffective Morrill Anti-Bigamy Act.

Hopeful the Supreme Court would declare antipolygamy laws unconstitutional, George Q. Cannon—Utah congressional delegate, First Presidency counselor, and uncle to the LDS point-man in the Temple Lot Case—arranged a test case in 1875 featuring bigamist First Presidency secretary George Reynolds.¹⁶³ As the case moved through the courts, the church underscored the religious motivation for polygamy by including Joseph Smith’s plural marriage revelation in the 1876 *Doctrine and Covenants* and 1878 *Pearl of Great Price*.¹⁶⁴ But the courts were unimpressed. In January 1879, the Supreme Court upheld Reynolds’ conviction, arguing that the Free Exercise Clause of the First Amendment protects religious belief, not unlawful religious practice. “Can a man excuse his practices to the contrary (in violation of law) because of his religious belief?,” queried Chief Justice Morrison R. Waite. “To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself.”¹⁶⁵ Gordon notes that “*Reynolds* was the first Supreme Court case to apply a provision of the First Amendment and determine its meaning in law.”¹⁶⁶ It remains a benchmark of constitutional law.¹⁶⁷ *Reynolds* was the first of at least fifteen Supreme Court cases on the LDS question between 1879-1891.¹⁶⁸

LDS leaders protested the *Reynolds* decision, but to no avail.¹⁶⁹ For the nation at large—with the exception of some southern Democrats still smarting from federal

Reconstruction—*Reynolds* settled the constitutionality of antipolygamy legislation. Now that the highest court had spoken, Americans demanded with greater unanimity than ever before that the LDS Church or the U.S. Government put an end to polygamy.¹⁷⁰ With Southern Reconstruction having run its course, the federal government would inaugurate a second Reconstruction—a Reconstruction of the LDS Kingdom in the West.

Endnotes

¹ This is not to deny the significance of the Morrisite and Godbeite challenges to LDS authority. See C. LeRoy Anderson, *Joseph Morris and the Saga of the Morrisites* rev. ed. (Logan: Utah State University Press, 2010); Ronald W. Walker, *Wayward Saints: The Godbeites and Brigham Young* (Urbana: University of Illinois Press, 1998). But like many prior challengers, the Morrisites and Godbeites blossomed for a season but waned fairly quickly. The Hedrickite and Josephite movements proved far more durable, but after the 1850s the Hedrickites did not concern themselves all that much with the Brighamites. The Josephites alone proved both lasting and eager to confront the Brighamites.

² On Joseph Smith Jr.'s 1844 blessing of Joseph Smith III, see Henry Brown, *History of Illinois* (New York: New York Press, 1844), 489, in *MH*, 1:232; George J. Adams to Abijah R. Tewkesbury, 14 June 1845, in *New York Messenger* 2 (19 July 1845), in *MH*, 1:228, 232; William Smith, *A Proclamation: And Faithful Warning to All the Saints Scattered Around in Boston, Philadelphia, New York, Salem, New Bedford, Lowell, Peterborough, Gilson, Saint Louis, Nauvoo and Elsewhere in the United States; Also, to Those Residing in the Different Parts of Europe and in the Islands of the Sea* (1845), reprinted in the *Warsaw Signal*, 29 October 1845, with the excerpt in question featured in Andrew F. Ehat, "Joseph Smith's Introduction of Temple Ordinances and the 1844 Mormon Succession Question" (M.A. thesis: Brigham Young University, 1982), 240-241; W. W. Blair journal, 16 May 1865 and 17 June 1874, CofC Archives; Alexander H. Smith journal, undated entry opposite the torn page that follows the 15 May 1864 entry, CofC Archives; James Whitehead deposition, 26 January 1892, in TLC-C, 1:9 (Q41-53), 1:46 (Q729), 18-19 (Q241-252), 21-22 (Q299-308); Joseph Smith III deposition, 27-28 January 1892, in TLC-C, 1:52 (Q63-64), 126 (Q1049-1055).

³ William Smith, *Proclamation*; Heber C. Kimball discourse, 29 June 1856, in *JD*, 4:6; Brigham Young office journal, 28 February 1860, in D. Michael Quinn, "Organizational Development and Social Origins of the Mormon Hierarchy, 1832-1932" (M.A. thesis: University of Utah, 1973), 73; Brigham Young discourse, 3 June 1860, in *JD*, 8:69; John D. Lee, *Mormonism Unveiled; or the Life and Confessions of the Late Mormon Bishop, John D. Lee* (St. Louis: Bryan, Brand & Co., 1877), 155, 161-162, 164; Edward W. Tullidge, *Life of Joseph the Prophet* (Plano, IL: Board of Publication of the Reorganized Church of Jesus Christ of Latter Day Saints, 1880), 614-615; John H. Carter deposition, 14 March 1892, TLC-C, 2:377-378 (Q44-50).

⁴ George A. Smith to Joseph Smith III, 13 March 1849, and George A. Smith and John L. Smith to Joseph Smith III, 24 June 1854, in Charles Millard Turner, "Joseph Smith III and the Mormons of Utah" (Ph.D. dissertation: Graduate Theological Union/University of California at Berkeley, 1985), 121, 165, respectively; Tullidge, *Joseph the Prophet*, 764-765.

⁵ Buddy Youngreen, "Sons of the Martyrs' Nauvoo Reunion-1860," *BYU Studies* 20 (Summer 1980), 351-370; Turner, "Joseph Smith III," 189-191, 196-200. John H. Smith visited Nauvoo in February, before the other Utahns, and during his travels, he heard intimations that Joseph III might join the New Organization. Joseph F. Smith and Samuel H. B. Smith visited Nauvoo in June, by which time Joseph III had indeed become president of the New Organization.

⁶ Joseph Smith taught that children born to worthy couples sealed through celestial marriage and the second anointing were sealed by the Holy Spirit of Promise like their parents. See the Howard and Martha Corey notebook, Franklin D. Richards' "Scriptural Items," and the William Clayton journal, 13 August 1843, in *WJS*, 241-242, 300n19; Ehat, "Temple Ordinances," 142.

⁷ Brigham Young discourse, 7 October 1863, in *MH*, 1:238, and Ehat, "Temple Ordinances," 143, 243-244, and D. Michael Quinn, "The Mormon Succession Crisis of 1844," *BYU Studies* 16 (Winter 1976), 229. I've omitted a clerical error in the second quotation for clarity. For similar recollections, see the Wilford Woodruff journal, 10 March 1844, in *WJS*, 331; Oliver B. Huntington journal, undated entry between 10 December 1845-early 1846, in Ehat, "Temple Ordinances," 279n408; LDS Church Historian's Office journal, 15 August 1860, 1 September 1861, and 6 June 1868, in Ehat, "Temple Ordinances," 143, 243, and *MH*, 1:230-231; Brigham Young discourse, 7 October 1866, copy in my possession; Thomas B. H. Stenhouse, *The Rocky Mountain Saints* (New York: D. Appleton and Company, 1873), 213; W. W. Blair journal, 17 June 1874, CofC Archives.

⁸ Valeen Tippetts Avery, *From Mission to Madness: Last Son of the Mormon Prophet* (Urbana: University of Illinois Press, 1998), chs. 3-4.

⁹ According to the "History of Brigham Young," *DN*, 10 February 1858, 358, Joseph Smith remarked upon meeting Young in 1832 that "the time will come when bro. Brigham Young will preside over this church." But the first draft of this account makes no mention on this prophecy. The LDS Church Historian's Office added it in subsequent drafts. See Quinn, "Succession Crisis," 216n76.

¹⁰ Brigham Young to The Church of Jesus Christ of Latter-Day Saints, 15 August 1844, in *HC*, 7:250.

¹¹ Brigham Young revelation, 14 January 1847, in *D&C* (LDS) 136.

¹² *MH*, 1:251, 466. Young was sustained as prophet, seer, and revelator as a member of the Quorum of Twelve in 1836 and later as church president in 1857 and 1872-1877.

¹³ Brigham Young discourse, 6 October 1857, in *JD*, 5:296.

¹⁴ Brigham Young discourse, 3 June 1860, in *JD*, 8:69.

¹⁵ Brigham Young discourses, 7 April 1852, 17 February 1856, 6 October 1857, and 31 August 1875, in *JD*, 6:319-320, 3:212, 5:296, and 18:70-71, respectively.

¹⁶ Roger D. Launius, *Joseph Smith III: Pragmatic Prophet* (Urbana: University of Illinois Press, 1988), 218-221, 238-239.

¹⁷ Richard Lyle Shipley, "Voices of Dissent: The History of the Reorganized Church of Jesus Christ of Latter Day Saints in Utah, 1863-1900" (M.A. thesis: Utah State University, 1969), ch. 4; Launius, *Joseph Smith III*, 221-223.

¹⁸ Jan Shipps, *Mormonism: The Story of a New Religious Tradition* (Urbana: University of Illinois Press, 1984), ch. 5; Avery, *Mission to Madness*, 112. For an assessment of this argument, see Lavina Fielding Anderson, ed., *Lucy's Book: A Critical Edition of Lucy Mack Smith's Family Memoir* (Salt Lake City: Signature Books, 2001), 129-132.

¹⁹ Turner, "Joseph Smith III," 262-264; Launius, *Joseph Smith III*, 224-225.

²⁰ Avery, *Mission to Madness*, ch. 5; Turner, "Joseph Smith III," 272-278; Shipley, "Voices of Dissent," 55-64.

²¹ Avery, *Mission to Madness*, chs. 8-13; Turner, "Joseph Smith III," 278-287. David spent the remainder of his life at the State Asylum for the Insane in Elgin, Illinois. He passed away in 1904.

²² Shipley, "Voices of Dissent," 75-77.

²³ Launius, *Joseph Smith III*, 229-235; Turner, "Joseph Smith III," 289-300.

²⁴ The declension theme is pronounced in Shipley, "Voices of Dissent," chs. 6-7. The figures come from pages 97-98. Most RLDS converts preferred to leave Utah than build up local institutional strength. As a result, the Reorganization always had a precarious foothold in Utah.

²⁵ See, for example, John Taylor, "Trial of Sidney Rigdon," 8 September 1844, in *T&S* 5 (1 October 1844), 661; John Taylor, "Patriarchal," *T&S* 6 (1 June 1845), 922; Wilford Woodruff journal, 15 August 1847, in *WWJ*, 3:260.

²⁶ For an application of these Weberian types to Mormonism, see Irene M. Bates and E. Gary Smith, *Lost Legacy: The Mormon Office of Presiding Patriarch* (Urbana: University of Illinois Press, 1996), ch. 1.

²⁷ Critics accused the Twelve of the same crime insofar as the Twelve assumed presidential power after Joseph Smith's death. Young countered that presidential power is inherent in the apostleship.

²⁸ For accounts of the ordination, see the "Early Reorganization Minutes," 6 April 1860, in Richard P. Howard, *The Church Through the Years* 2 vols. (Independence: Herald Publishing House, 1992-1993), 1:375; "The Mormon Conference," *Amboy Times*, 14 April 1860, in *SH* 1 (May 1860), 101-105, and *HRC*, 3:250-251; "Minutes of Conference," 6 April 1860, in *SH* 1 (May 1860), 105-106.

²⁹ The following paragraphs are based upon the arguments found in B. H. Roberts, *Succession in the Presidency of the Church of Jesus Christ of Latter-Day Saints* 2d ed. (Salt Lake City: George Q. Cannon & Sons, 1900), 77-83; Joseph Fielding Smith, *Origin of the "Reorganized" Church and the Question of Succession* 2d ed. (Salt Lake City: Deseret News, 1909), 86-93; O. A. Murdock, *Succession of Joseph III: Is Joseph III the True Successor of Joseph the Prophet in the office of President of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Deseret News, 1913), 32-35, 39-40. Richard C. Evans, who served alongside Joseph Smith III in the RLDS First Presidency from 1902-1909, offered a similar critique after breaking away from the Reorganization in R. C. Evans, *Forty Years in the Mormon Church: Why I Left It!* (Toronto: by the author, 1920), 68-73.

³⁰ William H. Folsom to Brigham Young, 20 April 1860, in *MH*, 1:237. RLDS apologists countered that the higher authority in all ordinations is God, not the officiators. They added, moreover, that Joseph Smith himself possessed only the lesser Aaronic Priesthood when he first ordained elders and high priests of the Melchizedek Priesthood. See *HRC*, 3:224-225, 251-252.

³¹ Wilford Woodruff journal, 12 October 1847, in *WWJ*, 3:283; Stenhouse, *Rocky Mountain Saints*, 263. Young did so in response to the "tappings" of the Holy Spirit. See the "Minutes of Councils, Meetings, & Journey," 5 December 1847, in Gary James Bergera, *Conflict in the Quorum: Orson Pratt, Brigham Young, Joseph Smith* (Salt Lake City: Signature Books, 2002), 65, 77.

³² "Minutes of Councils, Meetings, & Journey," 16, 30 November, 5 December 1847, in Bergera, *Conflict in the Quorum*, 54-81; Wilford Woodruff journal, 12 October 1847, in *WWJ*, 3:283.

³³ Wilford Woodruff journal, 5 December 1847, in *WWJ*, 3:295; Quorum of the Twelve Apostles minutes, 5 December 1847, in *MH*, 1:249, and Richard E. Bennett, *Mormons at the Missouri, 1846-1852: "And Should We Die..."* (Norman: University of Oklahoma Press, 1987), 212; *HC*, 7:621.

³⁴ Quorum of Twelve Apostles minutes, 4 April 1860, in *MH*, 1:249.

³⁵ Orson Hyde discourse, 7 October 1860, in *JD*, 8:234.

³⁶ Brigham Young discourse, 7 October 1860, in *JD*, 8:197.

³⁷ Tullidge, *Joseph the Prophet*, 618-620.

³⁸ Abraham H. Cannon diary, 30 August 1894, in Edward Leo Lyman, ed., *Candid Insights of a Mormon Apostle: The Diaries of Abraham H. Cannon, 1889-1895* (Salt Lake City: Signature Books in association with the Smith-Pettit Foundation, 2010), 543-544.

³⁹ Tullidge, *Joseph the Prophet*, 620-622.

⁴⁰ "Minutes of Councils, Meetings, & Journey," 16, 30 November, 5 December 1847, in Bergera, *Conflict in the Quorum*, 54-81; Wilford Woodruff journal, 12 October 1847, in *WWJ*, 3:283.

⁴¹ "Minutes of Councils, Meetings, & Journey," 5 December 1847, in Bergera, *Conflict in the Quorum*, 72-73, 81. I've altered some of the editorial interpolations for clarity.

⁴² Isaac Sheen, "A Protest of Orson Hyde, against the New Organization, at the Conference in G. S. L. City, Oct 7th, 1860, with Editorial Notes," *SH* 2 (March 1861), 1-10.

⁴³ Tullidge, *Joseph the Prophet*, 618-622.

⁴⁴ For example, Joseph Fielding Smith, *Essentials in Church History Classics in Mormon Literature* (Salt Lake City: Deseret Book Company for The Church of Jesus Christ of Latter-day Saints, 1979), 381-382, says nothing about the purported 1847 revelation.

⁴⁵ Joseph F. Smith to Orson Pratt, 19 July 1875, in George D. Smith, *Nauvoo Polygamy: "...but we called it celestial marriage"* (Salt Lake City: Signature Books, 2008), 455.

- ⁴⁶ Smith, *Nauvoo Polygamy*, 416, 446-447, 454-464. For a table of the affidavits, see 474-478.
- ⁴⁷ Joseph Smith III, "Last Testimony of Sister Emma," *SH* 26 (1 October 1879), 289-290.
- ⁴⁸ Joseph F. Smith to editor, 17 October 1879, in "Joseph the Seer's Plural Marriages," *DN*, 18 October 1879, 2, and reprinted in *DN Weekly*, 22 October 1879, 604.
- ⁴⁹ Eliza R. Snow to editors, 17 October 1879, in *DN*, 18 October 1879, 2, and reprinted in *DN Weekly*, 22 October 1879, 604-605, and "Letter on Plural Marriage," *WE* 8 (1 November 1879), 84-85; "Autobiography of Emily D. P. Young," *WE* 14 (1 August 1885), 38; Joseph F. Smith to editor, 15 May 1886, in "Celestial Marriage," *DN*, 20 May 1886, 2, and reprinted in *DN Weekly*, 2 June 1886, 310; William Clayton affidavit, 16 February 1874, in "Celestial Marriage," *DN*, 20 May 1886, 2, and reprinted in *DN Weekly*, 2 June 1886, 310; Joseph C. Kingsbury affidavit, 22 May 1886, in "Statement of Joseph C. Kingsbury," *DN Weekly*, 2 June 1886, 310.
- ⁵⁰ Andrew Jenson, "Plural Marriage," *The Historical Record* 6 (May 1887), 219-240.
- ⁵¹ Joseph Fielding Smith, *Blood Atonement and the Origin of Plural Marriage* (Salt Lake City: Deseret News, 1905).
- ⁵² Smith, *Nauvoo Polygamy*, 474-478.
- ⁵³ Emily Dow Partridge Smith Young affidavit, 1 May 1869, in Jenson, "Plural Marriage," 223. Emily was the daughter of Bishop Edward Partridge and the plural wife of Joseph Smith and, following his death, Brigham Young.
- ⁵⁴ Danel W. Bachman, "A Study of the Mormon Practice of Plural Marriage Before the Death of Joseph Smith" (M. A. thesis: Purdue University, 1975); Lawrence B. Foster, *Religion and Sexuality: The Shakers, the Mormons, and the Oneida Community* (Urbana: University of Illinois Press, 1984); Richard S. Van Wagoner, *Mormon Polygamy: A History* 2d ed. (Salt Lake City: Signature Books, 1989); Todd Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1997); Gary James Bergera, "Identifying the Earliest Mormon Polygamists, 1841-44," *Dialogue* 38 (Fall 2005), 1-74; Smith, *Nauvoo Polygamy*.
- ⁵⁵ Henry and Catharine Brooke to Leonard Pickell, 15 November 1844, in Lynne Watkins Jorgensen, "The Mantle of the Prophet Joseph Smith Passes to Brother Brigham: One Hundred Twenty-One Testimonies of a Collective Spiritual Witness," in John W. Welch, ed., *Opening the Heavens: Accounts of Divine Manifestations, 1820-1844* (Provo: Brigham Young University Press/Salt Lake City: Deseret Book, 2005), 386, 410-411.
- ⁵⁶ Jesse C. Little to Brigham Young, 30 December 1844, in Jorgensen, "Mantle," 386, 415.
- ⁵⁷ "Special Meeting," *T&S* 5 (2 September 1844), 637, in Jorgensen, "Mantle," 403n44.
- ⁵⁸ Wilford Woodruff, "To the Officers and Members of the Church of Jesus Christ of Latter-Day Saints in the British Islands," *MS* 5 (February 1845), 138, in Jorgensen, "Mantle," 387, 442. For a similar testimony, see Thomas Bullock to John O. Angus, 18 December 1851, in *MS* 14 (3 July 1852), 299, and Jorgensen, "Mantle," 411.
- ⁵⁹ William Burton journal, May 1845, in Jorgensen, "Mantle," 386-387, 412.
- ⁶⁰ Caroline Barnes Crosby memoirs, 1851, in Jorgensen, "Mantle," 390-391, 414.
- ⁶¹ Emily Smith Hoyt reminiscences and diaries, 1851-1893, in Jorgensen, "Mantle," 390-393, 421.
- ⁶² Brigham Young discourse, 19 July 1857, in "Remarks," *DN*, 29 July 1857, 164, and *JD*, 5:57-58, and Jorgensen, "Mantle," 382, 446-447. Rigdon accused Young of concocting the transformation story. See Sidney Rigdon to Brigham Young, 6 December 1870, in Richard S. Van Wagoner, "The Making of a Mormon Myth: The 1844 Transfiguration of Brigham Young," *Dialogue* 28 (Winter 1995), 22.
- ⁶³ Orson Hyde discourse, 6 October 1869, in "Remarks," *DN*, 16 November 1869, and *JD*, 13:181, and Jorgensen, "Mantle," 422-423.
- ⁶⁴ George Q. Cannon, "Joseph Smith, The Prophet," *Juvenile Instructor* 5 (29 October 1870), 174-175, in Jorgensen, "Mantle," 413.
- ⁶⁵ Wilford Woodruff, "Remarks," *DN*, 22 May 1872, in Jorgensen, "Mantle," 442.
- ⁶⁶ Whereas Smith, *Essentials in Church History*, says nothing about the 1847 revelation, it has a section on the 1844 transfiguration (pp. 320-321).
- ⁶⁷ Jorgensen, "Mantle."

⁶⁸ Wilford Woodruff journal, 8 August 1844, in *WWJ*, 2:434-440; Van Wagoner, "Mormon Myth," 18, 22; Reid L. Harper, "The Mantle of Joseph: Creation of a Mormon Miracle," *JMH* 22 (Fall 1996), 40-45.

⁶⁹ Compare Edward W. Tullidge, "The Story of the Huntington Sisters Continued," *The Women of Mormondom* (New York: Tullidge and Crandall, 1877), 326-327, with the Zina Diantha Huntington Jacobs diary, 8 August 1844, in Maureen Ursenbach Beecher, ed., "'All Things Move in Order in the City': The Nauvoo Diary of Zina Diantha Huntington Jacobs," *BYU Studies* 19 (Spring 1979), 294; Harper, "Mantle of Joseph," 49.

⁷⁰ Wilford Woodruff journal, 13 August 1844, in *WWJ*, 2:441; Van Wagoner, "Mormon Myth," 17-18; Harper, "Mantle of Joseph," 45-46.

⁷¹ Compare Lee, *Mormonism Unveiled*, 155, with the John D. Lee diary, 20 August 1844, in Juanita Brooks, ed., *John Doyle Lee: Zealot, Pioneer Builder, Scapegoat* (Logan: Utah State University Press, 1992), 62; Van Wagoner, "Mormon Myth," 17; Harper, "Mantle of Joseph," 50.

⁷² Compare the later version in Eugene England, ed., "George Laub's Nauvoo Journal," *BYU Studies* 18 (Winter 1978), 166, with the earlier version in Van Wagoner, "Mormon Myth," 21n76.

⁷³ Van Wagoner, "Mormon Myth," 1-24; Harper, "Mantle of Joseph," 35-71. Jorgensen tries to account for the initial circumspection in "Mantle," 387-390.

⁷⁴ Thomas Bullock journal, 28 July 1847, in C. Mark Hamilton, *Nineteenth-Century Mormon Architecture & City Planning* (New York: Oxford University Press, 1995), 26.

⁷⁵ Minutes, 21 July 1849, in Devery S. Anderson, ed., *The Development of LDS Temple Worship, 1846-2000: A Documentary History* (Salt Lake City: Signature Books, 2011), xxvi, 16. This is the only known official LDS endowment performed in the outdoors in Utah.

⁷⁶ Endowment House Records, 1851-1855, in Gilbert Bradshaw, "The Council House as a House for Sacred Ordinances in the Early Church," unpublished undergraduate paper, Brigham Young University, summarized at http://orca.byu.edu/Journals/2003_Final_Reports/Religious_Education/bradshaw.pdf, [1-2].

⁷⁷ Lisle G. Brown, "'Temple Pro Tempore': The Salt Lake City Endowment House," *JMH* 34 (Fall 2008), 1-68. Young closed the Endowment House upon completion of the St. George Temple, but John Taylor reopened it after Young's death to accommodate those who could not travel to St. George.

⁷⁸ Brigham Young discourses, 6 October 1863 and 4 September 1873, in *JD*, 10:251 and 16:186, respectively.

⁷⁹ David John Buerger, *The Mysteries of Godliness: A History of Mormon Temple Worship* (San Francisco: Smith Research Associates, 1994), 100-101. In the 1840s, at Mormon encampments along the Missouri, Young occasionally allowed exceptional administration of ordinances he otherwise deferred until the completion of a temple. See Bennett, *Mormons at the Missouri*, 187-194.

⁸⁰ Historian's Office journal, 31 December 1866, in Anderson, *LDS Temple Worship*, 25; Wilford Woodruff journal, 31 December 1866, in *WWJ*, 6:310; Buerger, *Mysteries of Godliness*, 100-104.

⁸¹ Eugene Campbell, *Establishing Zion: The Mormon Church in the American West, 1847-69* (Salt Lake City: Signature Books, 1988), 170; Anderson, *LDS Temple Worship*, xxix. As far as we know, but for three instances, LDS church members did not perform baptisms for the dead between 1846-1867. See Alexander L. Baugh, "'For This Ordinance Belongeth to My House': The Practice of Baptism for the Dead Outside the Nauvoo Temple," *MHS* 3 (Spring 2002), 54-55.

⁸² Anderson, *LDS Temple Worship*, xxix-xxx.

⁸³ Gary James Bergera, "The Earliest Eternal Sealings for Civilly Married Couples," *Dialogue* 35 (Fall 2002), 65n102; Lisle G. Brown, "Chronology of the Construction, Destruction, and Reconstruction of the Nauvoo Temple" rev. ed. (unpublished paper, 2000), entry for 7 January 1846, citing Richard O. Cowan, *Temple Building: Ancient and Modern* (Provo: Brigham Young University Press, 1971), 29, online at <http://users.marshall.edu/~brown/nauvoo/chrono.html>; Anderson, *LDS Temple Worship*, xxix.

⁸⁴ Anderson, *LDS Temple Worship*, xxix-xxx.

⁸⁵ William Cook, *The Mormons* (London: Joseph Masters, 1857), in Buerger, *Mysteries of Godliness*, 80n23.

⁸⁶ John Hyde Jr., *Mormonism: Its Leaders and Designs* (New York: W. P. Fetridge & Co., 1857), 99.

⁸⁷ Wilford Woodruff journal, 14 January, 21 March 1877, in *WWJ*, 7:322, 340; Brigham Young Jr. diary, 16-17 January 1877, in Anderson, *LDS Temple Worship*, 35; Wilford Woodruff, "History of the St. George Temple, Its Cost & Dedication and the Labor Therein," 26 March 1883, in Anderson, *LDS Temple Worship*, 33-34.

⁸⁸ L. John Nuttall diary, 7 February 1877, in Anderson, *LDS Temple Worship*, 36-38; L. John Nuttall, "Memoranda, For Presidents W. Woodruff, Geo. Q. Cannon, and Jos. F. Smith," 3 June 1892, in Anderson, *LDS Temple Worship*, 38.

⁸⁹ See, for example, the Wilford Woodruff journal, 22 March, 10, 11, 13 April, 6 October 1877, in *WWJ*, 7:340, 344, 345, 377; Henry Eyring diary, 24 February 1877, in Anderson, *LDS Temple Worship*, 39. If you'll recall, the adoption ordinance grafted lower ranked priesthood holders and their families into the families of prominent church leaders.

Adoption allegiances played a large social role in the LDS encampments at the Missouri in the 1840s, but even then, formal adoption ceremonies were deferred until the construction of a temple. See the Hosea Stout diary, 13 July 1846, in *HS*, 1:178; Elden J. Watson, ed., *Manuscript History of Brigham Young, 1846-1847* (Salt Lake City: by the author, 1971), 493.

⁹⁰ See, for example, the Wilford Woodruff journal, 9, 20, 26 April, 6 October 1877, in *WWJ*, 7:344, 346, 347, 377. As Richard E. Bennett, "'Line upon Line, Precept upon Precept': Reflections on the 1877 Commencement of the Performance of Endowments and Sealings for the Dead," *BYU Studies* 44/3 (2005), 51, and *NEC*, xxvii-xxviii, indicate, sealings of living children and parents were performed in the Nauvoo Temple but not the Salt Lake City Endowment House.

⁹¹ Wilford Woodruff journal and William Clayton notes, 8 April 1844, in *WJS*, 363-364. Similarly, see the Wilford Woodruff journal, 21 January 1844, and Thomas Bullock notes, 12 May 1844, in *WJS*, 318, 368, respectively.

⁹² Wilford Woodruff journal, 6 October 1877, in *WWJ*, 7:377. *NEC*, xxvii-xxviii, and Bennett, "1877 Commencement," 51, indicate that proxy child-parent sealings weren't performed previously in either the Nauvoo Temple or Salt Lake City's Endowment House.

⁹³ See, for example, the Wilford Woodruff journal, 27 April, 3, 11 May and 6 October 1877, in *WWJ*, 7:347, 348, 349, and 377; Henry Eyring diary, 24 February 1877, in Anderson, *LDS Temple Worship*, 39; Gordon Irving, "The Law of Adoption: One Phase of the Development of the Mormon Concept of Salvation, 1830-1900," *BYU Studies* 14 (Spring 1974), 11-14. As *NEC*, xxviii, demonstrates, all recipients of the adoption ordinance in the Nauvoo Temple were living. Some were sealed by adoption to the deceased Joseph Smith, but no adoptions were performed in the Nauvoo Temple for the dead.

⁹⁴ See, for example, the Wilford Woodruff journal, 18, 26 January, 22, 30 March, 22-24 August 1877, in *WWJ*, 7:322-323, 324, 340, 342, 369.

⁹⁵ See, for example, the Wilford Woodruff journal, 7, 14, 21, 24 February, 6 October 1877, in *WWJ*, 7:326, 327, 328, 329, 377. That vicarious second anointings were performed in the Nauvoo Temple in limited numbers, see *NEC*, xxviii.

⁹⁶ Wilford Woodruff journal, 1, 9, 11 January, 6 October 1877, in *WWJ*, 7:316-317, 321, and 377; David H. Cannon to George F. Richards, 18 July 1922, in Anderson, *LDS Temple Worship*, 188. On the historic and religious significance, see Bennett, "1877 Commencement," 39-77.

⁹⁷ Wilford Woodruff journal, 1 March 1877, in *WWJ*, 7:330-333. Woodruff did so in response to a revelation he received one week earlier. See the Wilford Woodruff journal, 23 February and 1 March 1877, in *WWJ*, 7:329, 331-332.

⁹⁸ Wilford Woodruff journal, 8 April 1877, in *WWJ*, 7:344. Woodruff's service therein is detailed in the Wilford Woodruff journal, 13 November 1876-6 October 1877, in *WWJ*, 7:292-7:377.

⁹⁹ Wilford Woodruff journal, 21-24 August 1877, in *WWJ*, 367-369; Wilford Woodruff discourse, 16 September 1877, in *JD*, 19:229-230; Bennett, "1877 Commencement," 62-67; Thomas G. Alexander, *Things in Heaven and Earth: The Life and Times of Wilford Woodruff, a Mormon Prophet* (Salt Lake City: Signature Books, 1991), 231-232.

¹⁰⁰ Irving, “Law of Adoption,” 11-14.

¹⁰¹ Buerger, *Mysteries of Godliness*, 131.

¹⁰² Richard E. Bennett, “Wilford Woodruff and the Rise of Temple Consciousness among the Latter-day Saints,” in Alexander L. Baugh and Susan Easton Black, eds., *Banner of the Gospel: Wilford Woodruff* (Provo: BYU Religious Studies Center/Salt Lake City: Deseret Book, 2010), ch. 7.

¹⁰³ Richard P. Howard, *Restoration Scriptures: A Study of Their Textual Development* 2d ed. (Independence: Herald Publishing House, 1995), 167-173, 183; Robert J. Woodford, “The Historical Development of the Doctrine and Covenants” 3 vols. (Ph.D. dissertation: Brigham Young University, 1974), 1:56-75. Sheen added two sections (22 and 36) previously unfound in any edition, namely, the individual theophanies of Moses and Enoch as found in Joseph Smith’s revision of *Genesis*, corresponding (albeit with textual differences) to the current LDS *Book of Moses*, chs. 1 and 7.

¹⁰⁴ *The Doctrine and Covenants, of the Church of Jesus Christ of Latter-Day Saints, Containing the Revelations Given to Joseph Smith, Jun., the Prophet, for the Building Up of the Kingdom of God in the Last Days* (Salt Lake City: Deseret News Office, 1876).

¹⁰⁵ Howard, *Restoration Scriptures*, 183-190; Woodford, “Historical Development,” 1:75-81. Among other additions, Pratt included Joseph Smith documents on the conferral of Aaronic Priesthood in 1829; the 1832 Civil War prophecy; the visitation of Jesus, Moses, Elias, and Elijah in 1836; the 1838 revelation identifying Far West, Caldwell County, Missouri, as sacred ground; the 1838 revelation identifying The Church of Jesus Christ of Latter-day Saints as the church’s name; the 1838 revelation identifying Spring Hill, Daviess County, Missouri, as Adam-ondi-Ahman; the 1838 tithing commandment; the 1843 instruction that Jesus the Son and God the Father have separate bodies of flesh and bone; and the 1843 statement that a man must enter celestial marriage to obtain the highest degree of celestial glory.

¹⁰⁶ Newell G. Bringham, “Section 132 of the LDS Doctrine and Covenants: Its Complex Contents and Controversial Legacy,” in Newell G. Bringham and Craig L. Foster, eds., *The Persistence of Polygamy: Joseph Smith and the Origins of Mormon Polygamy* (Independence: John Whitmer Books, 2010), 59-86.

¹⁰⁷ Howard, *Restoration Scriptures*, 171-173.

¹⁰⁸ Newell G. Bringham, “RLDS Church Reaction to the LDS Doctrine and Covenants’ Section 132: Conflicting Responses and Changing Perceptions,” in Bringham and Foster, *Persistence of Polygamy*, 257-283.

¹⁰⁹ *The Pearl of Great Price: Being a Choice Selection from the Revelations, Translations, and Narrations of Joseph Smith, First Prophet, Seer, and Revelator to The Church of Jesus Christ of Latter-Day Saints* (Liverpool: F. D. Richards, 1851). The text also contained the poem “Truth” by John Jaques.

¹¹⁰ *The Pearl of Great Price: Being a Choice Selection from the Revelations, Translations, and Narrations of Joseph Smith, First Prophet, Seer, and Revelator to The Church of Jesus Christ of Latter-Day Saints* (Salt Lake City: Latter-Day Saints’ Printing and Publishing Establishment, 1878).

For the textual history, see James R. Clark, “Our Pearl of Great Price: From Mission Pamphlet to Standard Work,” *Ensign* 6 (August 1976), 12-17; H. Donl Peterson, “The Birth and Development of the Pearl of Great Price,” in Robert L. Millet and Kent P. Jackson, eds., *Studies in Scripture: Volume II, The Pearl of Great Price* (Salt Lake City: Randall Book Company, 1985), ch. 2.

¹¹¹ “Revelation on the Eternity of the Marriage Covenant, Including Plurality of Wives,” in *The Pearl of Great Price* (1878), 64-70.

¹¹² “Visions of Moses” and “Writings of Moses,” in *The Pearl of Great Price* (1878), 1-3 and 4-24, respectively.

¹¹³ Kent P. Jackson, *The Book of Moses and the Joseph Smith Translation Manuscripts* (Provo: BYU Religious Studies Center, 2005), 18-36; Ronald E. Romig, “The New Translation Materials since 1844,” in *JST*, 34-36. See also *JST*, 12.

¹¹⁴ *DN*, 11 October 1880, 2.

¹¹⁵ *The Doctrine and Covenants* (LDS, 1876 edition), passim.

¹¹⁶ General conference resolutions, 13 September 1878, in *Compilation of General Conference Resolutions, 1852-1915* (Lamoni: Board of Publication of the Reorganized Church of Jesus Christ of Latter Day Saints, 1916), 46-47.

¹¹⁷ *D&C* (RLDS) 114, 115, 116, 117.

¹¹⁸ *DN*, 11 October 1880, 2.

¹¹⁹ Leonard J. Arrington, *Brigham Young: American Moses* (New York: Alfred A. Knopf, 1985); Newell G. Bringhurst, *Brigham Young and the Expanding American Frontier* Library of American Biography (Boston: Little, Brown and Company, 1986).

¹²⁰ Armand L. Mauss, *All Abraham's Children: Changing Mormon Conceptions of Race and Lineage* (Urbana: University of Illinois Press, 2003), ch. 2. As Mauss points out, Utah Mormonism also had universalistic doctrines that subsequently received greater emphasis in the twentieth-century.

¹²¹ Wilford Woodruff journal, 16 February 1847, in *WWJ*, 3:131.

¹²² *MH*, 2:163-197, 731-745. The term comes from D. Michael Quinn, "The Mormon Hierarchy: An American Elite" (Ph.D. dissertation: Yale University, 1976).

¹²³ Wilford Woodruff journal, 1 July 1866, in *WWJ*, 6:290.

¹²⁴ Brigham Young Jr. diary, 5 April 1900, in *MH*, 2:171-172; *MH*, 2:631.

¹²⁵ "Research concerning John W. Young's Ordination," in Todd Compton, "John Willard Young, Brigham Young, and the Development of Presidential Succession in the LDS Church," *Dialogue* 35 (Winter 2002), 111-113, 134; Wilford Woodruff, historian's private journal, 17 April 1864, in *MH*, 2:164; "The Dynasty of the Youngs," *SLT*, 9 September 1871, 4. Word of Young's private ordinations started leaking out in 1864, the year he ordained Joseph Angel and Brigham Jr. to the apostleship and appointed they and younger brother John Willard as assistant counselors in the First Presidency.

¹²⁶ *LDS Journal History*, 7 October 1861, in Compton, "Presidential Succession," 118; John Taylor, *Succession in the Priesthood* (Salt Lake City: n.p., 1881), 2, 16-17. The immediate impact of the policy shift was that John Taylor moved ahead of Wilford Woodruff in quorum seniority.

¹²⁷ Brigham Young Jr. diary, 5 April 1900, in *MH*, 2:171-172; "The Dynasty of the Youngs," *SLT*, 9 September 1871, 4; Compton, "Presidential Succession," 118-121, 125-126.

¹²⁸ Sidney Rigdon, Joseph Smith, and Hyrum Smith to Heber C. Kimball and Brigham Young, 16 January 1839, in Ronald K. Esplin, "The Emergence of Brigham Young and the Twelve to Mormon Leadership, 1830-1841" (Ph.D. dissertation: Brigham Young University, 1981), 360-362.

¹²⁹ Myrtle Stevens Hyde, *Orson Hyde: The Olive Branch of Israel* (Scottsdale, AZ: Agreka Books, 2000).

¹³⁰ Breck England, *The Life and Thought of Orson Pratt* (Salt Lake City: University of Utah Press, 1985); Bergera, *Conflict in the Quorum*.

¹³¹ Wilford Woodruff journal, 10 April 1875, in *WWJ*, 7:224; Taylor, *Succession*, 16-17; Quorum of Twelve Apostles minutes, 3 August 1887, in Bergera, *Conflict in the Quorum*, 268n19; Gary James Bergera, "Seniority in the Twelve: The 1875 Realignment of Orson Pratt," *JMH* 18/1 (1992), 19-58.

¹³² Moses Thatcher diary, October 1880, in *MH*, 1:254. For evidence of the friction between Young and Taylor, see the Wilford Woodruff journal, 1 April 1877, in *WWJ*, 7:342; Abraham H. Cannon diary, 9 April 1890, in Lyman, *Candid Insights*, 83. In *Succession*, 17, Taylor insisted that Young welcomed him as president.

¹³³ *MH*, 1:254; Steven H. Heath, "Notes on Apostolic Succession," *Dialogue* 20 (Summer 1987), 45. Bergera notes in *Conflict in the Quorum*, 273n31, that Young may have also kept silent on Taylor's promotion so as not to draw public attention to the Hyde and Pratt demotions.

¹³⁴ Wilford Woodruff journal, 4 September 1877, in *WWJ*, 7:372; Franklin D. Richards diary, 4 September 1877, in *MH*, 2:40.

¹³⁵ Wilford Woodruff journal, 6 October 1877, in *WWJ*, 7:377; *LDS Journal History*, 6 October 1877, in Bergera, *Conflict in the Quorum*, 269.

¹³⁶ George Q. Cannon discourse, 8 October 1877, in *JD*, 19:235-236.

¹³⁷ George Q. Cannon journal, 17 January 1878, in Joseph J. Cannon, "George Q. Cannon-Relations with Brigham Young," *The Instructor* 80 (June 1945), 259.

- ¹³⁸ Compton, "Presidential Succession," 113-114, 121-122, 124-126, 129-130.
- ¹³⁹ Bearing his father's name proved both a boon and a burden for Brigham Jr. See Davis Bitton, "The Ordeal of Brigham Young Jr.," in Bitton, *The Ritualization of Mormon History and Other Essays* (Urbana: University of Illinois Press, 1994), ch. 7.
- ¹⁴⁰ Franklin D. Richards diary, 3-4 October 1877, and Heber J. Grant journal, 4 October 1898, in *MH*, 2:41.
- ¹⁴¹ Bergera, *Conflict in the Quorum*, 275.
- ¹⁴² Moses Thatcher diary, October 1880, in *MH*, 1:255, and Bergera, *Conflict in the Quorum*, 275; Wilford Woodruff journal, 8-9 October 1880, in *WWJ*, 7:594-595; Orson Pratt discourse, 10 October 1880, in *JD*, 22:36-38; John Taylor discourse, 10 October 1880, in *JD*, 22:38-41.
- ¹⁴³ On the LDS clash with the federal government, see the primary sources collected in B. Carmon Hardy, ed., *Doing the Works of Abraham: Mormon Polygamy, Its Origin, Practice, and Demise* Kingdom in the West Series (Norman, OK: Arthur H. Clark Company, 2007), chs. 6-9. Secondary sources include Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* Studies in Legal History Series (Chapel Hill: University of North Carolina Press, 2002); Edwin Brown Firmage and Richard Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830-1900* (Urbana: University of Illinois Press, 1988); Kenneth Driggs, "The Mormon Church-State Confrontation in Nineteenth-Century America," *Journal of Church and State* 20 (Spring 1988), 273-289; Richard D. Poll, "The Legislative Antipolygamy Campaign," *BYU Studies* 26 (Fall 1986), 107-121; Van Wagoner, *Mormon Polygamy*, chs. 10-12.
- ¹⁴⁴ Driggs, "Church-State Confrontation," 276; Van Wagoner, *Mormon Polygamy*, 105.
- ¹⁴⁵ James B. Allen, "The Unusual Jurisdiction of County Probate Courts in the Territory of Utah," *UHQ* 36 (Spring 1968), 132-141; Firmage and Mangrum, *Zion in the Courts*, 140-145.
- ¹⁴⁶ Michael W. Homer, "The Judiciary and the Common Law in Utah Territory, 1850-61," *Dialogue* 21 (Spring 1988), 97-108; Gordon, *Mormon Question*, 74.
- ¹⁴⁷ J. M. H. Frederick, comp., *National Party Platforms of the United States* (Akron, OH: by the author, 1896), 28; Gordon, *Mormon Question*, 55-58.
- ¹⁴⁸ Poll, "Antipolygamy Campaign," 108-109.
- ¹⁴⁹ *An act to punish and prevent the practice of polygamy in the territories of the United States and other places, and disapproving and annulling certain acts of the legislative assembly of the territory of Utah*, 2 July 1862, in United States, *Statutes at Large*, 12:126 (1862), 501-502.
- ¹⁵⁰ Gordon, *Mormon Question*, 81-82. For narrative purposes, I've reversed Gordon's sentence order.
- ¹⁵¹ Firmage and Mangrum, *Zion in the Courts*, 134; Gordon, *Mormon Question*, 63-83. For a meditation on this dynamic, see Terryl L. Givens, *The Viper on the Hearth: Mormons, Myths, and the Construction of Heresy* Religion in America Series (New York: Oxford University Press, 1997).
- ¹⁵² T. B. H. Stenhouse to Brigham Young, 7 June 1863, in Leonard J. Arrington and Davis Bitton, *The Mormon Experience: A History of the Latter-day Saints* (New York: Alfred A. Knopf, 1979), 170.
- ¹⁵³ Poll, "Antipolygamy Campaign," 111.
- ¹⁵⁴ Arrington, *Brigham Young*, Appendix D; Bringhurst, *Brigham Young*, 163.
- ¹⁵⁵ Gordon, *Mormon Question*, 114-115, 147, 267n56; Firmage and Mangrum, *Zion in the Courts*, 149-150.
- ¹⁵⁶ Poll, "Antipolygamy Campaign," 111; Driggs, "Church-State Confrontation," 277-278. Legislators anticipated this shortcoming. See Firmage and Mangrum, *Zion in the Courts*, 136.
- ¹⁵⁷ Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* The New American Nation Series (New York: Harper & Row, 1988).
- ¹⁵⁸ Lola Van Wagenen, "In Their Own Behalf: The Politicization of Mormon Women and the 1870 Franchise," *Dialogue* 24 (Winter 1991), 31-43; Thomas G. Alexander, "An Experiment in Progressive Legislation: The Granting of Woman Suffrage in Utah in 1870," *UHQ* 38 (Winter 1970), 20-30.
- ¹⁵⁹ Poll, "Antipolygamy Campaign," 112-113; Firmage and Mangrum, *Zion in the Courts*, 147.

¹⁶⁰ *An act in relation to courts and judicial officers in the Territory of Utah*, 23 June 1874, in United States, *Statutes at Large*, 18:469 (1874), 253-256.

¹⁶¹ Driggs, "Church-State Confrontation," 278; Gordon, *Mormon Question*, 111-113; Firmage and Mangrum, *Zion in the Courts*, 148-149.

¹⁶² Robert N. Baskin, *Reminiscences of Early Utah* (Salt Lake City: by the author, 1914), 87, 117-118; Juanita Brooks, *The Mountain Meadows Massacre* 2d. ed. (Norman: University of Oklahoma Press, 1962), 191.

¹⁶³ Bruce A. Van Orden, *Prisoner for Conscience' Sake: The Life of George Reynolds* (Salt Lake City: Deseret Book Company, 1992), chs. 7-10; Gordon, *Mormon Question*, 113-116, 119.

¹⁶⁴ Bringham, "Section 132," 79-80. At the time, it was the only Smith revelation included in two books of LDS scripture.

¹⁶⁵ *George Reynolds v. the United States*, 98 U.S. 145 (1879). Chief Justice Morrison Waite authored the majority opinion, joined by Nathan Clifford, Noah H. Swayne, Samuel F. Miller, William Strong, Joseph P. Bradley, Ward Hunt, and John M. Harlan. In a concurrence, Stephen J. Field protested the admission of evidence pertaining to Reynolds' plural wife, Amelia Jane Schofield.

¹⁶⁶ For assessments, see Gordon, *Mormon Question*, ch. 4 (quote, 122), 236-238, 294-295; Firmage and Mangrum, *Zion in the Courts*, 151-159.

¹⁶⁷ Moving beyond *Reynolds*, the Warren and Burger courts of the twentieth-century offered a broader interpretation of individual religious rights in *Sherbert v. Verner* 374 U.S. 398 (1963) and *Wisconsin v. Yoder* 406 U.S. 205 (1972). But the Burger and Rehnquist courts subsequently returned to a narrower interpretation of the Free Exercise Clause in *States v. Lee* 455 U.S. 252 (1982) and, above all, *Employment Division v. Smith* 494 U.S. 872 (1990). Modern legal scholars question *Reynolds*' assumptions about marriage and religious order, but its belief/practice doctrine remains judicially relevant. Gordon observes in *Mormon Question*, 130: "The staying power of antipolygamy jurisprudence is remarkable, for many nineteenth-century cases were buried under the weight of twentieth-century rights doctrines that consciously eschew the nineteenth-century Court's restrictive interpretation of civil rights."

¹⁶⁸ Kenneth Driggs, "The Prosecutions Begin: Defining Cohabitation in 1885," *Dialogue* 21 (Spring 1988), 111, says the Court heard at least eighteen LDS cases between 1879-1891, but I count only fifteen in his nonetheless helpful list on pages 122-123.

¹⁶⁹ George Q. Cannon, *A Review of the Decision of the Supreme Court of the United States, in the Case of Geo. Reynolds v. the United States* (Salt Lake City: Deseret News Printing and Publishing Establishment, 1879); *The Supreme Court Decision in the Reynolds Case: Interview between President John Taylor and O.J. Hollister* (Salt Lake City: n.p., 1879).

¹⁷⁰ Gordon, *Mormon Question*, 121-122, 145, 149-151; David Buice, "A Stench in the Nostrils of Honest Men: Southern Democrats and the Edmunds Act of 1882," *Dialogue* 21 (Fall 1988), 100-113.

Chapter Fifteen
Conflict and Cooperation in Zion
1880-1887

In the 1880s, the orbits of the Temple Lot Case churches moved considerably closer. Brighamites ventured into Josephite territory; Hedrickites and Josephites became neighbors; Hedrickites and Brighamites became friends. Expanding railway networks facilitated the interaction, but so too did the pull of Zion. The Hedrickites had proven that Mormons could live in postwar Jackson County unmolested, at least if they settled in small numbers and did not threaten the social order. In their wake, Independence became a place of settlement for midwestern Josephites and a place of pilgrimage for western Brighamites. Yet the interactions did not always result in improved relations. The friendships and rivalries of the 1880s would lead to the Temple Lot Case of the 1890s.

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In the early 1880s, the Hedrickites focused on matters close to home. The Church of Christ lost three pillars of their community in quick succession in 1881—apostle, president, and trustee-in-trust Granville Hedrick,¹ apostle-publisher Adna C. Haldeman,² and apostle-Jackson County pioneer Jedediah Owen.³ On 2 October 1881, the church selected another pillar, David Judy, the body's lone surviving apostle, as its new president and trustee-in-trust.⁴ Unlike his predecessor Hedrick, Judy was not designated a prophet, seer, revelator, and translator.⁵ Having stayed behind as his fellow believers relocated to Jackson County in the 1860s, Judy served as president from his home in Illinois.⁶ Despite the distance, Judy's tenure would prove productive.⁷

As the presidency transitioned between founding members Hedrick and Judy, a pair of comparatively younger church members provided stable stewardship over the Temple Lot. In December 1880, several months before Hedrick's death, church financial agent Alma Owen assumed responsibility for the payment of the Temple Lot's property taxes. Following Hedrick's death, Owen and fellow church member Richard Hill procured Hedrick's tax receipts from Hedrick's widow, ensuring church control over the property paperwork. Hill safeguarded the receipts, Owen paid the taxes.⁸

Hill and Owen would both play prominent roles in the Temple Lot Case. Alma Owen was the son of one of the original Hedrickites of the 1850s, Jedediah Owen. Jedediah was the individual who accompanied Granville Hedrick to the 1857 New Organization conference in Wisconsin. He was also one of the five Hedrickite apostles ordained in 1864. Jedediah was also one of the first Hedrickite settlers in Jackson County.⁹ His son, Alma, joined the Church of Christ in Livingstone County, Illinois, in 1864. Moving to Jackson County, he settled down on the outskirts of Independence and served as clerk of the Church of Christ for many years. He would serve as the financial agent of the church under three successive presidents.¹⁰

Richard Hill, by contrast, was a first-generation Hedrickite. Born in England in 1827, Hill was baptized in his native country into Brigham Young's Church of Jesus Christ of Latter Day Saints in 1847. He emigrated to the United States the following year, but abandoned the LDS Church after learning of its polygamous practices. Hill settled in Wisconsin and earned a living as a blacksmith. At some point he joined the

Church of Christ, and in 1868, emigrated to Independence. Hill was a “plain, unassuming” man and unusually well-liked by all sides of the Mormon sectarian divide.¹¹

Having successfully weathered the passing of three founding members, the Hedrickites seemed invigorated. In September 1882 or the fall of 1883, the Church of Christ improved the Temple Lot by planting blue grass and shade trees and enclosing the grounds with a post-and-wire fence.¹² The trees were reportedly named after church pioneers.¹³ The improvements heightened the sacred quality of the Temple Lot. The fence set it apart from its increasingly urbanized surroundings; the grass and trees added a pastoral quality that evoked the formerly timbered appearance of the grounds.¹⁴

In April 1884 general conference, the Church of Christ fasted and prayed for the Lord to help them build a meetinghouse on the Temple Lot.¹⁵ In April 1885 general conference, the church appointed Richard Hill and another member to collect building funds.¹⁶ For years the Hedrickites had conducted worship services in private homes. Their meeting schedule, as a result, had been somewhat irregular.¹⁷ The construction of a meetinghouse would not only solve that practical logistical problem, it would deepen the imprimatur of the Church of Christ on Mormonism’s most treasured site.

Despite the Hedrickite presence on the Temple Lot, other Mormon communities had not forgotten the sacred grounds. In June 1883, John Taylor and George Q. Cannon of the LDS First Presidency invested \$50,000—\$25,000 of it from a church loan—in John Beck’s Bullion, Beck, and Champion silver mine in Eureka, Utah. In October, Taylor and Cannon set aside 60,000 shares of the stock for a fund “which could be used

by [Taylor] as President of the church for any purpose which the Lord might signify to him.” Taylor reportedly concluded by revelation that the fund could be used towards, among other things, the purchase of the Temple Grounds and other Independence properties. Cannon later recalled of President Taylor:

[T]he predominant idea in his mind was to watch a favorable opportunity to buy land in Independence, and we have all felt, no doubt, the desire of that kind...It was plain that the land would have to be purchased, and that we would have to pay for it; it could be got in no other way.

Several LDS leaders consecrated shares of stock towards that end in 1884. But Bullion, Beck, and Champion subsequently encountered legal problems with a competing mining company. Nothing became of the Independence fund.¹⁸

The same could not be said of the Reorganization’s plans for Independence. When RLDS leaders first heard of Granville Hedrick’s 1864 call to Jackson County, you’ll recall, they warned their people not to follow suit without divine authorization through Joseph Smith III.¹⁹ Once the Hedrickites had proven that Mormons could live peacefully in Jackson County, however, a handful of Josephites moved into the county.²⁰ Some of the newcomers found temporary refuge in the homes of the Hedrickites.²¹ One of the first RLDS settlers in Jackson County was Joseph III’s boyhood friend John W. Brackenbury, who was expelled from the county four decades earlier and would testify of that awful experience in the Temple Lot Case two decades later.²² Reflecting the new facts on the ground, in January 1877 Joseph III cautioned against mass immigration but approved of individual RLDS immigration: “We now state that we are decidedly of the opinion that those who may so desire, can move into that State in safety.”²³

The Josephite community of Jackson County quickly equaled and surpassed the Hedrickites in numbers. In 1878, the Reorganization founded a branch in Independence. In 1879, the church began constructing a small meetinghouse. By spring 1882, RLDS membership in Independence had grown substantial enough to host a general conference. In July 1884, the church dedicated the meetinghouse. In 1885, the church held a second general conference in Independence.²⁴ By December 1890, the local branch reported 720 members.²⁵ This was all part of the divine plan, Joseph III observed:

We believe in the gathering; and that it will be into the Land of Zion, in the own due time of the Lord. In the mean time, we are gathering into the regions round about, as God commanded in 1834; and are much blessed of God in doing so. Independence, Mo, being about the centre.²⁶

For the present, Lamoni, Iowa remained the headquarters of the Reorganized Church. But by the mid-1880s, it was clear that Lamoni was but a waystation to Zion.²⁷

Joseph Smith III and his brethren believed they would build a temple upon the Temple Lot within a “generation” of 1832, the year his father received a revelation to that effect.²⁸ Smith was alarmed when he learned in 1877 that the Church of Christ had purchased the property.²⁹ Undeterred, the following year, Joseph III published a vision of an RLDS temple upon the Temple Lot.³⁰ And so it was that after the Reorganization had secured the Kirtland Temple and surpassed the Church of Christ in total membership in Jackson County, RLDS leaders set their sights on the Temple Lot.³¹ In 1882, Apostle Alexander Hale Smith, acting on behalf of the RLDS Presiding Bishop, obtained a title abstract to Lots #15 and #17 of the Church of Christ’s Temple Lot.³² The Bishopric determined that the Hedrickite title could be successfully challenged in court.³³

Initially, though, it seemed the Reorganization might procure the Temple Lot by purchase. In May 1884, Alexander Smith informed RLDS bishopric counselor Edmund Kelley that the Church of Christ wished to sell the Temple Lot, preferably to the Reorganization rather than secular real estate interests. The Hedrickites would sell it below market value to the Reorganization, Alexander claimed, for they “only want their money restored.” Alexander urged the bishopric to act fast: “We can now buy it for just the cost of purchase, back taxes, and cost of improvements. \$1800.00.” The property would cost twice as much on the open market.³⁴ Within a month, however, Alexander reported that the Hedrickites were equivocating. Alarmed, Bishop George Blakeslee sent Edmund Kelley to Independence, believing that Kelley could “do more in the matter than Alex can.” Blakeslee was losing patience with the Hedrickites. “If the parties there are not disposed to sell to us,” he opined to Kelley, “I think we had better file our claim.”³⁵ As it turned out, Kelley got tied up in St. Louis and never made it to Independence.³⁶ Alexander continued to pursue the matter on his own.³⁷ But no sale transpired.

This is a puzzling episode, as no evidence has emerged from Church of Christ sources confirming that the church offered to sell the Temple Lot to the Reorganization in 1884. Only one month before Alexander’s initial report, in fact, the Hedrickites were fasting and praying to build a meetinghouse. They wanted to improve the Temple Lot, not sell it.³⁸ Perhaps there was a miscommunication, or perhaps Alexander Smith was talking with a member or two who did not represent the Church of Christ as a whole.

If the Josephites couldn’t purchase the Temple Lot in 1884, during the following year it seemed they could possibly obtain it by merger or cooptation. In 1885, the

Reorganized Church and Church of Christ agreed to talks. The two sides had talked twenty-eight years earlier in Wisconsin and Illinois; now they would try it again in Jackson County. In their respective October 1885 general conferences, the two sides appointed three representatives for the talks. The Reorganized Church selected former Presiding Bishop Israel L. Rogers, local leader Stephen Maloney, and First Presidency counselor and future Temple Lot Case deponent W. W. Blair, the man who represented the Reorganized Church in talks with Granville Hedrick in 1857-1858. On the other side, the Church of Christ selected Richard Hill, George P. Frisbey, and George Hedrick.³⁹

Like Hill, George P. Frisbey would play a prominent role in the Temple Lot Case. Frisbey was born in Marietta, Ohio in 1834. He was baptized into the Church of Christ by David Judy in Illinois in 1865 and ordained an elder by Judy, Adna Haldeman, and Jedediah Owen. Frisbey came to Jackson County with the Hedrickite caravan of 1867 and reportedly played the leading role in the winter hejira. An Independence merchant, he remained a fixture in the Church of Christ into the twentieth-century.⁴⁰

Talks between the Reorganized Church and Church of Christ began in the fall of 1885. From these discussions, RLDS negotiators concluded that the differences of belief between the two churches were insignificant. The RLDS committee decided, therefore, that the Reorganized Church could accept the Hedrickites into their fold without baptism, without doctrinal renunciation, and without condition. The easy terms and push for annexation, however, persuaded the Hedrickites that the Josephites were only interested in obtaining the Temple Lot, doctrinal differences be damned. The Hedrickites spurned the RLDS offer and the talks came to an abrupt end.⁴¹

First a potential sale, now a potential merger—twice within eighteen months, the Hedrickites had dangled the Temple Lot before the Josephites only to pull back, or so it seemed to certain RLDS members. After their latest disappointment, RLDS leaders felt personally insulted. According to his biographer, Joseph Smith III at this point “decided not only to gain possession of the property but also punish the recalcitrant Hedrickites at the same time.”⁴² With the breakdown in talks, RLDS authorities were now fully committed to taking legal action against the Church of Christ. In June 1886, Bishop George Blakeslee told Edmund L. Kelley:

...so far as I am concerned individually [I] am in favor of using every legal effort to procure possession of the Temple property....I feel that the time has come when we should make a decided motion in the matter. The last talk I had with Joseph [Smith III] he thought we should not delay a moment.⁴³

Compared to the Kirtland Temple several years earlier, the Reorganization had showed greater willingness to procure the Temple Lot by non-litigious means. That being said, RLDS leaders remained generally predisposed towards a judicial outcome. A courtroom ruling could speak louder on the succession question than simple annexation or purchase.

In the wake of the failed talks, Church of Christ president David Judy passed away on 14 April 1886. Under his tenure, the church had improved the Temple Lot, made tentative steps towards the building of a meetinghouse, quieted internal squabbles, and added several new members. In his place, in October 1886, the Church of Christ selected and ordained Richard Hill as president and trustee-in-trust of the church. Like Judy, Hill was not designated a prophet, seer, revelator, and translator.⁴⁴ As trustee-in-trust, Hill now held the Temple Lot on behalf of the Church of Christ.⁴⁵

While ominous Josephite clouds began to gather around the Temple Lot, the Hedrickites gained friends from a most unexpected quarter—Utah. As railroad networks expanded and purveyors of anti-Mormon violence passed from the scene, Independence and other sites from Mormonism’s tumultuous founding became pilgrimage destinations for Latter-day Saints.⁴⁶ In April 1886, two Utahns, Charles W. Penrose and George F. Gibbs, scaled the fence on the Temple Lot, removed their hats, and like many LDS pilgrims, joined in prayer on the sacred ground. Learning that Richard Hill was the title holder of the property, they went to Hill’s blacksmith shop. The trio conversed into the evening, the discussion facilitated no doubt by the pleasing realization that all three men had emigrated from the United Kingdom seeking the Mormon Zion. Penrose was deeply impressed with Hill; he found Hill “unassuming, frank, and respectful.” Hill told of the Josephites moving into the region, of their designs on the Temple Lot, of the Hedrickites’ determination to resist. He broke down the Church of Christ’s differences with the LDS and RLDS churches, but assured his guests that when it came to the Temple Lot, the Hedrickites “were ready to turn it over when it should be manifested that anyone had the right from the Lord to build the Temple.” Moved by the testimony, Penrose told Hill that the Hedrickites “had been instrumental in the Lord’s hands of doing a good and needful work which could not have been done by out and out Mormons.”⁴⁷ Penrose and Gibbs were not the only Utah Mormons to receive a warm welcome at the Temple Lot. Most LDS church members knew nothing of the Church of Christ. But among those who met them, the Hedrickites established a reservoir of good will.⁴⁸

Unbeknownst to Hill, Penrose was editor-in-chief of the *Deseret News*, the largest newspaper in the Intermountain West and in all of Mormondom.⁴⁹ Penrose was a student of history, moreover, having penned tracts on such controversies as blood atonement and the Mountain Meadows Massacre.⁵⁰ Gibbs was assistant to LDS First Presidency secretary George Reynolds (he of the 1879 Supreme Court case) and son-in-law of veteran LDS apostle and future Temple Lot Case deponent Lorenzo Snow.⁵¹ Gibbs and Penrose were heading to Washington D.C. to lobby for Utah statehood. On a similar assignment the previous year, Penrose spent a couple of hours in conversation with President-elect Grover Cleveland.⁵² Gibbs and Penrose also had close ties to the most powerful Mormon family of the era, the Cannons. The *Deseret News* was owned by George Q. Cannon & Sons, George Q. Cannon being Utah's former territorial delegate, counselor to LDS presidents Brigham Young and John Taylor, and the man widely considered the Mormon Richelieu.⁵³ Penrose was also second counselor to George Q.'s brother, Angus, in the Salt Lake Stake Presidency, the premier stake in the LDS Church.⁵⁴ Angus Cannon was the most influential non-general authority in the church; he wielded such power in Salt Lake City that he was known to treat LDS apostles as interlopers.⁵⁵ If the Hedrickites ever had to battle the Reorganized Church in court, they could do worse than to befriend such men as Penrose, Gibbs, and the Cannons.

Penrose, husband of three, was spending little time in Utah in the mid-1880s, as the federal antipolygamy campaign had made life quite unpleasant for Utah Mormons.⁵⁶ In January 1879, the Supreme Court upheld the constitutionality of the Morrill Anti-

Bigamy Act in *Reynolds v. United States*.⁵⁷ Most LDS polygamists, however, were not ready to capitulate. In defiance of Congress, the president, and now the Supreme Court, the Saints resolved to preserve their peculiar institution by civil disobedience.⁵⁸ Aghast at the impudence, Republican President Rutherford B. Hayes called for sterner legislation: “If necessary to secure obedience to the law, the enjoyment and exercise of the rights and privileges of citizenship in the Territories of the United States may be withheld or withdrawn from those who violate or oppose the enforcement of the law.”⁵⁹

From December 1881 through August 1882, Congress considered twenty-three antipolygamy bills and constitutional amendments.⁶⁰ From the buzz of activity emerged a legislative juggernaut. In March 1882, Republican President Chester A. Arthur signed a bill sponsored by Senator George F. Edmunds (R-Vermont), cousin of Joseph Smith III legal advisor George Edmunds Jr. Similar to the 1862 Morrill Act, the Edmunds Act charged convicted polygamists with a \$500 fine and/or five years’ imprisonment. Given the private nature of LDS sealings, however, it had been almost impossible for federal authorities to verify polygamous marriages in court. For this reason, Edmunds went beyond Morrill by criminalizing the mere act of cohabiting with more than one woman, punishable with a \$300 fine and/or six months’ imprisonment. To facilitate convictions, Edmunds barred Mormons who merely *believed* in polygamy from jury service in such cases. To minimize LDS political power, furthermore, Edmunds barred polygamists and “cohabers” from voting, juries, and public office. It nullified current voter registrations, vacated all elective offices in Utah Territory, and placed Utah’s electoral machinery and

voter registration in the hands of a federally-appointed panel, the “Utah Commission.” Edmunds, in effect, applied the coercive tactics of Reconstruction to Utah Mormonism.⁶¹

The legal application of the Edmunds Act was hammered out in 1884-1886. In 1884, LDS polygamist Rudger Clawson was convicted and imprisoned for polygamy and unlawful cohabitation, the first conviction under the Edmunds Act.⁶² The Supreme Court upheld his conviction in 1885.⁶³ The punitive potential of the act was not fully realized, however, until Angus M. Cannon’s conviction for unlawful cohabitation in 1885. As I mentioned earlier, Cannon was president of the LDS Salt Lake Stake and brother of First Presidency counselor George Q. Cannon; he was also father to the church’s point-man in the Temple Lot Case.⁶⁴ To comply with the letter, if not the spirit, of the Edmunds Act, since March 1882 LDS leaders had advised male polygamists to live as de facto monogamists, maintaining a home and conjugal relations with only one wife.⁶⁵ Angus Cannon had done so, but prosecutors argued that unlawful cohabitation required proof of neither sexual relations nor shared residence, but merely verbal and/or behavioral acknowledgement of a plural marriage.⁶⁶ The Supreme Court upheld his conviction.⁶⁷

With Clawson’s conviction for polygamy and Cannon’s conviction for unlawful cohabitation, the coercive power of the Edmunds Act was unleashed. Federal marshals and attorneys arrested and prosecuted suspected polygamists throughout Utah, Idaho, and Arizona. Non-Mormon juries convicted the accused of polygamy or, more commonly, unlawful cohabitation.⁶⁸ The “Raid,” as it was commonly called, represented the greatest trial for Latter-day Saints since the westward exodus. By 1889, Utah’s district attorney had collected over \$103,000 in fines and forfeitures.⁶⁹ By 1890, over 1,300 male

polygamists had served time in the federal penitentiary, including Apostle Lorenzo Snow, Salt Lake Stake President Angus M. Cannon, and First Presidency counselor George Q. Cannon, all of whom would play a role in the Temple Lot Case saga.⁷⁰

Reeling from the Raid, LDS communities created “the Underground.” Male polygamists and/or their wives and children went into hiding, their whereabouts shielded by supportive families and communities.⁷¹ Some polygamist families fled to remote hamlets in Nevada, Arizona, Wyoming, and Colorado.⁷² Some settled in the North-West Territory of Alberta, Canada.⁷³ Over three thousand Latter-day Saints settled in the Mexican states of Chihuahua and Sonora.⁷⁴ Polygamy was prohibited in Mexico and Canada alike, but whereas Canadian authorities were determined to keep the practice from gaining a foothold in their country, Mexican authorities generally looked the other way. As a result, whereas most polygamist husbands brought only one wife to Canada, northern Mexico became a polygamist haven.⁷⁵

Meanwhile, the political provisions of the Edmunds Act fomented an almost full-scale assault on LDS civil rights.⁷⁶ In Utah Territory, men were removed from juries and public office simply for believing—not even practicing—the Principle. The Utah Commission, moreover, required all LDS voters, jurors, and office holders to swear an oath of non-polygamous status.⁷⁷ Within two years, an estimated twelve thousand voters were disfranchised, even though few had been criminally convicted of anything.⁷⁸ The Supreme Court upheld the disfranchisement of polygamists in 1885.⁷⁹ To make matters worse, territorial judges refused to naturalize LDS immigrants.⁸⁰

In neighboring states and territories, where the federal government exercised comparatively less direct control, legislatures passed test oaths that made the Utah Commission's oath seem mild by comparison. Idaho Territory instituted a test oath in 1885 whereby would-be voters had to swear they did not belong to an organization advocating polygamy, an oath that practically stripped *all* Latter-day Saints of voting rights.⁸¹ Arizona Territory instituted a similar oath that same year, but the implementation was more lenient and the law was repealed two years later.⁸² The State of Nevada simply banned all LDS residents from voting outright in 1887, but the state supreme court struck down the measure one year later.⁸³

The Edmunds Act also had an indirect economic impact, insofar as it curbed the LDS Church's involvement in economic affairs, a tradition that stretched back to Edward Partridge's Law of Consecration and Stewardship in the 1830s. With most local and general church leaders either in prison or in hiding, LDS businesses, cooperatives, and communitarian projects stagnated, died, or transferred to private hands. "Above all," concludes Leonard J. Arrington, "the church, as the prime stimulator, financier, and regulator of the Mormon economy, was forced to withdraw from participation in most phases of activity."⁸⁴ In sum, Edmunds crippled the three activities that made Utah Mormonism so anathema to the American nation—the union of church and state, the union of church and economy, and the union of husband and multiple wives. Edmunds represented a contest, to oversimplify a bit, between a Mormon theocratic state and a Protestant capitalist republic, and the latter clearly gained the upper hand.

With their lives and communities in disarray, many LDS members quietly hoped the church would simply give up the Principle and put an end to the trouble.⁸⁵ On balance, after all, most Latter-day Saints were monogamists.⁸⁶ Facing prosecution, a handful of polygamists forsook their plural wives, jeopardizing their reputation in the LDS community.⁸⁷ But most polygamists held firm, emulating the example of President John Taylor, who lived in hiding for two and a half years despite advancing age. In September 1886, the word of the Lord confirmed Taylor's defiance, declaring of polygamy, "I have not revoked this law nor will I for it is everlasting."⁸⁸

In the face of continued LDS resistance, Congress passed an equally powerful bill in February 1887 sponsored by Senator Edmunds (R-Vermont) and Rep. John Randolph Tucker (D-Virginia). The Edmunds-Tucker Act disincorporated the LDS Church and its subsidiaries, the Nauvoo Legion and Perpetual Emigration Fund Company; authorized federal authorities to escheat church property above the maximum allowance of \$50,000, the funds to be apportioned to Utah's public schools; federalized all judicial and law enforcement appointments in Utah; stripped Utah women of the voting rights they had enjoyed since 1870; annulled the common law privilege that wives need not testify against their husbands; regulated marriage by requiring civil marriage licenses and registration; reinstated dower inheritance rights for the benefit of civil wives and detriment of plural wives; and annulled the inheritance rights of children born to polygamous unions. President Grover Cleveland, a Democrat, refused to sign the legislation, but it went into effect anyway.⁸⁹ If the Edmunds Act brought the church to its knees, the Edmunds-Tucker Act was designed to deliver the killing blow. Small wonder

Charles W. Penrose and other Latter-day Saints enjoyed the comparative tranquility of the Temple Lot in Independence, Missouri.

At the dawn of 1887, the meetinghouse of the RLDS Independence Branch was less than three years old. The local membership was growing so fast, however, that on January 3rd the branch appointed a committee to sell the church and locate a site for a larger structure. Within days, the building committee decided upon the most meaningful and provocative location available—across the street due north of the Temple Lot. It was as close as one could get to the Temple Lot without actually building upon Edward Partridge’s original sixty-three acre tract. All that separated the RLDS building site from the Temple Lot was the former Osage Trail, the current Lexington Avenue. To make the significance explicit, the Reorganization faced the entrance of the structure towards the Temple Lot. Construction of the RLDS “Stone Church” began in spring 1887.⁹⁰

The proximity of the RLDS building project no doubt unnerved the Hedrickites. One Utah newspaper aptly commented:

This move is significant. The Josephite branch of this Church, the headquarters of which is now at Lamoni, Ia., regard this city and immediate vicinity as Zion, and toward it the whole Church people are tending. The site of the proposed building is on West Lexington street, opposite the famous Mormon temple lot, which is now held by the Hedri[c]kites branch, but which the Josephites expect some day to possess, and to erect upon it a temple outrivaling the Salt Lake temple of the Brighamites. The site donated for this less significant temple, so near the other site, is a verification of the belief which they cherish that the future will witness the erection of the magnificent temple which they have so long had in their mind’s eye.⁹¹

The Church of Christ had felt pressure from the RLDS community for a number of years; now the Reorganized Church would almost literally hover over them. That being said,

after the immediate shock wore off, the Stone Church announcement may have brought a quixotic sense of relief to the Hedrickites. Would the Reorganization build an expensive church across the street if it were still determined to obtain the Temple Lot? Perhaps the Stone Church signified that the Josephites were accepting life without the Temple Lot.⁹²

Several weeks after the RLDS announcement, the Church of Christ voted in April 1887 general conference to begin construction of their long-anticipated meetinghouse on the Temple Lot. The church appointed Richard Hill, Alma Owen, and George P. Frisbey as a supervisory building committee.⁹³

For four decades, aside from the trees and fence erected by the Church of Christ in 1882-1883, the highest point of the Temple Grounds had lain vacant. But in the first third of 1887, the Reorganized Church and the Church of Christ announced plans for competing worship structures across the street and upon from the site, respectively. The local sectarian divisions within Mormonism were soon to take physical form.

Yet later that same year, in the summer of 1887, the contest for the Temple Lot became hotter still, spurred by the discovery of a mysterious document.

Contrary to Hedrickite hopes, the construction of the Stone Church did not quench RLDS desires for the Temple Lot. Even as the RLDS Independence Branch broke ground on the Stone Church in 1887, RLDS leaders continued preparations behind the scenes for a prospective court battle against the Church of Christ.

In the course of those preparations, in the spring of 1887 if not earlier, Edmund L. Kelley came across an intriguing and potentially explosive document in the Jackson

County Courthouse.⁹⁴ The text described a land transaction of nearly five decades earlier between Bishop Edward Partridge, who purchased the bulk of Mormon lands in early Jackson County, and Oliver Cowdery, who gathered many of the Mormon donations for Partridge's purchases. Written primarily in Partridge's voice, the document opened by recounting Cowdery's fund-raising and Partridge's land purchases circa 1831-1833:

KNOW ALL MEN, that whereas there was money put in my hands to wit, in the hands of Edward Partridge, by Oliver Cowdery, an elder in the Church of Jesus Christ of Latter Day Saints, formerly of Kirtland, State of Ohio, for the purpose of entering lands in the State of Missouri, in the name of, and for the benefit of said church; and whereas I, Edward Partridge, was Bishop of, and in said church he took said money and funds thus put in his hands and entered the land in his own name, in the County of Jackson, State of Missouri, in the name of Edward Partridge, the signer of this deed.

Background established, the second paragraph related that, due to the 1838 Extermination Order, Partridge transferred the lands for safekeeping to Cowdery's young children:

...as I have to leave the State of Missouri, by order of Governor Boggs, and with me also our Church, I do, for the sum of one thousand dollars, to me in hand paid, by said Oliver Cowdery, do give, grant, bargain and sell to John Cowdery, son of Oliver Cowdery, now seven years old; and Jane Cowdery, three years, and Joseph Smith Cowdery, one year old, all the lands entered in my name in the County of Jackson, in the District of Lexington, in the State of Missouri.

In the final paragraph, Partridge underscored the comprehensiveness of the transaction:

Said Edward Partridge, the first party and signer of this deed does also sell, alien and confirm to the aforesaid John Cowdery all real estate and lands he hath both entered as aforesaid, and all he owns in his own name by private purchase and holds by deed of gift, being intended for the use of the Church of Latter Day Saints or otherwise. This sale is to embrace all lots of all sizes, situated in Independence, and to embrace the lot known as the Temple Lot, and all other lands of whatever description said Partridge the first party is entitled to in said Jackson County, in the State of Missouri.

The generality of the language was stunning. Most deeds offer excruciatingly detailed property measurements; by contrast, the Partridge-Cowdery deed simply transferred *all*

of Partridge’s substantial Jackson County holdings—the sixty-three acre Temple Tract and hundreds of additional acres—to Cowdery’s children. While the “or otherwise” of the final paragraph hinted that perhaps Partridge did not hold all that land in reserve for the church, the general sense of the text was that he held it all for the church.

Curiously, the document was neither dated nor mentioned specific dates. But accompanying the document was a dated affidavit prepared by the late Elias Higbee, a Mormon judge in the former Mormon stronghold of Caldwell County, Missouri:

State of Missouri,
Caldwell County, ss.

Be it remembered that on the 25th day of March, 1839, before me, the undersigned, one of the Justices of the County Court in and for said County, came Edward Partridge, who is personally known to me, to be the same person whose name is subscribed to the foregoing instrument of writing as party thereto, and did acknowledge the same to be his act and deed for the purposes therein mentioned.

In testimony whereof I have hereunto set my hand and affixed my private seal on the day and year above written.

ELIAS HIGBEE, J. C. C. C.

Another document also accompanied the Partridge-Cowdery deed:

The foregoing deed, with the acknowledgment thereon from Edward Partridge to Jane Cowdery et al., was filed and duly recorded in my office on the 7th day of February, A. D. 1870.

A. COMINGO, Recorder.

By H. G. GOODMAN, Deputy.

Reading the documents together, it appeared that as Partridge fled Caldwell County with the Saints in the wake of Governor Lilburn Boggs’ Extermination Order, the bishop conveyed his Jackson County holdings to Cowdery’s children on 25 March 1839. The document was subsequently recorded in the Jackson County Courthouse in 1870.

As the Reorganized Church prepared for trial against the Church of Christ, the discovery of the Partridge-Cowdery deed could scarcely have seemed more fortuitous.

Armed with this document, the Reorganization could greatly fortify its challenge to the Church of Christ's chain-of-title; armed with this document, the Reorganization could readily contend that Edward Partridge established the Temple Lot in trust for Joseph Smith's church and its successor; armed with this document, the Reorganization could argue that the expulsion of the Mormons from Missouri in 1838-1839 accounted for the Reorganization's slow recovery of the Temple Grounds. This one document, in sum, fortified RLDS positions on the statute of limitations, the succession question, and the Church of Christ's chain-of-title. It seemed a godsend.⁹⁵

Examining the document in May 1887, however, RLDS First Presidency counselor W. W. Blair pronounced it "without reasonable doubt, a flimsy fraud." Blair found several problems with the text. First, Oliver Cowdery had been excommunicated nearly a year before the transaction. Why would Bishop Partridge convey the sacred grounds of Zion to the children of an apostate? Second, if Partridge held the property in trust for the church, as the text indicated, it followed that he should have received church permission before conveying the property to the Cowderys. Yet Blair found no such authorization in the annals of church history. Most damning of all, Blair found that neither Cowdery nor Partridge were present in Caldwell County on 25 March 1839.⁹⁶

Blair was correct on all counts. Cowdery was excommunicated in April 1838, over eleven months before the purported transaction. On 25 March 1839, the date of the transaction, Cowdery and Partridge were far removed from Caldwell County, Cowdery being in Clay County, Missouri and Partridge in Quincy, Illinois. But Blair's critique just scratched the surface; later researchers have identified additional problems with the

document. Elias Higbee was no longer a judge in March 1839, as he had been deposed after the Mormon-Missourian War of October 1838. Like Partridge, moreover, Higbee was living in Quincy, Illinois in March 1839. Furthermore, Partridge didn't personally sell his Jackson County holdings in 1839; on the contrary, he acted through his agent, Daniel W. Rogers. To make matters worse, the Partridge-Cowdery deed wasn't dated, the Jackson County Courthouse didn't have the original, and the copy it did have wasn't recorded until 1870. Finally, and most astounding of all, Oliver Cowdery didn't have any children named John, Jane, and Joseph in March 1839. Elizabeth Ann Cowdery had given birth to three children by that date, but all were girls, one had already died, another would soon die, and none were named Jane. (To be fair, one was named Josephine, a name similar to "Joseph.") Oliver and Elizabeth would have three additional children in subsequent years, but all of them died within weeks of birth and none were named John, Jane, or Joseph. To put it bluntly, the Cowdery children to whom Partridge supposedly conveyed the property never existed! At a glance, then, the Partridge-Cowdery deed seemed pregnant with potential; under scrutiny, it was rife with anachronisms.⁹⁷

Despite Blair's sobering verdict, his RLDS colleagues weren't ready to give up on the Partridge-Cowdery deed. This wasn't because they were willing to perpetuate a fraud; I've found no evidence that RLDS leaders accepted Blair's conclusion but conspired to champion the deed anyway. In cynical moments maybe, they might have reasoned that non-Mormon attorneys and judges wouldn't critique the deed as effectively as Blair. Given their legal experience, though, they surely appreciated that a dubious title likely wouldn't help their cause, as it probably wouldn't survive adversarial cross-

examination. My sense, rather, is that RLDS leaders didn't find Blair's arguments definitive, that they believed additional inquiry might produce supporting evidence. Questions like the whereabouts of Partridge, Cowdery, and Higbee weren't always definitively answered in the nineteenth-century, as nobody enjoyed the ready documentation that researchers do today. Few people in 1887 had access to so many Mormon documents as RLDS leaders in Lamoni, yet even their holdings were quite spotty. In April 1839, Joseph Smith's apostles hurriedly reentered forbidden Missouri to dedicate the Far West temple site in Caldwell County; was it beyond the realm of possibility that Partridge and Cowdery met in Caldwell County the month earlier?⁹⁸

To be sure, had it been any other deed, Blair's critique might have carried the day. But this particular deed offered so many potential benefits to the Reorganization that most RLDS leaders wanted to believe its authenticity. Put simply, the deed provided the best possible title claim available to the church. From the RLDS perspective, every other title deed had some crippling flaw: The 1831 Flournoy-Partridge deed said nothing about an ecclesiastical trust; the rumored Martin Harris title of the 1830s was no longer extant; the 1848 Partridge-Poole deed reduced the Temple Grounds to secular property and provided the critical link in the Church of Christ's title strand. The Partridge-Cowdery deed, by contrast, was extant (in copied form, at least), stood independent of the Church of Christ, and reserved the Temple Grounds for the true church. Even better, the deed acknowledged the Mormon expulsion from Missouri on its face, offering the Reorganization a ready-made alibi for their delay in filing suit. If the deed survived legal scrutiny, then, the Reorganization had only to validate its succession claim in court, a

task its officers felt eminently capable of doing. Even the clear-eyed Blair acknowledged that “if Partridge did convey the lot [to] O. Cowdery’s Children in trust for the Church, that would effectually [sic] Secure the title in the Reorganized Church.”⁹⁹ RLDS leaders had strong incentives to believe the best of the Partridge-Cowdery deed and hope that research and testimony could account for its apparent anachronisms.

If RLDS leaders were going to base a lawsuit on the Partridge-Cowdery deed, they had to come to terms with the fact that, under the terms of the document, John, Jane, and Joseph Cowdery held the legal title to the Temple Lot. Initially, RLDS leaders probably didn’t realize that John, Jane, and Joseph had never existed; Blair didn’t mention it in his critique, and five years later an attorney for the Reorganization was still asking about the issue.¹⁰⁰ Still, even if the deed erred in the names of the Cowdery children, it was a defective title, but not necessarily a fatally defective title. If the Partridge-Cowdery deed was legitimate, then despite the erroneous given names listed therein, the Cowdery family still held the legal title. One way or another, the Reorganization would have to come to terms with the Cowdery family.

After Oliver Cowdery’s 1838 excommunication, the Cowdery family of Oliver, wife Elizabeth Ann Whitmer (the sister of David and John Whitmer), and daughter Marie Louise (the only Cowdery child to survive infancy) generally remained aloof from organized forms of Mormonism. Oliver practiced law in Ohio during the Nauvoo period of church history, keeping abreast on Mormon developments through brother-in-law Phineas Young, brother of Brigham Young. In 1848, Oliver visited Kaneshville, Iowa

with his family and accepted baptism into the LDS Church. The Cowderys intended to go to Utah, but visiting their Whitmer relatives in Richmond, Missouri two years later, Oliver died of respiratory illness at the age of forty-three.¹⁰¹ In the aftermath, Elizabeth and Marie stayed with the Whitmers in Richmond. Mother and daughter retained a general belief in Mormonism but didn't actively affiliate with any particular faction. In 1856, Marie married Charles Johnson, a non-Mormon physician. For three decades, mother, daughter, and son-in-law shared homes in Missouri and Colorado. In 1887, they lived in Southwest City, a tiny hamlet in the southwestern corner of Missouri.¹⁰² Here is where Edmund L. Kelley found the Cowdery-Johnson family, or as the Church of Christ later put it, "the fox found the so-called heirs of the Cowdery children."¹⁰³

Kelley found the family well aware they had clouded claims to sundry Jackson County properties, though they may not have known of the Partridge-Cowdery deed specifically.¹⁰⁴ Kansas City lawyers had urged the family to sell their claims in the 1870s. The family relented and sold a few quitclaims at that time, but decided in the end to retain most of their holdings. Charles Johnson recalled of those attorneys:

They were after me to let them do something with our property here, and I did not want to do anything, and would not have done anything about it if they had not urged it on me in the first place—and it took a good deal of urging to get me to do anything too.¹⁰⁵

One of the claims the family retained were the Independence Temple Grounds. Thus on 29 May 1886, before Edmund Kelley ever contacted the family evidently, Elizabeth Ann Cowdery quitclaimed over 130 acres of Jackson County real estate, the Temple Grounds included (but not identified by name), to daughter Marie and son-in-law Charles.¹⁰⁶

Now one year later, Edmund Kelley sat with the family, offering money for a quitclaim to a small portion of that 1886 parcel, specifically the 2.5 acre Temple Lot. The family had rebuffed many offers in the 1870s, but they gave greater consideration to Kelley's offer. Dr. Johnson wanted to see if the Cowdery claim to the Temple Lot could withstand the legal challenge Kelley promised. If it could, it would help clear the cloud from other Cowdery-claimed lands in Jackson County.¹⁰⁷ For Elizabeth and Marie, it probably helped that Kelley represented a Mormon body rather than a secular law firm; as Cowderys and Whitmers, the two women well knew the religious significance of the Temple Grounds. Whatever the specific considerations, the family decided to accept Kelley's offer. On 9 June 1887, Charles Johnson and Marie Louise Cowdery Johnson quitclaimed to Kelley, standing in for RLDS trustee-in-trust George A. Blakeslee, the "premises known as the 'Temple Lot' in the city of Independence in said County; the same being also planted and described as lots 15, 16, 17, 18, 19, 20, 21 & 22 all of Woodson and Maxwell's Addition to the city of Independence."¹⁰⁸

With that, the Reorganization now claimed a chain-of-title to the Temple Lot comprised of the 1831 Flournoy-Partridge deed (conveying the sixty-three acre Temple Tract), the 1839 Partridge-Cowdery deed (conveying all of Partridge's Jackson County holdings), the 1886 Cowdery-Johnson deed (conveying over 130 acres, the Temple Grounds included), and the 1887 Johnson-Blakeslee deed (conveying the 2.5 acre Temple Lot). At the beginning of 1887, the Reorganization had no concrete title claim to speak of other than the historical argument that Edward Partridge held the Temple Grounds in trust for Joseph Smith's church, which church, the argument went, was now the

Reorganized Church. Less than six months later, the Reorganization now held a chain-of-title that could challenge or potentially trump the Church of Christ's. Wasting no time, Edmund Kelley departed remote Southwest City and had the Johnson-Blakeslee deed recorded in the Jackson County Courthouse the following day, June 10th.¹⁰⁹

Meanwhile, elsewhere in Independence, the Hedrickites made a start on one of their longtime goals. Since at least 1872, the Church of Christ had planned to build a meetinghouse upon the Temple Lot.¹¹⁰ During the past three years, the church had inched closer towards that goal.¹¹¹ In April 1887 general conference, the congregation appointed a three-man building committee consisting of Richard Hill, Alma Owen, and George P. Frisby.¹¹² At last, in June 1887, church members began hauling lumber to the Temple Lot. The construction of the Hedrickite meetinghouse had begun.¹¹³

When the Presiding Bishopric of the Reorganized Church learned what was going on at the Temple Lot, they immediately sprang into action.¹¹⁴ On 11 June 1887, Edmund Kelley paid a visit to Church of Christ president Richard Hill. Pleasantries exchanged, Counselor Kelley read aloud a "Notice to Quit Possession" signed by RLDS bishop George A. Blakeslee. The document demanded that the Hedrickites cease all improvements on the Temple Lot and relinquish the property to the Reorganized Church. Unless the Church of Christ comply, the language warned, "legal action will be instituted against you." Kelley gave Hill a copy of the text and departed.¹¹⁵

The Notice to Quit Possession stunned the Church of Christ. The Hedrickites had known for years that the Josephites had their sights on the Temple Lot. But the Stone

Church announcement earlier in the year had apparently given the Hedrickites a sliver of hope that the Josephites had resigned themselves to life without the Temple Lot.¹¹⁶ Now, on the heels of an historic occasion for the Church of Christ, the Reorganized Church warned them to stop all that they were doing or prepare for a court battle. The joyous mood of the Hedrickites must have turned quickly sour.

The previous year, Richard Hill had assured Charles Penrose that the Hedrickites were determined to resist the Josephite tide. As promised, rather than comply with the Josephites' demands, the Hedrickites dug in their heels and continued to labor on their meetinghouse. The framework of two church buildings arose on opposite sides of Lexington Avenue in late 1887. If the Josephites were ever going to control both sides of the street, they were going to have to achieve their victory in court.

Endnotes

¹ Church of Christ (Temple Lot) membership record, 1, copy of typescript in my possession; R. Jean Addams, *Upon the Temple Lot: The Church of Christ's Quest to Build the House of the Lord* (Independence: John Whitmer Books, 2010), 11n4.

² Addams, *Upon the Temple Lot*, 12n7.

³ Church of Christ (Temple Lot) membership record, 1; Addams, *Upon the Temple Lot*, 12n7.

⁴ Old Minutes of the Church of Christ, in R. Jean Addams, "Early Sociological Issues Confronted by the Church of Christ (Temple Lot): African Americans, Native Americans, and Women," *JWJ* 30 (2010), 118n40.

⁵ On Hedrick's ordination as prophet, seer, and revelator, see "The Record and History of the Crow Creek Branch of the Church of Jesus Christ (of Latter Day Saints) which was organized on the 6th day of April A.D. 1830," undated, typescript, Church of Christ (Temple Lot) subfile, Community of Christ Archives, Independence, Missouri, hereafter cited as the Crow Creek Record, 15-17.

⁶ Addams, *Upon the Temple Lot*, 12n7.

⁷ Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 13 September 1888, in "The Hedrickites," *DN Semi-Weekly*, 25 September 1888, 2.

⁸ Alma Owen and Richard Hill deposition, 9 July 1892, TLC-R, 3:717-726 (Q1-140), 730 (Q219-225), 734 (Q287-293), 735-738 (Q309-347); respondent's evidence, 15 July 1892, TLC-R, 3:810-811; respondent's evidence, 2 August 1892, TLC-R, 3:812.

⁹ Addams, *Upon the Temple Lot*, 12n7. On the 1857 conference specifically, see W. W. Blair to Isaac Sheen, [August-September] 1864, in "Letter from Bro. W. W. Blair," *SH* 6 (15 September 1864), 91, and *HRC*, 3:637; general conference resolution, 6 October 1857, in *Compilation of General Conference Resolutions, 1852-1915* (Lamoni: Board of Publication of the Reorganized Church of Jesus Christ of Latter Day Saints, 1916), 6. On Jedediah's 1864 apostolic ordination, see the Crow Creek Record, 14. On

Jedediah's resettlement in Jackson County, see R. Jean Addams, "Reclaiming the Temple Lot in the Center Place of Zion," *MHS* 7 (Spring/Fall 2006), 11-12.

¹⁰ Alma Owen and Richard Hill deposition, 9 July 1892, TLC-R, 3:731-735 (Q236-308).

¹¹ Addams, "Early Sociological Issues," 112n12; Pearl G. Wilcox, *Saints of the Reorganization in Missouri* (Independence: by the author, 1974), 217, 399; Pearl G. Wilcox, *Jackson County Pioneers* (Independence: by the author, 1975), 487; Joseph Smith III memoirs, in Richard P. Howard, ed., *The Memoirs of President Joseph Smith III (1832-1914)* (Independence: Herald Publishing House, 1979), 311. The quotation comes from Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 13 September 1888, in "The Hedrickites," *DN Semi-Weekly*, 25 September 1888, 2.

¹² Alma Owen and Richard Hill deposition, 9 July 1892, TLC-R, 3:726-729 (Q141-187); John R. Haldeman, "History of the Temple Lot—1829-1896," *The Searchlight* 1 (2 March 1896), 6; John R. Haldeman, *The Searchlight* 1 (1 July 1896), in Ronald E. Romig, "The Temple Lot Suit after 100 Years," *JWJ* 12 (1992), 3; "From South Carolina," *DN*, 23 December 1885, 769; "The Temple Lot," *ZE* 1 (2 January 1892), 6. Two deponents remembered the improvements going up in the fall of 1883. See the Thomas Halley and Clarence St. Clair depositions, 9 February 1892, TLC-C, 2:366-367 (Q1-12) and 2:367-369 (Q1-30), respectively. R. Jean Addams accepts the 1883 dating in *Upon the Temple Lot*, 23. R. W. Young, "In the Wake of the Church," *The Contributor* 4 (September 1883), 460-462, seems to support an 1883 dating.

¹³ *KCT*, 26 April 1929, citing Clarence L. Wheaton of the Church of Christ, in Romig, "Temple Lot Suit," 3.

¹⁴ Subsequent LDS visitors to the Temple Lot described it as an enclosure and commented favorably on its grass and shade trees. See Franklin D. Richards to Daniel H. Wells, 27 June 1885, in "Visit To Pueblo, Independence, Carthage, Nauvoo, Richmond, Etc.," *MS* 47 (27 July 1885), 467; "From South Carolina," *Deseret Weekly*, 23 December 1885, 769; Edward Stevenson, Andrew Jenson, and Joseph S. Black to editor, 11 September 1888, in "The Pregnant Past," *DN Semi-Weekly*, 21 September 1888, 2; Charles W. Penrose diary, 30 April 1886, Utah State Historical Society, Salt Lake City.

¹⁵ Church Record of the Church of Christ, in B. C. Flint, *An Outline History of the Church of Christ* (Independence: The Church of Christ, 1953), 114.

¹⁶ *Ibid.*

¹⁷ Mary Page Eaton deposition, 27 April 1892, TLC-C, 2:633 (Q67-71, 80).

¹⁸ LDS Journal History, 21 February 1900, LDS Archives, Salt Lake City; Edward Leo Lyman, "The Alienation of an Apostle from His Quorum: The Moses Thatcher Case," *Dialogue* 18 (Summer 1985), 68-72; Ronald W. Walker, "Grant's Watershed: Succession in the Presidency, 1887-1889," *BYU Studies* 43/1 (2004), 206-208, 218, 222, 223. I am grateful to Dr. Lyman for calling the fund to my attention.

¹⁹ "The Truth Vindicated.—No. 1," *SH* 6 (15 August 1864), 49.

²⁰ "Return to Zion," *Journal of History* 5 (April 1912), 202-210; Wilcox, *Saints of the Reorganization in Missouri*, passim.

²¹ Mark H. Forscutt diary-reminders, 23 August 1871, in R. Jean Addams, "The Church of Christ (Temple Lot) and the Reorganized Church of Jesus Christ of Latter Day Saints: 130 Years of Crossroads and Controversies," *JMH* 36 (Spring 2010), 72, and Wilcox, *Saints of the Reorganization in Missouri*, 229-230; "Return to Zion," 205.

²² Wilcox, *Saints of the Reorganization in Missouri*, 222-224, 238, 242, 247-248, 253, 256, 260, 263, 283, 308, 389; *MRLDS*, 1:581-582; John W. Brackenbury depositions, 30 January and 20 April 1892, TLC-C, 1:219-221 (Q1-57) and 2:548-552 (Q1-42), respectively. On his family, see Todd Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1997), ch. 10.

²³ Joseph Smith III and Henry Stebbins, "Notes on Travel," *SH* 24 (15 January 1877), 25, in *HRC*, 4:166-167.

²⁴ Wilcox, *Saints of the Reorganization in Missouri*, 234-236, 253-256, 257-262, 267-268, 309; "Return to Zion," 207-208; "The Beginnings of Independence," *SH* 83 (4 August 1936), 969.

²⁵ "Independence District Conference," *ZE* 1 (3 January 1891).

²⁶ Joseph Smith III to N. S. Patterson, 3 May 1894, JSIII Letterbook #5, 229-230, CofC Archives.

²⁷ I've borrowed the characterization from Alma R. Blair, "Lamoni, Iowa—Way Stop on Return Road to Zion," *Restoration Trail Forum* 4 (August 1978), 1, 3-4.

²⁸ Joseph Smith revelation, 22-23 September 1832, in *MRB*, 274-275/452-455, *D&C* (LDS) 84:2-5, *D&C* (RLDS) 83:1b-2b. Writing eight decades later, Joseph III expressed concern about the prophetic timetable: "Time is passing, the generation will soon be gone." See Joseph Smith III to George P. Frisbey, 6 May 1911, Orders and Quorum Papers, P75-4, f26, CofC Archives.

²⁹ Joseph Smith III to John W. Brackenbury, 19 November 1877, typescript, JSIII Letterbook #1, 232, CofC Archives.

³⁰ Joseph Smith III, "The House of the Lord, as Seen in Vision," *SH* 25 (1 June 1878), 161-163.

³¹ Roger D. Launius, "And There Came Prophets in the Land Again: The Life of Joseph Smith III, 1832-1914, Mormon Reformer" (Ph.D. dissertation: Louisiana State University, 1982), 389.

³² John A. Sea to Alexander H. Smith, 14 September 1882, Temple Lot Case, P51, f1, CofC Archives. For the Bishopric's possession of the Abstract, see the remarks penciled on the binding.

³³ George A. Blakeslee to Edmund L. Kelley, 17 June 1884, typescript, E. L. Kelley Papers, P16, f6, CofC Archives.

³⁴ Alexander H. Smith to Edmund L. Kelley, 22 May 1884, typescript, E. L. Kelley Papers, P16, f6, CofC Archives.

³⁵ George A. Blakeslee to Edmund L. Kelley, 17 June 1884, typescript, E. L. Kelley Papers, P16, f6, CofC Archives.

³⁶ George A. Blakeslee to Edmund L. Kelley, 21 June and 28 July 1884, typescript, E. L. Kelley Papers, P16, f6, CofC Archives.

³⁷ George A. Blakeslee to Edmund L. Kelley, 21 June 1884, typescript, E. L. Kelley Papers, P16, f6, CofC Archives.

³⁸ Church Record of the Church of Christ, in Flint, *Church of Christ*, 114-115; Addams, *Upon the Temple Lot*, 26-27.

³⁹ J. F. Curtis, "History of Committee on Church of Christ," in J. F. Curtis Papers, P57, f20, CoC Archives; Flint, *Church of Christ*, 116-117; *HRC*, 4:480-481; Joseph Smith memoirs, in Howard, *Memoirs*, 314.

⁴⁰ Church of Christ (Temple Lot) membership record, 1; Addams, *Upon the Temple Lot*, 33n2; Flint, *Church of Christ*, 107-108.

⁴¹ Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 13 September 1888, in "The Hedrickites," *DN Semi-Weekly*, 25 September 1888, 2; Addams, "Church of Christ (Temple Lot) and Reorganized Church," 72. The Josephites denied the charge of insincerity.

⁴² Launius, "Prophets in the Land Again," 390, 392.

⁴³ George A. Blakeslee to Edmund L. Kelley, 1 June 1886, typescript, E. L. Kelley Papers, P16, f14, CofC Archives.

⁴⁴ Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 13 September 1888, in "The Hedrickites," *DN Semi-Weekly*, 25 September 1888, 2; Richard Hill deposition, 11 July 1892, TLC-R, 3:748 (Q167-172), 753 (Q277-278), 763 (Q449-463).

⁴⁵ Richard Hill deposition, 11 July 1892, TLC-R, 3:768 (Q545-553), 773 (Q629), 791-792 (Q989-991).

⁴⁶ James A. Little to editor, 15 November 1875, in "Correspondence," *MS* 38 (17 January 1876), 36-38; Orson Pratt and Joseph F. Smith to President John Taylor and the Council of the Twelve, 17 September 1878, in "Report of Elders Orson Pratt and Joseph F. Smith," *MS* 40 (9 December 1878), 769-774 and 40 (16 December 1878), 785-789; R. W. Young, "In the Wake of the Church," *The Contributor* 4 (September 1883), 460-462; Franklin D. Richards to Daniel H. Wells, 27 June 1885, in "Visit To Pueblo, Independence, Carthage, Nauvoo, Richmond, Etc.," *MS* 47 (27 July 1885), 465-473; "From South Carolina," *Deseret Weekly*, 23 December 1885, 769; Charles W. Penrose diary, 30 April 1886, Utah State Historical Society; Seymour B. Young to John Taylor, c. June-July 1887, referenced in the L. John Nuttall diary, 9 July 1887, in Jedediah S. Rogers, ed., *In the President's Office: The Diaries of L. John Nuttall, 1879-1892* Significant Mormon Diaries Series (Salt Lake City: Signature Books in association with the

Smith-Pettit Foundation, 2007), 203; Andrew Jenson, Edward Stevenson, and Joseph S. Black, *Infancy of the Church: An Elaborate and Detailed Description of Persons, Places and Incidents Connected with the Early Rise and Progress of The Church of Jesus Christ of Latter-day Saints* (Salt Lake City: n.p., 1889); "Visited the 'Holy Ground,'" *KCT*, 3 June 1891, 8; John Nicholson to editor, 18 June 1891, in "The Spence-Rossiter Party," *DN*, 7 July 1891, 5; "Mormons Visit the Temple Lot," *KCS*, 21 May 1893, 3; "Will See The Temple Lot," *KCS*, 3 August 1893, 6; "The Mormon Choir," *Dallas Morning News*, 2 September 1893, 2; "Return Of The Mormons," *Omaha World Herald*, 2 September 1893, 1; "It Was A Triumphal Tour," *Salt Lake Herald*, 5 September 1893, 8; "News Of The Week," *Parsons Weekly Blade* (Kansas), 9 September 1893, 1; Andrew Jenson to editor, 1 September 1893, *Deseret Weekly*, 16 September 1893, 388; "Visited the Temple Lot," *Kansas City Daily Journal*, 27 February 1895, 5; "Missouri Notes," *KCS*, 28 February 1895, 4; "Knelt On The Sacred Soil," *Kansas City Journal*, 17 April 1895, 2; "Mormons Visit Temple Lot," *KCT*, 5 June 1895, 2; "Looking Up Church History," *Kansas City Journal*, 5 June 1895, 5; "Personal Mention," *KCS*, 12 August 1895, 2; "Visited the Temple Lot," *KCT*, 23 August 1895, 8; "Miscellaneous," *Kansas City Journal*, 11 September 1895, 5; Edward Stevenson to editor, 15 September 1895, in "Edw'd Stevenson's Travels," *DN*, 18 September 1895, 8; "Mormons At Independence," *Kansas City Daily Journal*, 14 March 1896, 3; "Mormon New Jerusalem," *Omaha Daily Bee*, 29 March 1896, 3; Daniel J. McRae to editor, 2 February 1897, in "From Various Missionary Fields," *DN*, 6 February 1897, 10; T. D. Wallach to editor, 27 February 1897, in *DN*, 27 March 1897, 9; A. Watson Jr. and S. S. Humphreys to editor, 5 March 1897, in "News From Missouri," *DN*, 27 March 1897, 9; Peter J. Williams to editor, 26 May 1897, in "From Various Missionary Fields," *DN*, 12 June 1897, 10; "Elders in Jackson County," *DN*, 30 August 1897, 8; "Mormon Conference," *Kansas City Journal*, 11 October 1897, 8; "Visiting Sacred Soil," *Kansas City Journal*, 24 September 1898, 12; "Utah Mormons Coming," *Kansas City Journal*, 3 February 1899, 1; "Elder Roberts' Lecture," *DN*, 4 February 1899, 8; "Utah Mormons In Conference," *Salt Lake Herald*, 8 February 1899, 6; "Independence: George Gilbert, an Oldtime Jackson County Mormon, Revisits Zion's Site," *Kansas City Journal*, 19 June 1899, 6; "Will Return To Zion," *Kansas City Journal*, 8 July 1899, 7.

⁴⁷ Charles W. Penrose diary, 30 April 1886, Utah State Historical Society.

⁴⁸ James A. Little to editor, 15 November 1875, in "Correspondence," *MS* 38 (17 January 1876), 36-38; Orson Pratt and Joseph F. Smith to President John Taylor and the Council of the Twelve, 17 September 1878, in "Report of Elders Orson Pratt and Joseph F. Smith," *MS* 40 (9 December 1878), 769-770; "From South Carolina," *Deseret Weekly*, 23 December 1885, 769; Seymour B. Young to John Taylor, c. June-July 1887, referenced in the L. John Nuttall diary, 9 July 1887, in Rogers, *President's Office*, 203; Edward Stevenson, Andrew Jenson, and Joseph S. Black to editor, 11 September 1888, in "The Pregnant Past," *DN Semi-Weekly*, 21 September 1888, 2; Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 13 September 1888, in "The Hedrickites," *DN Semi-Weekly*, 25 September 1888, 2; Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 10 September 1888, in "Historical Landmarks," *DN Semi-Weekly*, 18 September 1888; Andrew Jenson, "The Temple Lot," *The Historical Record* 7 (December 1888), 648.

⁴⁹ Penrose did not tell Hill of his newspaper position. See the Charles W. Penrose diary, 30 April 1886, Utah State Historical Society. On Penrose, see *MH*, 2:678-679; Kenneth W. Godfrey, "Charles W. Penrose: His Apostolic Contributions to LDS Church History and Doctrine, 1904-1925," in Thomas G. Alexander, ed., *Times of Transition, 1890-1920: Proceedings of the 2000 Symposium of the Joseph Fielding Smith Institute for Latter-day Saint History at Brigham Young University* (Provo: Joseph Fielding Smith Institute for Latter-day Saint History, 2003), 89-101. On Penrose as editor-in-chief (often in absentia), see Monte B. McLaws, *Spokesman for the Kingdom: Early Mormon Journalism and the Deseret News, 1830-1898* Studies in Mormon History (Provo: Brigham Young University Press, 1977), 168-169, 188-191.

⁵⁰ Charles W. Penrose, *The Mountain Meadows Massacre* (Salt Lake City: The Juvenile Instructor Office, 1884), and *Blood Atonement* (Salt Lake City: The Juvenile Instructor Office, 1884). Penrose served as assistant Church Historian from 1896-1904. See *MH*, 2:679.

⁵¹ Eliza R. Snow, *Biography and Family History of Lorenzo Snow* (Salt Lake City: George Q. Cannon & Sons, 1884), 352-358; Bruce A. Van Orden, *Prisoner for Conscience' Sake: The Life of George Reynolds* (Salt Lake City: Deseret Book Company, 1992), 118, 163. Gibbs served as First Presidency secretary from 1892-1922.

⁵² Kenneth W. Godfrey, "Charles W. Penrose and His Contributions to Utah Statehood," *UHQ* 64 (Fall 1996), 360-363.

⁵³ On this critically important figure, see Davis Bitton, *George Q. Cannon: A Biography* (Salt Lake City: Deseret Book Company, 1999). For the Richelieu analogy, see Walker, "Grant's Watershed," 203. Cardinal Richelieu was chief advisor to King Louis XIII in early seventeenth-century France.

⁵⁴ Donald Q. Cannon, "Angus M. Cannon: Pioneer, President, Patriarch," in Donald Q. Cannon and David J. Whittaker, eds., *Supporting Saints: Life Stories of Nineteenth-Century Mormons* Specialized Monograph Series (Provo: Brigham Young University, Religious Studies Center, 1985), ch. 14.

⁵⁵ Walker, "Grant's Watershed," 202, 226n17.

⁵⁶ *MH*, 2:678; Godfrey, "Utah Statehood," 362. A longtime husband of two, Penrose had taken Dr. Romania Bunnell Pratt as his third and final plural wife only weeks earlier in March 1886.

⁵⁷ *Reynolds v. United States*, 98 U.S. 145 (1879); Van Orden, *George Reynolds*, chs. 7-10; Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* Studies in Legal History Series (Chapel Hill: University of North Carolina Press, 2002), ch. 4, 236-238, 294-295; Edwin Brown Firmage and Richard Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830-1900* (Urbana: University of Illinois Press, 1988), 151-159.

⁵⁸ James B. Allen, "'Good Guys' vs. 'Good Guys': Rudger Clawson, John Sharp, and Civil Disobedience in Nineteenth-Century Utah," *UHQ* 48 (Spring 1980), 151-156; Gordon, *Mormon Question*, ch. 3, 147; Richard S. Van Wagoner, *Mormon Polygamy: A History* 2d ed. (Salt Lake City: Signature Books, 1989), 111-113, 115, 117-118.

⁵⁹ James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1789-1902* 10 vols. (Washington D.C.: Bureau of National Literature, 1911), 6:4512, in Richard D. Poll, "The Legislative Antipolygamy Campaign," *BYU Studies* 26 (Fall 1986), 114.

⁶⁰ Poll, "Legislative Antipolygamy Campaign," 114.

⁶¹ *An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes*, 22 March 1882, in United States, *Statutes at Large* 22:47 (1883), 30-32; B. Carmon Hardy, ed., *Doing the Works of Abraham: Mormon Polygamy, Its Origin, Practice, and Demise* Kingdom in the West Series (Norman, OK: Arthur H. Clark Company, 2007), 281-283; Poll, "Legislative Antipolygamy Campaign," 114-115.

⁶² Allen, "Civil Disobedience," 157-161; Stan L. Larson, ed., *Prisoner for Polygamy: The Memoirs and Letters of Rudger Clawson at the Utah Territorial Penitentiary, 1884-87* (Urbana: University of Illinois Press, 1993). The young Clawson was already a folk hero to Latter-day Saints. As a missionary in Georgia in 1879, he survived a violent ambush and escorted the dead body of missionary companion Joseph Standing back to Utah. Clawson joined the LDS Quorum of Twelve Apostles in 1897, and as president of that body stood next-in-line to the LDS presidency from 1921-1943.

⁶³ *Clawson v. United States* 114 U.S. 477 (1885). On this ruling, see Kenneth Driggs, "The Mormon Church-State Confrontation in Nineteenth-Century America," *Journal of Church and State* 20 (Spring 1988), 281-282; Poll, "Legislative Antipolygamy Campaign," 118.

⁶⁴ Cannon, "Angus M. Cannon."

⁶⁵ Wilford Woodruff journal, 25 March 1882, in *WWJ*, 7:92; Thomas G. Alexander, "The Odyssey of a Latter-day Prophet: Wilford Woodruff and the Manifesto of 1890," *JMH* 17 (1991), 175, 204.

⁶⁶ Kenneth Driggs, "The Prosecutions Begin: Defining Cohabitation in 1885," *Dialogue* 21 (Spring 1988), 109-125; Allen, "Civil Disobedience," 166.

⁶⁷ *Cannon v. United States*, 116 U.S. 55 (1885).

⁶⁸ For a comparative examination of the federal campaign against Utah Mormonism, see Stephen Cresswell, *Mormons & Cowboys, Moonshiners & Klansmen: Federal Law Enforcement in the South and*

West, 1870-1893 (Tuscaloosa: University of Alabama Press, 1991). On the chief enforcer of the Edmunds Act, see Thomas G. Alexander, "Charles S. Zane, Apostle of the New Era," *UHQ* 34 (1966), 290-314.

⁶⁹ Driggs, "Church-State Confrontation," 283.

⁷⁰ Melvin L. Bashore, "Life Behind Bars: Mormon Cohabs of the 1880's," *UHQ* 47 (Winter 1979), 22-41; Fred Woods and Merle W. Wells, "Inmates of Honor: Mormon Cohabs in the Idaho Penitentiary, 1885-1890," *Idaho Yesterdays* 40 (Fall 1996), 13-22. The Supreme Court sustained Lorenzo Snow's appeal for a shorter sentence in *Ex Parte Snow* 120 U.S. 274 (1886), striking down Edmunds' "segregation" statute by which individuals could be sentenced to several consecutive terms for committing the same crime over several time intervals. See Ken Driggs, "Lorenzo Snow's Appellate Court Victory," *UHQ* 58 (Winter 1990), 81-93.

⁷¹ Jessie L. Embry, *Mormon Polygamous Families: Life in the Principle* Publications in Mormon Studies (Salt Lake City: University of Utah Press, 1987), 17-22; Kimberly J. James, "'Between Two Fires': Women on the 'Underground' of Mormon Polygamy," *JMH* 8 (1981), 49-61.

⁷² Van Wagoner, *Mormon Polygamy*, 125. Many of these communities were established earlier during the antipolygamy agitation of the late 1870s.

⁷³ Brigham Y. Card, "Charles Ora Card and the Founding of the Mormon Settlements in Southwestern Alberta, North-West Territories," in Brigham Y. Card, Herbert C. Northcott, John E. Foster, Howard Palmer, and George K. Jarvis, eds., *The Mormon Presence in Canada* (Logan: Utah State University Press, 1990), ch. 5; Jessie L. Embry, "Exiles, for the Principle: LDS Polygamy in Canada," *Dialogue* 18 (Fall 1985), 108-116.

⁷⁴ Thomas Cottam Romney, *Mormon Colonies in Mexico* (Salt Lake City: University of Utah, 2005); B. Carmon Hardy, "The Mormon Colonies of Northern Mexico: A History, 1885-1912" (Wayne State University: Ph.D. dissertation, 1963).

⁷⁵ Jessie L. Embry, "'Two Legal Wives': Mormon Polygamy in Canada, the United States, and Mexico," and B. Carmon Hardy, "Mormon Polygamy in Mexico and Canada: A Legal and Historiographical Review," in Card, et. al., *Mormon Presence in Canada*, chs. 9 and 10, respectively.

⁷⁶ Eric Eliason, "Mormons," in David Bradley and Shelley Fisher Fishkin, eds., *The Encyclopedia of Civil Rights in America* vol. 2 (New York: Sharpe Reference, 1997), 612-615: "Generally viewing actions against their interests as religious persecution, Mormons have seldom framed their history in terms of a civil rights struggle, although it contains a litany of violations and episodes of systematic oppression."

⁷⁷ Stewart Lofgren Grow, "A Study of the Utah Commission, 1882-1896" (Ph.D. dissertation: University of Utah, 1954), 195-215, 269-271; Joseph H. Groberg, "The Mormon Disfranchisements of 1882 to 1892," *BYU Studies* 16 (Spring 1976), 399-408; Poll, "Legislative Antipolygamy Campaign," 115; Hardy, *Works of Abraham*, 285-286.

⁷⁸ Groberg, "Mormon Disfranchisements," 400.

⁷⁹ *Murphy v. Ramsey*, 114 U.S. 15 (1885). While the Court ignored the hoary problem of disfranchising individuals who hadn't been convicted of a crime, it moderated the sweep of the disfranchisement effort by stipulating that individuals who took the oath had to be allowed to register to vote. See Driggs, "Church-State Confrontation," 285-286.

⁸⁰ Hardy, *Works of Abraham*, 292; Poll, "Legislative Antipolygamy Campaign," 119; Alexander, "Odyssey," 193-195, 197.

⁸¹ Merle W. Wells, "The Idaho Anti-Mormon Test Oath, 1884-1892," *Pacific Historical Review* 24 (August 1955), 235-252; Merle W. Wells, *Anti-Mormonism in Idaho, 1872-92* (Provo: BYU Press, 1978), 37-83. Idaho courts upheld the law using the logic of the Supreme Court's 1879 *Reynolds* decision. See Groberg, "Mormon Disfranchisements," 402-403.

⁸² Groberg, "Mormon Disfranchisements," 401, 402; Poll, "Antipolygamy Legislation," 118.

⁸³ Eric N. Moody, "Nevada's Anti-Mormon Legislation of 1887 and Southern Idaho Annexation," *Nevada Historical Society Quarterly* 22 (Spring 1979), 21-32; Poll, "Antipolygamy Legislation," 118.

⁸⁴ Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-Day Saints, 1830-1900* paperback ed. (Lincoln: University of Nebraska Press, 1966), 360.

⁸⁵ Anonymous to John Taylor, 11 January 1886, in Van Wagoner, *Mormon Polygamy*, 127; D. Michael Quinn, “LDS Church Authority and New Plural Marriages, 1890-1904,” *Dialogue* 18 (Spring 1985), 28; Grant Underwood, “Re-Visioning Mormon History,” *Pacific Historical Review* 55 (August 1986), 409-410.

⁸⁶ The percentage varied dramatically by time and place. See Kathryn M. Daynes, *More Wives Than One: Transformation of the Mormon Marriage System, 1840-1910* (Urbana: University of Illinois Press, 2001), ch. 5; Larry M. Logue, *A Sermon in the Desert: Belief and Behavior in Early St. George, Utah* (Urbana: University of Illinois Press, 1988), ch. 3; Embry, *Mormon Polygamous Families*, 38; Lowell “Ben” Bennion, “The Incidence of Mormon Polygamy in 1880: ‘Dixie’ versus Davis Stake,” *JMH* 11 (1984), 27-42.

⁸⁷ Allen, “Civil Disobedience,” 161-174; Van Wagoner, *Mormon Polygamy*, 122-123. The Edmunds Act offered amnesty to individuals who complied with the law. In practice, individuals who renounced polygamy generally paid a fine but suffered no jail time.

⁸⁸ John Taylor revelation, c. 26-27 September 1886, in Fred C. Collier, ed., *Unpublished Revelations of the Prophets and Presidents of The Church of Jesus Christ of Latter-day Saints* 2d. ed. (Salt Lake City: Collier’s Publishing Company, 1981), 145-146, 177-206. Taylor purportedly received the revelation at the John C. Woolley home in Centerville, Utah. LDS leaders gradually learned of the revelation in the years after the fact. See John W. Taylor to Wilford Woodruff, 22 October 1887, and the Heber J. Grant journal, 30 September 1890, in Quinn, “New Plural Marriages,” 28-29; Abraham H. Cannon diary, 1 April 1892, in Edward Leo Lyman, ed., *Candid Insights of a Mormon Apostle: The Diaries of Abraham H. Cannon, 1889-1895* (Salt Lake City: Signature Books in association with the Smith-Pettit Foundation, 2010), 319. By means of Taylor’s sons, LDS leaders procured a copy of the text in 1909 and obtained the original itself in 1933. Yet the church has never released the original for critical examination, and over the course of time, the church has expressed increasing skepticism of the revelation’s authenticity. See Quinn, “New Plural Marriages,” 28-29n89-90; Van Wagoner, *Mormon Polygamy*, 183-187.

From my superficial inquiry, the authenticity of the 1886 revelation seems inconclusive. George Q. Cannon and L. John Nuttall were present at the Woolley home at the time of the purported revelation, and their journals give no hint of it. On September 26th, the company held a “very good meeting” (Nuttall) “on important business that required immediate attention,” including “the political condition of affairs of our people in Arizona” (Cannon). Their entries for September 27th are even less noteworthy. See the Nuttall diary and Cannon journal, 26-27 September 1886, in Rogers, *President’s Office*, 169-171. That being said, LDS apostles of the late 19th-century did not seem to dispute the revelation’s authenticity. The message of Taylor’s revelation was not unique for the time; Wilford Woodruff received similar revelations in 1880 and 1889. And circumstantial evidence indicates that Taylor’s personal commitment to polygamy—as opposed to his unwavering philosophical commitment—deepened subsequent to the purported revelation. Taylor hadn’t taken a new plural wife since 1856, and he had tried to comply with the Edmunds Act by living separately from and ending connubial relations with his wives. But several weeks after the purported revelation, on 19 December 1886, the seventy-eight-year-old Taylor married his first plural wife in three decades, twenty-six-year-old Josephine Roueche. The couple lived at her family home until his death on 25 July 1887. See Quinn, “New Plural Marriages,” 29-30, and *MH*, 1:597.

As the LDS Church distanced itself from its polygamist past in the second and third decades of the twentieth-century, the 1886 revelation became part of the founding mythos of “Mormon Fundamentalists” who practiced polygamy in contravention of the LDS Church. Based in part on Woolley family tradition, fundamentalists testified that not only did John Taylor receive a revelation at the 1886 gathering, but that Jesus Christ and Joseph Smith appeared as well, and that Taylor authorized Woolley, George Q. Cannon and other select persons present to perpetuate the practice of polygamy irrespective of the church. The LDS Church has always disputed these larger revelatory claims. See Van Wagoner, *Mormon Polygamy*, 183-187; D. Michael Quinn, “Plural Marriage and Mormon Fundamentalism,” *Dialogue* 31 (Summer 1998), 1-68.

⁸⁹ *An act to amend an act entitled “An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,” approved March*

twenty-second, eighteen hundred and eighty-two, 3 March 1887, in United States, *Statutes at Large*, 24:397 (1887), 635-641; Poll, "Legislative Antipolygamy Campaign," 116-118; Hardy, *Works of Abraham*, 297, 302.

⁹⁰ "A New Mormon Tabernacle," *Salt Lake Herald*, 16 January 1887, 14; "The Saints['] New Church At Independence," *ZE* 1 (6 April 1892); "Return to Zion," 206-208; Wilcox, *Saints of the Reorganization in Missouri*, 309-313. For a longer view of the now historic structure, see Richard A. Brown, *An Illustrated History of the Stone Church* (Independence: Herald Publishing House, 1988).

⁹¹ "A New Mormon Tabernacle," *Salt Lake Herald*, 16 January 1887, 14.

⁹² Clarence L. Wheaton, *Historical Facts Concerning the Temple Lot: "That Interesting Spot of Land West Of The Court House" At Independence, Missouri* 2d ed. (Independence: Board of Publications, Church of Christ, 1972), 28, 38-39.

⁹³ Church Record of the Church of Christ, in Flint, *Church of Christ*, 114-115; Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 13 September 1888, in "The Hedrickites," *DN Semi-Weekly*, 25 September 1888, 2; Andrew Jenson, "The Temple Lot," *The Historical Record* 7 (December 1888), 648.

⁹⁴ The following discussion is based upon Edward Partridge to John Cowdery, Jane Cowdery, and Joseph Smith Cowdery, 25 March 1839, in the Edmund L. Kelley deposition, 20 April 1892, TLC-C, 2:568-570 (Q14), and in CA, 242-243, and in abridged form in Arthur M. Smith, *Temple Lot Deed: A complete record of all legal transfers of that interesting spot of ground known as The Temple Lot* 2d ed. (Independence: Board of Publications of the Church of Christ, 1954), 14-15.

The earliest conclusive evidence that RLDS leaders knew of the deed dates to the spring of 1887. See W. W. Blair to Edmund L. Kelley, 12 May 1887, typescript, E. L. Kelley Papers, P16, f15, CofC Archives.

⁹⁵ One RLDS member saw a divine hand in the discovery of the document. See "Was It A Forgery?," *KCT*, 21 April 1892, 8. He was probably not alone in his sentiments.

⁹⁶ W. W. Blair to Edmund L. Kelley, 12 May 1887, typescript, E. L. Kelley Papers, P16, f15, CofC Archives.

⁹⁷ Richard Price and Pamela Price, *The Temple of the Lord: The location and purposes of the Temple which is to be built in Independence, Missouri* (Independence: by the authors, 1982), 65-68; Wheaton, *Temple Lot*, ch. 7; Smith, *Temple Lot Deed*, 19; S. Patrick Baggette II, "The Temple Lot Case: Fraud in God's Vineyard," *JWJ* 23 (2003), 128; Oliver Cowdery and Elizabeth Ann Whitmer Cowdery Family Group Record, LDS Family History Library, Salt Lake City.

⁹⁸ Wilford Woodruff journal, 17-26 April 1838, in *WWJ*, 1:324-327; W. W. Phelps to Sally Phelps, 1 May 1839, in Alexander L. Baugh, "A Community Abandoned: W. W. Phelps' 1839 Letter to Sally Waterman Phelps from Far West, Missouri," *Nauvoo Journal* 10 (Fall 1998), 25-27.

⁹⁹ W. W. Blair to Edmund L. Kelley, 12 May 1887, typescript, E. L. Kelley, P16, f15, CofC Archives.

¹⁰⁰ Ibid; Charles Johnson deposition, 18 April 1892, TLC-C, 2:414 (Q21-22).

¹⁰¹ Scott H. Faulring, "The Return of Oliver Cowdery," in John W. Welch and Larry E. Morris, eds., *Oliver Cowdery: Scribe, Elder, Witness* (Provo: The Neal A. Maxwell Institute for Religious Scholarship, 2006), 321-362.

¹⁰² Ronald E. Romig, "Elizabeth Ann Whitmer Cowdery: A Historical Reflection on Her Life," in Alexander L. Baugh, ed., *Days Never to be Forgotten: Oliver Cowdery* (Provo: BYU Religious Studies Center/Salt Lake City: Deseret Book, 2009), ch. 12; Charles Johnson deposition, 18 April 1892, TLC-C, 2:413-414 (Q2-20), 2:415 (Q35-46).

¹⁰³ John N. Southern, "Statement and Authorities on Behalf of Respondents," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument* (Independence: Sentinel Job Print [1893]), 37.

¹⁰⁴ Wheaton, *Temple Lot*, 33, is agnostic on the question. Price and Price, *Temple of the Lord*, 71, suspect that Charles Johnson knew of and sought to profit from the Partridge-Cowdery deed.

¹⁰⁵ Charles Johnson deposition, 18 April 1892, TLC-C, 2:419 (Q103). Price and Price, *Temple of the Lord*, 69-71, suggest the Partridge-Cowdery deed might have been produced by one of these lawyers.

¹⁰⁶ Elizabeth Ann Whitmer Cowdery to Marie Louise Cowdery Johnson, 29 May 1886, in P51, f1, CofC Archives, and in the Edmund L. Kelley deposition, 21 April 1892, TLC-C, 2:575-577 (Q30), and in CA, 246-247, but greatly abbreviated in Smith, *Temple Lot Deed*, 16.

¹⁰⁷ Charles Johnson deposition, 18 April 1892, TLC-C, 2:415-422 (Q47-135); Charles Johnson to Joseph Smith III, 5 April 1894, P15, f17, CofC Archives.

¹⁰⁸ Marie Louise Cowdery Johnson and Charles Johnson to George A. Blakeslee, 9 June 1887, in P51, f1, CofC Archives, and in the W. R. Hall deposition, 21 April 1892, TLC-C, 2:570-572, and in CA, 243-244. The Bishopric also bought the 1886 Cowdery-Johnson quitclaim. Each quitclaim cost \$100.

¹⁰⁹ R. T. Hinde certification, 10 June 1887, in the W. R. Hall deposition, 21 April 1892, TLC-C, 2:571, and in CA, 244.

¹¹⁰ Granville Hedrick and David Judy revelation, 28 April 1872, in John R. Haldeman, "An Important Action," *Searchlight* 3 (October 1898), 261.

¹¹¹ General conference minutes, 7 April 1884 and 6 April 1885, in Church Record of the Church of Christ, 57, 60, respectively, in Flint, *Church of Christ*, 114; Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 13 September 1888, in "The Hedrickites," *DN Semi-Weekly*, 25 September 1888, 2; Andrew Jenson, "The Temple Lot," *The Historical Record* 7 (December 1888), 648.

¹¹² General conference minutes, 6 April 1887, in Church Record of the Church of Christ, 65, in Flint, *Church of Christ*, 114-115.

¹¹³ SH 43 (1896), 140, cited in Romig, "Temple Lot Suit," 5; John R. Haldeman, "History of the Temple Lot—1829-1896," *The Searchlight* 1 (2 March 1896), 5; Addams, "Church of Christ (Temple Lot) and Reorganized Church," 73.

¹¹⁴ On 21 February 1896, Edmund L. Kelley wrote in "Court of Appeals' Decision," ZE 7 (29 February 1896), 5, that "the notice was given the very day the Bishop of the Reorganized Church learned that lumber had been taken to the ground." As one writer later wrote: "When a start was made to build upon the lot, notice was served that the Reorganized Church claimed it as the successor of the original church." See the untitled eleven-page document [the first page is missing] in P22, f111, CofC Archives.

¹¹⁵ George A. Blakeslee to Richard Hill "and all whom it may concern," Notice to Quit Possession, 11 June 1887, in the Edmund L. Kelley deposition, 20 April 1892, TLC-C, 2:577 (Q30), and in CA, 247-248; Richard Hill deposition, 11 July 1892, TLC-R, 3:760-761 (Q400-415); Edmund L. Kelley deposition, 20 April 1892, TLC-C 2:574 (Q8).

¹¹⁶ Wheaton, *Temple Lot*, 28, 38-39. RLDS leaders probably recognized that litigation over the Temple Lot could take years to settle, too many years for the burgeoning RLDS population in Independence to wait for an adequate meetinghouse. In this light, the construction of the Stone Church was not inconsistent with a long-term strategy for obtaining the Temple Lot.

Chapter Sixteen
Allies and Antagonists
1887-1890

In early 1887, nothing on the landscape of western Independence indicated that several hundred local residents held sacred the property abutting the bend on Lexington Avenue. The elevation of the Mormon Temple Lot always made it stand out a bit, but with grass, shade trees, and a wire fence on the premises, the property looked little different from other lightly-improved lots in town. There were no structures or signage on the property, nor was there a Mormon imprint on the surrounding lots.

Later that year, however, the Mormon contest for the Temple Lot became imprinted on the landscape. The Church of Christ began holding regular services in their meetinghouse even as construction continued on the building.¹ The 16 x 25 foot structure was completed in October 1889 at a cost of \$377.41.² The humble Hedrickite meetinghouse was quickly overshadowed, however, by the handsome brick building across the street.³ The Reorganized Church laid the cornerstone of the Stone Church on 6 April 1888.⁴ As construction continued overhead, the RLDS Independence Branch began holding meetings in the basement on Thanksgiving Day, 1889.⁵ By 1890, an onlooker could see that this was a religiously significant intersection.

But Mormons weren't the only agents of change in the neighborhood. As western Independence became increasingly urbanized and modernized, so too did the Temple Lot. Lexington Avenue was selected as the route of the "Dummy" streetcar shuttling passengers to-and-from Kansas City. Getting to the Temple Lot was now easier than ever: One could take a train to Kansas City, hop aboard a cable car, transfer to the

Dummy, and disembark at the Temple Lot.⁶ The city also posted electrical lines and poles along Lexington Avenue.⁷ Heading into the century's final decade, the Temple Lot became simultaneously more modern and (overtly) religious in character.

As the Stone Church took shape, the heads of the Reorganized Church kept their sights on the prized property across the street. Joseph Smith III and his colleagues believed the Temple Lot was rightfully the Reorganization's, but notwithstanding that conviction, RLDS leaders expressed a willingness to forego litigation if the Church of Christ would only sell them the property. Edmund L. Kelley assured the Hedrickites that the Reorganization would "pay them back their money expended on account of it for taxes, purchase money, or anything else." The Josephites would gladly pay for the property, Kelley explained, "not because we did not think we had title and right to it, but for the purpose of effecting a peaceable settlement."⁸ One Church of Christ leader reported in August 1890 that his community "could get \$50,000 from the young Josephites for the property at any time."⁹ But Joseph Smith III found "no disposition has been shown to consider the offer favorably."¹⁰ With the Hedrickites still unwilling to sell, the dispute between the two churches seemed destined for the courts.

Joseph III may have been pleased the Church of Christ wouldn't sell. It wasn't that he didn't want the property; on balance, Smith held the Temple Lot in higher regard than he had the Kirtland Temple a decade earlier.¹¹ But Smith wanted to obtain the Temple Lot through litigation. In his eyes, the Temple Lot offered an excellent opportunity for the courts to weigh in on the Mormon succession question:

Soon after beginning my ministry with the Reorganized Church...I became thoroughly convinced...that some day, soon or late, the group with which I had identified myself in 1860 would be called to stand before the great American Jury in the civil Courts of the Republic definitely arrayed against the hierarchy known as the Mormon Church in Utah, and there the causes of difference between them, as the two prominent organizations bearing the name of Latter Day Saints—and possibly other factions—would be thoroughly examined, weighed, and determined.

This was of utmost importance to Smith. “The idea that this contest would inevitably come became so firmly fixed in my mind that I am quite willing to admit it assumed almost the proportions of a prophetic obsession, so sure was I that it would come to pass.”¹² Smith wanted the Temple Lot, but even more so, he wanted the courts of the land to recognize the Reorganization as the embodiment of authentic Mormonism.

Towards that end, the RLDS legal team—consisting at this point of chief counsel Edmund L. Kelley, advisors Joseph Smith III and W. W. Blair, and non-Mormon attorney George Edmunds—sharpened their already well-rehearsed arguments on Mormon succession. They exchanged books, documents, and insights; they thought about potential witnesses. Slowly but deliberately, month after month, they compiled evidence and honed arguments to defend their succession claims in court and refute the counter-claims of the LDS Church (their chief rival) and the Church of Christ (their presumptive opponent).¹³ As Joseph Smith III later reflected, “I was early convinced that sooner or later the contest would be made in the courts, and so was ready.”¹⁴ In the summer of 1887, Smith and Kelley anticipated they would be prepared to file suit sometime after April 1888 general conference. The months of preparation would be necessary, Smith counseled, as “we want to be all but cock sure when we strike.”¹⁵

Smith's team felt confident of their chances on the succession question, but they weren't so confident about other aspects of the prospective case. One troublesome matter was the trust question. To make succession the crux of what was otherwise a property case, the RLDS legal team planned to argue that Edward Partridge, as indicated in the 1839 Partridge-Cowdery deed, purchased the Temple Grounds in 1831 in trust for the original Mormon Church. W. W. Blair confidently asserted: "It is certain that the 'Temple Lot' was commonly known to be set apart for Church buildings and Church purposes."¹⁶ But Blair's colleagues were not all certain they could prove the point in court. George Edmunds warned that even if Partridge purchased the grounds with church donations, the Flournoy-Partridge deed of 1831 indicated that Partridge held the property in his own name; it didn't say a word about a church or a trust. True it was the 1839 Partridge-Cowdery deed spoke of an ecclesiastical trust, but even so, Edmunds cautioned, the deed went unrecorded until 1870, and intermediate purchasers like James Poole (1848) and John Hedrick (1867) could not be held accountable to its terms. To Edmunds, it seemed the Church of Christ could make a better case that the Temple Lot passed as unentrusted property from Partridge's heirs to Poole and ultimately to the Hedrickites.¹⁷

In light of Edmunds' concerns, the RLDS legal team considered other angles on the trust issue. In a legal sense, we've seen, the Church of Christ classified the Temple Lot, to a certain extent, as secular property. The 1831 Flournoy-Partridge deed, the 1848 Partridge-Poole deed, the sundry non-Mormon deeds of the 1850s and 1860s—none of the pre-Hedrickite documents in the Church of Christ's chain-of-title said a word about churches or trusts. Of course, subsequent documents in the chain conveyed the property

to Granville Hedrick as trustee-in-trust of the Church of Christ. Yet something of the property's secular past still remained in the 1880s, insofar as the Church of Christ had not sought tax exempt status for the property.¹⁸ Despite all that, the RLDS legal team wondered if perhaps latent support for their cause couldn't be found in the Church of Christ's chain-of-title. George Edmunds and Joseph Smith III found it telling that Church of Christ member William Eaton transferred his privately-purchased portion of the Temple Lot to church president Granville Hedrick in 1877, who in turn held the land not as his own property but in trust for the Church of Christ. Smith and Edmunds suspected that Eaton and Hedrick would not have encumbered the Temple Lot in their own ecclesiastical trust had they not understood that Bishop Partridge held the Temple Grounds in an ecclesiastical trust decades earlier. As the RLDS legal team saw it, the establishment of a Hedrickite trust belied the secular bent of the Hedrickites' title chain and lent indirect support to the RLDS thesis that Partridge purchased the Temple Grounds in trust for the original Mormon Church.¹⁹

As a corollary, RLDS counsel entertained the counterintuitive possibility that the trustees of the Church of Christ had unwittingly held the Temple Lot in trust for the Reorganized Church. From 1869 through the 1880s, of course, Church of Christ trustees Granville Hedrick, David Judy, and Richard Hill had claimed that they held the Temple Lot in trust for the true Mormon successor, the Church of Christ. But what if the three men had the right idea but misidentified the proper successor?: This was the question posed by RLDS counsel. If the Reorganization could make a compelling case in court for its succession claim, Smith's team pondered, perhaps the court could paradoxically

declare the Reorganization the proper beneficiary of the Hedrickites' trust. It seems a fanciful argument, but RLDS counsel took it quite seriously. George Edmunds, skeptical of the Reorganization's legal prospects, warned Edmund Kelley, "the Only chance for your Church is to Claim the Hidrick deed to be in trust for You."²⁰ For his part, Joseph III wondered if perhaps the court might go even further and rule that the Reorganized Church was the rightful beneficiary of LDS property, too.²¹

More worrisome than the trust issue, however, was the statute of limitations. To prevent endless litigation and perpetually-clouded property, Anglo-American common law prescribed time limits—statutes of limitations—by which parties could claim or defend property in court.²² The RLDS legal team was concerned that they had waited too long to file suit, that the Hedrickites and their secular predecessors had occupied the Temple Grounds long enough to secure ownership by adverse possession, effectively nullifying the Reorganization's ownership rights.

Quickly, though, Joseph Smith III and company found a potential alibi for their possible tardiness: Governor Lilburn Boggs' 1838 Extermination Order and the Mormon expulsion of 1838-1839. Because Joseph Smith's church had been illegally expelled from the state, the RLDS legal team theorized, the successor church could not be held responsible for waiting so long before reclaiming the Temple Grounds. Because of the Mormon expulsion, in other words, the Reorganized Church should be exempt from the statute of limitations.²³ The hypothesis received a boost when the legal team discovered that the state had yet to repeal the Extermination Order. How could the courts apply the statute of limitations to the successor of Joseph Smith's church if state-sanctioned anti-

Mormon violence remained an ever-present possibility?²⁴ Still, despite the argument's logic, the legal team was not certain it would convince the courts. The statute of limitations remained an ever-present source of concern for the Reorganization.²⁵

Looking at all these issues together, Joseph Smith III was philosophical about the Reorganization's chances of courtroom success:

As to the right to the succession of the Church, I have not a particle of doubt; but as to the result of the lapse of years, the mutations of changing claimants, the vicissitudes of destruction of records; and last but more fatal of all, the almost criminal ignorance and careless administration of the agents, or trustees of the original church, I am in grave doubt. And am prepared in mind for adverse judgments, on account of the last named conditions.²⁶

If the case hinged on religious matters, Smith felt confident of success; if it hinged on other matters, he thought his side could lose. He would prove prescient on both counts.

In September 1888, LDS apostle Franklin D. Richards set apart Andrew Jenson of the LDS Historian's Office to visit Mormon historical sites and secure copies of early Mormon manuscripts.²⁷ Born in Denmark in 1850, Jenson emigrated to Utah with his parents in 1866, returned to Denmark as a missionary in the 1870s, and published *The Historical Record*, a periodical of LDS history, from 1886-1890. While Jenson's LDS contemporary, B. H. Roberts, proved the more influential writer of Mormon history, Jenson was the most important historical researcher of their generation.²⁸ For this particular research trip, Jenson was accompanied by older Mormon veterans Edward Stevenson and Joseph Smith Black. Arriving in Missouri, the trio visited Independence, center of the prophesied millennial kingdom; Kansas City, site of early Mormon settlements; Far West, the seat of Mormon power in 1836-1838; Adam-ondi-Ahman, the

valley where Joseph Smith said Adam lived and would eventually return; Haun's Mill, site of the infamous 1838 massacre; Liberty Jail, where the Prophet and others were incarcerated in 1838-1839; and Richmond, home of the recently-deceased David Whitmer, witness to the *Book of Mormon* plates, and early Mormon historian John Whitmer. The travelers chronicled their journey in a series of letters to the *Deseret News*, where editor Charles W. Penrose promptly published them for his large readership. More than any previous LDS pilgrimage, Jenson's 1888 mission revived LDS interest in Missouri. For decades, the Utah Saints had looked upon Missouri as a land of epic history and millennial promise; Jenson's detailed reporting, however, showed that Missouri not only had a past and a future of interest to Latter-day Saints, but also a present—a present that could possibly have room for the LDS Church.²⁹

During their stay in Independence, Jenson, Stevenson, and Black were befriended by Josephites and Hedrickites alike, so much so, Jenson wearily wrote, that “they followed us wherever we went and were unwilling to part with us.” The Utahns took a particular liking to the Hedrickites. At the Church of Christ's request, the elders spoke in Sunday service in the Temple Lot meetinghouse. The hosts told the visitors that “the Josephite faction have recently given notice that they will enter suit...for the possession of the lot.” Jenson examined the title history of the property and found “it has passed into ever so many hands, and shows a broken chain of title.” Still, he thought the Church of Christ had the best possible title claim. Like other Utahns before them, Jenson's company left with a good feeling about the Hedrickites.³⁰

Facilitating the burgeoning friendship between the LDS Church and Church of Christ were a common enemy and a common view of history. Despite amicable episodes in the past, the Reorganization's designs on the Temple Lot had soured Hedrickite-Josephite relations.³¹ And while many Brighamites at one time were fascinated by Joseph Smith's sons, the shine had worn off a bit by repeated exposure and Joseph III's encouragement of antipolygamy legislation.³² The Reorganization had attacked central pillars of Hedrickite and Brighamite identity; by comparison, the Brighamites and Hedrickites were mostly content to let each other be. It also helped that the two parties could agree on certain facets of Mormon history. Older LDS leaders had some of their most powerful religious experiences within Joseph Smith's Anointed Quorum, Council of Fifty, and polygamous circle, yet the Josephites said such bodies either didn't exist under Joseph Smith or weren't authorized by him. The Hedrickites, by contrast, freely admitted that Smith was responsible for polygamy, the temple ceremonies, and theocratic Mormonism. They believed Smith had erred in doing so, but this was merely a difference of interpretation, not raw data. The Brighamites embraced Smith's radicalism and the Hedrickites didn't. No matter: At least they could agree on what they were talking about. By contrast, Joseph Smith III seemed in denial about his father.

The budding friendship between Hedrickites and Brighamites offered mutual benefits. For Church of Christ members, it meant they had friends in high places. Andrew Jenson did not hold a high ecclesiastical position in the LDS Church, but his work in the Historian's Office brought him into constant contact with the church's general authorities. Jenson was also a potentially useful intellectual contact, as he knew

Mormon history and sources like few did. In 1887, he authored the most thorough examination of polygamy's origins published in the nineteenth-century.³³ He was also not afraid to jump into the sectarian fray. In 1885, he debated RLDS missionary R. J. Anthony.³⁴ Jenson thereby joined Charles W. Penrose and others as influential LDS friends who could potentially assist the Church of Christ against the Reorganization.

For LDS leaders, friendship with the Church of Christ meant that the Temple Grounds became more than just an abstraction. Like Missouri generally, LDS leaders had for years looked upon the Temple Grounds in mythic terms of past persecutions and future glories.³⁵ Now the Temple Lot had a contemporary shape and appearance, now the Temple Lot evoked images of shade trees and Richard Hill in his blacksmith shop.³⁶ But more than that, the Hedrickites made the Utahns feel welcome in Jackson County, an experience few living Latter-day Saints had ever had. The welcome extended by the Hedrickites—and to some extent the Josephites too, it must be said—made the Utahns wonder if perhaps they too might not soon have a seat at the table in Independence. Finally, LDS leaders took comfort that a small band of agreeable people had reclaimed the Temple Grounds from the Gentiles and were safeguarding it from the Josephites. To more than one LDS leader, it seemed as if the Hedrickites were instruments of God.³⁷

The Hedrickites' good work in Independence enabled the Brighamites to focus on their increasingly dire situation back home. Passage of the Edmunds-Tucker Act in March 1887 promised to worsen the already-difficult situation of the Latter-day Saints.

LDS officials were now willing to consider previously unimaginable compromises in order to accommodate antipolygamy laws without actually giving up polygamy.

The most promising solution seemed to be statehood. As a U.S. territory, Utah had limited autonomy from the federal government, and congressional legislation had all but ended that autonomy. Statehood, by contrast, would give Utahns more control over their laws, judges, juries, elections, and representatives. State constitutions require congressional approval, however, so were Utah to become a state, the Utah constitution almost certainly would have to prohibit polygamy. But a state wherein LDS judges and juries offered light sentences to polygamists seemed an altogether better situation than the intolerable status quo.³⁸ LDS president John Taylor approved the proposal, as it required no renunciation of principle. To facilitate the process, he informed the April 1887 general conference he wouldn't authorize any plural marriages at present. President Grover Cleveland, a Democrat, likewise found the terms acceptable. And so in July 1887, the Utah Constitutional Convention proposed a provision declaring bigamy and polygamy misdemeanors punishable by up to \$1,000 and three years' imprisonment.³⁹

Taylor, the last surviving witness of Joseph and Hyrum's murders, died in hiding on 25 July 1887 at the age of seventy-eight.⁴⁰ Upon his death, the LDS Church followed the procedure improvised after Joseph Smith's death in 1844 and repeated after Brigham Young's death in 1877: The First Presidency dissolved and the Quorum of Twelve Apostles assumed church leadership under the direction of eighty-year-old senior apostle Wilford Woodruff. As in 1844 and 1877, however, serious disagreements ensued over what to do next. Some apostles, most notably Heber J. Grant, wished to bypass the senior

apostle and appoint the now forty-eight-year-old Joseph F. Smith as president. More common were concerns that the aging and saintly Woodruff might not be up to the presidency at this critical juncture, the church's most difficult trial in four decades. Above all, several apostles feared that Woodruff would relinquish too much power to Taylor's formidable apostle-counselor, sixty-year-old George Q. Cannon. With the apostles scattered about on the Underground, Cannon and Taylor had led the church with little input from others since 1885, and the apostles were suspicious of Cannon's intentions and critical of his seemingly autocratic inclinations. Torn by these matters, the Twelve decided to hold off on appointing a new First Presidency.⁴¹ Things got so bad among the Twelve that quorum president Woodruff confided to his secretary "he would about as soon attend a funeral as one of our council meetings."⁴²

Woodruff, now the de facto head of the church, was expected to be as unyielding on polygamy as John Taylor. While hiding from federal authorities in Arizona's San Francisco mountains in 1880, Woodruff had received an apocalyptic revelation so strident in its defense of polygamy and belligerent in its condemnation of the United States that Taylor and the Twelve sustained it as the word of the Lord.⁴³ Nobody expected any dramatic policy changes from this longtime defender of the LDS Kingdom.

Woodruff had barely assumed his newfound responsibilities when the Edmunds-Tucker Act took a bite. Only days after Taylor's death, federal authorities filed suit in the Utah Supreme Court against the LDS Church corporate.⁴⁴ In November, federal marshal Frank H. Dyer confiscated the LDS president's office, the tithing office, the historian's office, and the palatial Gardo House. The church now had to pay thousands of dollars in

annual rents for the use of the properties.⁴⁵ The church quickly filed suit to recover its properties, hiring nationally-renowned Democratic attorney James O. Broadhead of St. Louis, who would later serve as counsel in the Temple Lot Case.⁴⁶ Woodruff was mighty impressed with Broadhead. “I never read a more forcible and unanswerable argument in my life upon any subject,” he wrote of a Broadhead brief.⁴⁷ In 1888, Broadhead and chief LDS attorney Franklin S. Richards won an exception ensuring the church at present would retain its critically-important temples, tabernacles, and meetinghouses.⁴⁸ In January 1889, Broadhead argued his case before the U.S. Supreme Court in *Late Corporation of the Church of Jesus Christ of Latter-day Saints v. United States*.⁴⁹ The assets and organizational viability of the church hung in the balance. But the high court wouldn’t announce a verdict for well over twelve months.

In the meantime, in February 1888, the Senate Committee on Territories considered the 1887 statehood proposal of the Utah Constitutional Convention. But Republicans rejected the proposal once they discerned that, despite the antipolygamy provisions of the prospective constitution, the church had no intention of actually ending polygamy. Nothing but polygamy’s demise would satisfy congressional Republicans.⁵⁰

Wilford Woodruff did what he could short of abandoning polygamy. To avoid unnecessary provocations, he reprimanded Andrew Jenson in 1887 for the timing of his essay on Joseph Smith’s plural marriages.⁵¹ He told Lorenzo Snow to “throw his hat” at any apostle who mentioned polygamy at the April 1888 general conference.⁵² He urged LDS editors and mission presidents to avoid belligerent rhetoric.⁵³ And though sealed to four living women, he lived like a monogamist with one wife, Emma.⁵⁴ As lobbyists like

Charles Penrose continued their work with longtime Democratic allies, behind the scenes Woodruff and Cannon began courting Republican power brokers like Leland Stanford through the intercessions of California businessmen Isaac Trumbo and Alexander Badlam Jr.⁵⁵ In December 1888, Woodruff went so far as to have the Twelve consider an anonymously-drafted document stating that the church would forsake polygamy and uphold congressional laws. The quorum unequivocally rejected it, and Woodruff applauded their decision. But one wonders if he wasn't floating a trial balloon.⁵⁶

For twenty-one unpleasant months, Woodruff patiently allowed the disgruntled apostles in his quorum to intermittently vent their concerns about George Q. Cannon, even as he forged an effective partnership with the indispensable Cannon. In time, Woodruff's steady hand, Cannon's accounting of several nettlesome issues, and the spent animosities of Cannon's apostolic critics put the matter to rest. In April 1889, the LDS Quorum of Twelve and general conference sustained Wilford Woodruff and counselors George Q. Cannon and Joseph F. Smith as a new First Presidency. This was the presidency that would see the LDS Church through the Temple Lot Case. It would be the last time the death of the LDS president produced a prolonged interregnum.⁵⁷

Now the de jure church president, Woodruff introduced restrictions on plural marriage far beyond the tepid concessions recommended by his counselors and apostles.⁵⁸ In September 1889, Woodruff opined that at present it would not be proper to perform plural marriages at all in Utah Territory (though he intimated they could possibly be performed in Mexico or Canada). A stunned George Q. Cannon thought this was "the first time that anything of this kind has ever been uttered to my knowledge, by one

holding the keys.”⁵⁹ In October 1889, Woodruff told reporters that as president, he hadn’t granted a recommend to any prospective polygamous couples.⁶⁰ With no new recommends, polygamous sealings ground to a halt in Utah, the last being performed in the Endowment House on September 22nd and in the Logan Temple on October 2nd.⁶¹ Even in Mexico, no plural marriages were performed during the final five months of 1889.⁶² Some apostles feared that Woodruff would end the practice altogether.

But on 24 November 1889, Woodruff received a revelation reinforcing the perpetuity of polygamy, albeit in less strident tones than his 1880 revelation. The Twelve sustained the message with palpable relief.⁶³ In the new year, plural marriages resumed in Mexico with Woodruff’s approval. Alexander F. Macdonald performed twenty-four plural sealings in Mexico from January through June 1890.⁶⁴ When word of the sealings leaked out, the First Presidency prohibited plural sealings in Mexico unless the couple or at least the bride promised to remain in Mexico.⁶⁵ Woodruff had dramatically reduced the number of new plural marriages in the church, but he and his brethren were still by no means prepared to give up the Principle.

Meanwhile, other issues came back to haunt the church. In November 1889, Judge Thomas J. Anderson barred the naturalization of LDS immigrants on grounds that the church’s theocratic aspirations, apocalyptic belligerency, blood atonement sermons, and endowment oath to avenge the deaths of Joseph and Hyrum were indices of LDS disloyalty to the United States.⁶⁶ In reaction, the First Presidency and Twelve on 12 December 1889 signed an “Official Declaration” drafted by Charles W. Penrose denying the disloyalty charge and distancing the church from its former frontier bellicosity.⁶⁷

In 1890, the political impact of Congress's antipolygamy legislation reached a tipping point. For decades, the dividing line in local Utah politics had not been Republicans and Democrats, but LDS and non-LDS. The LDS "People's Party" had long enjoyed a demographic advantage over the non-LDS "Liberal Party."⁶⁸ But with non-Mormons flocking to Utah's mining industry, judges refusing to naturalize LDS immigrants, and the Edmunds Act, Edmunds-Tucker Act, and Utah Commission disfranchising women, polygamists, and other LDS citizens, the electoral demographics were shifting dramatically. In February 1889, the Liberal Party swept Ogden's municipal elections. In February 1890, the Liberal Party won most of the seats in Salt Lake City's elections.⁶⁹ Latter-day Saints no longer held the upper hand in Utah's urban politics.

The rest of the year offered more bad news for the LDS Church. The U.S. Supreme Court declined to review the constitutionality of Idaho's test oath, tacitly upholding the disenfranchisement of all LDS members.⁷⁰ On May 19th, the Supreme Court sustained the federal seizure of LDS property by a 5-3 vote in *Late Corporation of the Church of Jesus Christ of Latter-day Saints v. United States*.⁷¹ The decision left open the possibility that the federal receiver could escheat temples and other religious buildings.⁷² During the summer, Congress debated the Cullom-Struble Bill, which would disenfranchise all Latter-day Saints in U.S. territories.⁷³ On July 3rd, Idaho became the newest state in the Union with a constitution that barred its large LDS population from voting.⁷⁴ Also in July, the federal court appointed Henry W. Lawrence, a hostile former church member, as Utah's marshal and receiver. Lawrence and U.S. attorney C.S. Varian immediately set about to confiscate the church's temples.⁷⁵ On August 22nd, the federal

Utah Commission reported that at least forty-one Utah men had contracted plural marriages since June 1889.⁷⁶ The Commission report seemed the perfect pretext for federal authorities to confiscate the temples and pass the Cullom-Struble Bill.

During Wilford Woodruff's still-brief presidency, the LDS Church had gone a long way to downplay polygamy and affirm its national loyalty. Yet by August 1890, statehood remained elusive, and the campaign against the church was only accelerating. The next several weeks would prove critical for Woodruff and the church.

Meanwhile, with a potential RLDS lawsuit hanging over their heads, the Hedrickites carried on with grim determination. As one member bemoaned to another, the Josephites "have tried their best to run us down and get what little we have got."⁷⁷

The strain and worry had a depressing effect on the community:

...we have got in a way here of expecting to be disappointed (on general principals) & then if things do not prosper & come out as we would like to have them we can accomidate ourselves to the situation better than if we built up great hopes & air castles & then be required to come down to every day facts & experiences.⁷⁸

Nevertheless, the Hedrickites were determined to resist the Reorganization and retain the Temple Lot. In 1889, they resolved that only those who upheld the "primitive doctrine, organization and practice of the Church of Christ organized on the 6th day of April, 1830" were entitled to church property.⁷⁹ They assured Andrew Jenson that "they are prepared for them, and that [the Reorganized Church] will not find it so easy to get possession of the Temple Lot in Independence as they did the Kirtland Temple."⁸⁰

To meet the challenge, the Hedrickites took steps to strengthen their community. They imposed a five-mile geographical radius that distinguished local members from “scattered” members. Scattered members could not participate in meetings or votes of the Independence Church of Christ without special authorization.⁸¹ The sources I’ve found on this matter don’t explain the rationale for the policy, but by revoking membership privileges from outlying members, it seems the Church of Christ sought to incentivize close proximity to one another in Independence. If so, the concern was justified, as the Church of Christ stood at a severe numerical disadvantage to the Reorganization. The Reorganized Church counted 25,000 members in all, and several hundred in Independence.⁸² The Church of Christ, by contrast, had only forty to sixty-eight members, including children, the less-committed, and possibly the members living outside Jackson County. The Hedrickites were literally a handful of families.⁸³

On 7 April 1889, the community made a critical personnel change, appointing a young convert named Charles Augustus Hall as its president and moving Richard Hill to the reconstituted office of bishop.⁸⁴ Born in Burlington, Des Moines County, Iowa on 25 July 1860, Hall was baptized into the Reorganized Church at eighteen on 4 December 1878.⁸⁵ He was a precocious youth; several weeks after his baptism, he questioned President Joseph Smith III about branch appointment procedures.⁸⁶ Sometime later, Hall left Iowa and settled north of Chicago in Buffalo Grove, Illinois. On 5 January 1881, he married Sarah LaRue in a ceremony performed by an RLDS minister.⁸⁷ By May 1883, Hall was an elder.⁸⁸ Within a year, he became president of the RLDS Kewanee District.⁸⁹ But Hall had a restless and questioning spirit. In 1884, he pressed Joseph III

on the duties and procedures of a district president. Smith sounded a little exasperated in his response: “Where’s your law for all this? The *law* of necessity, where a district exists; which law is the highest known to man.”⁹⁰ By 1885, Hall was openly critical of the Reorganization. The RLDS district conference tried him and withdrew his ministerial license. Hall appealed to Joseph Smith III and W. W. Blair, charging that the district hadn’t given him sufficient trial preparation. But Smith and Blair denied his appeal, explaining that it was the district’s decision and that Hall provided no proof of his accusation.⁹¹ Hall joined the Church of Christ and became an elder in that body on 12 April 1885.⁹² That same month, the RLDS general conference “dropped [Hall] from [the] Fifth Quorum of Elders.”⁹³ He was expelled from the Reorganized Church on 17 May 1885.⁹⁴ In the words of Joseph III’s uncle, William Smith, Hall was “Cut off from the Church years ago for his Bigheadism at Buffalow grove Illinois.”⁹⁵ Sometime later, Hall and his family joined the main body of the Church of Christ in Jackson County, Missouri. The family settled between Independence and Kansas City in Centropolis, a small community along the Blue River that urban booster William Gilpin famously predicted decades earlier would become the central metropolis of the future nation.⁹⁶

Richard Hill was the first bishop or chief financial officer in the Church of Christ since William Eaton in the 1870s.⁹⁷ Hill was a logical choice, as he had been responsible for the taxes on the Temple Lot since November 1887.⁹⁸ He had also successfully procured funding from Utah, as LDS presidential secretary L. John Nuttall recorded on 4 December 1888: “\$50.00 was appropriated [for] Mr. Richard Hill the leader of the

Hedrickites, at Independence, Jackson Co., Mo. to help them pay their taxes on the portion of the land on that which the Temple Block is located.”⁹⁹

The substitution of Hall for Hill was unprecedented for the Church of Christ. All prior presidential appointments had taken place because the preceding president died. But Richard Hill was still very much alive. Why did the Hedrickites replace the proven Hill with the newcomer Hall? One factor may have been their contrasting personalities. Richard Hill was amiable and well-liked, but if the opinion of Joseph Smith III is any indication, some people found Hill timid and something of an easy mark.¹⁰⁰ Hill’s acumen on Mormon history and doctrine, moreover, left something to be desired.¹⁰¹ Charles Hall, on the other hand, was young, earnest, probing, and determined. Hall had a stronger (and more divisive) personality than Hill.¹⁰² As the Church of Christ braced for a potential court battle with the Reorganized Church, the Hedrickites may have thought it prudent to go with the talented and resolute former Josephite. If Joseph Smith III and Edmund Kelley were the critical figures in the Temple Lot Case for the Reorganized Church, Charles Hall would be the critical figure for the Church of Christ.

Whereas Joseph Smith III moved cautiously as newly-appointed president of the New Organization three decades earlier, Charles A. Hall moved boldly as newly-appointed president of the Church of Christ. Smith built up strength before attempting to reshape the Reorganization; Hall, by contrast, pursued his vision with divisive immediacy. Hall’s presidency would prove one of the most turbulent in Church of Christ history. Although the Temple Lot Case is often mentioned in subsequent Church of

Christ publications, one finds scant references to Hall himself. It's as if the Hedrickites didn't know what to make of him—or would rather have forgotten him.

The hallmark of Hall's presidency, at least before the Temple Lot Case became all consuming, was an unyielding effort to deepen the Hedrickites' identity as the continuation of early Mormonism. On 7 April 1889, the newly-called church president received a revelation commanding the Church of Christ to preach the gospel among the Indians, an echo of the early Mormon mission to the Lamanites in 1830-1831 and similar Hedrickite missions in 1868-1871.¹⁰³ Heeding the call, George D. Cole and T. J. Franklin established a branch at Bald Mountain, Indian Territory (Oklahoma).¹⁰⁴ En route, the Hedrickites established a branch southwest of Kansas City in Bonner Springs, Kansas.¹⁰⁵ In another early Mormon echo, the church affirmed in principle in October 1890 that Zion will be “organized according to the laws of Consecration or all things in common.” The church did not mandate a specific communitarian program, but to paraphrase R. Jean Addams, the backbreaking financial demands of the Temple Lot Case would force the Hedrickites to pool their resources as if it had.¹⁰⁶

Hall also hoped to revive the first Mormon newspaper, the *Evening and Morning Star*. If you'll recall, the *Evening and Morning Star* was edited and published in Jackson County by Joseph Smith's Church of Christ in 1832-1833. By reviving the paper in Jackson County under the same name, the Church of Christ (Temple Lot) would in effect replicate early Mormon history. As Hall explained, “if we continue the paper that was printed here in 1832 and 1833, under the same name, we will have more grounds to claim

we are the original church ordained on the 6th day of April, 1830.” Hall thought this could help his church in the impending legal battle with the Reorganized Church.¹⁰⁷

Hall also wanted the Church of Christ to publish its own set of scriptures. For nearly four decades, the Hedrickites had relied on scriptural texts produced by other churches. This was not so much a problem with *The Book of Mormon*, since every edition, grammatical and formatting variances aside, contained the same basic text. But not a single edition of *The Doctrine and Covenants* could be wholeheartedly embraced by the Church of Christ. The 1844 Nauvoo edition and subsequent LDS and RLDS editions contained documents and doctrines rejected by the Hedrickites; the latest LDS edition added Brigham Young’s revelation and Joseph Smith’s revelation on polygamy; the latest RLDS edition offered the revelations of Joseph Smith III. Even the first edition of *The Doctrine and Covenants* (1835), in Hedrickite eyes, contained false revelations. In September 1890, the Church of Christ reaffirmed Granville Hedrick’s 1864 resolution that the church only accepted Joseph Smith’s revelations predating 24 February 1834. The September 1890 resolution even hinted at a skepticism beyond Hedrick’s, insofar as it stated that the Church of Christ accepted the pre-24 February 1834 revelations “as contained in the Book of Commandments and first edition of the Book of Doctrine and Covenants” and “that agree and harmonize with the Bible and Book of Mormon.” Previous Hedrickite statements had not endorsed the 1833 *Book of Commandments*, the revelations of which often differed from those of the 1835 *Doctrine and Covenants*. Moreover, the caveat on agreement and harmony suggest that the Hedrickites by 1890 may have been questioning some pre-24 February 1834 revelations.¹⁰⁸ In subsequent

months, Hall's skepticism deepened further still. Procuring an extant copy of the 1832-1833 *Evening and Morning Star*, Hall found that the revelations published therein differed significantly from the versions published in the 1835 *Doctrine and Covenants*. The earlier versions evoked a simpler form of Mormonism, the brand championed by the Hedrickites. Hall therefore urged his brethren to publish an edition of Joseph Smith's revelations "as they are in the *Evening and Morning Star*."¹⁰⁹

Hall knew most Mormons of his era were unaware Joseph Smith's revelations had been extensively revised for the 1835 *Doctrine and Covenants*. He therefore imagined that the republication of the original revelations by the Church of Christ would have a dramatic impact, quite possibly prompting a reformation throughout all of Mormondom. Believing the LDS Church represented the center of gravity in Mormonism, Hall hoped the primitivist Hedrickite publishing effort would be "the means...of getting our position before the people in Utah and many of them will come out of the evil practices and return to Zion with songs of ever lasting joy." By emulating the early Mormons of Jackson County, by republishing the early version of the revelations, Hall aimed to purge modern Mormonism of its falsehoods and restore it to its founding vision.¹¹⁰

Hall also hoped the focus on Joseph Smith's early revelations would purge the Church of Christ of its own apostate accretions. In Hall's mind, "when we get back to the law and order given in 1830 & 1831, then we may expect to start on towards perfection." A case in point: Even though Granville Hedrick in 1864 pinpointed 24 February 1834 as the date of the Prophet's fall, in 1863 Hedrick emulated the 1835 Smith by introducing apostles into the church. With David Judy's 1886 passing, Hedrick's

apostles had all since died. The Church of Christ hadn't appointed replacements, but nor had it repudiated the apostleship. To remain true to the simple organizational structure of pre-1835 Mormonism, Hall urged his congregation to acknowledge that in appointing apostles, "Granville made a mistake." By Hall's count, "most" members seconded his conclusion.¹¹¹ Outlining their ecclesiastical structure in September 1890, the Church of Christ recognized three presiding high priests as a First Presidency and twelve high priests as a high council. The apostolate was not included on the list.¹¹²

Hall also focused on behavior. Under his leadership, the Church of Christ instituted a mandatory dress code, deemed it unchristian to attend theaters, dances, and secret orders, and elevated the Word of Wisdom's strictures on alcohol and tobacco to binding status.¹¹³ One Sister Reynolds, with the support of her husband, C.E. Reynolds, particularly objected to the dress code. Hall convened a court against the couple, but the duo refused to appear. C.E. Reynolds filed counter-charges against Hall, accusing him of disbelieving the Gospel of John and Paul's first epistle to Timothy, as Hall had publicly stated he did not believe Jesus turned water into wine or St. Paul condoned medicinal wine. The couple were unsuccessful ousting Hall from the presidency, but their dissent pulled multiple members out of the church, reducing Church of Christ membership to reportedly just thirteen individuals. Mr. and Mrs. Reynolds joined the Reorganized Church, and they may not have been alone. In response, Hall evidently pulled back from prescribing specific styles and materials. As long as members wore "plain dress," it was enough. C.E. Reynolds would later testify against Hall in the Temple Lot Case.¹¹⁴

In sum, Charles A. Hall had a fairly coherent vision. He challenged the Church of Christ to cut out the deadwood, to live its primitivist convictions with greater conviction, and to serve as an instrument of reform throughout Mormondom generally.

Charles Hall took inspiration from a kindred spirit from an older generation. Septuagenarian publisher Ebenezer Robinson had experienced many of Mormonism's seminal moments. In Kirtland, he participated in the sustaining of *The Doctrine and Covenants*. In Far West, he joined the Danites and copied years of meeting minutes into the invaluable "Far West Record." In Nauvoo, he published the *Times and Seasons* and the third edition of *The Book of Mormon*. His religious inclinations were generally moderate. He and wife Angeline did not accept polygamy, nor did they accept the Nauvoo temple rites. In time the couple joined the Reorganized Church. In the 1860s, Robinson served on the publishing team of the RLDS *Holy Scriptures*.¹¹⁵

But as Joseph Smith III whitewashed the Prophet and clamped down on dissent in the 1880s, Robinson grew troubled. He didn't condone the Prophet's more controversial measures, but he couldn't deny that he had actually promulgated such things. Robinson was deeply impressed with David Whitmer's portrait of the Prophet in *An Address to All Believers in Christ* (1887). When Whitmer died in January 1888, he decided to take up his mantle. Robinson notified the Reorganization that he could not countenance the claim that Joseph Smith had nothing to do with polygamy.¹¹⁶ He resigned as presiding elder of the RLDS branch in Davis City, Missouri. Robinson accepted baptism into the

Whitmerite Church of Christ on April 13th.¹¹⁷ And he started a periodical of Mormon history and reform in January 1889. He called it *The Return*.

Robinson's basic theme in *The Return* was that "the church in Utah have more fully carried out the measures introduced into the church before 1844 than have the Reorganized church. But the gospel is in no sense responsible for these things. They are the works of men."¹¹⁸ Robinson charged that Joseph Smith introduced polygamy, the endowment, and a militant, theocratic, and speculative spirit into the church. The most captivating aspect of *The Return* was Robinson's autobiographical series, "Items of Personal History of the Editor." Robinson peppered the narrative with firsthand testimony illustrating his larger points. He recounted, for example, that Hyrum Smith taught the principle of polygamy to he and his wife in 1843.¹¹⁹ These firsthand anecdotes, coupled with Robinson's biography as a one-time Mormon insider who had no compelling reason to substantiate the LDS interpretation of history, added a compelling authenticity to his presentation. It was one thing to hear such claims from a Brighamite; it was another to hear them from someone who never associated with Brighamism.

Charles Hall and Richard Hill certainly felt the power of Robinson's essays. The Hedrickite duo penned a letter commending Robinson for his publication on 27 January 1890. Hall and Hill were "taking it in order to have those facts to refer to."¹²⁰ If the Church of Christ was going to successfully fend off the succession arguments of the Reorganized Church, Robinson's testimony could come in handy.

Endnotes

¹ Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 15 September 1888, in "The Hedrickites," *DN Semi-Weekly*, 25 September 1888, 2.

² Elders' conference minutes, 5-6 October 1889, in Church Record of the Church of Christ, 119, in B.C. Flint, *An Outline History of the Church of Christ (Temple Lot)* (Independence: The Board of Publications of the Church of Christ [Temple Lot], 1953), 115. For the dimensions, see R. Jean Addams, *Upon the Temple Lot: The Church of Christ's Quest to Build the House of the Lord* (Independence: John Whitmer Books, 2010), 23. For photographs of the structure, see R. Jean Addams and Alexander L. Baugh, "Upon a Lot...Not Far From the Courthouse": A Photographic History of the Temple Lot in Independence, Jackson County, Missouri," *MHS* 9 (Fall 2008), 33-35.

³ Years away from completion, the structure was already described as a "fine church" in Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 10 September 1888, in "Historical Landmarks," *DN Semi-Weekly*, 18 September 1888. The contrast between the two structures is apparent in Addams and Baugh, "Photographic History," 35.

⁴ "A New Mormon Church," *KCT*, 3 April 1888, 8; Pearl Wilcox, *Saints of the Reorganization in Missouri* (Independence: by the author, 1974), 313-315.

⁵ "The Saints New Church At Independence," *ZE*, 6 April 1892, 1; Wilcox, *Reorganization in Missouri*, 320.

⁶ Wilcox, *Reorganization in Missouri*, 284-287; John Nicholson to editor, 18 June 1891, in "The Spence-Rossiter Party," *DN*, 7 July 1891, 5. The Dummy was replaced with electric cars in 1895.

⁷ Addams and Baugh, "Photographic History," 36.

⁸ Edmund L. Kelley deposition, 11 July 1892, TLC-R, 3:810 (Q28).

⁹ Charles A. Hall to John M. Cannon, 19 August 1890, John M. Cannon Correspondence, LDS Archives, Salt Lake City. George P. Frisbey later claimed that the Church of Christ "had received offers even at one time as high as \$100,000." See the LDS Journal History, 10 February 1900, LDS Archives. Frisbey didn't identify whom the offer came from.

¹⁰ Joseph Smith III to Stephen Maloney, July 1893, JSIII Letterbook #1a, 332-337, Community of Christ Archives, Independence. In that same letter, though, Joseph III expressed some uncertainty as to whether Blakeslee actually made that offer.

¹¹ Smith had been willing at one time to sell the Kirtland Temple to non-Mormons. See Joseph Smith III to Emma Smith Bidamon, 8 March 1873, in Kim L. Loving, "Ownership of the Kirtland Temple: Legends, Lies, and Misunderstandings," *JMH* 30 (Fall 2004), 29. By comparison, he believed prophecy would be fulfilled at the Temple Lot.

¹² Richard P. Howard, ed., *The Memoirs of President Joseph Smith III (1832-1914)* (Independence: Herald Publishing House, 1979), 310.

¹³ For examples of such exchanges, see W. W. Blair to Edmund L. Kelley, 19 March and 12 May 1887, typescripts, P16, f15, and W. W. Blair to Edmund L. Kelley, 31 January 1890, typescript, P16, f21. For an example of testimony gathering, see Edmund L. Kelley to Hosea Stout, 14 March 1887, typescript, P16, f15. All in CofC Archives.

¹⁴ Joseph Smith III to David Evans, 20 April 1894, JSIII Letterbook #5, 195, CofC Archives; Joseph Smith III memoirs, in Howard, *Memoirs*, 129, 310.

¹⁵ Joseph Smith III to Edmund L. Kelley, 6 July 1887, in Ronald E. Romig, "The Temple Lot Suit after 100 Years," *JWJ* 12 (1992), 5.

¹⁶ W. W. Blair to Edmund L. Kelley, 12 May 1887, typescript, P16, f15, CofC Archives.

¹⁷ George Edmunds to Joseph Smith III, 22 June 1887, typescript, P13, f341; George Edmunds to Edmund L. Kelley, 22 June 1889, P51, f1. Smith forwarded the first letter to Kelley. See Joseph Smith III to Edmund L. Kelley, 24 June 1887, typescript, P13, f342. All in CofC Archives.

¹⁸ For the Church of Christ's chain-of-title, see Arthur M. Smith, ed., *Temple Lot Deed: A complete record of all legal transfers of that interesting spot of ground known as The Temple Lot* 2d ed. (Independence: The Board of Publications of the Church of Christ [Temple Lot], 1954).

¹⁹ Joseph Smith III to George Edmunds, 29 June 1887, typescript, P13, f343; George Edmunds to Joseph Smith III, 1 July 1887, typescript, P13, f344; Joseph Smith III to George Edmunds, 5 June 1893, typescript, P13, f430. All in CofC Archives.

William Eaton wasn't the only Church of Christ member to transfer Temple Lot property to Granville Hedrick. John H. Hedrick did so in 1869. But Smith and Edmunds focused on Eaton, possibly because Eaton's widow was still alive and could serve as a potential deponent.

²⁰ George Edmunds to Edmund L. Kelley, 22 June 1889, P51, f1. See also Joseph Smith III to Edmund L. Kelley, 28 May 1888, typescript, P15, f13; George Edmunds to Joseph Smith III, 22 June 1887, typescript, P13, f341; Joseph Smith III to Edmund L. Kelley, 24 June 1887, typescript, P13, f342; George Edmunds to Joseph Smith III, 1 July 1887, typescript, P13, f344; George Edmunds to Edmund L. Kelley, 27 July 1887, typescript, P13, f347. All in CofC Archives.

²¹ Joseph Smith III to Edmund L. Kelley, 28 May 1888, typescript, P15, f13, CofC Archives.

²² "Statute of Limitations," in Gerald N. Hill and Kathleen Thompson Hill, *The People's Law Dictionary: Taking the Mystery Out of Legal Language* (New York: MJF Books, 2002), 391.

²³ W. W. Blair to Edmund L. Kelley, 12 May 1887, typescript, P16, f15; Joseph Smith III to George Edmunds, 18 June 1887, typescript, P13, f340; George Edmunds to Joseph Smith III, 22 June 1887, typescript, P13, f341; Joseph Smith III to Edmund L. Kelley, 24 June 1887, typescript, P13, f342; Joseph Smith III to George Edmunds, 29 June 1887, typescript, P13, f343; George Edmunds to Joseph Smith III, 1 July 1887, typescript, P13, f344; Joseph Smith III to George Edmunds, 6 July 1887, typescript, P13, f345; Joseph Smith III to Edmund L. Kelley, 6 July 1887, typescript, P15, f12; George Edmunds to Edmund L. Kelley, 11 July 1887, typescript, P13, f346; George Edmunds to Edmund L. Kelley, 27 July 1887, typescript, P13, f347. All in CofC Archives.

²⁴ Joseph Luff to W. W. Blair, 25 August 1887, typescript, P16, f15; W. W. Blair to Edmund L. Kelley, 27 August 1887, typescript, P16, f15. Both in CofC Archives.

²⁵ Joseph Smith III to George Edmunds, 29 June 1887, typescript, P13, f343; George Edmunds to Edmund L. Kelley, 22 June 1889, P51, f1; Joseph Smith III to E. L. Kelley, 23 October 1888, JSIII Letterbook #4, 337. All in CofC Archives.

²⁶ Joseph Smith III to George Edmunds, 29 June 1887, typescript, P13, f343, CofC Archives.

²⁷ Franklin D. Richards blessing of Andrew Jenson, 4 September 1888, in Andrew Jenson, *Autobiography of Andrew Jenson: Assistant Historian of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Deseret News Press, 1938), 149-150.

²⁸ The fullest biography remains Keith W. Perkins, "Andrew Jenson: Zealous Chronologist" (Ph.D. dissertation: Brigham Young University, 1974).

²⁹ The letters were subsequently collected and published as Andrew Jenson, Edward Stevenson, and Joseph S. Black, *Infancy of the Church: An Elaborate and Detailed Description of Persons, Places and Incidents Connected with the Early Rise and Progress of The Church of Jesus Christ of Latter-day Saints* (Salt Lake City: n.p., 1889). Between lobbying trips back east, Penrose was home in Utah, and presumably resuming his editorial duties, in fall 1888. See Kenneth W. Godfrey, "Charles W. Penrose and His Contributions to Utah Statehood," *UHQ* 64 (Fall 1996), 366.

³⁰ Andrew Jenson journal, 9-11 September 1888, LDS Archives; Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 10 September 1888, in "Historical Landmarks," *DN Semi-Weekly*, 18 September 1888 (first quote); Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 13 September 1888, in "The Hedrickites," *DN Semi-Weekly*, 25 September 1888, 2 (second quote); Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 11 September 1888, in "The Pregnant Past," *DN Semi-Weekly*, 21 September 1888, 2 (third quote); Andrew Jenson, "The Temple Lot," *The Historical Record* 7 (December 1888), 647-648.

³¹ A prominent member of the Church of Christ observed in 1890 that "the Josephites are the worst enemies we have got." See Charles A. Hall to C. E. Reynolds, 11 August 1890, in *CA*, 482.

³² Roger D. Launius, *Joseph Smith III: Pragmatic Prophet* (Urbana: University of Illinois Press, 1988), ch. 10; Charles Millard Turner, "Joseph Smith III and the Mormons of Utah" (Ph.D. dissertation: Graduate Theological Union, 1985), 291-300, 360-378, 388-389, 394-401.

³³ Andrew Jenson, "Plural Marriage," *The Historical Record* 6 (May 1887), 219-240.

³⁴ *HRC*, 4:494-496.

³⁵ Craig S. Campbell, *Images of the New Jerusalem: Latter Day Saint Faction Interpretations of Independence, Missouri* (Knoxville: University of Tennessee Press, 2004), ch. 5; David W. Grua, "Memoirs of the Persecuted: Persecution, Memory, and the West as a Mormon Refuge" (M. A. thesis: Brigham Young University, 2008).

³⁶ Charles W. Penrose diary, 30 April 1886, Utah State Historical Society, Salt Lake City; Jenson, Stevenson, and Black, *Infancy of the Church*, passim. On occasion, LDS leaders referred to Church of Christ members as friends. See the Andrew Jenson journal, 9 September 1888 and 1 September 1893, LDS Archives; Angus M. Cannon to Charles A. Hall, 1 June 1892, Angus M. Cannon Collection, MS 1200, microfilm reel #7, LDS Archives; LDS Journal History, 21 February 1900, LDS Archives.

³⁷ See, for example, the Charles W. Penrose diary, 30 April 1886, Utah State Historical Society; LDS Journal History, 21 February 1900, LDS Archives.

³⁸ Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* Studies in Legal History (Chapel Hill: University of North Carolina Press, 2002), 86; Richard S. Van Wagoner, *Mormon Polygamy: A History* 2d. ed. (Salt Lake City: Signature Books, 1989), 126, 135.

³⁹ Edward Leo Lyman, *Political Deliverance: The Mormon Quest for Utah Statehood* (Urbana: University of Illinois Press, 1986), ch. 2; Van Wagoner, *Mormon Polygamy*, 130-131. The Democratic administration of President Grover Cleveland (1885-1889) slowed the momentum of the Republican-propelled antipolygamy campaign in federally-controlled Utah Territory. See Richard D. Poll, "The Legislative Antipolygamy Campaign," *BYU Studies* 26 (Fall 1986), 116.

⁴⁰ *MH*, 1:599.

⁴¹ Ronald W. Walker, "Grant's Watershed: Succession in the Presidency, 1887-1889," *BYU Studies* 43/1 (2004), 195-229; Davis Bitton, *George Q. Cannon: A Biography* (Salt Lake City: Deseret Book, 1999), 286-298; Thomas G. Alexander, *Things in Heaven and Earth: The Life and Times of Wilford Woodruff, a Mormon Prophet* (Salt Lake City: Signature Books, 1991), 242-245; Todd Compton, "John Willard Young, Brigham Young, and the Development of Presidential Succession in the LDS Church," *Dialogue* 35 (Winter 2002), 124-133; *MH*, 1:255-256 and 2:45-49.

⁴² L. John Nuttall diary, 27 February 1889, in Jedediah S. Rogers, ed., *In the President's Office: The Diaries of L. John Nuttall, 1879-1892* Significant Mormon Diaries Series (Salt Lake City: Signature Books in association with the Smith-Pettit Foundation, 2007), 320.

⁴³ Wilford Woodruff journal, 26 January 1880 and 19 January 1881, in *WWJ*, 7:546, 615-625, and 8:6-7, respectively; Thomas G. Alexander, "The Odyssey of a Latter-day Prophet: Wilford Woodruff and the Manifesto of 1890," *JMH* 17 (1991), 172-175.

⁴⁴ Van Wagoner, *Mormon Polygamy*, 133; Alexander, "Odyssey," 185.

⁴⁵ Gordon, *Mormon Question*, 208-209; Alexander, "Odyssey," 185-186; Kenneth Driggs, "The Mormon Church-State Confrontation in Nineteenth-Century America." *Journal of Church and State* 20 (Spring 1988), 287.

⁴⁶ Alexander, "Odyssey," 185. On Broadhead, see Allen Johnson and Dumas Malone, eds., *Dictionary of American Biography* 20 vols. (New York: Charles Scribner's Sons, 1929-1936), 2:58-59.

⁴⁷ Wilford Woodruff to James O. Broadhead, 26 February 1889, in Van Wagoner, *Mormon Polygamy*, 134.

⁴⁸ Alexander, "Odyssey," 190-191.

⁴⁹ *Late Corporation of the Church of Jesus Christ of Latter-day Saints v. United States*, 136 U.S. 1 (1890); Gordon, *Mormon Question*, 209-213; Alexander, "Odyssey," 191, 195-196.

⁵⁰ Lyman, *Political Deliverance*, ch. 2; Alexander, "Odyssey," 188-189; Van Wagoner, *Mormon Polygamy*, 126; Gordon, *Mormon Question*, 86.

⁵¹ Wilford Woodruff to Andrew Jenson, 6 August 1887, and Andrew Jenson to Wilford Woodruff, 12 August 1887, in Perkins, "Andrew Jenson," 73-74.

⁵² Van Wagoner, *Mormon Polygamy*, 135 (quote); Alexander, "Odyssey," 190, 192.

⁵³ Alexander, "Odyssey," 189.

⁵⁴ *Idem*, 171, 177-179, 192.

- ⁵⁵ Idem, 187, 188, 202-203; Lyman, *Political Deliverance*, ch. 3, 109-110.
- ⁵⁶ D. Michael Quinn, "LDS Church Authority and New Plural Marriages, 1890-1904," *Dialogue* 18 (Spring 1985), 35; *MH*, 2:48; Lyman, *Political Deliverance*, 105-106; Van Wagoner, *Mormon Polygamy*, 134.
- ⁵⁷ Walker, "Grant's Watershed," 195-229; Bitton, *George Q. Cannon*, 286-298; Alexander, *Wilford Woodruff*, 242-245; *MH*, 1:255-256 and 2:45-49.
- ⁵⁸ Quinn, "New Plural Marriages," 45-46.
- ⁵⁹ George Q. Cannon journal, 9 September 1889, in Quinn, "New Plural Marriages," 36; Van Wagoner, *Mormon Polygamy*, 135.
- ⁶⁰ Quinn, "New Plural Marriages," 37.
- ⁶¹ Idem, 37, 39, 41, 46.
- ⁶² Idem, 36.
- ⁶³ Wilford Woodruff journal, 24 November 1889, in *WWJ*, 9:67-69; Alexander, "Odyssey," 195; Quinn, "New Plural Marriages," 38-39.
- ⁶⁴ Quinn, "New Plural Marriages," 39, 40-41; Van Wagoner, *Mormon Polygamy*, 136-137.
- ⁶⁵ Alexander, "Odyssey," 201, 204; Quinn, "New Plural Marriages," 41-42.
- ⁶⁶ Lyman, *Political Deliverance*, 113-114; Alexander, "Odyssey," 193-195.
- ⁶⁷ Alexander, "Odyssey," 196-197.
- ⁶⁸ Lyman, *Political Deliverance*, ch. 1.
- ⁶⁹ Idem, 111-119; Alexander, "Odyssey," 199-201.
- ⁷⁰ *Davis v. Beason*, 133 U.S. 333 (1890); Gordon, *Mormon Question*, 225-228; Lyman, *Political Deliverance*, 124-125.
- ⁷¹ *Late Corporation of the Church of Jesus Christ of Latter-day Saints v. United States* 136 U.S. 1 (1890); Gordon, *Mormon Question*, 186-187, 213-220. Justice Joseph P. Bradley authored the majority opinion, joined by John M. Harlan, Horace Gray, Samuel Blatchford, and David J. Brewer. Chief Justice Melville Fuller authored the dissenting opinion, joined by Stephen J. Field and Lucius Q. C. Lamar II.
- ⁷² Alexander, "Odyssey," 201.
- ⁷³ Lyman, *Political Deliverance*, 126-33. Rep. Shelby M. Cullom of Illinois proposed the draconian measures at the heart of the bill as early as 1870. See B. Carmon Hardy, ed., *Doing the Works of Abraham: Mormon Polygamy, Its Origin, Practice, and Demise* Kingdom in the West Series (Norman, OK: Arthur H. Clark Company, 2007), 244.
- ⁷⁴ Poll, "Legislative Antipolygamy Campaign," 118.
- ⁷⁵ Alexander, "Odyssey," 201, 202; Quinn, "New Plural Marriages," 42; Lyman, *Political Deliverance*, 135.
- ⁷⁶ "Annual Report of the Utah Commission," *Report of the Secretary of the Interior: Multi-Volume Compilation of Messages and Documents Communicated to the Two Houses of Congress by the Secretary of the Interior Annually, Containing Reports by Territorial Governors and, from 1882 through 1896, Reports of the "Utah Commission"* 5 vols. (Washington D.C.: Government Printing Office, 1890), volume 3, excerpted in Hardy, *Works of Abraham*, 343-344. The contents of the report were leaked in the *SLT*, 14 September 1890, 2, as excerpted in Quinn, "New Plural Marriages," 43. Quinn notes (pgs. 44, 46) that the First Presidency misinterpreted the report as alleging that the sealings took place in Utah, whereas the report actually claimed that forty-one Utah residents were sealed somewhere without specifying the location. The misreading may have been intentional, as otherwise the Presidency would have had to admit it approved the plural sealings that took place in Mexico from January-June 1890.
- ⁷⁷ Charles A. Hall to C. E. Reynolds, 11 August 1890, in *CA*, 482.
- ⁷⁸ Charles A. Hall to John M. Cannon, 30 October 1890, LDS Archives.
- ⁷⁹ Old Minutes, 131, in the "History of the Faith, Doctrine, and Practice of the Church of Christ," 7, J. F. Curtis Papers, P57, f20, CofC Archives.
- ⁸⁰ Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 15 September 1888, in "The Hedrickites," *DN Semi-Weekly*, 25 September 1888, 2.

⁸¹ Alma Owen and Richard Hill deposition, 9 July 1892, TLC-R, 3:734-735 (Q280-286); Richard Hill deposition, 11 July 1892, TLC-R, 3:761-762 (Q416-445). An April 1890 count lists three “scattered members.” See the “History of the Faith, Doctrine, and Practice of the Church of Christ,” 7, J. F. Curtis Papers, P57, f20, CofC Archives.

The decision was probably the product of the entire voting branch, rather than being one of Hall’s pet projects. This is indicated by his gleeful reaction at the limit’s watering-down in 1893. See Hall to John M. Cannon, 2 July and 13 July 1893, in John M. Cannon Correspondence, LDS Archives. This may indicate that the limit was imposed before Hall became president in 1889.

⁸² *HRC*, 5:643, puts the general membership figure at 25,368 in 1891.

⁸³ For various counts, see Andrew Jenson, Edward Stevenson, and Joseph S. Black to editor, 15 September 1888, in “The Hedrickites,” *DN Semi-Weekly*, 25 September 1888, 2; “History of the Faith, Doctrine, and Practice of the Church of Christ,” 6-7, J. F. Curtis Papers, P57, f20, CofC Archives; Charles A. Hall to John M. Cannon, 19 August 1890, LDS Archives; Richard Hill deposition, 11 July 1892, TLC-R, 3:749-750 (Q203-220); John R. Haldeman, “Secretary’s Report,” *The Searchlight* 1 (1 August 1896), 56, in Addams, “Church of Christ,” 214. A photograph of a Sunday afternoon gathering taken sometime in the 1890s shows fifty-two men, women, and children. See Addams and Baugh, 34.

⁸⁴ Church of Christ minutes, 7 April 1889, in R. Jean Addams, “The Church of Christ (Temple Lot), Its Emergence, Struggles, and Early Schisms,” in Newell G. Bringhurst and John C. Hamer, eds., *Scattering of the Saints Schism Within Mormonism* (Independence: John Whitmer Books, 2007), 216; Old Minutes, 95, in “History of the Faith, Doctrine, and Practice of the Church of Christ,” 2, 3, J. F. Curtis Papers, P57, f20, CofC Archives. Hall’s appointment coincided with Wilford Woodruff’s elevation to the LDS presidency in April 1889.

Old Minutes, 95, in “History of the Faith, Doctrine, and Practice of the Church of Christ,” 2. Hall’s official title was “Presiding High Priest over the high priesthood of the church in Zion.” The church reiterated in September 1890 that whomsoever held this office was entitled to receive revelations for the church. See Old Minutes, 149, or page 3 of “History of the Faith, Doctrine, and Practice of the Church of Christ.” However, the Hedrickites denied that their President was either appointed by revelation or was officially recognized as a Prophet, Seer, and Revelator. Moreover, unlike his presidential predecessors, Hall probably did not receive an ordination. See *Brief and Argument of G. Edmunds*, 8; Richard Hill deposition, 11 July 1892, TLC-R, 3:748 (Q175-189), 753 (Q279-288).

In 1900, LDS President Joseph F. Smith asked two Hedrickites if the president of their church “was recognized by the members as the mouthpiece of the Lord, and received the reply that he was not so considered.” Members were waiting, they said, for the Lord to send the body a head. Members “did not claim to be prophets...but through fasting and prayer they had got the mind of the Spirit at various times, so they felt.” See Journal History, 10 and 21 February 1900. Or as someone succinctly put it in 1927: “They accepted prophesy, but not the idea of one prophet only.” See “The Church of Christ on the Temple Lot,” Sometimes Called HEDRICKITES,” in S. A. Burgess? to W. Hoskins, 20 May 1927, Order and Quorum Papers, P75-4, f27, CofC Archives.

⁸⁵ Charles Abraham Hall individual record, Family History Library of the Church of Jesus Christ of Latter-day Saints, Salt Lake City; Charles A. Hall certificate of baptism and membership, 30 September 1879, in Charles A. Hall Papers, MS 596, folder 3, LDS Archives; RLDS Membership Record, book B, 272, 296, in R. Jean Addams, “The Church of Christ (Temple Lot) and the Reorganized Church of Jesus Christ of Latter Day Saints: 130 Years of Crossroads and Controversies,” *JMH* 36 (Spring 2010), 75.

⁸⁶ Joseph Smith III to Charles A. Hall, 22 February 1879, JSIII Letterbook #2, 119, CofC Archives.

⁸⁷ Jesse S. Adams certificate of marriage, 5 January 1881, in Charles A. Hall Papers, MS 596, folder 3, LDS Archives; Charles Abraham Hall individual record, and Charles Abraham Hall and Sarah Lavera La Rue family group record, Family History Library.

⁸⁸ Charles A. Hall certificate of ordination, 27 May 1883, in Charles A. Hall Papers, MS 596, folder 3, LDS Archives; *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of*

Christ, et. al.: Brief and Argument on Behalf of Complainant (Lamoni: Herald Publishing House and Bindery, 1893), 34.

⁸⁹ Addams, "Church of Christ (Temple Lot) and Reorganized Church," 75.

⁹⁰ Joseph Smith III to Charles A. Hall, 10 May 1884, in Charles A. Hall Papers, MS 596, folder 3, LDS Archives.

⁹¹ Joseph Smith III and W. W. Blair to unidentified person[s], date unknown, JSIII Letterbook #4, 145-147; Joseph Smith III to Charles A. Hall, 22 January 1885, typescript, JSIII Letterbook #4, 148a. Both in CofC Archives.

⁹² Church of Christ membership record, in Addams, "Church of Christ (Temple Lot) and Reorganized Church," 75. As Addams observes, we do not know the reasons Hall switched churches. When asked about Hall's conversion in 1972, the official Recorder of the Church of Christ reported that ten pages of their record book from the period of Hall's baptism had been cut out. The perpetrator of the act was rumored to have been Hall himself. See Archie F. Bell to Brent Ashworth, 18 February 1972, Brent Ferrin Ashworth Correspondence, 1972, LDS Archives.

⁹³ *HRC*, 4:480.

⁹⁴ RLDS Membership Record, B:272, in Addams, "Church of Christ (Temple Lot) and Reorganized Church," 75-76.

⁹⁵ William Smith to Edmund L. Kelley, 30 August 1892, P19, f49, CofC Archives.

⁹⁶ I haven't determined the date of Hall's relocation, but I suspect it occurred before Jenson's and Stevenson's visit to Independence in September 1888. Hall's pronounced friendliness and familiarity with the Utahns in the early 1890s could very well have originated in the 1888 visit.

On Gilpin's Centropolis, see Daniel J. Boorstin, *The Americans: The National Experience* (New York: Random House, 1965), 232-234; William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W. W. Norton, 1991), 38.

⁹⁷ Old Minutes, 95, 127, "History of the Faith, Doctrine, and Practice of the Church of Christ," 3, 7, J. F. Curtis Papers, P57, f20, CofC Archives; Richard Hill deposition, 11 July 1892, TLC-R, 3:768-771 (Q547-613).

The officiators, Hill recalled, were probably George P. Frisbey, G. D. Cole, and Charles A. Hall.

Hill was only the bishop and trustee of the local church. See the Richard Hill deposition, 11 July 1892, TLC-R, 3:791-792 (Q979-991).

⁹⁸ Richard Hill deposition, 11 July 1892, TLC-R, 3:751 (Q238-242). Previously, from 1880-1887, Alma Owen had been responsible for the taxes.

⁹⁹ L. John Nuttall journal, 4 December 1888, in Rogers, *President's Office*, 293.

¹⁰⁰ Joseph Smith III to Heman C. Smith, 20 June 1910, P75-4, f26, CofC Archives.

¹⁰¹ I base this on the Richard Hill deposition, 11 July 1892, TLC-R, 3:739-794 (Q1-1031).

¹⁰² I base this on Hall's correspondence with John M. Cannon, on the arc of Hall's life, and on the strong reactions he provoked. For instances of the latter, see Joseph Smith III to John R. Haldeman, 23 April 1896, JSIII Letterbook #6, 378-380, CofC Archives; Joseph Smith III memoirs, in Howard, *Memoirs*, 311, 429.

¹⁰³ Church of Christ minutes, 7 April 1889, in R. Jean Addams, "Early Sociological Issues Confronted by the Church of Christ (Temple Lot): African Americans, Native Americans, and Women," *JWJ* 30 (2010), 118-119. On the 1831 mission, see Graham St. John Scott, "New Jerusalem Abandoned: The Failure to Carry Mormonism to the Delaware," *Journal of American Studies* 21 (1987), 71-85. On the 1868-1871 missions, see the Church of Christ minutes, 8 April 1871, in Addams, "Sociological Issues," 117; Andrew Jenson, Edward Stevenson, and Joseph S. Black, 13 September 1888, in "The Hedrickites," *DN*, 22 September 1888, 2.

¹⁰⁴ Old Record II, 95, in Flint, *Church of Christ*, 149-150; Charles A. Hall to C. E. Reynolds & Wife, 16 March 1891, in *CA*, 481; Richard Hill deposition, 11 July 1892, TLC-R, 3:779-780 (Q717-718, 723, 725-748); Addams, "Sociological Issues," 119. Franklin replaced one of the original recipients of the call, James Haldeman.

¹⁰⁵ Flint, *Church of Christ*, 150; Addams, “Sociological Issues,” 119; Richard Hill deposition, 11 July 1892, TLC-R, 3:778 (Q712-716, 719-722, 724), 785 (Q869-871).

¹⁰⁶ Church of Christ minutes, October 1890, in R. Jean Addams, “The Church of Christ (Temple Lot) and the Law of Consecration,” *JWJ* 28 (2008), 96.

¹⁰⁷ Charles A. Hall to C. E. Reynolds, 16 March 1891, in CA, 483.

¹⁰⁸ Old Minutes, 149, in “History of the Faith, Doctrine, and Practice of the Church of Christ,” 1, J. F. Curtis Papers, P57, f20, CofC Archives. The wording of the resolution is somewhat ambivalent. The clause that revelations must “agree and harmonize with the Bible and Book of Mormon” comes at the end of the text and may have only qualified the revelations given to the current church president. That being said, Richard Hill indicated that the Church of Christ didn’t necessarily accept all revelations dated before 24 February 1834. See the Richard Hill deposition, 11 July 1892, TLC-R, 3:792-793 (Q994-1010).

¹⁰⁹ Charles A. Hall to C. E. Reynolds and “Wife,” 16 March and 30 March 1891, in CA, 481-482; Charles A. Hall to C. E. Reynolds “and Wife,” 19 June 1890, in CA, 483 (quote).

¹¹⁰ Charles A. Hall to “Brother and Sister Reynolds,” 11 August 1890, in CA, 482-483.

¹¹¹ Charles A. Hall to C. E. Reynolds and “Wife,” 30 March 1891, in CA, 481.

¹¹² Old Minutes, 153, in “History of the Faith, Doctrine, and Practice of the Church of Christ,” 3, J. F. Curtis Papers, P57, f20, CoC Archives. In October 1889, the church counted one presiding high priest, one bishop, three high priests, four elders, two priests, and one deacon. See Old Minutes, 127, “History of the Faith, Doctrine, and Practice of the Church of Christ,” 7, J. F. Curtis Papers, P57, f20. Joseph Smith introduced the high council on 17 February 1834, one week before the date the Hedrickites claimed he became a fallen prophet.

¹¹³ Old Minutes, 132, in “History of the Faith, Doctrine, and Practice of the Church of Christ,” 5, J. F. Curtis Papers, P57, f20, CoC Archives. For more on the dress code, see Charles A. Hall to C. E. Reynolds and “Wife,” 16 March 1891, in CA, 482.

¹¹⁴ Old Minutes, 95, 132, in “History of the Faith, Doctrine, and Practice of the Church of Christ,” 3, 5, J. F. Curtis Papers, P57, f20, CofC Archives; “Even the Mormons Have a Heretic,” *Springfield Republican* (MA), 20 May 1891, 4; “Dress Reformer’s Rough Way,” *KCS*, 9 July 1891, 1; “Wouldn’t Give Up Frills,” *Chicago Daily Inter-Ocean*, 10 July 1891, 4; “A Church Divided,” *Los Angeles Times*, 10 July 1891, 4; “Gave Up The Church,” *Saint Paul Daily Globe*, 10 July 1891, 4; “A Split in the Mormon Church,” *Sacramento Record-Union*, 10 July 1891, 1; “A Split in the Mormon Church,” *Columbia State* (SC), 13 July 1891, 6.

¹¹⁵ Roger D. Launius, “Ebenezer Robinson, 1816-1891” (Graceland College: Latter Day Saint History seminar paper, 1975).

¹¹⁶ Ebenezer Robinson to Joseph Smith III, January 1888; Ebenezer Robinson to the editors of the *Saints’ Herald*, March 1888; Ebenezer Robinson to G. A. Johnson and Mrs. Shippey, 18 April 1888; and Ebenezer Robinson to Mrs. Shippey, 7 July 1888. All in P87, f111, CofC Archives.

¹¹⁷ Ebenezer Robinson to G. A. Johnson and Mrs. Shippy, 18 April 1888, P87, f111, CofC Archives; Ebenezer Robinson, “Prospectus of The Return,” *The Return* 1 (January 1889), 2.

¹¹⁸ “Some Facts,” *The Return* 1 (March 1889), 41. I’ve removed extraneous commas for clarity.

¹¹⁹ Ebenezer Robinson, “Items of Personal History of the Editor,” *The Return* 3 (February 1891), 28. The couple testified similarly in the Ebenezer and Angeline E. Robinson affidavit, 29 December 1873, in the Artificial Collection, P31, f7, CoC Archives.

¹²⁰ Charles A. Hall and Richard Hill to Ebenezer Robinson, 27 January 1890, in *The Return* 2 (February 1890), 215-216.

Chapter Seventeen
Darkness Descending
1890-1891

By 1890, the financial needs and aspirations of the Church of Christ were mounting considerably. Property taxes, publishing plans, improved meetinghouse, impending court battle—Charles Hall himself wondered, “how was it to be done?”¹

In the summer of 1890, Hall received an answer by revelation—a mortgage loan from the LDS Church.² It was an unlikely solution. By 1890, the Temple Lot had become an integral part of Hedrickite identity, and the community was already terrified of losing the property to a rival church. It was also a perilous solution. Hall’s dress reforms had alienated several members that summer, including Granville Hedrick’s widow; now he was going to ask the congregation to gamble with the grounds?³ Cognizant of the context, the revelation upset Hall so much he could not speak of it. “I would not tell anyone about it,” he wrote several weeks later. “I wanted the Lord to reveal it through some one else, and I thought I would work hard and encourage others to work, and we would raise money in that way.” Keeping silent, Hall became ill. He became convinced “the Lord sent an affliction on me.” Seeking to know “why I had to suffer so,” he learned through prayer that he had “done like Jonah,” the prophet who wouldn’t share God’s unpopular message with Nineveh. Hall was commanded by the Lord to “repent and make known to the church what had been revealed.”⁴

To make the plan palatable to his congregation, Hall appealed to revelation. The plan was based not on “our wisdom,” he testified, but on the “wisdom of God.” None, therefore, could oppose, as “the Lord has a right to do as he thinks best with his

property.” Those who doubted his testimony, Hall assured, could receive heavenly confirmation through personal revelation. Hall also appealed to communal self-interest. A mortgage loan, he argued, would enable the Church of Christ to pay its bills and accomplish its goals. It would give the LDS Church a vested interest in assisting the Church of Christ in court against the Reorganized Church. “If we get the money where we expect to,” he said regarding the Utah Saints, “it will be to their interest to defend the property, and it will have to be defended one of these days, and it will take money, and a lot of it.” Hall alluded to a Hedrickite prophecy uttered years earlier “that we would get our strength from the people of Utah.”⁵ Some members were taken aback by Hall’s proposal. But the majority of the body were at least willing to entertain the idea.⁶ As the church affirmed in a resolution on the canon later that September, “the revelations that may be given through the Presiding High Priest of the Church of Christ in Zion that agree and harmonize with the Bible and Book of Mormon, are accepted as the word of God.”⁷

Hall’s mortgage loan proposal found a welcome reception among LDS leaders in Utah, despite their enormous difficulties that summer. LDS leaders promptly dispatched a newly-minted attorney named John M. Cannon to Independence in July 1890.⁸ At twenty-four years of age, John Mousley Cannon was a scion of Utah’s most powerful family, an inheritance that gave him access to the Territory’s religious, legal, and business elite. His father was Angus M. Cannon, president of the Salt Lake Stake and appellant in the 1885 Supreme Court case, *Cannon v. United States*.⁹ His uncle was George Q. Cannon, first counselor in the First Presidency and former territorial delegate to Congress.¹⁰ His cousin was Abraham H. Cannon of the LDS Quorum of Twelve

Apostles.¹¹ John Mousley was born in St. George, Utah, on 24 September 1865 to Sarah Mousley Cannon, who had married the previously-unmarried Angus Cannon along with her sister Ann Mousley on 18 July 1858.¹² John studied mathematics and history at the University of Utah and had graduated with a law degree from the University of Michigan Law School only weeks before in June 1890. Young and unmarried, the aspiring Salt Lake City attorney had time to look into this distant but important matter.¹³

At Independence, John M. Cannon met with the Hedrickites, extended some funding to help them cover their tax bill, examined the title abstract of the Temple Lot, and assessed the legal standing of the Church of Christ.¹⁴ Cannon evidently spent a fair amount of time with Church of Christ president Charles A. Hall, who was only five years his senior. The two men quickly established a working relationship that would continue long after Cannon's early August departure through letters. Unfortunately, only Hall's side of the correspondence remains extant. Still, aside from legal documents, Hall's letters to Cannon constitute the most valuable primary source available for reconstructing the Temple Lot Case. Based on Hall's correspondence, it seems the two men developed a respect for one another, and perhaps a distant friendship.

At a glance, the prospects for a mortgage loan looked promising. By unanimous vote on 28 July 1890, the Church of Christ appointed a board of publication and authorized the trustee-in-trust of the church to offer a portion of the Temple Lot as loan collateral.¹⁵ Charles Hall asked Cannon for a \$20,000 loan.¹⁶ Cannon's LDS backers evidently approved a loan in principle.¹⁷ But the details proved nettlesome. Whereas the Church of Christ offered a *portion* of the Temple Lot as collateral for a \$20,000 loan,

Cannon's backers asked for the *entire* Temple Lot as collateral for a loan of less than \$20,000.¹⁸ Also, Cannon found a weak link in the Church of Christ's title chain that, in his estimation, rendered the Temple Lot risky collateral.¹⁹ Cannon likely noticed that the late trustee-in-trust Granville Hedrick died without appointing a successor trustee in 1881. As a result, Hedrick's familial heirs—who were not always friendly of late to the Church of Christ—could potentially claim the Temple Lot as their own.²⁰

To address these issues, the Church of Christ met in conference on 16 August 1890. Fearful the LDS deal might fall through, Charles Hall urged the congregation to offer more collateral. In response, the Hedrickites relented a bit, but not enough to match the LDS offer. As Hall relayed to Cannon: “Under no consideration [could] I get the consent of the Church to give a trust in all the lots. I done all I could when I persuaded the church to give one more lot & that triangular piece [sic] & have the house built on a lot you will have for security.” To Church of Christ members, the Utahns wanted too much for too little. “We could get \$50,000 from the young Josephites for the property at any time,” Hall explained. “They have got word of what we expect to do & and have intimated to one of our members that they would let us have money if we would give the lots as security.” Not that Hall wanted that to happen. “I prefer in case we do fail, to have the property go into the hands of the church in Utah rather than to the Josephites.” But Cannon's LDS backers would have to amend their terms to make a deal happen.²¹

Should another loan opportunity arise, the August 16th Church of Christ conference addressed a resolution to the Jackson County Circuit Court requesting that whereas Granville Hedrick died without a designated successor, the court would

hereupon recognize Richard Hill as trustee-in-trust of the Temple Lot, empowering him to borrow \$20,000 by mortgage or deed for the construction of a new meetinghouse and a publishing facility under the direction of a committee comprised of Richard Hill, Charles Hall, and George Frisby. The Church of Christ passed the resolution by 28-10. The Hedrickites submitted their petition to the court on August 23rd.²²

To facilitate the process, the Church of Christ hired a local attorney, “Colonel” John Nelson Southern. Befitting his family name, Southern was born in Tennessee on 25 August 1838, attended college in Tennessee, studied law in Tennessee, and married Tennessean Martha Allen. He fought for the Confederacy in the Civil War under Generals Kirby Smith, Braxton Bragg, John Pemberton, and James Longstreet. Scouting behind enemy lines for General Longstreet in 1864, he was captured and shot in the hip during an escape attempt, leaving him permanently disabled. At war’s end, Southern moved to Missouri and gained admission to the state bar, but he refused to swear the Unionist loyalty oath and could not obtain a license to practice or teach law. So Southern settled in Independence and became a journalist, serving as editor of the *Independence Sentinel* from 1868 to 1879 and as editorial writer for the *Kansas City Times* from 1879-1881. As newspaperman, Democrat, Mason, Presbyterian elder, and father of seven, Southern became a pillar of the community. Son William followed his father’s second career path, founding the *Independence Examiner* in 1905 and serving as editor and publisher for over forty years. In 1881, though, the elder Southern returned to his first love, the law. As an attorney, John N. Southern participated in several celebrated cases. But the Temple Lot Case would be his most famous.²³

On 9 October 1890, the Jackson County Circuit Court handed Southern a favorable ruling, legally recognizing Granville Hedrick and Richard Hill as former and current trustees-in-trust of the Temple Lot. It was only a unilateral *ex parte* ruling, meaning it was both provisional and challengeable. Nonetheless, it was enough to reassure the Hedrickites' LDS contacts.²⁴ Five days afterwards, on October 14th, LDS president Wilford Woodruff recorded in his journal: "We have decided to have the Bank loan the Hedricks \$20,000 in Jackson County Mo & take the Temple Block as security. They will build a Meeting House on the Block."²⁵ Legal recognition of its trustee, a loan from the LDS Church—things were looking up for the Church of Christ.

Under different circumstances, gaining some influence over the future of the long-desired Temple Lot might have garnered considerable excitement among LDS leaders. But during the late summer and early fall of 1890, LDS leaders were wrestling with some of the most gut-wrenching decisions of their lives. Eighty-three-year-old Wilford Woodruff had seemingly been through it all in his fifty-one years as an apostle.²⁶ But as church president in 1890, Woodruff grappled with nothing less than the survival of the LDS Church. "We are like drowning men," he fretted, "catching at any straw that may be floating by that offers any relief."²⁷ His response to the crisis inaugurated a veritable revolution in Mormonism and the American West, the effects of which are still apparent today.²⁸ Preoccupied with such momentous matters, Woodruff and his colleagues gave only sporadic attention to the Church of Christ and the Temple Lot.

In August 1890, Woodruff and counselor George Q. Cannon journeyed through Utah, Wyoming, Colorado, New Mexico, and Arizona, seeing the beleaguered condition of their people firsthand.²⁹ In September, the pair traveled to San Francisco to confer with Republican power brokers like Judge Morris M. Estee, chairman of the Republican National Committee. The Republicans promised to do all they could for Utah statehood, but they insisted that LDS leaders at some point would have to make an announcement ending polygamy. Woodruff and Cannon returned to Salt Lake City on September 21st.³⁰

Upon his return, Woodruff decided to issue “some kind of manifesto.”³¹ The president explained his thinking in his journal:

I have arived at a point in the History of my life as the President of the Church of Jesus Christ of Latter Day Saints whare I am under the necessity of acting for the Temporal Salvation of the Church. The United State Governmet has taken a Stand & passed Laws to destroy the Latter day Saints upon the Subjet of poligamy or Patriarchal order of Marriage. And after Praying to the Lord & feeling inspired by his spirit I have issued...[a] Proclamation.³²

On September 23rd, Woodruff dictated a draft to George F. Gibbs, the First Presidency secretary who visited the Temple Lot with Charles Penrose four years earlier.³³ The next day, the 24th, the text went through three rounds of editing, the first by *Deseret News* editor Penrose, secretary George Reynolds of the 1879 Supreme Court case, and John R. Winder of the Presiding Bishopric, the second by George Q. Cannon, and the third by Woodruff, Cannon, and Joseph F. Smith, in company with apostles Moses Thatcher, Franklin Richards, and Marriner W. Merrill (the latter pair, ironically, having performed roughly half of the new plural sealings documented in the damning Utah Commission report). Modifications notwithstanding, the text remained Woodruff’s. “He has stated

that the Lord had made it plain to him that this was his duty,” Cannon wrote in his journal, “and he felt perfectly clear in his mind that it was the right thing.”³⁴

Like the denial of LDS national disloyalty the First Presidency and Twelve signed the previous December, Woodruff entitled his document an “Official Declaration.” In the days to come, however, it became better known as Woodruff’s “Manifesto.”³⁵ It was not a particularly elegant or forthright text. At the outset, Woodruff denied the allegation that LDS leaders were still pushing and solemnizing plural marriage in Utah. “We are not teaching polygamy or plural marriage, nor permitting any person to enter into its practice,” Woodruff countered, knowing full well that the church had sanctioned plural marriages earlier that year in Mexico and during the first several months of the previous year in Utah.³⁶ Woodruff also claimed that the church had recently razed the Endowment House as a plural marriage preventative, even though other considerations had been paramount.³⁷ But Woodruff hit the mark where it mattered:

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws, and to use my influence with the members of the Church over which I preside to have them do likewise.

This was the statement the nation’s political leaders had been long awaiting. In so many words, Woodruff signaled the official, public end of LDS plural marriage.

Judging by the third-person character of the original draft, Woodruff intended to have the entire First Presidency sign the text, and possibly the Quorum of Twelve, too. But only four apostles were present in Salt Lake City. Woodruff could have waited a few days for the other apostles to return. But he felt under intense pressure to get a statement out as quickly as possible. And he likely suspected the Twelve might not sustain the

document; they had rejected similar statements before, and on more than one occasion. So rather than wait, Woodruff had Reynolds release the text to the press above his solitary presidential signature. It was the most important LDS announcement since the 1852 public acknowledgement of plural marriage—and the majority of LDS general authorities would learn of it in the newspaper. By the time the Twelve convened in Salt Lake City on September 30th, the Manifesto was essentially a *fait accompli*.³⁸

It was hoped the Manifesto would placate the church's critics. But on October 5th, the opening day of general conference, Utah territorial delegate John T. Caine notified the leadership that Secretary of the Interior John W. Noble "could not accept Pres. W. Woodruff's manifesto without its acceptance by the Conference as authoritative."³⁹ Accordingly, the following day, Orson F. Whitney read aloud Joseph Smith's Articles of Faith to the conference, including the critical passage: "We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law." Whitney then read the Manifesto, whereupon Lorenzo Snow, president of the Twelve and future Temple Lot Case deponent, asked the assembly to sustain the Manifesto as "authorized and binding." The official record states the vote was unanimous.⁴⁰ Apostle Marriner W. Merrill thought the motion "carried by a weak voice, but seemingly unanimous."⁴¹ Many people, including B. H. Roberts of the Quorum of Seventy, evidently didn't vote at all; a smattering likely raised their hands in opposition.⁴² George Q. Cannon defended the document by quoting Joseph Smith's 1841 revelation absolving the Saints for failing to build Zion in Jackson County:

Verily, verily, I say unto you, that when I give a commandment to any of the sons of men, to do a work unto my name, and those sons of men go with all their

might, and with all they have, to perform that work, and cease not their diligence, and their enemies come upon them, and hinder them from performing that work, behold, it behooveth me to require that work no more at the hands of those sons of men, but to accept of their offerings.⁴³

“It is on this basis,” Cannon concluded, “that President Woodruff has felt himself justified in issuing this manifesto.”⁴⁴ The sustaining of the Manifesto had the desired impact. The next day, territorial judge Charles Zane accepted the text in good faith.⁴⁵

Many Latter-day Saints were delighted by the Manifesto. But many were shaken. Since Brigham Young had publicly acknowledged the practice in 1852, the LDS Church had been synonymous with polygamy. It took courage all those years for conscientious believers to turn their backs on conventional morality and embrace a universally-condemned practice. And now after all that time, the venerable Wilford Woodruff, a polygamist who had proven his devotion to the LDS Church likely more than any other living man, declared his official opposition to the practice’s continuation. Utah Mormons placed a premium on obedience to priesthood authority, but in the wake of Woodruff’s turnaround, many Saints yearned for explanations. Why didn’t the Manifesto proclaim “Thus saith the Lord”? Why wasn’t it signed by the First Presidency and the Twelve? Some apostles, George Q. Cannon included, were convinced the Manifesto came about through revelation. Others weren’t so sure.⁴⁶

Sensing the disquiet, Woodruff explained himself. “The Lord showed me by vision and revelation exactly what would take place if we did not stop this practice,” he told the Cache Stake Conference in November 1891. Were the Saints “to continue to attempt to practice plural marriage, with the laws of the nation against it and the opposition of sixty millions of people,” he reasoned, the Saints would suffer greatly:

...the cost of the confiscation and loss of all the Temples, and the stopping of all the ordinances therein, both for the living and dead, and the imprisonment of the First Presidency and Twelve and the heads of families in the Church, and the confiscation of personal property of the people (all of which of themselves would stop the practice).⁴⁷

In the end, Woodruff, in many ways the father of LDS temple work, concluded that the survival of the temples was more important than the perpetuation of polygamy.⁴⁸

Woodruff's Manifesto was unquestionably a bold and decisive solitary act of leadership, but he left its application fraught with ambiguity. First, he encouraged male polygamists to maintain their multiple wives and families after the Manifesto, despite the prohibitions against unlawful cohabitation. Yet before the Master in Chancery in October 1891, he testified that the Manifesto meant the end to all prior polygamous couplings. Second, he intended the Manifesto to apply to the United States alone. Within weeks of the Manifesto, new plural marriages resumed in Mexico with First Presidency authorization. Yet before the master in chancery, he testified that the Manifesto was binding even beyond U.S. borders.⁴⁹ Third, through the 1890s, Woodruff, his counselors, and certain apostles occasionally authorized the solemnization of new plural marriages *within* U.S. territory.⁵⁰ In time, the gap between the private and public postures of LDS leaders stoked renewed controversy, compelling the church to take an impermeable line against polygamy in the twentieth-century, and forcing unrepentant polygamists to form separatist "fundamentalist" communities.⁵¹ But all that lay in the future. For the present, the Manifesto accomplished what Woodruff intended—it relieved federal pressures, it enabled the church to keep its temples and properties, and it enabled Utah to become the 45th state in the Union in 1896.

The Manifesto and the end of officially-sanctioned polygamy was the pinnacle of a revolution in the LDS Church and the larger Mormon universe.⁵² The hardships brought about by the Edmunds Act, the Edmunds-Tucker Act, and the Panic of 1893 brought an end to most of the church's cooperative programs and curbed its longstanding role as chief arbiter of the Utah economy.⁵³ In 1891, church leaders disbanded the LDS People's Party and instructed the Saints to vote for the national political parties, Republicans or Democrats.⁵⁴ Latter-day Saints began stressing their commonalities rather than differences with non-Mormons.⁵⁵ Church leaders minimized the necessity of gathering to the Great Basin, and began encouraging the faithful to build up the church wherever they lived.⁵⁶ As the non-Mormon *Salt Lake Tribune* incredulously observed, Utah Mormons were finally "willing to at least try the experiment of being somewhat like their Gentile neighbors."⁵⁷ Under Wilford Woodruff's leadership, the LDS Church started making a fitful, prolonged, and often painful transition from a persecuted regional sect living in high tension with the larger society to an assimilated church more or less at peace with the larger society. It was a remarkable process, it affected every branch of Mormonism, and it provided the backdrop to the Temple Lot Case.

Had negotiations between the LDS Church and Church of Christ received any publicity at all in that critical year of 1890, many Latter-day Saints might have read eschatological significance into it, for a good number of LDS church members believed the Second Coming of Christ would occur in 1890-1891. The roots of that conviction lay in scattered statements of Joseph Smith's. In February 1835, Smith urged Zion's Camp veterans to "go forth to prune the vineyard for the last time, or the coming of the Lord,

which was nigh—even fifty-six years should wind up the scene.” Fifty-six years from the date of that statement would have been February 1891.⁵⁸ Speaking in general conference on 6 April 1843, the Prophet offered the following remarks:

were I going to prophecy. I would procpesy [prophecy] the end will not come in 1844. or 5— or 6. or 40 years ~~more~~ there are those of the rising generation who shall not taste death till christ come.

<I was once praying earnestly upon this subject. and a voice said unto me.> My son, if thou livest till thou art 85 years of age, thou shalt see the face of the son of man....<I was left to draw my own conclusions concerni[n]g this &,> I took the liberty to conclude that if I did live till that time ~~Jesus~~ <he> would make his appearance.—<but I do not say whether he will make his appeara[n]ce, or I shall go where he is.—>

I prophecy in the name of the Lord God.— & let it be written. <that the> Son of Man will not come in the heavns till I am 85. years old
48 years hence or about 1890.—⁵⁹

As the 1843 statement indicates, Smith wasn't sure how to interpret his inspiration on this matter; perhaps as a result, it never became an LDS tenet that Christ would come in 1890-1891. Still, as the target dates approached, many Saints overlooked Smith's uncertainty and concluded that the end was imminent, particularly in light of the federal campaign against the church and the stunning Manifesto.⁶⁰ At the same October 1890 general conference wherein the Manifesto was sustained, in fact, so many LDS speakers mentioned the 1890-1891 expectation—both for and against—that the *Salt Lake Tribune* encapsulated the theme as “1891 as an Epoch in Church History.”⁶¹ Had the Brighamite-Hedrickite loan agreement received any publicity, those who anticipated an imminent Second Coming no doubt would have viewed the transaction as a sign of the end times. For their part, LDS leaders were not inclined to read too much eschatological significance into the mortgage deal—no doubt due, in part, to its quick collapse.

Several days after the loan agreement, LDS leaders suspended the transaction. LDS attorneys Franklin S. Richards and LeGrand Young had reexamined the title history of the Temple Grounds and concluded that as trustee of an unincorporated church, Granville Hedrick had not had sufficient legal standing to secure the title conveyed by initial purchasers John Hedrick and William Eaton. As Charles Hall summarized the LDS critique, “the Title must be vested in the hiers [sic] of those parties who conveyed the property to Granvill[e] Hedrick,” namely, the heirs of John Hedrick and William Eaton. Once again, LDS negotiators deemed the Temple Lot risky collateral.⁶² The reversal dismayed the Hedrickites. The community had hoped to build a meetinghouse before winter; now those hopes were deferred indefinitely. Hall pleaded for the Utahns to reconsider. He glumly anticipated he would need to find a loan elsewhere.⁶³

Once the initial disappointment had subsided, however, the Church of Christ decided to act upon the Utahns’ legal advice by incorporating their organization and perfecting their title. John Southern looked into the matter, and on November 25th Hall happily informed John Cannon “we are perfectly safe.” Yes, all but one of John Hedrick’s and William Eaton’s heirs would gladly snatch the Temple Lot away from the Church of Christ, Hall conceded, but the point was moot insofar as Southern found legal precedent indicating that Granville Hedrick did indeed have sufficient legal standing to secure the property title. For this cause, Hall explained, when the Church of Christ filed its incorporation papers, it would petition the court to perfect the title. Hall asked Cannon for \$150-\$200 to fund the effort.⁶⁴ Encouraged, LDS leadership sent \$150.⁶⁵

Further along in their inquiry, however, Southern and the Hedrickites learned that the State of Missouri erected all kinds of constitutional and statutory impediments against the incorporation of religious organizations. Only recently, they found, Missouri courts had prevented a Baptist church from incorporating. As legal scholar Carl Zollman wrote in the 1930s: “Certainly no general church body which has the choice of forty-five states with more favorable constitutional and statutory provisions should choose Missouri as the state under whose law to incorporate.”⁶⁶ In this light, it didn’t seem the Church of Christ could follow the Utahns’ recommendation, no matter how willing. “We are not shure that we can incorporate,” Hall informed Cannon, before quickly assuring “but will do all that we can to have the principal Items of our faith placed on record.”⁶⁷ As Hall surely recognized, the Church of Christ’s inability to incorporate could potentially undermine its negotiating position with LDS leadership. If the Hedrickites couldn’t incorporate, it would be more difficult to perfect their title, which meant that the Utahns would continue to regard the Temple Lot as an insecure collateral.

To fortify his negotiating position, Hall asked John Southern to write John Cannon directly, attorney to attorney. Complying on December 2nd, Southern told Cannon that even if the Church of Christ couldn’t incorporate, its property title was secure. Southern cited cases demonstrating that unincorporated religious organizations in Missouri could receive land and vest titles in trustees in a manner similar to Granville Hedrick and the Church of Christ. But even if Hedrick’s title were somehow invalid, Southern assured, the Church of Christ held the Temple Lot by adverse possession, particularly now that the local courts had recognized Richard Hill as Hedrick’s successor

as trustee-in-trust. The Church of Christ and its trustees had held and improved the Temple Lot beyond the statute of limitations, Southern declared; it was this very reason, he conjectured, that the hostile heirs of John Hedrick, William Eaton, and Granville Hedrick had not filed claim for the property. And if the heirs cannot successfully eject trustee Hill, Southern concluded, “how could they against his assignees?” As Southern saw it, the LDS Church should consider the Temple Lot a reliable form of collateral.⁶⁸

Despite Southern’s assurances, LDS leaders never went through with the loan. They evidently would have—if only they had found the Church of Christ’s property title beyond challenge. But notwithstanding Hall’s and Southern’s protestations, LDS leaders concluded that the deal was too risky, that chances were too high the hostile heirs of John Hedrick, William Eaton, and Granville Hedrick would file suit for the Temple Lot, leading to potential forfeiture of the property. The timing was terrible for the Church of Christ insofar as LDS leaders were particularly risk-adverse at this juncture. President Wilford Woodruff confided in his journal in January 1891: “We are passing through a great financial Difficulty. The Lord ownly Can help us out of it.”⁶⁹ LDS leaders were in no mood to gamble, even for the much-desired Temple Lot. But rumors that the aborted mortgage deal had actually taken place had a long afterlife.⁷⁰

Without a loan, conditions became increasingly difficult for the Church of Christ. First and foremost was the tax problem. City and county taxes for the Temple Lot had risen steadily the preceding decade, fueled by the Church of Christ’s property improvements—the fence, the trees, the meetinghouse—and the neighborhood’s booming

growth.⁷¹ The Hedrickites were already struggling to pay their taxes.⁷² In 1888, the LDS Church helped pay their tax bill.⁷³ But in 1889 or so, the City of Independence adopted a charter allowing residents to petition the city council for sidewalks irrespective of the wishes of the affected property owners.⁷⁴ In short order, during the final weeks of 1890, civil authorities laid a sidewalk along the Temple Lot's north side.⁷⁵ A sidewalk along the property's south side would soon follow.⁷⁶ The Hedrickites hadn't requested or approved either improvement.⁷⁷ Sidewalks, after all, meant higher taxes.⁷⁸ As Hall told Cannon in October 1890, "our taxes we expect will be doubled this year."⁷⁹ To make matters worse, Hall anticipated a showdown with the city over the triangular strip of the Temple Lot. "I expect we will have a suit with the city to test the Title to that triangular strip soon but it will come in such a way that we will be the defendants."⁸⁰

On 30 December 1890, Richard Hill made his annual visit to the tax collector. Hill usually paid taxes for the entire Temple Lot (lots 15-22) on such occasions. This time, however, Hill only paid taxes for lots 15 and 16, site of the Church of Christ meetinghouse; he left the taxes on lots 17-22 unpaid.⁸¹ Despite struggle, the Hedrickites had heretofore always paid their tax bills. Now they came up short. As Hall told Cannon the following April, they had only paid "the tax bills as far as we could."⁸²

The unpaid taxes provided an opening for the Reorganized Church. On 2 January 1891, three days after Hill's trip to the tax collector, Edmund L. Kelley, now the Reorganization's chief financial officer, came to Independence on church business.⁸³ As he had on occasion before, Kelley visited the tax collector's office to see if there were any unpaid taxes on the Temple Lot. The Reorganized Church, he explained, "wanted to

pay the taxes on property that we considered was our property.” On prior inquiries, Kelley had been informed that all taxes had been covered. On this occasion, however, Kelley found the opportunity he had long desired. With Richard Hill having left the taxes on lots 17-22 unpaid, Kelley was able to pay the tax bill in the name of the Reorganized Church.⁸⁴ News of Kelley’s coup delighted local Josephites. “This looks well!” boasted the local RLDS newspaper, *Zion’s Ensign*. “The Reorganized Church acknowledged as the proper pay master for Temple Lot improvements.”⁸⁵ To the chagrin of the Hedrickites, RLDS members depicted the tax payment as “a matter of record that they was recognised as the owners of that property.”⁸⁶ Richard Hill had to remind the local authorities that he held the property in trust for the Church of Christ.⁸⁷

To retain the Temple Lot amidst rising taxes, in early 1891 the Hedrickites came up with a bold proposal comprised of the following five steps: The Church of Christ would roughly divide the Temple Lot, selling half of the property to individual Hedrickites and half to the LDS Church; the purchasers would put the lots up for bid in a public sale; the owners-turned-sellers would enter the bidding process themselves and repurchase their own lands; the Church of Christ would, if possible, incorporate; the individual Hedrickite landowners would transfer their lots back to trustee-in-trust Richard Hill, reestablishing the Church of Christ as owner of a smaller Temple Lot. The goals of the plan were twofold. First, selling and purchasing the properties in a public market would perfect the titles. Second, dividing the Temple Lot with the LDS Church would reduce the Hedrickite tax burden, reward the Utahns for their friendship, and preserve enough of the property to maintain the Church of Christ’s presence. Charles Hall

broached the plan to his LDS contacts in January 1891. Discussions were handled quietly to keep the Josephites in the dark and preserve the LDS bidding advantage.⁸⁸

Due in part to disgruntled Hedrickites like C. E. Reynolds, however, the Josephites caught wind of the proposed Hedrickite-Brighamite deal. In the aftermath, the sectarian rivalry in Independence became uglier still. According to Charles Hall, the Josephites found yet another means to pry the Temple Lot from the Church of Christ:

The Reorganized Church are trying to get in power here by taking sides with the temperance & Republican element[.] [W]e think there object is to get control of the city council & get so many improvements ordered that we will be forced to let the property be sold to pay tax bills.⁸⁹

Vandals attacked the Church of Christ meetinghouse on 31 March 1891, toppling the stove pipe and smashing windows, lights, and fixtures. The Hedrickites immediately suspected Josephites. As Hall coyly told John Cannon, “certain parties are not very friendly towards us.”⁹⁰ One Kansas City newspaper found the attribution plausible, given the Reorganization’s ongoing quest for the Temple Lot. Pivoting off the Kansas City newspaper report, the LDS *Deseret News* condemned the destruction: “It would be a shameful reproach upon any sect or person claiming to be religious, if the meeting-house was destroyed to facilitate an effort to gain possession of the land upon which it stood.”

The *Deseret News* vigorously defended the Hedrickites:

They have acquired, chiefly by purchase, the title to the land described, and have been in possession of for many years, their leading Elder and his successor in office being the Trustee-in-trust....They are a peaceable, inoffensive, and devout people, and are disconnected with any other denomination....They do not hold the Temple grounds for any speculative or selfish purpose, but believe that in due time the Lord will reveal to them what is to be its disposition.

Should the Reorganized Church file suit against the Church of Christ, the editorial warned, the LDS Church would unhesitatingly side with the Hedrickites.⁹¹

One week after the attack, on 6 April 1891, the Hedrickites gathered in their beleaguered meetinghouse for general conference. Little had gone right the previous year. A mortgage loan, a perfected title, a new meetinghouse, publications, incorporation—none of their major aspirations had come to fruition. Instead, taxes had risen beyond affordable levels. The meetinghouse had been vandalized. If the Josephites gained control of the city council in the August 7th elections, improvements and taxes would multiply again. And, of course, an RLDS lawsuit remained an ever-present possibility. Given these challenges, the Church of Christ spent much of the conference discussing the merits of the proposed Hedrickite-Brighamite divide-and-sell plan.⁹² For whatever reason, though, the plan was never implemented. With no solution to their financial problems readily at hand, the Hedrickites muddled along into the summer.

After threatening legal action against Richard Hill and the Church of Christ in June 1887, Edmund Kelley set out to inaugurate the suit after the April 1888 general conference in Independence. Joseph Smith III thought the months of preparation would be useful, as “we want to be all but cock sure when we strike.”⁹³ Four years later, however, the Reorganization still had yet to file action. It was not an insignificant amount of time. In that span, the Church of Christ erected a meetinghouse and selected a new president, the Reorganized Church all but completed the Stone Church, and the LDS Church acquired a new president and ended the official practice of polygamy. Financial

difficulties may have had something to do with the delay.⁹⁴ And as we've seen, the RLDS legal team never felt "cock sure" about certain aspects of the case.

But in 1891, factors converged that propelled the Reorganization to finally take action. The chief factor was the statute of limitations. By 1891, the RLDS legal team had learned how long the statute of limitations lasted, and it didn't leave them much time. As Joseph Smith III explained in his memoirs: "The statute of limitations in regard to contested property provides that claimants to rights against adverse possession must bring action within ten years from the time such adverse possession takes place."⁹⁵ By 1891, of course, the Hedrickites had Temple Lot claims stretching long past ten years. John Hedrick purchased portions of the property in 1867, William Eaton purchased the remainder in 1873-1874, both men transferred their holdings to Granville Hedrick in 1869 and 1877, respectively, and the Hedrickites had tax receipts going back to the 1870s. But holding a title on paper usually isn't enough to secure a property by adverse possession; adverse possession has to be—in legal language—open, notorious, exclusive, hostile, and continuous. To secure a property by adverse possession, one usually has to visibly do something with a property for a sustained period of time that renders it obvious to the true owner that someone is usurping their land as if it were his or her own. With that stipulation in mind, the RLDS legal team now believed the countdown for the statute of limitations started ticking at the latest in 1882-1883, when the Hedrickites improved the Temple Lot by planting trees and erecting a fence.⁹⁶ By the legal team's ten-year calculation, the Reorganization needed to file suit against the Church of Christ within a year or two. As the RLDS organ later explained: "The statute of limitations was running

against us, if applicable to the case, and an adverse possession was ripening its hold on the land.”⁹⁷ Ideally, the team hoped, the court would extend the statute of limitations to make up for the persecution that kept Mormons outside Missouri so long. But they could not assume the court would be so lenient. The Reorganization had to act, and fast.

A second factor was an unexpected cloud over the Reorganization’s critical Partridge-Cowdery deed. Since 1887, RLDS bishop George Blakeslee had held the deed in trust for the Reorganization. But on 20 September 1890, Blakeslee passed away.⁹⁸ As we’ve seen, Granville Hedrick’s death raised the knotty question of whether Hedrick’s heirs or the Church of Christ were the proper beneficiary of Hedrick’s Temple Lot title. Similarly, Blakeslee’s death raised the question of whether Blakeslee’s heirs or the Reorganized Church were the proper beneficiary of the Partridge-Cowdery deed. One way the Reorganization could potentially resolve the matter was to enter a court of equity and ask the judge to recognize the property title as an ecclesiastical trust. At the time, U.S. courts were divided into courts of law and courts of equity. Law courts offered jury trials, the strict application of the law, and tangible remedies like monetary damages and returned property; equity courts offered trials without juries, the flexible application of the law, and injunctions for losing litigants to perform certain actions. Law courts upheld the letter of the law; equity courts allowed judges to use their discretion in the pursuit of justice. Ecclesiastical trust disputes were generally ambiguous and did not lend themselves to simple remedies at law. As a result, religious property disputes were generally tried in courts of equity.⁹⁹ But again, as with the statute of limitations, the

sooner the Reorganization addressed the problem, the better. Heirs in trust disputes can be unpredictable, even from devout families like the Blakeslees.

Another factor was the LDS Church. Despite Charles Hall's confidentiality policy, word of the Brighamite-Hedrickite negotiations reached the Josephites. As Joseph Smith III publicly disclosed in 1892, "Elder Hall...proposed to mortgage the Temple Lot, ostensibly to obtain money to print an edition of the Book of Mormon, and to revise and republish the *Evening and Morning Star*." Even worse, "there was reason to fear that the mortgage was to be given to parties in Salt Lake City [which could result] in the loss of the possession of the lot...in favor of those in Utah."¹⁰⁰ From the RLDS standpoint, nothing could have been worse than for the LDS Church to gain control of the Temple Lot. The Church of Christ didn't seem interested in building a temple anytime soon; the LDS Church, by contrast, was dedicating temples of late every few years. Many Utah Mormons, moreover, believed that Christ would come in 1891; what better way to herald the Second Coming than to break ground on the temple of the New Jerusalem? If the LDS Church obtained the Temple Lot, it did not take a stretch of the imagination to believe it would hasten to fulfill Joseph Smith's 1832 prophesy of a temple being built upon the Temple Grounds within a generation. The RLDS legal team had to act quickly to prevent that dreadful scenario from coming to pass.

The quickly approaching deadline of the statute of limitations, the sudden need to re-secure the Partridge-Cowdery deed, the ominous potential of the Brighamite-Hedrickite negotiations—by 1891, the RLDS legal team could wait no longer. If they were ever going to file suit for the Temple Lot, they had to act fast.

Determined to at last file suit, RLDS leaders laid the final groundwork for the case at the April 1891 general conference in Lamoni, Iowa. The conference appointed Edmund L. Kelley as successor to George Blakeslee in the office of RLDS presiding bishop and trustee-in-trust. Kelley had previously served as Blakeslee's counselor and, following Blakeslee's death, acting bishop and trustee.¹⁰¹ With this appointment, Kelley became steward of the Reorganization's finances and real estate holdings, a fitting station for the lead attorney in the prospective Temple Lot Case. Indeed, the conference quickly authorized Kelley's bishopric to "take such steps to remove the cloud of title to real estate in Independence, Missouri, as may be deemed wise and proper by them."¹⁰² Writing years later, Joseph Smith III put it more bluntly: "Bishop Kelley was authorized to proceed in court action to recover this piece of property for the Reorganized Church."¹⁰³ Within weeks, Kelley was once again examining the title history of the Temple Lot.¹⁰⁴

The April 1891 conference also fortified the Reorganization's legal status. The church had already incorporated in Illinois in 1873, but for various reasons RLDS leaders now sought corporate status in another state. One of the factors motivating them was the impending legal battle against the Church of Christ; specifically, the vulnerabilities of their current trustee-in-trust system.¹⁰⁵ As I mentioned earlier, the death of trustee-in-trust George Blakeslee had left the Reorganization's Partridge-Cowdery title potentially vulnerable to Blakeslee's heirs. The problem had to be addressed before the RLDS legal team could proceed against the Church of Christ; it wouldn't make sense to file a property suit on the basis of a land title the plaintiff didn't securely control. And just as

the Church of Christ sought corporate status to secure the Temple Lot against Granville Hedrick's heirs, the Reorganization sought renewed corporate status to secure the Partridge-Cowdery deed against Blakeslee's heirs. As an added benefit, if the Reorganization ever obtained the Temple Lot, corporate status would enable the church to vest the property in the church corporate rather than an individual trustee. Renewed corporate status would give the Reorganization a decided advantage against the Church of Christ, as the Hedrickite incorporation effort had thus far proven unsuccessful.

Indeed, the inability of the Church of Christ and many other churches to incorporate in Missouri was not lost on RLDS leaders. Had the laws of Missouri been more hospitable to incorporating churches, the Reorganized Church might very well have incorporated in the state of the prophesied Mormon Zion. Having studied their options, however, RLDS leaders preferred to incorporate elsewhere. The Hedrickites resided almost exclusively in Missouri, but the Josephites had sizable numbers in several states, so incorporating outside Missouri was eminently practical for the Reorganization.¹⁰⁶ And by the law of comity between the states, RLDS leaders believed the church could incorporate outside Missouri but still hold Missouri real estate in its corporate name.¹⁰⁷

With Missouri ruled out, there remained no better option for the Reorganization than the State of Iowa. Not only was Iowa the site of the church's current headquarters; RLDS leaders found the state's incorporation laws to their liking. Thus, the April 1891 general conference authorized residents of the Lamoni Branch to incorporate under the laws of Iowa. The conference assigned Joseph Smith III, Edmund Kelley, and Robert Winning to prepare the articles of incorporation.¹⁰⁸ Several weeks later, in accord with

state incorporation requirements, branch members received advance notice that the pending incorporation would be considered at the upcoming branch business meeting. As promised, the June 6th meeting weighed the merits of the articles of incorporation. The articles stipulated that the RLDS corporation was the owner of all properties held in its name by individuals. The document ordered all individuals holding property for the church to convey the properties to the church corporate. Alluding to the Temple Lot, the text authorized the corporation to “sue for and recover [all property now owned by said church or held for its held for its use] in the name of said corporation.”¹⁰⁹ Thirty-one individuals signed the document, one more than the state required.¹¹⁰ The entire Lamoni Branch, approximately eight hundred individuals in all, subsequently sustained the action.¹¹¹ The articles were submitted to the Decatur County recorder’s office.¹¹² And with that, the Reorganized Church obtained corporate status in Iowa.

The RLDS decision to file suit as an Iowa-based corporation would draw considerable scrutiny in the Temple Lot Case. Yet the greatest impact of the decision lay in the uncontroversial judicial jurisdiction of the suit. Had the Reorganized Church filed suit as a Missouri-based church—either by relocating the church headquarters to Independence or prosecuting the case through the local Independence Branch—the Temple Lot Case would have been tried in the state courts of Missouri. But because the suit pitted a church based in one state against a church based in another state, the suit had to be tried in federal court. The U. S. Constitution and the 1789 Judiciary Act stipulate that court cases involving litigants from different states—so-called “diversity” cases—fall under federal jurisdiction if the assets in controversy are valued at \$500 minimum.¹¹³

In 1891, the minimum value for a federal diversity case was \$2,000, a threshold the Temple Lot clearly met.¹¹⁴ It was also probably not lost on the RLDS legal team that a federal case would likely garner greater public attention than a suit tried in a midwestern state court, making it that much easier for the Reorganization to tell the world that its brand of moderate Mormonism represented the true brand of Mormonism.

Heading into final preparations, the RLDS legal team hired three additional attorneys, non-Mormons all: “Judge” L. Traber of Kansas City, Parley Parker Kelley of Glenwood, Iowa, and Smith McPherson of Red Oak, Iowa. Parley Kelley was the younger brother of Edmund Kelley and, on paper at least, his Glenwood law partner.¹¹⁵ The youngest and by far the most accomplished of the newcomers was Smith McPherson. Born in Indiana in 1848, McPherson graduated with a law degree in 1870 from the State University of Iowa (now the University of Iowa). After graduation, he worked briefly in his uncle’s law office in Council Bluffs, Iowa, the former stronghold of the LDS Church. In November 1870, McPherson moved to Red Oak, Montgomery County, where he remained the rest of his life. McPherson’s was a quick ascent. In 1874, the state governor appointed him district attorney for the third judicial district, a seat McPherson successfully held through two subsequent elections. Running on the Republican ticket in 1881, McPherson became the ninth attorney general of the State of Iowa. In his most famous case, he argued (unsuccessfully) before the Iowa Supreme Court on behalf of a constitutional amendment prohibiting the manufacturing and sale of alcohol. Returning to private practice in 1885, the services of the former attorney general “were in great demand,” notes the *Dictionary of American Biography*, “particularly by corporations.”

McPherson frequently worked for the Chicago, Burlington, & Quincy Railroad, the same railroad that employed George Edmunds. Later in life, McPherson was elected to the U.S. House of Representatives. In 1900, President William McKinley appointed him to the federal circuit court for the Southern District of Iowa.¹¹⁶ As a federal circuit court judge, McPherson took extended vacations on at least two occasions with the federal circuit court judge who presided in the Temple Lot Case.¹¹⁷ The RLDS legal team could not have added a better attorney to their team than Smith McPherson.

During the summer of 1891, word that the long-delayed suit might finally come to pass seems to have spread in Mormon circles. To safeguard his fragile community, Charles A. Hall penned a letter to Joseph Smith III suggesting that the Church of Christ and Reorganized Church try to reach an amicable resolution. But the RLDS president was in no mood to negotiate. Feeling confident of his leverage, Smith reminded Hall of the abortive effort in the 1850s to unify Granville Hedrick's movement with the New Organization. Smith saw little point in renewing futile ecumenical talks.¹¹⁸ In late July, he traveled to Jackson County with attorney Smith McPherson and RLDS elder Mark Forscutt to make last-minute preparations for the suit.¹¹⁹

Rebuffed, Hall went on the attack, presenting a series of lectures in the Independence area on Joseph Smith as a fallen prophet effective February 1834. Hall echoed charges Hedrickites had been leveling against Smith's later career for decades—militarism, polygamy, financial misdealings, false temple doctrines. He also attacked the name of the Reorganized Church and the authority and revelations of Joseph Smith III.¹²⁰

Local Josephites must have been appalled, given their efforts to recast Mormonism's founder in a positive light and court the respect of the local citizenry. Joseph III was certainly not amused. Smith could tolerate and respect individuals who did not share his views. He had little tolerance or respect for Charles Hall.¹²¹

If a legal battle seemed imminent in Independence, the rumors apparently did not reach Utah Territory. On 6 August 1891, the *Salt Lake Weekly Tribune* published a curious essay attributed to "The Elder" contending that the future of the Temple Grounds represented the ultimate truth test of Mormonism and its founder. Joseph Smith, the author recounted, received a revelation in 1832 declaring that a generation would not pass until a temple had been erected on the Temple Lot. Six decades had passed, the Elder noted, and the sundry factions of Mormonism had done little to fulfill the revelation. The Church of Christ didn't seem capable of erecting a temple, the LDS Church was preoccupied with the Salt Lake Temple, and the RLDS Church was focused on its prospective denominational college. To make matters worse, the Church of Christ and Reorganized Church seemed divided on the ownership question. The Elder therefore urged the churches to build the temple through collaborative effort. Should they continue ignoring the 1832 revelation, he warned, they will prove themselves insincere in their professed belief in the Prophet's revelations. "It is time to seriously consider the building of that temple, or to acknowledge to the world that Mormonism is a failure."¹²²

On the very day The Elder's essay was published, 6 August 1891, a pair of attorneys representing the Reorganized Church entered the Kansas City office of the U.S.

federal circuit court and filed a bill of complaint against the Church of Christ.¹²³ Far from collaborating on the temple in Zion, the Temple Lot Case had begun.

Endnotes

¹ Charles A. Hall to “Brother and Sister Reynolds,” 11 August 1890, in CA, 482-483. Punctuation added.

² No copy of the revelation exists today that I’m aware, but allusions to its content can be found in Charles A. Hall to “Brother and Sister Reynolds,” 11 August 1890, in CA, 482-483; “The Temple Suit,” SH 39 (3 September 1892), 566. That Hall received the revelation between 19 June and 28 July 1890 is indicated by the following evidence: (1) His 19 June 1890 letter to the Reynolds family reviews the progress of the publishing effort but does not mention the mortgage plan. See CA, 483. (2) The Church of Christ voted on 28 July 1890 to mortgage the Temple Lot. See Charles A. Hall, et. al., Representatives of the Church of Christ..., Application for Appointment of Trustee, P51, f1, CofC Archives. (3) Hall’s 11 August 1890 letter to Mr. and Mrs. Reynolds speaks of his revelation and his subsequent illness as if it had recently occurred: “I began to get well, and have now recovered so I am as well as ever.” See CA, 482-483.

³ Old Minutes, 152, in “History of the Faith, Doctrine, and Practice of the Church of Christ,” 5, J.F. Curtis Papers, P57, f20, CofC Archives; Richard Hill deposition, 11 July 1892, TLC-R, 3:755-757 (Q325-355); “Even the Mormons Have a Heretic,” *Springfield Republican* (MA), 20 May 1891, 4; “Dress Reformer’s Rough Way,” KCS, 9 July 1891, 1; “Wouldn’t Give Up Frills,” *Chicago Daily Inter-Ocean*, 10 July 1891, 4; “A Church Divided,” *Los Angeles Times*, 10 July 1891, 4; “Gave Up The Church,” *Saint Paul Daily Globe*, 10 July 1891, 4; “A Split in the Mormon Church,” *Sacramento Record-Union*, 10 July 1891, 1; “A Split in the Mormon Church,” *Columbia State* (SC), 13 July 1891, 6.

⁴ Charles A. Hall to “Brother and Sister Reynolds,” 11 August 1890, in CA, 482.

⁵ Charles A. Hall to “Brother and Sister Reynolds,” 11 August 1890, in CA, 482. I assume that Hall made similar arguments to other Church of Christ members.

⁶ The Old Minutes, 140, 141, as cited in “History of the Faith, Doctrine, and Practice of the Church of Christ,” 7, J. F. Curtis Papers, P57, f20, CofC Archives.

⁷ Old Minutes, 149, in “History of the Faith, Doctrine, and Practice of the Church of Christ,” 1, J. F. Curtis Papers, P57, f20, CofC Archives. Had the Church of Christ intended the resolution as a rebuke to Hall, I doubt he would have remained the presiding high priest.

⁸ Abraham H. Cannon journal, 4 August 1890, in Edward Leo Lyman, ed., *Candid Insights of a Mormon Apostle: The Diaries of Abraham H. Cannon, 1889-1895* Significant Mormon Diaries Series (Salt Lake City: Signature Books in association with the Smith-Pettit Foundation, 2010), 111.

⁹ Donald Q. Cannon, “Angus M. Cannon: Pioneer, President, Patriarch,” in Donald Q. Cannon and David J. Whittaker, eds., *Supporting Saints: Life Stories of Nineteenth-Century Mormons* Specialized Monograph Series (Provo: Brigham Young University, Religious Studies Center, 1985), ch. 14.

¹⁰ Davis Bitton, *George Q. Cannon: A Biography* (Salt Lake City: Deseret Book, 1999).

¹¹ Abraham Cannon wrote one of the great Mormon diaries. See Lyman, *Candid Insights*.

¹² Angus Munn Cannon individual record; Angus Munn Cannon and Sarah Maria Mousley family group record; John Mousley Cannon individual record; John Mousley Cannon pedigree chart; John Mousley Cannon and Zina Bennion family group record. All in the Family History Library of the Church of Jesus Christ of Latter-day Saints, Salt Lake City.

¹³ *Salt Lake City Directory for 1890* (Salt Lake City: R. L. Polk & Co., 1890), 727; Andrew Jenson, *Latter-Day Saint Biographical Encyclopedia: A Compilation of Biographical Sketches of Prominent Men and Women in the Church of Jesus Christ of Latter-day Saints* 2 vols. (Salt Lake City: The Deseret News, 1901-1914), 2:790; DN, 16 June 1917.

¹⁴ Abraham H. Cannon journal, 4 August 1890, in Lyman, *Candid Insights*, 111; Charles A. Hall to “Brother and Sister Reynolds,” 11 August 1890, in CA, 482. If Cannon didn’t deliver the funds in person, they were sent by mail.

¹⁵ Charles A. Hall, et. al., Representatives of the Church of Christ..., Application for Appointment of Trustee, P51, f1, CofC Archives; Charles A. Hall to John M. Cannon, 19 August 1890 and 30 October 1890, both in John M. Cannon Correspondence, LDS Archives, Salt Lake City; The Old Minutes, 140-141, in "History of the Faith, Doctrine, and Practice of the Church of Christ," 2, J. F. Curtis Papers, P57, f20, CofC Archives. Richard Hill later denied that the Church of Christ considered mortgaging the Temple Lot. See the Richard Hill deposition, 11 July 1892, TLC-R, 3:755-757 (Q325-356).

¹⁶ Abraham H. Cannon journal, 4 August 1890, in Lyman, *Candid Insights*, 111. \$20,000 in 1890 would be nearly half a million dollars in 2010.

¹⁷ This letter no longer exists, but its contents are implied in Charles A. Hall to John M. Cannon, 19 August 1890, LDS Archives.

¹⁸ Charles A. Hall to John M. Cannon, 19 August 1890, LDS Archives. Hall mentions the figure of \$15,000 in passing, indicating that perhaps that was the amount offered by the Utahns.

¹⁹ Abraham H. Cannon journal, 4 August 1890, in Lyman, *Candid Insights*, 111.

²⁰ Charles A. Hall to John M. Cannon, 19 August and 30 October 1890, LDS Archives; Charles A. Hall, et. al., Representatives of the Church of Christ..., Application for Appointment of Trustee, P51, f1, CofC Archives; The Old Minutes, 140-141, in "History of the Faith, Doctrine, and Practice of the Church of Christ," 2, J. F. Curtis Papers, P57, f20, CofC Archives.

²¹ Charles A. Hall to John M. Cannon, 19 August 1890, LDS Archives.

²² Charles A. Hall to John M. Cannon, 19 August and 30 October 1890, LDS Archives; Charles A. Hall, et. al., Representatives of the Church of Christ..., Application for Appointment of Trustee, P51, f1, CofC Archives; The Old Minutes, 140, 141, in "History of the Faith, Doctrine, and Practice of the Church of Christ," 7, J. F. Curtis Papers, P57, f20, CofC Archives.

²³ *The History of Jackson County, Missouri* (Kansas City: Union Historical Company, 1881), 880; W. L. Webb, *Battles and Biographies of Missourians or the Civil War Period of Our State* (Kansas City: Hudson-Kimberly Publishing Company, 1900), 363-364; Howard L. Conard, ed., *Encyclopedia of the History of Missouri* 6 vols. (St. Louis: Southern History Company, 1901), 6:27-28; W. Z. Hickman, *History of Jackson County Missouri* (Topeka: Historical Publishing Company, 1920), 307-310; Pearl Wilcox, *Jackson County Pioneers* (Independence: by the author, 1975), 392-393, 457-460, 472.

On William Southern, see Floyd Calvin Shoemaker, *Missouri and Missourians: Land of Contrasts and People of Achievements* 5 vols. (Chicago: Lewis Publishing Company, 1943), 3:68-69; *Independence Examiner*, 11 February 1956, in Wilcox, *Saints of the Reorganization in Missouri*, 192.

²⁴ Charles A. Hall to John M. Cannon, 30 October 1890, LDS Archives; Charles A. Hall, et. al., Representatives of the Church of Christ..., Application for Appointment of Trustee, 9 October 1890, P51, f1, CofC Archives; "Startled the Hedrickites," *KCS*, 18 August 1891, 2; "Despicable Tactics," *Deseret Weekly*, 2 April 1892, 476. A certified copy of the Court's appointment was filed and recorded in the office of the recorder of deeds on 23 May 1891.

²⁵ Wilford Woodruff journal, 14 October 1890, in *WWJ*, 9:118.

²⁶ Thomas G. Alexander, *Things in Heaven and Earth: The Life and Times of Wilford Woodruff, a Mormon Prophet* (Salt Lake City: Signature Books, 1991).

²⁷ Joseph Henry Dean journal, 24 September 1890, in B. Carmon Hardy, ed., *Doing the Works of Abraham: Mormon Polygamy, Its Origin, Practice, and Demise* Kingdom in the West Series (Norman, OK: Arthur H. Clark Company, 2007), 342.

²⁸ Alexander, *Wilford Woodruff*, 261.

²⁹ Bitton, *George Q. Cannon*, 308-311.

³⁰ Idem, 311; Alexander, *Wilford Woodruff*, 266.

³¹ George Q. Cannon journal, 23 September 1890, in Bitton, *George Q. Cannon*, 312.

³² Wilford Woodruff journal, 25 September 1890, in *WWJ*, 9:112-114.

³³ George Q. Cannon journal, 23 September 1890, in Bitton, *George Q. Cannon*, 312.

³⁴ George Q. Cannon journal, 24 September 1890, in Bitton, *George Q. Cannon*, 312. Woodruff simply recorded, "I met with 3 of the Twelve & my Councillors upon an important Subject." See the Wilford Woodruff journal, 24 September 1890, in *WWJ*, 9:112. For more on the editing process, see D.

Michael Quinn, "LDS Church Authority and New Plural Marriages, 1890-1904," *Dialogue* 18 (Spring 1985), 42-46; B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage* (Urbana: University of Illinois Press, 1992), 131. On Richards' and Merrill's performance of new plural marriages in 1889, see Quinn, "New Plural Marriages," 46.

³⁵ The following discussion is based upon Wilford Woodruff, Official Declaration, 24 September 1890, in *D&C* (LDS), Official Declaration-1.

³⁶ On First Presidency knowledge of new plural marriages in 1889-1890, see Quinn, "New Plural Marriages," 46; Hardy, *Solemn Covenant*, 138-141, 154n4.

³⁷ Richard S. Van Wagoner, *Mormon Polygamy: A History* 2d. ed. (Salt Lake City: Signature Books, 1989), 152n1.

³⁸ Quinn, "New Plural Marriages," 46; *MH*, 2:48; Hardy, *Solemn Covenant*, 130-131. For earlier rejections of similar documents, see Quinn, "New Plural Marriages," 35; Van Wagoner, *Mormon Polygamy*, 134; Abraham H. Cannon journal, 12 June 1890, in Lyman, *Candid Insights*, 98. Before the full quorum had returned, Woodruff wrote in his journal that the document was "sustained by my Councillors and the 12 Apostles," but as far as the Twelve were concerned, that clearly was not accurate in any literal sense. See the Wilford Woodruff journal, 25 September 1890, in *WWJ*, 9:112-114.

³⁹ Abraham H. Cannon journal, 5 October 1890, in Lyman, *Candid Insights*, 144-145.

⁴⁰ General conference minutes, 6 October 1890, in *D&C* (LDS), addendum to Official Declaration-1.

⁴¹ Marriner W. Merrill diary, 6 October 1890, in Van Wagoner, *Mormon Polygamy*, 145.

⁴² Quinn, "New Plural Marriages," 47-49; Hardy, *Solemn Covenant*, 135-138; Bitton, *George Q. Cannon*, 315. On Roberts' disapproval, see Ronald W. Walker, "B. H. Roberts and the Woodruff Manifesto," *BYU Studies* 22 (Summer 1982), 363-366.

⁴³ *D&C* (LDS) 124:49.

⁴⁴ Bitton, *George Q. Cannon*, 315-316.

⁴⁵ Thomas G. Alexander, "Charles S. Zane, Apostle of the New Era," *UHQ* 34 (1966), 312; Hardy, *Solemn Covenant*, 152-153.

⁴⁶ Van Wagoner, *Mormon Polygamy*, ch. 14; Hardy, *Solemn Covenant*, 146-152; Quinn, "New Plural Marriages," 51n175.

⁴⁷ Wilford Woodruff discourse, 1 November 1891, in "Remarks," *Deseret Weekly*, 14 November 1891, 658-660, and *D&C* (LDS), addendum to Official Declaration-1.

⁴⁸ Alexander, "Odyssey," 204-206; Van Wagoner, *Mormon Polygamy*, 147-148.

⁴⁹ Hardy, *Solemn Covenant*, 141-146; Van Wagoner, *Mormon Polygamy*, 148-150; Quinn, "New Plural Marriages," 49-52.

⁵⁰ Hardy, *Solemn Covenant*, chs. 5-9 and Appendix II; Quinn, "New Plural Marriages," 52-103.

⁵¹ Hardy, *Solemn Covenant*, ch. 10 and Appendix I; D. Michael Quinn, "Plural Marriage and Mormon Fundamentalism," *Dialogue* 31 (Summer 1998), 1-68.

⁵² Alexander, *Wilford Woodruff*, ch. 12; Thomas G. Alexander, *Mormonism in Transition: A History of the Latter-day Saints, 1890-1930* (Urbana: University of Illinois Press, 1986).

⁵³ Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-Day Saints, 1830-1900* paperback ed. (Lincoln: University of Nebraska Press, 1966), 360.

⁵⁴ E. Leo Lyman, *Political Deliverance: The Mormon Struggle for Utah Statehood* (Urbana: University of Illinois Press, 1986), ch. 6.

⁵⁵ Gordon Shepherd and Gary Shepherd, *A Kingdom Transformed: Themes in the Development of Mormonism* (Salt Lake City: University of Utah Press, 1984), passim.

⁵⁶ "Another Straw," *SH* 41 (21 November 1894), 742; Alexander, *Mormonism in Transition*, 289-290.

⁵⁷ *Salt Lake Tribune*, 20 December 1891, reprinted in "Utah and Statehood," *SH* 39 (23 January 1892), 50.

⁵⁸ Conference minutes, 14 February 1835, in *HC*, 2:182.

⁵⁹ Joseph Smith journal, 6 April 1843, in *JSJ*, 2:338, and slightly revised in *HC*, 5:336. The Prophet made a similar statement four days earlier. See Joseph Smith journal, 2 April 1843, in *JSJ*, 2:325; William Clayton journal, 2 April 1843, in *JWC*, 95. The LDS Church has canonized the Clayton rendition as *D&C* (LDS) 130:14-17.

⁶⁰ Dan Erickson, "Joseph Smith's 1891 Millennial Prophecy: The Quest for Apocalyptic Deliverance," *JMH* 22 (Fall 1996), 1-34.

⁶¹ *Idem*, 28.

⁶² L. John Nuttall diary, 24 October 1890, in J. J. Rogers, ed., *In the President's Office: The Diaries of L. John Nuttall, 1879-1892* Significant Mormon Diaries Series (Salt Lake City: Signature Books in association with the Smith-Pettit Foundation, 2007), 420; Charles A. Hall to John M. Cannon, 27 October and 25 November 1890, and John N. Southern to John M. Cannon, 2 December 1890, enclosed in Charles A. Hall to John M. Cannon, 8 December 1890, all in LDS Archives.

⁶³ Charles A. Hall to John M. Cannon, 27, 30 October and 25 November 1890, LDS Archives.

⁶⁴ Charles A. Hall to John M. Cannon, 25 November 1890, LDS Archives.

⁶⁵ L. John Nuttall journal, 12 December 1890, in Rogers, *President's Office*, 431.

⁶⁶ Carl Zollman, *American Church Law* (St. Paul: West Publishing Co., 1933), 61-65.

⁶⁷ Charles A. Hall to John M. Cannon, 8 December 1890, LDS Archives.

⁶⁸ John N. Southern to John M. Cannon, 2 December 1890, enclosed in Charles A. Hall to John M. Cannon, 8 December 1890, LDS Archives.

⁶⁹ Wilford Woodruff journal, 31 January 1891, in *WWJ*, 9:136.

⁷⁰ Rumors of the deal persisted through the Temple Lot Case and long beyond. See, for example, E. Stafford to Clyde F. Ellis, 9 March 1922, in Clyde F. Ellis Papers, P38, f12, CoC Archives.

⁷¹ LDS Journal History, 10 February 1900, LDS Archives.

⁷² Charles A. Hall to John M. Cannon, 27 October 1890, LDS Archives.

⁷³ L. John Nuttall journal, 4 December 1888, in Rogers, *President's Office*, 293.

⁷⁴ "Despicable Tactics," *Deseret Weekly*, 2 April 1892, 476.

⁷⁵ *ZE* 1 (3 January 1891), 1.

⁷⁶ Charles A. Hall to John M. Cannon, 7 April 1891, LDS Archives.

⁷⁷ "Despicable Tactics," *Deseret Weekly*, 2 April 1892, 476.

⁷⁸ Alma Owen and Richard Hill deposition, 9 July 1892, TLC-R, 3:728 (Q181).

⁷⁹ Charles A. Hall to John M. Cannon, 27 October 1890 (quote), and 9 March and 7 April 1891, LDS Archives.

⁸⁰ Charles A. Hall to John M. Cannon, 8 December 1890, LDS Archives.

⁸¹ *In the Circuit Court of the United States, Western District of Missouri, Western Division, at Kansas City. The Reorganized Church of Jesus Christ of Latter Day Saints, Complainant, vs. The Church of Christ at Independence, Missouri; Richard Hill, Trustee; Richard Hill, Mrs. E. Hill, C. A. Hall, President; Mrs. C. A. Hall, George Frisbie, Mrs. E. Frisbie, Miss Nannie Frisbie, Daniel Bauder, and G. D. Cole, as members of and doing business under the name of the Church of Christ at Independence, Missouri, Respondents: Respondents' Abstract of Pleadings and Evidence* (Kansas City: Sidney F. Woody Printing Co., 1894), 50, 55.

⁸² Charles A. Hall to John M. Cannon, 7 April 1891, LDS Archives.

⁸³ "Items," *ZE* 1 (3 January 1891).

⁸⁴ Edmund L. Kelley deposition, 21 April 1892, TLC-C, 2:574 (Q14). For a different telling of the episode, one that has the tax collector mistakenly directing the tax bill to recently-deceased RLDS bishop George Blakeslee, see "Despicable Tactics," *Deseret Weekly*, 2 April 1892, 476.

⁸⁵ *ZE* 1 (3 January 1891), 1.

⁸⁶ Charles A. Hall to John M. Cannon, 7 April 1891, LDS Archives.

⁸⁷ "Despicable Tactics," *Deseret Weekly*, 2 April 1892, 476.

⁸⁸ Charles A. Hall to John M. Cannon, 12 January, 9 March, 7 April 1891, LDS Archives.

⁸⁹ Charles A. Hall to John M. Cannon, 7 April 1891, LDS Archives.

⁹⁰ Charles A. Hall to John M. Cannon, 7 April 1891, LDS Archives. “Despicable Tactics,” *Deseret Weekly*, 2 April 1892, 476, contends that the vandalism took place only hours after the county recorder’s office filed the circuit court decree recognizing Richard Hill as trustee of the property for the Church of Christ.

⁹¹ “The Temple Grounds in Jackson County,” *Deseret Weekly*, 11 April 1891, 489. The *Weekly* didn’t identify the Kansas City newspaper.

⁹² Charles A. Hall to John M. Cannon, 7 April 1891, LDS Archives.

⁹³ Joseph Smith III to Edmund L. Kelley, 6 July 1887, in Ronald E. Romig, “The Temple Lot Suit after 100 Years,” *JWJ* 12 (1992), 5.

⁹⁴ George A. Blakeslee to Edmund L. Kelley, 11 September 1889, typescript, P16, f20; George A. Blakeslee to Edmund L. Kelley, 11 August 1890, typescript, P16, f24. Both in CofC Archives.

⁹⁵ Richard P. Howard, ed., *The Memoirs of President Joseph Smith III (1832-1914)* (Independence: Herald Publishing House, 1979), 310.

⁹⁶ Joseph Smith III memoirs, in Howard, *Memoirs*, 310.

⁹⁷ “Opinion of Judge Phillips, in Temple Lot Case,” *SH* 41 (14 March 1894) 161 (quote, second comma added for clarity); “The Temple Suit,” *SH* 39 (3 September 1892), 566.

⁹⁸ Joseph Smith III memoirs, in Howard, *Memoirs*, 304; Edmund L. Kelley to E. W. Cato, Sr., 29 September 1890, typescript, P16, f24, CofC Archives.

⁹⁹ In the twentieth-century, all but a handful of states merged their law courts and equity courts.

¹⁰⁰ “The Temple Suit,” *SH* 39 (3 September 1892), 566.

¹⁰¹ Joseph Smith III memoirs, in Howard, *Memoirs*, 308; Edmund L. Kelley deposition, 21 April 1892, TLC-C, 2:573 (Q3-6); Edmund L. Kelley to E. W. Cato, Sr., 29 September 1890, typescript, P16, f24, CofC Archives.

¹⁰² *HRC*, 5:104; “What Is Mormonism Now?,” *Salt Lake Weekly Tribune*, 6 August 1891, 12.

¹⁰³ Joseph Smith III memoirs, in Howard, *Memoirs*, 310.

¹⁰⁴ John A. Sea to E. L. Kelley, 22 May 1891, P51, f1, CofC Archives.

¹⁰⁵ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument* (Independence: Sentinel Job Print, 1893), 37-38: “Notwithstanding the high pretenses of the Complainant Incorporation [i.e. the Reorganized Church,] it is logically inferable that the intention of the incorporators was primarily, if not exclusively, to manufacture a party for a Complainant in this action.”

¹⁰⁶ Edmund L. Kelley deposition, 26 January 1892, TLC-C, 1:2-7 (Q1-59); Joseph Smith III deposition, 27-29 January 1892, TLC-C, 1:118-120 (Q934-970); Edmund L. Kelley deposition, 20 April 1892, TLC-C, 2:556-557 (Q3-18).

¹⁰⁷ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant’s Reply to Respondents’ Statement and Argument* (Lamoni: Herald Publishing House and Bindery, 1893), 10, 17-22; Edmund L. Kelley deposition, 26 January 1892, TLC-C, 1:5 (Q46). The law of comity is based upon Article Four of the U.S. Constitution: “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”

¹⁰⁸ *Respondent’s Statements and Arguments*, 18; Henry A. Stebbins deposition, 9 February 1892, TLC-C, 1:347 (Q14).

¹⁰⁹ The RLDS Articles of Incorporation, in *CA*, 24-27.

¹¹⁰ Edmund L. Kelley deposition, 26 January 1892, TLC-C, 1:4-6 (Q27-58); Joseph Smith III deposition, 27-29 January 1892, TLC-C, 1:118-120 (Q934-970).

¹¹¹ Edmund L. Kelley deposition, 26 January 1892, TLC-C, 1:4 (Q32-34).

¹¹² Edmund L. Kelley deposition, 26 January 1892, TLC-C, 1:4 (Q27-28); Joseph Smith III deposition, 27-29 January 1892, TLC-C, 1:120 (Q962-966).

¹¹³ United States Constitution, Article III, § 2: “The [federal] judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--[and] to all Cases...between Citizens of different States.” The first Congress reiterated this principle in “An Act to Establish the Judicial Courts of the

United States,” § 11, 1 *Stat.* 78, in Richard Peters, ed., *The Public Statutes at Large of the United States of America...* (Boston: Charles C. Little and James Brown, 1845), 73-93.

¹¹⁴ Judiciary Act of 24 September 1789, § 11, 1 *Stat.* 78, in Peters, *Statutes at Large*. The hike to \$2,000 took place in 1887. See the Act of 3 March 1887, 24 Statute 552. On the value of the Temple Lot, see *The Reorganized Church of Jesus Christ of Latter Day Saints, vs. The Church of Christ of Independence, Missouri, et al.: Amended Bill*, 30 November 1891, Civil #1720, National Archives; William Smith deposition, 30 January 1892, TLC-C, 1:218 (Q708).

¹¹⁵ For a bit of background on Parley Kelley, see Parley P. Kelley to Elmer Stone, 26 September 1882, and Parley P. Kelley to Edmund L. Kelley, 30 August 1883 and 9 April 1884, P35, f1. Due to Edmund’s ecclesiastical responsibilities and distant residency, Parley served for the most part as the sole active member of the Kelley Bros. firm. See Parley P. Kelley to Messrs. Traber, Vanderveer, and McNeil, 14 November 1891, in P51, f1; J. F. Record to Edmund L. Kelley, 15 April 1899, and Parley P. Kelley, “Library Sale,” 11 April 1899, in P58-8, f30. All in CoC Archives.

¹¹⁶ *Judges of the United States* 2d ed. (Washington: U. S. Government Printing Office, 1983), 336; Allen Johnson and Dumas Malone, eds., *Dictionary of American Biography* 20 vols. (New York: Charles Scribner’s Sons, 1929-1936), 6:162; “Smith McPherson,” *Iowa Journal of History and Politics* 13 (1915), 145; Edward H. Stiles, *Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa* (Des Moines: Homestead Publishing Company, 1916), 170-172; Daniel E. Clark, “The History of Liquor Legislation in Iowa, 1878-1908,” *Iowa Journal of History and Politics* 6 (1908), 530, 534; Benjamin F. Gue, *History of Iowa: From the Earliest Times to the Beginning of the Twentieth Century* 4 vols. (New York: The Century History Company, 1903), 4:178.

¹¹⁷ David Dyer, *Autobiography and Reminiscences* (St. Louis: William Harvey Minor Company, Inc., 1922), 216-220; Lawrence H. Larsen, *Federal Justice in Western Missouri: The Judges, the Cases, the Times* (Columbia: University of Missouri Press, 1994), 89.

¹¹⁸ Joseph Smith III to Charles A. Hall, date unknown [sometime after 2 June], 1891, JSIII Letterbook #4, 361, CofC Archives; John R. Haldeman editorial, in *The Searchlight* 1 (1 April 1896), 18. See also Joseph Smith III to John R. Haldeman, 1 June 1896, JSIII Letterbook #7, 55-58, CofC Archives.

¹¹⁹ “To Sue For Holy Ground,” *KCS*, 23 July 1891, 6.

¹²⁰ “A Fallen Prophet,” *SH* 38 (12 September 1891), 580-586, excerpting and responding to a report of Hall’s discourse published in the *Rich Hill Review* [Missouri], 10 August 1891; *HRC*, 5:118; Joseph Smith III memoirs, in Howard, *Memoirs*, 311-312. Hill argued that the Prophet fell from grace on 14 February 1834, whereas Granville Hedrick pinpointed the downfall to 24 February 1834.

¹²¹ Joseph Smith III to John R. Haldeman, 23 May 1896, JSIII Letterbook #7, 23-28, CofC Archives. During the testimony of Richard Hill, RLDS Counsel accused the Hedrickites of disfellowshipping David Frampton because he wanted to preach that Joseph Smith was a prophet, seer, and revelator. See the Richard Hill deposition, 11 July 1892, TLC-R, 3:754 (Q307-317).

¹²² “What Is Mormonism Now?,” *Salt Lake Weekly Tribune*, 6 August 1891, 12. The Elder mentioned a letter he published a month earlier claiming that the Reorganized Church owned the Temple Lot. Subsequently, he recounted, he received a corrective from Charles Hall to the effect that “neither Joseph Smith [III] nor the church he represents is now, or ever has been in possession of the Temple block, but that the ‘Church of Christ in Zion’ has been in possession of that property for over twenty years.”

¹²³ *The Reorganized Church of Jesus Christ of Latter Day Saints vs. The Church of Christ of Independence & Others, Bill in Equity*, 6 August 1891. Civil #1720, National Archives.

Chapter Eighteen
The Great Struggle Inaugurated
August 1891-January 1892

On 6 August 1891, Parley P. Kelley and Smith McPherson, attorneys for The Reorganized Church of Jesus Christ of Latter Day Saints, entered the Kansas City offices of the Eighth Federal Circuit Court and filed suit against The Church of Christ for the purpose of obtaining possession of the Temple Lot in Independence, Missouri. The Bill of Complaint essentially made two arguments, one on Temple Lot land titles, the other on ecclesiastical legitimacy. In terms of the former, the Complaint argued that Bishop Edward Partridge purchased the Temple Lot in trust for Joseph Smith's church. The title to this entrusted land, the Complaint summarized, passed from Partridge to Oliver Cowdery's family and finally to Bishop George Blakeslee of the Reorganized Church. In spite of this, the Complaint alleged, several successive parties—Edward Partridge's family, James Poole, John Maxwell, Joseph Irwin, William Eaton, Granville Hedrick, and Richard Hill—unlawfully possessed the property, knowing full well that it rightfully belonged to Joseph Smith's church and its successor, the Reorganized Church. Continuing, the Complaint characterized the Church of Christ as a heretical offshoot that willfully refused to surrender the lot to its rightful owner. For this reason, the document concluded, the Reorganized Church asked the court for a writ of injunction to restrain the Church of Christ from impeding the Reorganization's lawful possession of the lot.¹ From the opening document, then, the Temple Lot Case, like most contests for consecrated space, went beyond the issue of property ownership.² This was not just a struggle over property; this was a struggle over religious identity, legitimacy, and memory.

Word of the lawsuit spread quickly in the small world of Mormon Independence. Hedrickite officials learned of it before they received notice from the court. On Tuesday, August 11th, five days after the RLDS action, Charles A. Hall wrote a letter to Joseph Smith III deploring the latter's course of action. If Smith could demonstrate he was the One Mighty and Strong, Hall insisted, the Hedrickites would willingly turn over the Temple Lot to the Reorganized Church. If he could not, Hall fumed, the Hedrickites would "carry the war unto your own Churches, and before the world."³ This may have been more than a personal appeal and threat. Hall may have written the letter on behalf of the Church of Christ, for five years later the Hedrickite newspaper recalled that the church sent a letter to Smith imploring him not to try the dispute in Gentile courts.⁴

Hall's defiance went for naught. Three days later, on Friday, August 14th, John P. Tracy, U. S. Marshal for the Western District of Missouri, left Kansas City to deliver writs for the nine defendants to appear in court the first Monday of September. One by one, Marshal Tracy visited the Hedrickite officials named in the Complaint. Arriving in Independence, he delivered copies to the Hills and Daniel Bauder. After resting for the night, the marshal continued to the homes of the Frisbeys, the Halls, and G.D. Cole. Tracy traveled thirty-two miles—thirty-two miles to confirm the Hedrickites' worst fear.⁵

The lawsuit, reported the *Kansas City Star*, hit the Hedrickites "like a bombshell."⁶ We can imagine the mixture of emotions as the individual recipients perused the document—shock, perhaps, that the long-dreaded moment had actually arrived, disappointment it had come, and anger the Josephites would attack a member of the Mormon body in Gentile courts. The recipients probably sought each other out for

comfort Friday night and Saturday, and perhaps vented their anger and grief when they occasioned upon an RLDS neighbor. Sunday services at the Church of Christ must have been a depressing affair. These were dark days for the Church of Christ.

The spectacle of two local Mormon sects fighting in federal court over curiosities like the Temple Lot and polygamy's origins quickly attracted media attention. On August 17th, the *Kansas City Star* broke the news of the suit by parroting the Reorganization's arguments in their bill of complaint.⁷ The following day, the *Star* reversed course and offered a sympathetic interview with Church of Christ bishop Richard Hill. Concluding the latter, the *Star* presciently observed: "The chief point of difference between the two branches seems to be, which is the original church? Each claims that the other has departed from the faith, and it is likely the United States courts will be relied upon to decide which is true Mormonism."⁸

As the initial jolt of the lawsuit passed, the Church of Christ turned to the practical problems of defending the property. The Hedrickites had no intentions of surrendering the Temple Lot. Asked by a reporter whether his people would defend the property, Richard Hill replied, "Yes, we will defend ourselves and make a strong fight." Hill felt confident the Hedrickites' land rights would prevail in court. "The title came to us through several parties who held the title to the lot during the war. They all had good titles." The previous fall, he added, the Jackson County circuit court recognized Hill as trustee and legal title holder of the property.⁹ For the Hedrickites, the most pressing question, then, was the most basic: How were they going to pay for the defense?¹⁰

The Hedrickites needed help, and they needed it fast—they had only three weeks before their first mandatory court appearance. Fortunately, they knew some sources that could lend assistance: The same individuals who had helped them with the legal and financial problems of the preceding years. But would they help again?

As a first step, the Church of Christ retained the legal representation of attorney John N. Southern. At Richard Hill's request, Southern informed John M. Cannon of the suit on 17 August 1891 and asked for the assistance of LDS church leaders:

You know the association which I represent is weak, and from the interest manifested by you in the matter when I conferred with you last year that I am justified in assuming that your people may be willing to help in the great struggle now inaugurated for the Temple Lot.¹¹

Whether LDS leaders would cooperate was far from clear. The Utahns had only one year earlier rejected a loan request from the Church of Christ.¹² The LDS Church had still not recovered properties and revenues confiscated by the federal government. Deep in debt, the church was in no financial situation to loan out money.¹³

But LDS leaders nonetheless gave the Hedrickites' plea serious consideration. Judging from the diary of First Presidency secretary L. John Nuttall, LDS leaders passed a copy of the Reorganization's Bill of Complaint around the office:

At the request of Prest Jos[eph]. F. Smith I examined the copy of complaint of the Josephite Church against the Hedrickite church for the Temple Block at Independence, Mo. The Josephites claim to be the Original church of Jesus Christ of Latter day Saints & that Brigham Young & the Saints who came to Utah, also the Hedrickites, are ^branches &^ offshoots from them & they claim the land by deed from Edward Pa[r]tridge through Oliver Cowderys child & Edward Pa[r]tridge as the Trustee of the original church obtain[e]d the deed from the US gover[n]m[en]t.

LDS leaders did not like the worst-case scenario of the case: “The Hedrickites being poor the Josephites expect to get the land from them; in which case if our church ever obtains it it will be at a heavy cost, unless we intervene & become a party in this suit.”¹⁴

LDS leaders did not want the Reorganized Church to obtain possession of the Temple Lot. The Josephites were the only serious remaining rival to the LDS Church. The Reorganized Church possessed confidence, ambition, resources, competitive spirit, and substantive authority claims. It had the will and wherewithal to build a temple on the Temple Lot. This prospect, of course, was almost unimaginable for Latter-day Saints—an RLDS temple on the Temple Lot didn’t figure into LDS eschatology. Now, however, the grave scenario might well come to pass. Nor did LDS leaders want the Reorganization valorized in the courts. The Josephites had already obtained the Kirtland Temple a decade earlier. If they obtained the Temple Lot as well, it would give their succession claim more of a hearing. The only prudent course of action for the LDS Church, then, was to help the Church of Christ retain its property.

LDS leaders were also mindful that, should they help the Church of Christ, they could might acquire the Temple Lot as compensation for the Hedrickites’ indebtedness. Just over a year before, the Hedrickites offered to mortgage portions of the site to the LDS Church in exchange for a loan. Now, with a costly lawsuit pending, the financial needs of the Church of Christ would go up that much more, as would the potential windfall to a lender. Some LDS leaders moreover—unrealistically I might add—expected the Hedrickites to simply give them the Temple Lot eventually out of gratitude, friendship, or recognition that the LDS Church knew better what to do with it.¹⁵

Millenarianism possibly may have entered into the minds of at least some LDS leaders. As I mentioned earlier, many Mormons believed the Second Coming of Christ would occur in 1890-1891.¹⁶ As a former Brighamite recalled with some embellishment, he was “taught from infancy that if I lived to the year 1891 that Jesus would be in Utah Zion ruling in Salt Lake City.”¹⁷ Then again, eschatological possibilities hadn’t compelled LDS leaders to go along with the Church of Christ’s mortgage. Did a court battle seem of greater eschatological significance? The sources are silent.

Whatever the exact considerations, LDS church leaders decided to approve John Southern’s request and render assistance to the Church of Christ.¹⁸ John M. Cannon boarded a train to Independence to confer with Southern and the Church of Christ in person.¹⁹ A year earlier, Cannon had visited the Hedrickites regarding the mortgaging of the Temple Lot; now he visited them to help defend the property. On September 3rd, LDS First Presidency secretary L. John Nuttall noted that “\$30000 was sent to the Hedrickites to help them in their suit.”²⁰ Cannon passed the \$300 to Charles Hall, and Hall, in turn, paid Southern \$100.²¹ The display of LDS support surely raised the spirits of the beleaguered Hedrickites. In the process, the two churches established an unofficial partnership, working through their respective point-men, Hall and Cannon. Although both men more or less worked on behalf of their respective churches, they decided to keep their relationship personal and informal. They agreed that the money Cannon advanced to Hall represented an exchange between two individuals, not two organizations. They further stipulated that if the Church of Christ lost the case, Cannon

would not expect repayment; if the Church of Christ won the case, however, Hall would either have to repay the loan or relinquish the Temple Lot.²²

John M. Cannon wrote his father about his trip on August 30th. His letter no longer exists, but Angus M. Cannon's September 5th reply is instructive. Angus M. dismissively snorted: "I pay little regard to apostates theories as I have been acquainted with them since before 'Bro. Joseph' was martyred." The fact that John M. evidently wrote about "apostate theories" suggests he might have become involved or at least an interested bystander in Hedrickite discussions of the historical issues surrounding the Temple Lot Case. Whatever Cannon's exact contribution, he expressed enthusiasm for his work, as his father acknowledged: "I am glad you enjoy the spirit of what you have been sent to do." The father saw spiritual import in his son's assignment: "I have prayed the Lord most earnestly to make you an instrument in His hands of effecting good, in the direction in which you are now moving." Angus M. may not have been alone. He read the letter "with great interest after which I handed it to the brethren," the leadership of the LDS Church. "They were pleased with its spirit as was I."²³

With the LDS Church on board, it was time for the principals of the Church of Christ to formulate a response to the plaintiff's Bill of Complaint. I have found no record of their deliberations. If their individual contributions were yoked to their individual expertise, however, we may presume that John N. Southern supervised the overall defense strategy, that Charles A. Hall served as resident expert on Mormon historical matters, that Richard Hill focused on the Temple Lot's title and tax history, and that John

M. Cannon, perhaps, provided supplemental help with his knowledge of law, land titles, Mormon history, and prospective LDS witnesses.²⁴ Beyond these probable individuals, we can only guess who else helped out. Did other Church of Christ members named in the RLDS Complaint contribute? Did Southern enlist any additional legal expertise beyond Cannon? Did John R. Haldeman, a knowledgeable future editor of a Church of Christ newspaper, contribute? Did they consult any Whitmerites or RLDS dissidents?

Despite their accumulated acumen, the legal team of the Church of Christ remained no match for that of the Reorganized Church. Not a single member of the defense team could match the historical dexterity of Edmund L. Kelley or Joseph Smith III, both of whom had spent most of their adult lives debating Mormon history. The Church of Christ, furthermore, only enjoyed the legal counsel of John N. Southern, and in an advisory role at best, John M. Cannon. The Reorganized Church, by contrast, enlisted the services of attorneys Edmund Kelley, Parley Kelley, Smith McPherson, Judge Traber, and in substantive advisory roles, Joseph Smith III and George Edmunds. In addition, the Church of Christ had far fewer financial resources than its opponent. Only by going into substantial debt and risking the very property they sought to protect were the Hedrickites able to muster some of the funds needed to mount a capable defense.

These severe disadvantages must have weighed on the minds of the members of the Church of Christ. So it was that on 4 September 1891, the Hedrickites decided in conference to send letters to the heads of the LDS Church, the RLDS Church, and the Whitmerite Church of Christ calling for the various factions, themselves included, to appoint delegates, meet together, and resolve their differences.²⁵ As the product of a

congregational vote rather than the decision of one leader, a variety of motives probably lay behind the resolution. Hedrickites who remembered past discussions with RLDS leaders may have wished to offer the Reorganization one last chance at negotiations. Some may have wanted to test the possibility that Joseph Smith III was the prophesied One Mighty and Strong who would set Zion aright. For others the resolution may have been a symbolic gesture designed to bolster the image of the Church of Christ as noble victims and the Reorganized Church in the worst light. Some may have thought it an attempt to isolate the Reorganization in the face of increased cooperation between the Brighamites, Hedrickites, and Whitmerites. Of this we can be certain: The peace proposal was an attempt to stave off a court battle the Hedrickites wished to avoid.

Despite lingering hopes for renewed negotiations, the Church of Christ defense team continued to operate on the assumption that the Reorganized Church had already determined its course, and peace was not the destination. And so a few days after the peace proposal, on Monday, 7 September 1891, John N. Southern and seven of the nine Hedrickite defendants named in the RLDS Bill of Complaint appeared as ordered before the Eighth Federal Circuit Court in Kansas City to indicate their determination to defend themselves against the Reorganization. The two defendants who did not appear were Nannie Frisbey and George D. Cole. Frisbey expressed no interest in defending the Temple Lot, so Southern entered a disclaimer on her behalf and she was removed from the suit.²⁶ Cole hadn't been home three weeks earlier when Marshal Tracy delivered the subpoenas, but he apparently still had interest in the case, as Southern filed no disclaimer

on his behalf. Having in good faith appeared before the court, the individual defendants hereinafter were permitted to have attorneys appear on their behalf.

In that same court appearance, John N. Southern filed a motion pertaining to the finances of the suit. In most court cases, the loser pays the fees of the winner. To prevent out-of-state plaintiffs from disappearing when reimbursements to the defendant came due, the Eighth Circuit required out-of-state plaintiffs to leave a security deposit (“security for costs”) with the court.²⁷ The Reorganized Church, a “foreign” corporation from the state of Iowa, had apparently already deposited security for costs.²⁸ Southern, however, now told the court that “the amount deposited herein as such security is wholly insufficient for the purpose.” He therefore filed a motion requesting that the plaintiffs provide additional security for costs.²⁹ I have found no record of the immediate outcome of Southern’s motion. One thing was sure: The battle had been joined.

Having witnessed the preliminary deliberations and motions of the Church of Christ legal team, John M. Cannon, for one, came away with sense of confidence. On September 15th, LDS First Presidency secretary L. John Nuttall recorded: “Bro John M Cannon returned from Independence, Mo., yesterday. Called & reported his labors on the Temple Block matter. Felt that the Hidrickites would gain their suit.” Cannon delighted LDS leaders with some tasty souvenirs from the sacred site. “He brought a few peaches which grew on the Block,” Nuttall happily noted. “I got 2.”³⁰

On 5 October 1891, John Southern filed the Church of Christ’s “Answer” to the Reorganization’s Bill of Complaint. The Answer ran over twice as long as the Bill of

Complaint, but like most documents of this kind, it represented a kind of inverted reflection of the Complaint. Whereas the Complaint largely avoided the messy details of the Reorganization's origins, the Answer largely avoided the messy details of the Church of Christ's origins. Whereas the Complaint portrayed the churches of Joseph Smith Jr. and Joseph Smith III as the same organization propagating the same teachings, the Answer countered that the Reorganization did not teach the same doctrines as Joseph Smith and did not even exist prior to 1851. Whereas the Complaint charged that former RLDS preacher Granville Hedrick founded the Church of Christ in 1863, the Answer denied that Hedrick founded the Church of Christ and denied that he ever belonged to the Reorganization. Whereas the Complaint argued that Edward Partridge purchased the Temple Lot in trust for Joseph Smith's church, the Answer insisted that Partridge purchased it as personal property. Whereas the Complaint decried the Church of Christ's chain-of-title to the Temple Lot, the Answer extolled it. Whereas the Complaint trumpeted the Reorganization's chain-of-title to the Temple Lot, the Answer denied its legitimacy. Whereas the Complaint duly noted the Reorganization's incorporated status in Iowa, the Answer insisted that the State of Iowa could not empower one of its incorporated religious bodies to control real estate in the State of Missouri. Whereas the Complaint curiously charged that the Church of Christ inadvertently held the Temple Lot in trust for the Reorganization, the Answer affirmed that the Church of Christ held the Temple Lot in trust solely for itself. On one important point the two documents agreed: The Answer not only admitted that the Church of Christ rejected the later revelations of Joseph Smith, it specified that the body only accepted revelations predating the Prophet's

militant Zion's Camp revelation of 24 February 1834, and then again only those that harmonized with *The Bible* and *The Book of Mormon*.³¹

Trusts, titles, the ecclesiastical legitimacy of the Reorganized Church and Church of Christ: The Complaint and Answer accurately anticipated the subjects that would dominate the Temple Lot Case. With one glaring exception. The opening documents of the Temple Lot Case mentioned the LDS Church only once, respectively. The Complaint portrayed the LDS Church as a break-off from the mother church of Joseph Smith-Joseph Smith III; the Answer portrayed the LDS Church as largely irrelevant to the present dispute. Neither the Complaint nor the Answer saw fit to mention that the Brighamites were by far the largest movement within Mormondom after the Prophet's death. Neither document gave an indication of the importance of Brigham Young's movement for the Mormon succession question. The LDS Church received short shrift in the opening legal salvos of the case. That would all change quickly.

The next step was the Reorganization's. The plaintiffs had to prepare an *amended* Bill of Complaint in response to the defendants' Answer. Towards that end, on October 23rd Joseph Smith III invited George Edmunds to join a "consultation" of the RLDS legal team in Kansas City on the 30th. "It may be that we shall get into that long deferred fight with our Utah religionists, from complications arising out of this suit," Smith wrote. "You had my promise long ago that if we did get into such a fight, that you should have a hand in."³² The team certainly had much to talk about; the RLDS Amended Bill of Complaint would differ in many ways from their first Complaint, and the decision to

make those changes may very well have been made at this meeting. One can imagine them going through the Complaint and Answer together, determining what to add and delete, what to edit, and what to investigate over the coming weeks.

The following Monday, November 2nd, attorneys for the plaintiffs and defendants met at the courthouse to outline a timeline to complete the initial filings. The two sides agreed that the plaintiffs would file their Amended Bill by December 1st and the defendants would file their Amended Answer by December 31st. Afterwards, the plaintiffs would have an additional ten days to file another reply. The agreement stipulated that the plaintiffs would pay all legal costs in the case through that time.³³

During his brief stay in the Kansas City-Independence area, Joseph Smith III ordered an inquiry into Jackson County's tax and title records for the Temple Lot. Reporting the results on Tuesday, November 3rd, Smith soberly informed George Edmunds that "owing to [Jackson County's] system of keeping returns, we could go no further back than 1873, since which time taxes have been paid, usually by Richard Hill, the acting trustee for the defendants in our suit." This was a setback for the Reorganization: The county's own books indicated that the Church of Christ paid taxes on the Temple Lot the better part of two decades. Smith nonetheless found a silver lining. The Hedrickites' determined occupation of the Temple Lot convinced him that the defendants did not look upon the grounds as ordinary private property that happened to be owned at one time by Bishop Edward Partridge, but rather as sacred property entrusted to Joseph Smith's church and its successor:

Messrs. Hedrick, Eaton, Hill, Hall and others bought them upon the understanding and the belief held by them in common with many others, that those lands had

been designated as the place where a body of worshipers should build a temple; and that they had been traditionally set apart for that end.

Smith speculated, then, that even should the Circuit Court find the Church of Christ's legal title to the Temple Lot compelling, perhaps it would award the property to the Reorganization on the basis of its historic character as a religious trust. Smith ventured "we may go out of court without title; but we may gain the moral phase of the case."³⁴

As the Reorganization sharpened their knives for the Amended Bill of Complaint, the immediate target of their ambition still sought a peaceful resolution. Following through on the resolution of their September 4th conference, the members of the Church of Christ met on 24 November 1891 and unanimously approved letters for Wilford Woodruff, Joseph Smith III, and John C. Whitmer, the respective heads of the Brighamite, Josephite, and Whitmerite churches. The letters asked each leader to appoint representatives at their upcoming April 1892 conferences to meet and "present the claims and doctrines of their respective churches and try to come to a unity of the faith."³⁵ The request fell on deaf ears. Nothing ever came of the Hedrickites' olive branch.

The RLDS legal team filed their Amended Bill of Complaint one day ahead of deadline on Monday, November 30th. Prepared by Parley P. Kelley, Smith McPherson, George Edmunds, and Judge Traber, the Amended Complaint differed in few respects from the original Complaint, but the differences were nonetheless significant. Whereas the original Complaint usually referred to Joseph Smith's church as the "Church of latter day Saints," the Amended Bill usually referred to it as the "Church of Jesus Christ of Latter Day Saints." Whereas the original Complaint mentioned Brigham Young's

movement in relative isolation, the Amended Complaint contextualized Young's movement as one of several secessionist offshoots to emerge during the Nauvoo period. Whereas the original Complaint largely avoid the origins of the Reorganization, the Amended Complaint summarized the disorganization and reorganization of the church, portraying the founding Midwestern branches of the Reorganization as faithful stewards of the original faith. Whereas the original Complaint stated that the 1839 Partridge-Cowdery deed entrusted the Temple Lot to "the children of latter day Saints," the Amended Bill said that it entrusted the Temple Lot to "the *Church* of Latter day Saints." Whereas the original Complaint characterized James Pool, John Maxwell, and other sundry owners in the Church of Christ's chain-of-title as "bad faith" purchasers of the Temple Lot, the Amended Complaint strengthened the charge by claiming that everyone from 1832 onwards recognized the Temple Lot as a Mormon trust. Whereas the original Complaint ignored the historic land uses of the Temple Lot, the Amended Complaint asserted that, as a religious trust, the property had remained unoccupied, unimproved, and tax-exempt until the interlopers from the Church of Christ illegitimately occupied and secularized the property in 1886. Finally, whereas the original Complaint placed the current value of the Temple Lot at \$2,000, the Amended Complaint increased the figure to \$5,000. In sum, the Amended Complaint augmented the Temple Lot-as-trust theme and depicted RLDS origins in terms favorable to the plaintiff's succession arguments.³⁶

Wasting little time, the Church of Christ filed its answer to the Amended Complaint just one week later on December 7th, over three weeks before the court-stipulated deadline. Similar to the relationship between the original Complaint and

Amended Complaint, the Amended Answer offered few but nonetheless significant revisions to the original Answer. Whereas the original Answer simply affirmed the good faith of the sundry owners listed in the Church of Christ's chain-of-title, the Amended Answer stressed that, contrary to plaintiff allegations of wrongdoing, ownership of the Temple Lot had always been open and publicly-recognized. Whereas the original Answer simply denied that Edward Partridge purchased the Temple Lot as a trust, the Amended Answer specified that the property had never been religiously tax-exempt and that the Church of Christ had paid taxes on the property for over two decades. Whereas the original Answer didn't offer a dollar value for the Temple Lot, the Amended Answer, in concurrence with the Amended Complaint, placed the value at \$5,000. Whereas the original Answer denied that Brigham Young broke away from the proto-Reorganized Church in 1846, the Amended Answer denied that secessionists of any stripe broke away from the proto-Reorganization at that time. Whereas the original Answer simply stated that the Reorganization did not exist until 1851, the Amended Answer alleged that the Reorganization arose from the secessionist circles of Sidney Rigdon, James J. Strang, and William Smith. Most shockingly of all, whereas the original Answer didn't assess the legitimacy of the LDS Church, the Amended Answer declared that Brigham Young's Utah church and Joseph Smith's Nauvoo church were one and the same, espousing such doctrines as polygamy and baptism for the dead. As a corollary, the Amended Answer depicted the Reorganized Church as a heretical deviation from Joseph Smith's and Brigham Young's Church of Jesus Christ of Latter Day Saints.³⁷

Two subjects of the Amended Complaint and Amended Answer deserve particular comment—the character of the Temple Lot and the Church of Christ’s defense of LDS succession claims.

First, the Amended Complaint and Amended Answer, more so than the original Complaint and original Answer, made it clear that while the Reorganized Church and the Church of Christ both regarded the Temple Lot as holy space, they defined its *legal* status in fundamentally different ways. The Reorganized Church believed the Temple Tract and Temple Lot had always been entrusted for ecclesiastical purposes, and that Mormons, Missourians, and the law had always recognized this, notwithstanding secular interlopers like James Poole. The Church of Christ, by contrast, argued that notwithstanding Edward Partridge’s position as Mormon bishop, he purchased the Temple Tract as private property, with no intimations of an ecclesiastical trust. As a result, the defendants contended, the property had not differed in a legal sense from any secular piece of property, at least before the Hedrickites purchased the Temple Lot and entrusted it to their trustees-in-trust. Before that time, they insisted, anyone could have purchased the Temple Lot in good faith, Mormons or Gentiles alike. And anyone did: A substantial line of non-Mormons, they documented, owned portions of the Temple Tract from 1848-1877.³⁸ It could have remained in Gentile hands indefinitely, the Hedrickites believed, had they not purchased it. In sum, the Church of Christ didn’t own the Temple Lot because Bishop Partridge supposedly established a trust, or because they were religiously entitled to it; they owned it because they paid for it, like all prior owners before them.

Ironies abound here. No segment of the Mormon universe considered the Temple Lot more sacred than the Church of Christ: By 1891, the Temple Lot had become central to the Hedrickites' identity. It came as no surprise, therefore, that before, during, and after the Temple Lot Case, the Hedrickites indignantly denounced the Josephites for asking Gentile courts to determine the future of the holy site.³⁹ Yet it was the Hedrickites who argued in court that the Temple Lot, at least before they bought it, did not differ in a legal sense from any other secular piece of private property. Conversely, the Josephites, the ones who laid the fate of the Temple Lot pearl before the judicial swine, insisted the property had always, from the very outset, been demarcated in law for holy purposes. The arguments and behavior of the two sides seemed almost perversely counterintuitive.

Second, the Complaint, Answer, and Amended Complaint had barely mentioned the LDS Church at all; now suddenly, in the Amended Answer, the defendants pushed the succession claims of the LDS Church to the forefront, grounding their case on LDS, rather than Hedrickite, succession claims. Why did the Church of Christ legal team decide to go this route? Nothing in the Amended Complaint compelled the defendants to identify the LDS Church as Mormondom's mother church. On the contrary, they could have denied that title to the Reorganized Church and left it at that. Or they could have insisted that the mother church no longer existed. Or they could have argued, as one would naturally anticipate, that the Church of Christ, being true to the Mormonism of 1830-1833, represented the true, original, mother church. I can only speculate as to the legal team's rationale, but the decision was probably purely pragmatic. John Southern, Charles Hall, and company may have concluded it would be simpler to defend

Brighamite, rather than Hedrickite, succession claims insofar as living witnesses could more readily be found to testify about the 1839-1846 Nauvoo period than the 1830-1833 founding era and that LDS succession claims, unlike those of the Church of Christ, didn't involve complicated distinctions between the true and false periods of Joseph Smith's prophetic career. The decision to defend LDS succession had the added benefit of turning a Hedrickite cause into the cause of both the Church of Christ *and* the LDS Church, potentially motivating LDS leaders to provide additional assistance.

One wonders what rank-and-file members of the Church of Christ thought of this approach, or if they had even been allowed to debate its merits beforehand. Surely some members would have balked at it, preferring that the defense portray their own church as the mother church, or at least not grant such unqualified legitimacy to the Brighamites. On the other hand, even if some Hedrickites felt uncomfortable admitting that the Brighamites represented the continuation of the Nauvoo church, that was precisely what members of the Church of Christ had already concluded. As they perceived it, the Prophet fell from grace during the Zion's Camp march of 1834. As much as the Hedrickites might wish it were otherwise, the abhorrent practices of the Brighamites originated with Joseph Smith. Defending that position in court would do nothing to undermine the historical and theological understanding of the Church of Christ, or, for that matter, of the LDS Church; it could only harm the Reorganized Church.

Now that the Church of Christ had completed its Amended Answer, the Reorganized Church had ten days in which to revise its Amended Complaint. But the plaintiffs, satisfied with their Amended Complaint, declined the opportunity. In lieu of

yet another revision, the Reorganization’s legal team simply filed a “replication” on December 16th. The replication offered a one-page reply to the defendants’ Amended Answer. It affirmed that the plaintiffs “will aver and prove its said Bill to be true and sufficient, and that the said Answer is untrue and insufficient.” “Wherefore,” the document closed, “Complainant prays relief as in its said Amended Bill set forth.”⁴⁰ The filing of the replication marked the end of the initial documentary phase of the Temple Lot Case. The opposing arguments had been introduced, refined, and finalized.

In the five weeks between the filing of the Replication and the calling of the first witnesses, the opposing sides in the Temple Lot Case made their final preparations. Bills were paid, documents collected, deadlines set, and ground rules established.

The Hedrickites closed out the year by paying cumbersome property taxes on the Temple Lot. On Friday, 18 December 1891, Richard Hill, as Trustee-in Trust of the Church of Christ, paid \$12.90 in back taxes for 1890 and at least \$23.73 for the 1891.⁴¹ Property taxes, of course, weren’t the only financial hardship of the Hedrickites. Charles A. Hall that same month paid John N. Southern \$215 for his legal services.⁴²

The RLDS defense team, meanwhile, prepared for the case in a more pleasant manner. In December 1891, Joseph Smith III, W. W. Blair, and Edmund L. Kelley of the RLDS Board of Publication produced a thirty-one-page pamphlet entitled *The Reorganized Church of Jesus Christ of Latter Day Saints in Succession from 1830 to the Present*. More a compilation of documents than an original essay, the tract highlighted continuities between the church of Joseph Jr. and Joseph III, as well as the comparative

discontinuities of the LDS Church. The pamphlet enumerated the teachings of the original church pertaining to marriage, civil authority, common consent, presidential succession, and the fundamentals of the faith before briefly demonstrating their perpetuation in the RLDS Church. The tract concluded with a series of documents demonstrating that Brigham Young and the Twelve usurped church authority in 1844-1846 and introduced such heresies as polygamy, blood atonement, and the Adam-God doctrine. Joseph III later recounted that the Board of Publication produced the tract for the benefit of the church at large, but it was not lost on its authors that it also “might be of use in this suit.” Published just before the Temple Lot Case moved into full swing, the pamphlet in effect offered a documentary brief for the plaintiffs.⁴³

On 14 January 1892, the attorneys for the opposing sides met at Independence and agreed to waive the court’s regular rules for collecting testimony, presumably because of the geographic distance of the prospective witnesses. The two sides agreed to give each other five days’ advance notice for any deposition within Jackson County and fifteen days’ notice for any deposition outside the jurisdiction of the Eighth Circuit. Wherever the location, the opposing party had the right then and there to collect any testimony they so desired. The two sides also concurred that court reporter John M. Orr (or in his absence some agreed-upon notary public) had to record all case depositions. The court reporter was to record all testimony in shorthand, read it back to the witness at the conclusion of the deposition, and have the witness sign it in his presence. The reporter was then to convert the shorthand to longhand, certify it as correct, and file it with the court clerk. The two sides agreed upon 1 May 1892 as the deadline for the completion of

the plaintiff's testimony, July 15th for the completion of the defendants' testimony, and thirty days thereafter for completion of the plaintiff's rebuttal testimony.⁴⁴ At the conclusion of the meeting, the attorneys for the Reorganized Church notified the defendants in writing that, per a prior gentlemen's agreement, they would begin taking testimony eleven days hence in the Independence law office of John N. Southern. The depositions, they stipulated, would continue daily until completed, Sundays excepted.⁴⁵

As the principals in the Temple Lot Case prepared for the evidentiary phase of the suit, two individuals passed away whom in all likelihood would have been called upon to testify. On Wednesday, 6 January 1892, Elizabeth Ann Whitmer Cowdery died in South West City, Missouri, two weeks short of her seventy-seventh birthday. Only three days later, Elizabeth's fifty-six-year-old daughter, Marie Louise Cowdery Johnson, died as well.⁴⁶ For Dr. Charles Johnson, who for thirty-five years shared a home with his wife and mother-in-law, the loss was incalculable. He and Marie had never had children. Thus in the span of three days, he lost his entire family. Five years earlier Dr. Johnson had been mildly interested in clearing the title of the Temple Lot to see if Elizabeth's Jackson County properties had any value. Now he couldn't care less. He reflected on the deaths of his loved ones four months later in his Temple Lot Case deposition:

They never were separated a day in their lives, except that there was three days difference in their deaths. They lived with me from the day I was married to my wife, until the day they died, and my mother-in-law died three days before my wife died, and they never were separated three days in all that time, and I took care of them myself (at this point in the taking of the testimony of this witness the witness displayed a great deal of emotion, and had to suspend the giving of his testimony for a few minutes).

Of all of Elizabeth's children, only Marie, the eldest, had survived to adulthood. Marie had comforted her mother through the deaths of her younger siblings and of forty-three-year-old Oliver. Even in death, Marie did not abandon her mother.⁴⁷

The Temple Lot Case would never have occurred without the family of Oliver and Elizabeth Cowdery. Oliver Cowdery and Elizabeth's family, the Whitmers, were instrumental in bringing forth *The Book of Mormon*, which prophesied of a New Jerusalem on the American continent. Oliver, Elizabeth, and the Whitmers were pivotal to the founding of the Mormon Church and the introduction of Mormonism to Jackson County. The Cowderys and Whitmers were also critical to the establishment of the dissident, moderate Mormonism now embodied by the Church of Christ and Reorganized Church. An alleged 1839 deed, moreover, between Edward Partridge and three deceased infants of Elizabeth and Oliver provided the basis for the RLDS claim to the Temple Lot. Finally, an 1886 deed between Marie, Dr. Johnson, and Bishop George A. Blakeslee catalyzed the Reorganization's legal pursuit of the Temple Lot. From first to last, intentionally and (mostly) unintentionally, Elizabeth and Oliver's family had prepared the ground for the Temple Lot Case. Had Elizabeth Ann Cowdery lived, she almost certainly would have been called upon to testify, and a fascinating, pivotal testimony it might have been. The same held true for her daughter Marie. But now the Cowdery women were gone, on the eve of the trial so many of their actions precipitated.

Endnotes

¹ *Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Bill in Equity*, 6 August 1891, Civil #1720, National Archives, Midwestern Division, Kansas City; "The Temple at Independence," *SLT*, 12 August 1891, 6; "Temple Lot," *Provo Daily Enquirer*, 13 August 1891, 4.

² David Chidester and Edward T. Linenthal, "Introduction," in idem., eds., *American Sacred Space* (Bloomington: Indiana University Press, 1995), 1-42.

³ Charles A. Hall to Joseph Smith III, 11 August 1891, in "Lifting The Standard Of Peace," *The Searchlight* 1 (1 October 1896), 72. If Smith responded, I have found no record of it.

⁴ John R. Haldeman editorial, in *The Searchlight* 1 (1 April 1896), 18. On the nineteenth-century Mormon propensity to adjudicate civil disputes in ecclesiastical rather than secular courts, see Nathan B. Oman, "The Rise and Fall of Civil Disputes in Mormon Church Courts: A Preliminary Study" Working Papers Series (Rochester, NY: Social Science Research Network, 2007), available online at <http://ssrn.com/abstract=991174>. Oman focuses on the LDS experience, but his remarks are also applicable in varying degrees to the Church of Christ and the Reorganized Church.

⁵ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Subpoena in Chancery*, 17 August 1891, National Archives.

⁶ "Startled the Hedrickites," *KCS*, 18 August 1891, 2.

⁷ "A Suit for Temple Lot," *KCS*, 17 August 1891, 2.

⁸ "Startled the Hedrickites," *KCS*, 18 August 1891, 2.

⁹ *Ibid.*

¹⁰ "Searchlight May Suspend!," *The Searchlight* 3 (September 1898), 255.

¹¹ John N. Southern to John M. Cannon, 17 August 1891, LDS Archives, Salt Lake City. See also the LDS Journal History, 21 February 1900, LDS Archives.

¹² Charles A. Hall to John M. Cannon, 27 and 30 October 1891, LDS Archives.

¹³ Thomas G. Alexander, *Things in Heaven and Earth: The Life and Times of Wilford Woodruff, a Mormon Prophet* (Salt Lake City: Signature Books, 1991), 281-287.

¹⁴ L. John Nuttall diary, 3 September 1891, in Jedediah S. Rogers, ed., *In the President's Office: The Diaries of L. John Nuttall, 1879-1892* Significant Mormon Diaries Series (Salt Lake City: Signature Books in association with the Smith-Pettit Foundation, 2007), 468.

¹⁵ Abraham H. Cannon diary, 1 October 1895, in Edward Leo Lyman, ed., *Candid Insights of a Mormon Apostle: The Diaries of Abraham H. Cannon, 1889-1895* Significant Mormon Diaries Series (Salt Lake City: Signature Books in association with the Smith-Pettit Foundation, 2010), 730; "The Temple Suit," *SH* 39 (3 September 1892), 566; Jerome Glancy to editor, *The Searchlight* 3 (March 1898), 203; "Independence Items," *The Searchlight* 3 (June 1898), 227.

¹⁶ Dan Erickson, "Joseph Smith's 1891 Millennial Prophecy: The Quest for Apocalyptic Deliverance," *JMH* 22 (Fall 1996), 1-35; B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamist Passage* (Urbana: University of Illinois Press, 1992), 55-56, 78-79, 150-152, 188-189; Davis Bitton, *The Ritualization of Mormon History and Other Essays* (Urbana: University of Illinois Press, 1994), 20-23, 133. None of the above authors discuss the apocalyptic significance of the Temple Lot Case, perhaps because few church members knew of LDS connections to the case, particularly at its outset in 1891. When the case gained notoriety in Utah in March 1892, apocalyptic expectations for 1890-91 had died down.

¹⁷ W. R. Steele to editors, *The Saints' Herald* 40 (16 December 1893).

¹⁸ Charles A. Hall, unsigned and undated document [29 March 1892], John M. Cannon Correspondence, 1890-1893, LDS Archives; Joseph Smith III to George Edmunds, 5 June 1893, Miscellaneous Letters and Papers, Community of Christ Archives, Independence.

¹⁹ Angus M. Cannon journal, 17 August 1892, and Angus M. Cannon to John M. Cannon, 5 September 1892, both in LDS Archives; L. John Nuttall diary, 3 September 1891, in Rogers, *President's Office*, 468. Cannon traveled to Independence after August 17th and returned by September 14th.

²⁰ L. John Nuttall diary, 3 September 1891, in Rogers, *President's Office*, 468.

²¹ Charles A. Hall, unsigned and undated document [29 March 1892], John M. Cannon Correspondence, 1890-1893, LDS Archives.

²² Charles A. Hall to John M. Cannon, 6 November 1893, LDS Archives

²³ Angus M. Cannon to John M. Cannon, 5 September 1891, LDS Archives.

²⁴ My assessments of Southern, Hall, Hill, and Cannon derive from their writings, individual biographies, and (in the cases of Hall and Hill) their depositions in the Temple Lot Case.

²⁵ Church of Christ minutes, 4 September 1891, in the Church Record of the Church of Christ, 182, in B. C. Flint, *An Outline History of the Church of Christ* (Independence: The Church of Christ), 117.

²⁶ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al., Entry of Appearance of Defendants except &c*, 7 September 1891, National Archives; “appearance,” in Gerald N. Hill and Kathleen Thompson Hill, *The People’s Law Dictionary: Taking the Mystery Out of Legal Language* (New York: MJF Books, 2002), 41-42.

²⁷ “Security for Costs,” in John Bouvier, *A Law Dictionary Adapted to the Constitution and Laws of the United States of America and of the Several States of the American Union* (revised sixth edition, 1856), on-line at <http://www.constitution.org/bouv/bouvier.htm>.

²⁸ I haven’t found direct evidence the RLDS plaintiffs deposited security for costs when they filed suit in August 1891, but it is implied in the language of Southern’s motion.

²⁹ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Motion for security for costs*, 7 September 1891, National Archives.

³⁰ L. John Nuttall diary, 15 September 1891, in Rogers, *President’s Office*, 469.

³¹ *The Reorganized Church of Jesus Christ of Latter-Day Saints v. The Church of Christ, et. al.: Answer*, 5 October 1891, National Archives.

³² Joseph Smith III to George Edmunds, 23 October 1891, typescript, P13, f406, CofC Archives.

³³ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Stipulation*, 2 November 1891, National Archives.

³⁴ Joseph Smith III to George Edmunds, 3 November 1891, typescript, P13, f407, CofC Archives.

³⁵ Church Record of Church of Christ in Zion, 182, in Flint, *History of the Church of Christ*, 117.

³⁶ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Amended Bill*, 30 November 1891, National Archives; “Independence,” *KCT*, 9 December 1891, 5.

³⁷ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Answer to Amended Bill*, 7 December 1891, National Archives; “Independence,” *KCT*, 9 December 1891, 5.

³⁸ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Answer*, 6-14, and *Answer to Amended Bill*, 7-15, National Archives.

³⁹ See, for example, Charles A. Hall to Joseph Smith III, 11 August 1891, in “Lifting The Standard Of Peace,” *The Searchlight* 1 (1 October 1896), 72.

⁴⁰ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Replication*, 16 December 1891, National Archives.

⁴¹ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondents’ Abstract of Pleadings and Evidence* (Kansas City: Sidney F. Woody Printing Co., 1894), 55.

⁴² Charles A. Hall, unsigned and undated document [29 March 1892], John M. Cannon Correspondence, 1890-1893, LDS Archives.

⁴³ *The Reorganized Church of Jesus Christ of Latter Day Saints in Succession from 1830 to the Present* (Lamoni: Reorganized Church of Jesus Christ of Latter Day Saints, [1891]); Joseph Smith III deposition, 28 January 1892, TLC-C, 1:80-82 (Q371-415).

⁴⁴ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Stipulation for Taking Testimony*, 14 January 1892, National Archives.

⁴⁵ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Notice to take Depositions*, 14 January 1892, filed 28 December 1892, National Archives.

⁴⁶ *Southwest City Leader*, 8 January 1892, in Pearl Wilcox, *Saints of the Reorganization in Missouri* (Independence: by the author, 1974), 377-378.

⁴⁷ Stanley R. Gunn, *Oliver Cowdery: Second Elder and Scribe* (Salt Lake City: Bookcraft, 1962), ch. 13, particularly 220-221; Oliver Cowdery and Elizabeth Ann Whitmer Cowdery Family Group Record, Family History Library, Salt Lake City; Ronald E. Romig, “Elizabeth Ann Whitmer Cowdery: A Historical Reflection of Her Life,” in Alexander L. Baugh, ed., *Days Never To Be Forgotten: Oliver Cowdery* (Provo: BYU Religious Studies Center/Salt Lake City: Deseret Book, 2009), 327-337. The quotation comes from the Charles Johnson deposition, 18 April 1892, TLC-C, 2:414 (Q19).

Chapter Nineteen
The Reorganization Calls Its First Witnesses
January-February 1892

As previously agreed, Parley P. Kelley and Judge Traber of the Reorganization's legal team met with John N. Southern of the Church of Christ's legal team at the latter's Independence law office on Monday, 25 January 1892 for the opening of the evidentiary phase of the case. As it turned out, no witnesses or evidence were introduced. The three attorneys conversed briefly and adjourned until the next morning.¹

Joseph Smith III arrived in Independence about 9:30 in the evening with a box full of Scriptures, pamphlets, newspapers, and other church literature. Edmund L. Kelley asked the RLDS president to bring these items from his personal library and the library of RLDS secretary Henry A. Stebbins for use as evidence.² Joseph III arrived with powerful, conflicting emotions. He had looked forward to this moment for decades, eager to vindicate the memory of his father and the truthfulness of his church against the Brighamites and their allies. "The idea that this contest would inevitably come," he later wrote, "became so firmly fixed in my mind that I am quite willing to admit it assumed almost the proportions of a prophetic obsession, so sure was I that it would come to pass." Alongside his great anticipation, however, the RLDS president felt sorrow. In Lamoni that morning he preached the funeral sermon of John Landers, a beloved ninety-seven-year old brother in the gospel, only to learn afterwards that twelve-year-old Helen Stebbins, the only surviving child of the Stebbins family, had passed away after a prolonged, excruciating illness. Smith, to his regret, "was not permitted to stay with the stricken parents in their great sorrow." The Temple Lot Case was at hand, and it could

not be postponed. If Smith could not be with Secretary Stebbins in person, Stebbins would in a sense be with Smith through his beloved books. Joseph III would remain in the Independence-Kansas City region for a week, attending every session of testimony.³

Witnesses and evidence were actually introduced for the first time the following day, Tuesday, 26 January 1892. Parley P. Kelley began by offering into evidence a copy of the Articles of Incorporation the Reorganization used to incorporate within the State of Iowa the previous June. John N. Southern objected, arguing in an echo of the defendants' Answer that the document did not authorize the Reorganization to sue for real estate in Missouri.⁴ Facing Southern's objection squarely, Kelley promptly had his brother, Bishop Edmund Kelley, sworn in as the first witness of the Temple Lot Case. Southern probed the witness far and wide, looking for vulnerabilities in the Reorganization's incorporated status, but Bishop Kelley proved equal to the task, informing Southern that the Iowa-incorporated Reorganization can "hold property in other states by virtue of the law of comity existing between the states." Southern could find no ready rebuttal.⁵

With Bishop Kelley's unexpected deposition out of the way, Parley Kelley called to the stand James Whitehead, a venerable seventy-eight-year-old who converted to Mormonism in his native England in 1837, emigrated to Nauvoo in 1842, turned his back on Brigham Young's leadership in Winter Quarters, and joined the Reorganization in 1865. Whitehead's deposition, which occupied the rest of the day and the following morning, would prove one of the most important of the entire case. Whitehead testified that while serving as Joseph Smith's secretary in the winter of 1843-1844, he witnessed the Prophet ordain Joseph III his successor. The Nauvoo High Council and the citizens

of Nauvoo, Whitehead added, sustained the selection. Whitehead also testified that Joseph Smith did not teach the doctrines of plural wives and plural gods. During cross-examination, Whitehead diminished his credibility by displaying a pronounced gullibility for supernatural hearsay. Nonetheless Southern couldn't find any serious weaknesses with Whitehead's core testimony.⁶ Unbeknownst to the defendants, Whitehead failed to disclose that in 1864 and 1874 he told Alexander H. Smith and W. W. Blair, respectively, that Joseph Smith taught and practiced plural marriage.⁷ He didn't disclose that he told Joseph III in 1885 he saw the revelation on plural marriage in Joseph Smith's lifetime.⁸ He didn't disclose that he told Blair he didn't actually witness the Joseph III ordination but only heard it talked about in the office.⁹ He didn't disclose that in none of his earlier descriptions of the event had he mentioned a sustaining vote by the Nauvoo church or Nauvoo High Council. And he didn't disclose that Brigham Young's polygamist church disfellowshipped Whitehead in November 1848 for trying to seduce women.¹⁰ On the basis of these discrepancies, LDS historian D. Michael Quinn concludes that Whitehead committed perjury in the Temple Lot Case. RLDS historian Richard P. Howard doubts Whitehead willfully lied, but suggests that his recollections of the past had become distorted by this time as a result of the Reorganization's historical apologetics.¹¹ At the time, however, the point was moot: The defendants weren't aware of Whitehead's private admissions, so Whitehead's testimony helped the plaintiffs immensely.

Whitehead's deposition concluded, Parley P. Kelley called Joseph Smith III to the stand. Smith's deposition spanned three days, January 27th through 29th, making it the second longest of the entire case. Smith was a model witness for the plaintiffs—

knowledgeable, consistent, careful to distinguish hearsay from firsthand information. He corroborated the main points of Whitehead's deposition, testifying that his father pronounced a prophetic blessing upon his head and publicly introduced him as his successor. With yeomanlike efficiency, Joseph III documented the continuity between his church and the church of his father using scriptural and historical excerpts contained in the pamphlet he helped prepare the month earlier, *The Reorganized Church of Jesus Christ of Latter Day Saints in Succession from 1830 to the Present*. Recognizing Smith's value as a witness, John Southern tapped him for all kinds of information, ranging from the origins of the Reorganization to the differences between its official, authorized, and binding publications. Southern also revealed a number of discontinuities between the father's and son's churches, most notably that the Reorganization did not possess the original minutes of Joseph Smith's church, the documentary record that could inform them how things truly operated in the original Mormon church. Joseph III also conceded that the elaborate revelation-approval-process of the Reorganized Church was not mandated by revelation, but emerged from custom and the precedent of the formal sustaining of the *Doctrine and Covenants* in 1835. Joseph III admitted he didn't know if his father's revelations were individually subjected to such a process.¹²

Following Joseph III's deposition, Judge Traber called upon Smith's seventy-eight-year-old uncle, William Smith. William's deposition lasted the better part of two days, January 29th and 30th, a length befitting the eventful life of a mercurial man who was the lone surviving brother of the Prophet, a member of the original Quorum of Twelve Apostles, Hyrum Smith's successor as Presiding Patriarch, the head of his own

post-martyrdom church, popularizer of the doctrine of Smith Family lineal succession, and, since 1878, a member of the Reorganized Church. William helped his nephew's cause by testifying that Edward Partridge purchased the Temple Lot with church funds, that the doctrines of plural marriage, plural gods, blood atonement, and Adam-God originated with the post-martyrdom Twelve, and that conferences and ordinations in the early church were strikingly democratic like the Reorganization's, even to the point, William claimed, that he was elected apostle in 1835. John Southern was unable to rebut these points other than to demonstrate that William only had secondhand knowledge of Partridge's Temple Lot purchase. But Southern did get William to acknowledge differences between Joseph Smith's church and the Reorganized Church. William even volunteered that Hyrum's LDS sons in Utah were entitled to the patriarchal office by lineage. And Southern raised questions about William's credibility by demonstrating that, contrary to the witness's recollection, William's own church claimed in 1851 that Joseph Smith ordained William his successor as prophet, seer, and revelator.¹³ Yet the most striking feature of William's testimony were the things he denied or left out. William didn't mention he was appointed, not elected, an apostle in 1835.¹⁴ He didn't mention it was Brigham Young, the central villain of his deposition, who ordained him Hyrum's successor as Presiding Patriarch in 1845.¹⁵ He didn't mention that he served as an apostle and the patriarch of James Strang's church in 1846-47.¹⁶ He didn't mention that the Nauvoo High Council in 1842, Boston Branch members in 1844, the Quorum of Twelve in 1845, James Strang in 1847, and William's own followers in 1850-1851 variously charged him with fornication, spiritual wifery, or polygamy.¹⁷ William simply

testified that he never taught or practiced polygamy. As with James Whitehead, Southern didn't possess adequate historical documentation to seriously challenge Uncle William.

William Smith's deposition took up most of the working hours on Saturday, January 30th. The plaintiffs did not have enough time remaining in the day to delve deeply into another deposition. Fortunately the plaintiffs had a local resident on hand who could fill the remaining moments of the day and conclude another day. At just sixty-two years of age, John Wesley Brackenbury had seemingly experienced it all. As an infant his missionary father became Mormonism's first martyr. As a toddler and a boy he and his family were expelled, respectively, from Jackson County and the State of Missouri. As a Nauvoo adolescent he was boyhood friends with Joseph III. As an adult he lived in both Mormon Reformation Utah and its converse, the Mormon dissident colony of San Bernardino, California. In 1867, Brackenbury joined the Reorganized Church. A decade later he became one of the first Josephites to settle in Jackson County.¹⁸ Brackenbury's was a fascinating itinerary, but due to time restraints, Parley Kelley could only utilize it for two purposes—to ask whether the Nauvoo Temple was ever completed (Brackenbury answered no) and if the *Journal of Discourses* was an authorized publication of the LDS Church (to which he answered yes). John Southern tried to contest Brackenbury's Nauvoo Temple observation but didn't get very far. Brackenbury deepened the point by adding that he never saw baptisms for the dead performed in the Nauvoo Temple.¹⁹ Southern could have readily retorted that thousands of baptisms for the dead were performed in the Nauvoo Temple from 1841-1846.²⁰ Once again, however, his unfamiliarity with Mormon history precluded an effective response.

With Brackenbury's incomplete deposition the first week of testimony in the Temple Lot Case came to an end. The opposing sides agreed to resume in little over a week.

The first week of depositions drew unprecedented attention to the Temple Lot Case. The *Kansas City Times* and *Kansas City Star* both ran stories on the suit. Here, for example, is a headline from the *Times*:

A QUEER LAW SUIT IS THIS.

CHURCH OF THE LATTER DAY SAINTS VS.
THE CHURCH OF CHRIST.

Each Claims to Have Been Founded by
Joseph Smith and Each Claims a Piece of
Independence Real Estate—Depositions of
the Prophet President and the Secretary
of Joseph Smith, Sr.—History of the Church
—A Very Interesting Law Suit.²¹

And on January 31st, the *Kansas City Times* offered this gripping report:

A SENSATION EXPECTED.

It Is Claimed That Utah Mormons Are Fur-
nishing Money to the Hedrickites.²²

Newspapers of the 1890s did not lack for colorful, opinionated headlines.

The impact of the publicity was plainly visible at the January 31st Sunday services of the Reorganization's Independence Branch. "The interest awakened by the taking of these depositions caused a large number of strangers to attend the meetings," *Zion's Ensign* observed. If the strangers were interested in the Temple Lot Case, they did not leave disappointed. Joseph Smith III, Edmund L. Kelley, William Smith, and James

Whitehead all attended the meetings. Joseph III spoke in the morning service, and in lieu of the standard afternoon service, the branch turned the time over to James Whitehead and William Smith. *Zion's Ensign* captured the moment:

It was indeed inspiring to witness these two gray haired sires, Bro. William aged 80 and Bro. Whitehead, about two years younger, their frames bent with age, but their souls fired with the Holy Spirit, their forms fairly quivering under its holy influence as they testified to the truth of this marvelous work.

At the close of the meeting Bro. William was surrounded by the Saints, each endeavoring to grasp his hand and be recognized as an acquaintance of former years or as the children of such acquaintances. After the older ones had thus enjoyed themselves the little children pressed their way to the front to receive a kiss and an affectionate word from this father in Israel. In the midst of this handshaking Bro Smith appeared about as happy as is possible for most mortals to be in this life and he declared that he thought Zion was almost redeemed.²³

William and Whitehead would not be the only individuals to enjoy a moment of celebrity accompanying the Temple Lot Case. In 1892 there weren't many individuals still living who knew Joseph Smith intimately, and the Temple Lot Case seemed to bring all of them out. Some, like Wilford Woodruff, remained highly visible, but most had retired from the public eye. The Temple Lot Case would bring these aged figures out of seclusion, shine a spotlight on the historic events of their youth, and give some of them, like Whitehead and Smith, an opportunity to share their stories with sympathetic audiences.

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The deposition process resumed on Monday, February 8th, with Parley P. Kelley's direct-examination of William Wallace Blair, the sixty-three-year-old first counselor in Joseph III's First Presidency. Consuming the better part of two days, Blair's deposition, at 125 pages, is the longest of the Temple Lot Case, a curious distinction considering Blair didn't even enter the Mormon universe until 1851, seven years after

Joseph Smith's murder. Like Joseph III, Blair proved a steady if unspectacular witness. Southern recognized Blair's competency and, as with Joseph III, tapped him for information on a wide range of issues. Substantively, Blair capably defended the succession of Joseph III. He survived what was, hands down, the most excruciating interrogation of the entire case, an exploration of lineal succession in *The Bible* and *Book of Mormon* that went on so long and in such arcane detail that Charles A. Hall had to spell Southern for a time. Conversely, Blair rehearsed the standard RLDS criticisms of polygamy and the Adam-God doctrine; he also pertinently noted that when Brigham Young's Quorum of Twelve assumed leadership of the church in the wake of the Prophet's death, they violated the 1835 revelation limiting their authority to the mission field. Southern questioned Blair at length on the first years of the Reorganization, but given that Blair didn't even join the movement until 1857, P. P. Kelley rightly accused Southern of pursuing the rankest form of hearsay evidence. Southern seemed equally desperate when he accused the Reorganization of representing the laws of Iowa rather than the laws of God by simply incorporating in the state. But Southern nonetheless had his moments. He underscored the presumptuousness of little-known sectarian refugees like Jason W. Briggs reorganizing the 'true' Latter Day Saint church and calling new apostles, even as Joseph Smith's own apostles were building a thriving civilization in the Great Basin. For his own part, Blair acknowledged that as an apostle in William Smith's church in 1851-1852, he denounced Briggs's founding revelation for the Reorganization. Blair's persuasiveness that Joseph III was properly ordained first a high priest and only secondly church president at the 1860 Amboy conference also left something to be

desired. And like Joseph III a week earlier, Blair offered a surprisingly feeble defense of the Reorganization's revelation-approving-process.²⁴

With the conclusion of Blair's laborious deposition, the plaintiffs spent the rest of the February 9th workday on a series of brief depositions. To begin with, Parley Kelley called upon the aforementioned forty-eight-year-old Union veteran Henry A. Stebbins, the official secretary and recorder of the Reorganized Church, who, sadly, buried his only child a few weeks earlier. Among other things, Stebbins vouched for the authenticity of the April 1891 RLDS conference resolution authorizing the drawing up of Articles of Incorporation for the State of Iowa. Southern tried to raise concerns about the Reorganization's incorporated status, but as in his exchange with W. W. Blair, he did it so ham-fistedly, accusing Stebbins of working for a corporation rather than a church, that it made the attorney seem desperate. Stebbins also testified to Parley Kelley that some 3,000-5,000 members of Joseph Smith's church eventually joined the Reorganization. If Kelley thought this statistic would highlight the demographic continuity between the churches of Joseph Smith and Joseph III, Southern contained the damage by soliciting Stebbins's admission that the Reorganization had attracted only one apostle, one stake president, twenty-one high priests, and eighteen seventies from Joseph Smith's era. Southern also learned from Stebbins that the Reorganization possessed only one original manuscript from Joseph Smith's church—the minutes of the Kirtland Elders' Quorum. This was a damning indictment of the Reorganization's organizational (dis)continuity, effectively offsetting whatever good Stebbins might have done for the plaintiff.²⁵

Up to this point the plaintiff's testimony had focused heavily on the inner workings of Joseph Smith's movement and its sundry successors. All seven of the plaintiff's witnesses had been prominent members of the Reorganized Church—Edmund L. Kelley, James Whitehead, Joseph Smith III, William Smith, John W. Brackenbury, W. W. Blair, and Henry A. Stebbins. In the final few hours of the February 9th workday, the plaintiffs broadened their focus to the Mormon presence in Jackson County. They did so for three reasons. First, they wished to demonstrate that Bishop Edward Partridge purchased the Temple Tract in trust for Joseph Smith's church and its rightful successor. Second, they wished to demonstrate that anti-Mormon hostility had, until recently, prevented the Reorganization from returning to Jackson County and claiming the Temple Lot trust. Third, they wished to demonstrate that the defendant Church of Christ had not really occupied the Temple Lot all that long. With these goals in mind, the plaintiffs solicited brief testimonies from five local residents in the concluding hours of February 9th. Three were non-Mormons; two were regional legends.

One of these local legends, seventy-five-year-old Robert Weston, came from one of the founding families of Independence. His father, Samuel Weston, performed the woodwork on the very courthouse that Joseph Smith's July 1831 revelation used to identify the location of the Temple Tract. Robert himself became renowned for the wagons he prepared for thousands of pioneers heading out across the Santa Fe, Oregon, and California trails. Weston also served as the mayor of Independence in the 1870s.²⁶ At any rate, as the plaintiffs hoped, Weston testified that in the early 1830s the non-Mormon citizens of Independence recognized that Edward Partridge was the bishop of

the Mormons. As a youth, he recounted, he watched Partridge get roughed up by a mob, an allusion to Partridge's 1833 tarring-and-feathering. Weston also testified that the property under dispute had always been known as the "Temple Lot" or something to that effect. These remarks certainly must have pleased the plaintiffs, for they dramatized the anti-Mormon hostility of old-time local residents and indicated that, even after expelling the Mormons from Jackson County in 1833, local residents continued to recognize the entrusted character of the Temple Tract. But Weston undercut the power of the last point by recounting that sometime before the Civil War, non-Mormons landowners John Maxwell and Samuel Woodson asked him and two others to appraise the value of the Temple Tract. At the time, the witness recalled, the property was "open ground": He didn't know who had possession of it, and evidently didn't even conceive that it still belonged to the Mormons. At mid-century, then, Weston and his colleagues apparently did not consider the Temple Lot a land held in trust for the Mormons.²⁷

The plaintiffs next heard the testimony of Isaac N. Rogers, a non-Mormon who settled in Independence in 1848 and served for years as the cashier of the Chrisman-Sawyer Banking Company. Like Weston, Rogers testified that local residents had always referred to the disputed grounds as the "Temple Lot" or something similar. John Southern didn't dispute the point and declined to cross-examine the witness.²⁸

Rogers was followed by seventy-eight-year-old William McCoy, the other regional legend. A native Ohioan who came to Independence in 1838 because of a coin flip, McCoy co-founded the first private bank in Independence, served as the town's first mayor, and partnered in the largest mercantile enterprise of the antebellum Santa Fe trade

between Independence and Mexico.²⁹ McCoy, like preceding deponents, testified that local residents referred to the property under question as “Temple” grounds. Even though he arrived in Independence five years after the Mormon expulsion, he recalled, there was still a lot of talk about the property, the result, he thought, of its sheer beauty, of a hanging performed on or near the property in 1839, and of rumors that a temple would be constructed thereupon someday. McCoy wouldn’t rule out the possibility that John Maxwell and Samuel Woodson erected a fence on the Temple Grounds in the 1850s, nor would he rule out the possibility of an early fence on the highest point of the Temple Grounds, the 2.5-acre Temple Lot proper. His general impression, however, was that the Temple Grounds remained vacant and unimproved until the Missouri Pacific Railroad opened a depot at its southern edge. McCoy’s testimony certainly helped the plaintiffs, for in broad strokes he evoked a land preserved from the hand of Independence development. Unfortunately for the plaintiffs, McCoy also opined that Woodson’s and Maxwell’s Addition did not include the Temple Lot proper, a mistaken impression that cast some doubt on the accuracy of his other observations.³⁰

After hearing from three non-Mormons, the plaintiffs concluded the day with two deponents from the Reorganized Church. Unlike their non-Mormon predecessors, Thomas Halley and Clarence St. Clair were not longtime residents of Independence. Both men testified that when they moved to the city in 1882, there were no improvements on the 2.5-acre Temple Lot. Circus performers, they incredulously recalled, used the vacant sacred territory on occasion as a camping ground! The two men were therefore relieved when the Church of Christ erected a fence and planted some trees on the

property in 1883. St. Clair added that the Church of Christ subsequently erected a church building on the property sometime in the late 1880s. John Southern didn't cross-examine Halley other than to confirm his RLDS membership. But he got St. Clair to acknowledge that the lack of a fence in 1882 did not mean there necessarily wasn't a fence earlier in time. Picking up on St. Clair's passing observation that Church of Christ member Daniel Bauder cut hay on the Temple Lot prior to building the 1883 fence, Southern shrewdly asked how the specialized hay-grasses Bauder cut could have grown without prior human cultivation. St. Clair acknowledged the point, but realizing that he had contradicted his earlier testimony of no improvements on the Temple Lot prior to 1883, he quickly backtracked and said he really didn't know if the soil had been sown beforehand or not.³¹

Thus ended the first phase of Temple Lot Case depositions. After twelve witnesses and seven days of depositions spread out over sixteen days, the plaintiffs must have been pleased with their progress. The plaintiff's witnesses had presented strong scriptural and firsthand testimony in favor of the doctrine of lineal succession and the succession rights of Joseph Smith III. They had successfully highlighted continuities and discontinuities between Joseph Smith's church and, respectively, the Reorganized Church and the LDS Church. With the exception of William Smith, they had been pretty frank about the confusing and sometimes embarrassing sectarian cauldron from whence the Reorganization sprang. They had demonstrated that the Temple Grounds maintained its reputation as Mormon space through the decades. And they had capably defended the right of the Reorganization to incorporate within the State of Iowa.

Still, the plaintiffs came up short in certain areas. Despite considerable circumstantial evidence, the plaintiff lacked conclusive firsthand evidence that Edward Partridge purchased the Temple Lot in trust for Joseph Smith's church. Despite repeated testimony that Jackson County non-Mormons identified the contested site as "Temple" property long after the 1833 Mormon expulsion, the plaintiff had been unable to show that this wasn't just a ready means of identification, and that local residents believed the property had to lie in wait perpetually for the return of the Mormons. And despite recollections that the Church of Christ only began to improve the Temple Lot in 1883, the plaintiff as yet had not explained why anti-Mormon sentiment prevented the Josephites, but not the Hedrickites, from returning earlier to Jackson County.

John N. Southern did his own part to impede the plaintiff's progress. He demonstrated that James Whitehead believed too readily in supernatural hearsay, that William Smith misrepresented his mid-century succession claims, that Joseph III may not have been properly ordained both a high priest and church president at the 1860 Amboy conference, that the Reorganization had virtually no manuscript memory from Joseph Smith's era, that the Reorganization had attracted relatively few priesthood officers from the Prophet's era, that the founders of the Reorganization were presumptuous to assume greater authority than Joseph Smith's own apostles in Utah, and, finally, that a number of differences existed between the Reorganization and Joseph Smith's church, the most important being that common consent and revelation-testing did not play as important a role in the latter as it did in the former. All in all, however, John Southern's cross-

examinations slowed the plaintiff's advances but did not reverse them. The leaders of the Reorganized Church could look at the first phase of depositions with satisfaction.

Endnotes

- ¹ TLC-C, 1:1.
- ² Joseph Smith III Journal, 25 January 1892, Community of Christ Archives, Independence; Joseph Smith III deposition, 28 January 1892, TLC-C, 1:78, 87-88 (Q319-326, 526-528).
- ³ Joseph Smith III Journal, 25 January-2 February 1892, CofC Archives; Richard P. Howard, ed., *The Memoirs of President Joseph Smith III* (Independence: Herald Publishing House, 1979), 310, 315.
- ⁴ TLC-C, 1:1-2.
- ⁵ Edmund L. Kelley deposition, 26 January 1892, TLC-C, 1:2-7 (Q1-59). Quote, 1:5 (Q46).
- ⁶ James Whitehead deposition, 26-27 January 1892, TLC-C, 1:7-47 (Q1-749). For newspaper coverage, see "A Queer Law Suit Is This," *KCT*, 27 January 1892, 8; "The Mormon Temple Lot," *KCS*, 27 January 1892, 6.
- ⁷ Alexander H. Smith journal, 14-15 May 1864 and undated entry opposite the torn page that follows; W. W. Blair journal, 17 June 1874. Both documents in the CofC Archives.
- ⁸ Joseph Smith III journal, 20 April 1885, CofC Archives. Perhaps to allay the impact of this information, Whitehead told Joseph III on that occasion that the Prophet only taught sealing for eternity, not time, the implication being that polygamy was reserved for the afterlife. See W. Grant McMurray, "True Son of a True Father: Joseph Smith III and the Succession Question," *RS*, 1:142.
- ⁹ W. W. Blair journal, 17 June 1874, CofC Archives.
- ¹⁰ Pottawattamie High Council record, 5 November 1848, in D. Michael Quinn, "The Mormon Succession Crisis of 1844," *BYU Studies* 16 (Winter 1976), 226; Orson Hyde to Orson Pratt, 6 November 1848, in *MS* 11 (15 January 1849), 27. See also *MH*, 1:435-436n233.
- ¹¹ D. Michael Quinn, "Joseph Smith III's Blessing and the Mormons of Utah," *JWJ* 1 (1981), 14-15. For Howard's response, see pages 28-29.
- ¹² Joseph Smith III deposition, 27-29 January 1892, TLC-C, 1:47-166 (Q1-1748). For newspaper coverage, see "The Mormon Temple Lot," *KCS*, 27 January 1892, 6; "A Prophet's Deposition," *KCS*, 28 January 1892, 6; "Wherefore These Revelations," *KCT*, 28 January 1892, 3; "The Story of the Mormons," *KCS*, 29 January 1892, 2; "The Seer Testifies" and "In and Near Kansas City," *KCT*, 29 January 1892, 8, 1, respectively; "Patriarchs on the Stand," *KCS*, 30 January 1892, 3; "Mormonism in Missouri," *SLT*, 31 January 1892, 1; "Testimony of Prophets," *Pittsburgh Dispatch*, 31 January 1892, 4.
- ¹³ William Smith deposition, 29-30 January 1892, TLC-C, 1:166-219 (Q1-708). For newspaper coverage, see "The Story of the Mormons," *KCS*, 29 January 1892, 2; "In and Near Kansas City," *KCT*, 30 January 1892, 1; "Patriarchs on the Stand" and an untitled editorial in the *KCS*, 30 January 1892, 3, 4, respectively; "A Sensation Expected," *KCT*, 31 January 1892; "Testimony of Prophets," *Pittsburgh Dispatch*, 31 January 1892, 4.
- ¹⁴ Kirtland High Council minutes, 14-15, 21, 27 February 1835, in *KCMB*, 70-87; Milton V. Backman, Jr., *The Heavens Resound: A History of the Latter-day Saints in Ohio, 1830-1838* (Salt Lake City: Deseret Book, 1983), 248-251. Smith offered a more accurate depiction of his apostolic ordination in his book, *William Smith on Mormonism* (Lamoni: Reorganized Church of Jesus Christ of Latter Day Saints, 1883), 26-27.
- ¹⁵ *HC*, 7:418; *MH*, 1:215, 220; Irene M. Bates and E. Gary Smith, *Lost Legacy: The Mormon Office of Presiding Patriarch* (Urbana: University of Illinois Press, 1996), 82.
- ¹⁶ Paul M. Edwards, "William B. Smith: 'A Wart on the Ecclesiastical Tree,'" in Roger D. Launius and Linda Thatcher, eds., *Differing Visions: Dissenters in Mormon History* (Urbana: University of Illinois Press, 1994), 147-148; Roger Van Noord, *King of Beaver Island: The Life and Assassination of James Jesse Strang* (Urbana: University of Illinois Press, 1988), 51. Writing James J. Strang in late 1846, for instance, William signed his envelopes "from the Patriarch of the Church" or some variation thereof.

See William Smith to James J. Strang, 2, 7, and 14 December 1846, James J. Strang Collection, Beinecke Library, Yale University, New Haven, CT.

¹⁷ On the 1842 charges, see the Nauvoo High Council minutes, 25 May 1842, in *NCM*, 417-418; Gary James Bergera, "John C. Bennett, Joseph Smith, and the Beginnings of Mormon Plural Marriage in Nauvoo," *JWJ* 25 (2005), 77; Andrew F. Smith, *The Sainly Scoundrel: The Life and Times of Dr. John Cook Bennett* (Urbana: University of Illinois Press, 1997), 89. On the Boston Branch troubles, see Wilford Woodruff to Brigham Young, 9 October 1844, in Irene M. Bates, "William Smith, 1811-93: Problematic Patriarch," in John Sillito and Susan Staker, eds., *Mormon Mavericks: Essays on Dissenters* (Salt Lake City: Signature Books, 2002), 16; Wilford Woodruff journal, 7-8, 12, 15, 24 October, 22 November, and 3 December 1844, in *WWJ*, 2:471-474, 477, 484, 487; John Hardy, *History of the Trial of Elder John Hardy, Before the Church of Latter Day Saints in Boston, for Slander, in Saying that G. J. Adams, S. Brannan, and William Smith Were Licentious Characters* (Boston: Conway and Company, 1844). On the Twelve's charges, see the William Clayton journal, 17 August 1845, in *JWC*, 178; John Taylor journal, 17 August 1845, in Dean C. Jessee, ed., "The John Taylor Nauvoo Journal: January 1845-September 1845," *BYU Studies* 23/3 (1983), 83-84; William Smith to Emma Smith, 21 [October or November] 1845, in Bates and Smith, *Lost Legacy*, 93-94; *HC*, 7:458-460, 483. On Strang's charges, see the Testimony of Sarah Ellsworth before James J. Strang, 23 April 1847, item #181, Beinecke Library; Smith, *Sainly Scoundrel*, 163; *MH*, 1:224, 596. On the charges of William's own followers, see Isaac Sheen to editor, *Cincinnati Daily Commercial*, 22 May 1850, in Richard S. Van Wagoner, *Mormon Polygamy: A History* 2d. ed. (Salt Lake City: Signature Books, 1989), 245n7; Robert B. Flanders, "The Mormons Who Did Not Go West: A Study of the Emergence of the Reorganized Church of Jesus Christ of Latter Day Saints" (M. A. thesis: University of Wisconsin, 1954), 31-33, 48-50; Richard P. Howard, "The Reorganized Church in Illinois, 1852-82: Search for Identity," *Dialogue* 5 (Spring 1970), 64.

¹⁸ Todd Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1997), ch. 10; Pearl Wilcox, *Saints of the Reorganization in Missouri* (Independence: by the author, 1974), 222-224, 238, 242, 247-248, 253, 256, 260, 263, 283, 308, 389; *MRLDS*, 1:581-582.

¹⁹ John W. Brackenbury deposition, 30 January 1892, TLC-C, 1:219-221 (Q1-57). Local newspapers found nothing newsworthy in Brackenbury's deposition.

²⁰ Susan Easton Black and Harvey Bischoff Black, eds., *Annotated Record of Baptisms for the Dead, 1840-1845, Nauvoo, Hancock County, Illinois* 7 vols. (Provo: Center for Family History and Genealogy, 2002); M. Guy Bishop, "'What has Become of Our Fathers?': Baptism for the Dead at Mormon Nauvoo," *Dialogue* 23 (Summer 1990), 85-97; *HMH*, 28-36, 55-60, 69-70, 73-77, 112-115, 205-206, 233-237.

²¹ "A Queer Law Suit Is This," *KCT*, 27 January 1892, 8.

²² "A Sensation Expected," *KCT*, 31 January 1892. A similar report later added that, according to "knowing" sources, whomever should lose the fight for the Temple Lot, whether it be the LDS Church or the RLDS Church, "will give up and will consolidate with the successful one and Independence will be the headquarters of the church." The report pretty much dismissed the viability of the Church of Christ. See "Saints Have Taken A Town," *KCT*, 7 April 1892, 8.

²³ "A Day To Be Remembered," *ZE*, 6 February 1892, 1. See also "Affairs in Independence," *KCT*, 31 January 1892, 6.

²⁴ W. W. Blair deposition, 8-9 February 1892, TLC-C, 1:221-346 (Q1-1341). For newspaper coverage, see "The Suit for the Temple Lot," *KCT*, 9 February 1892, 2; miscellaneous comments in *KCT*, 10 February 1892, 6.

²⁵ Henry A. Stebbins deposition, 9 February 1892, TLC-C, 1:346-348 (Q1-27), 2:349-359 (Q28-215).

²⁶ Robert Weston depositions, 9 February 1892, TLC-C, 2:359-360 (Q1-7), and 20 April 1892, 2:577-578 (Q1-9), 2:585 (Q112-117); Pearl Wilcox, *Jackson County Pioneers* (Independence: by the author, 1975), 123-124, 137-138, 461; Mark L. Gardner, *Wagons for the Santa Fe Trade: Wheeled Vehicles and Their Makers, 1822-1880* (Albuquerque: University of New Mexico Press, 2000), 64, 71.

²⁷ Robert Weston deposition, 9 February 1892, TLC-C, 2:359-362 (Q1-39).

²⁸ Isaac N. Rogers deposition, 9 February 1892, TLC-C, 2:362-363 (Q1-13).

²⁹ William McCoy deposition, 9 February 1892, TLC-C, 2:363 (Q1-6); William Patrick O'Brien, "Independence, Missouri's Trade with Mexico, 1827-1860: A Study in International Consensus and Cooperation (Ph.D. dissertation: University of Colorado at Boulder, 1994), 173-177, 199, 207, 214, 253, and ch. 6; Kristine Stilwell, "McCoy, William (1813-1900)," in Lawrence O. Christensen, et. al., eds., *Dictionary of Missouri Biography* (Columbia: University of Missouri Press, 1999), 532-533; Wilcox, *Jackson County Pioneers*, 165-167, 276-277, 332, 467; Wilcox, *Saints of the Reorganization in Missouri*, 193-196, 206-207.

³⁰ William McCoy deposition, 9 February 1892, TLC-C, 2:363-366 (Q1-34). Henry Garster was hanged on or near the Temple Tract in 1839. See William Bundschu, *Abuse and Murder on the Frontier: The Trials and Travels of Rebecca Hawkins, 1800-1860* (Independence: Little Blue Valley Publishing Company, 2003).

³¹ Thomas Halley and Clarence St. Clair depositions, 9 February 1892, TLC-C, 2:366-367 (Q1-12) and 2:367-369 (Q1-30), respectively.

Chapter Twenty
The Temple Lot Case Comes to Utah
March 1892

With the first depositions behind them, the opposing sides in the Temple Lot Case spent the final weeks of February and the first week of March preparing for the second phase of depositions, scheduled to begin in Salt Lake City, Utah Territory, on Monday, 14 March 1892.¹ On March 3rd, the attorneys for the two sides asked the Circuit Court to appoint court reporter John M. Orr as a special examiner for the purpose of taking testimony in Salt Lake City between 10 March-15 April 1892, and if need be, in other locations in Utah and Colorado.² Orr's work had been satisfactory to both sides in the case, and the attorneys probably did not want to go through the trouble of finding an equally capable and even-handed court reporter in unfamiliar, culturally-divided Salt Lake City. Judge John F. Philips authorized the request on March 8th.³

Meanwhile, LDS church leaders in Utah were making preparations of their own. On 23 February 1892, thirty-four-year-old Brigham H. Roberts of the LDS First Council of Seventy, who in time would become the leading LDS intellectual of the early twentieth-century, delivered a discourse in the Assembly Hall on Temple Square entitled "The Right of Succession to the Presidency of the Church." Roberts recounted that shortly before his death, Joseph Smith bestowed all priesthood keys and powers upon the Quorum of the Twelve, enjoining them to carry on the work in his absence. With the dissolution of the First Presidency occasioned by the murder of President Smith, the leadership of the church, Roberts argued, necessarily devolved upon the second highest ranking body, the Quorum of the Twelve. Roberts took issue with several other

competing succession claims, but devoted particular attention to Joseph Smith III and the Reorganized Church, methodically rebutting their scriptural arguments on the lineal rights to the presidency. At the end of the speech, Wilford Woodruff arose and vouched for the accuracy of Roberts' historical analysis.⁴ Roberts' speech and Woodruff's remarks were subsequently printed in full in *The Deseret Weekly*, not coincidentally in the midst of the Temple Lot Case depositions in Utah on March 19th.⁵ Roberts would subsequently expand his lecture into a book, as the Temple Lot Case and ongoing conflicts between LDS and RLDS missionaries kept the succession question salient.

The opposing sides left Missouri at the end of the first week in March and arrived in Utah around the 11th, most likely on the Missouri Pacific Railroad.⁶ Edmund Kelley and Parley Kelley were the only plaintiff's representatives to make the trip; Judge Traber, Smith McPherson, George Edmunds, and Joseph Smith III remained behind. Joseph III didn't have any particularly pressing business in Lamoni, so he may have stayed behind knowing that his presence in Salt Lake City would turn an already a dramatic encounter into a veritable frenzy. John N. Southern remained behind as well, leaving Charles A. Hall and James Hedrick to represent the defendants in Utah. Hall, as the Kelleys would repeatedly remind him, was not a trained lawyer. But Hall already had John M. Cannon working behind the scenes in Utah on the defendants' behalf. And when he arrived in Utah he obtained the additional assistance of a local attorney named Richard H. Cabell.⁷

On Sunday, 13 March 1892, the opposing parties most likely attended church and prepared for the busy week ahead. Edmund L. Kelley spoke at the downtown chapel of the Reorganized Church at 11 a.m. and 7:30 p.m. We have no record of the Bishop's

comments, but we can imagine that the embattled congregants wanted to hear his thoughts on the Temple Lot Case. Charles A. Hall probably attended the 2 p.m. services of the Salt Lake Stake in the Tabernacle on Temple Square. Angus M. Cannon presided over the service and John M. Cannon spoke on obedience and sustaining church leaders. Apostle Abraham Cannon, John M.'s cousin, found the sermon "interesting."⁸ But in the diplomatic opinion of the *Salt Lake Tribune*, "the preaching amounted to nothing," as it was just another sermon on "the truth of the Mormon religion."⁹

The Temple Lot Case depositions were scheduled to resume on Monday, March 14th, at 10 a.m., but the plaintiffs didn't begin the proceedings until four hours later in room #69 of Salt Lake City's Cooper Building.¹⁰ For their first witness, the Kelleys surprised everyone by calling upon sixty-eight-year-old Emily Dow Partridge. Partridge had been the plural wife of Joseph Smith and Brigham Young—why would the plaintiffs want to hear her story? But the plaintiffs weren't interested in Emily's plural marriages. They were interested in what she, the daughter of Edward Partridge, had to say about the early history of the Temple Lot. As the Kelleys hoped, Emily testified that her family never considered the Temple Lot their own personal property, nor did people recognize it as Partridge property. Nonetheless, she went on to recount that she, her mother, and her sisters sold a quit claim deed to the property at Winter Quarters in 1848 to the agent of an absent purchaser. Sometime thereafter she signed the quit claim deed in Weston, Missouri. That the Partridge Family sold a quit claim deed to the Temple Lot needn't have alarmed the plaintiff, of course. Selling a quit claim deed doesn't necessarily

signify the seller owned the property; it merely signifies that the seller *might* have had a claim on the property but hereby renounced it. The Kelleys could take heart in her follow-up remark that the purchaser of the quit claim deed, she surmised, understood the unusual ecclesiastical character of the property. On cross-examination, Partridge conceded to Richard H. Cabell that she based her comments not on any positive knowledge but rather on her impressions as a young woman. All in all, the plaintiffs must have been pleased with Partridge's deposition, though they may have found it disconcerting that she seemed to have no knowledge of the Reorganization's alleged 1839 Temple Lot deed between Edward Partridge and Oliver Cowdery's children.¹¹

Following Partridge's brief deposition, Parley Kelley called upon seventy-five-year-old John H. Carter of Provo, Utah. Carter joined the Mormons in 1834, emigrated to Utah in 1850, but joined the Reorganized Church in 1882. Concurring with James Whitehead and Joseph Smith III, Carter testified that in Nauvoo he witnessed Joseph Smith publicly introduce Joseph III as the church's next prophet. Carter denounced Brigham Young's usurpation of the First Presidency, arguing that the 200-300 people who sustained the action in the Kanesville Tabernacle in 1847 did not properly represent the general membership of the church. He also testified that LDS leaders deviated from the Prophet's teachings with plural marriage, blood atonement, and the Adam-God doctrine. The Prophet, Carter remembered, insisted on the primacy of Scripture and common consent. Carter, in sum, provided the Reorganization one of their most valuable depositions. Nonetheless some of his nuances were potentially problematic. Carter indicated there was some ambiguity in the Prophet's remarks on Joseph III; for example,

at one point he curiously commented that nothing was said on that occasion about succession. He also admitted that Joseph Smith never held a sustaining vote on the succession of his son. Carter furthermore implied that some individuals—not Joseph Smith—practiced polygamy in secret during Smith’s lifetime. He also testified that while still in Nauvoo he learned that the polygamy revelation, the same one he presumed the LDS Church later canonized, had been presented to the Nauvoo High Council. Carter said this occurred shortly after the Prophet’s death, timing that probably cut too close for the plaintiff’s liking.¹² Once again the defendants had no countervailing evidence on hand to challenge key testimony. They failed to demonstrate that Hyrum Smith presented the polygamy revelation to the high council ten months before the Prophet’s death.¹³ They failed to demonstrate that over 1,000 members sustained the LDS First Presidency in the Kanesville Tabernacle, and that general conferences in Council Bluffs, Salt Lake City, and Manchester, England subsequently seconded the action.¹⁴ And neither the plaintiff nor the defendants realized that Carter likely knew more than he let on: His brother Dominicus married up to three plural wives in post-martyrdom Nauvoo.¹⁵

The following morning, 15 March 1892, Parley Kelley questioned seventy-nine-year-old John Taylor of Davis County, Utah. Taylor (not to be confused with the LDS president of the same name) converted to Mormonism in 1832, gathered to Independence in April 1833, endured the Missouri expulsions, settled in Nauvoo, cut lumber in the Wisconsin pineries for the Nauvoo Temple, lived for several years in Lyman Wight’s Texas colony, reunited with his extended family in Utah in the 1850s, and became one of the first Utahns to join the Reorganized Church in 1863. On the witness stand, Taylor

testified that he understood Edward Partridge purchased the Temple Lot in his own name, but that Partridge personally told him it was church property purchased by church funds and dedicated for church purposes. Taylor was also emphatic that the church did not condone polygamy in the Prophet's era. When he reported seeing John C. Bennett enter a house of ill-repute near the Nauvoo Temple, Joseph Smith denounced Bennett and the Nauvoo City Council razed the brothel. And in March 1844, Taylor added, Richard Hewitt read him a Hyrum Smith letter denouncing polygamy. On cross-examination, however, Taylor specified that he never actually saw donations change hands for the Temple Lot. He opined, moreover, that the letter Hewitt read to him was half or even a third shorter than the version published in the *Times and Seasons*, which raised questions about the provenance of this letter the plaintiffs so frequently cited.¹⁶

At the conclusion of Taylor's deposition, the plaintiffs announced that they would call no further witnesses but reserved the right to do so later in time. They expressed an interest in obtaining the testimony of Edward Partridge Jr., son of the late bishop, as well as some unidentified individuals living north in Ogden, probably members of the RLDS branch.¹⁷ As it turned out, the plaintiffs called no further witnesses in Utah. Nonetheless the three depositions they collected in the Territory strengthened their case considerably. Emily Partridge and John Taylor provided the best evidence yet that Edward Partridge purchased the Temple Lot in trust for Joseph Smith's church. John H. Carter lent weight to Joseph III's succession rights. Carter and Taylor reinforced the point that LDS leaders departed from the teachings of the Prophet. The trio's testimony had limitations, of course. Emily Partridge provided no evidence for the alleged 1839 Partridge-Cowdery

deed. Carter seemed certain the Nauvoo church did not sustain Joseph III as the Prophet's successor. He also came close to linking polygamy to Joseph Smith's era. All in all, though, the Utah depositions of the Reorganized Church proved successful.

On Wednesday, 16 March 1892, the Church of Christ called their first witnesses of the case. Tellingly, they chose to do so in a decidedly Latter-day Saint space, the Hotel Templeton. This building, one LDS apostle noted, was "run entirely by our people." The structure had been dedicated for banking and lodging in December 1890 by the LDS First Presidency and Quorum of the Twelve, John M. Cannon's uncle, George Q. Cannon, offering the dedicatory prayer.¹⁸ Located across from Temple Square on the southeast corner of Main and South Temple, the six-floor, seventy-room Templeton modestly billed itself as "The Only Strictly First-Class Hotel in Salt Lake City." The top floor dining room offered a scenic view of the Wasatch Mountains, the Lion House, the Beehive House, the Tabernacle, Assembly Hall, and the soon-to-be-completed Salt Lake Temple. The most famous photographs of the Temple's 1892 capstone ceremony and 1893 dedication ceremony were taken atop the Templeton.¹⁹

The setting was fitting. Over the next several days the two protagonists in the Temple Lot Case, the Reorganized Church and Church of Christ, would seemingly fade into the background, turning the spotlight almost exclusively on the LDS Church and the origins of polygamy, LDS temple ordinances, and the succession rights of Brigham Young's Quorum of Twelve. With the Woodruff Manifesto just eighteen months old and the imposing Salt Lake Temple nearing completion, these issues remained of great

interest to the public. The controversial testimony elicited in this phase of the case drew daily coverage from multiple local newspapers. One week into the proceedings, the *Salt Lake Herald* commented on the intense interest: “The quiet air of respectability that surmounts the Templeton, keeps away the vast crowd that would attend the taking of testimony were the proceedings being held in some public place.”²⁰ Thanks, in part, to the LDS depositions, the Temple Lot Case would in time attract national attention.

In all fourteen LDS witnesses, seven men and seven women, would testify in the eight days from March 16th to March 23rd: Wilford Woodruff, Melissa Lott Willes, Lorenzo Snow, Lyman O. Littlefield, Joseph C. Kingsbury, Mercy Rachel Thompson, Bathsheba W. Smith, Emily Dow Partridge, Joseph B. Noble, Lucy Walker Kimball, Mary Ann Covington West, Priscilla Morgridge Staines, Cyrus H. Wheelock, and Samuel W. Richards. Their ranks included the president of the LDS Church and his future successor, the current president of the Quorum of Twelve; the man who copied the revelation on plural marriage; the man who performed possibly the first plural and eternal marriage in Mormon history; three plural wives of Joseph Smith; two plural wives of William Smith; the first plural wife of Hyrum Smith; three members of Joseph Smith’s Anointed Quorum; and the bodyguard who gave Joseph the pistol with which he unsuccessfully fought off his Carthage Jail assailants. In sum, the LDS witnesses in the Temple Lot Case comprised a veritable who’s who of Utah Mormonism. These witnesses were obtained through the collaborative efforts of Charles A. Hall, Wilford Woodruff, Angus M. Cannon, and perhaps, in one instance, Joseph F. Smith.²¹

That LDS leaders testified in the Temple Lot Case and actively encouraged others to do so was significant. For two years now, Wilford Woodruff had been trying to turn a corner in the church's combative relationship with the United States. By discontinuing the practice of plural marriage in 1890, by breaking up the church's political party in 1891, Woodruff was trying to make peace with American society, trying to get the United States to return the church's confiscated assets, trying to win statehood for Utah. The general reaction to Woodruff's overtures had been positive. As long as LDS leaders were willing to move in a new direction, most Americans seemed willing to give them the benefit of the doubt and move forward. Nonetheless, many Americans, particularly non-Mormon Utahns, distrusted LDS motives and saw the reforms as little more than a smokescreen. Throughout the 1890s, LDS leaders fended off allegations of covert polygamy and political meddling. (It didn't help matters that the allegations sometimes had substance.²²) During the eight days of the depositions, in fact, LDS leaders were fighting off allegations that they had covertly pressured Cache County church members to vote Republican.²³ In this tenuous context, LDS leaders took a substantial risk testifying in the Temple Lot Case. To combat RLDS succession claims, LDS witnesses would need to testify under oath that, despite repeated public denials, Joseph Smith and Brigham Young secretly propagated the practice of plural marriage. At a time when LDS leaders were trying to establish trust with the American public, the last thing they needed to do was remind the public that the founder of Mormonism and the founder of Utah lied to the American public. If Joseph Smith and Brigham Young could not be trusted, why should Wilford Woodruff and Joseph F. Smith be trusted? LDS leaders could have

supported the Church of Christ behind the scenes but declined to provide witnesses in their behalf. Instead, despite the risks, they went ahead and testified.

Charles A. Hall and, above all, Parley P. Kelley would perform the bulk of the questioning of the LDS witnesses. Hall would direct-examine all fourteen individuals, Kelley would cross-examine twelve. Typically, Hall would ask a few dozen questions of each witness, and Kelley would ask literally hundreds in cross-examination. But Hall and Kelley weren't the only individuals to pose questions. On occasion Richard H. Cabell and James Hedrick would speak up for the defendants, usually during redirect-examination. For the opposing side, Edmund L. Kelley would perform the cross-examination of two of the first day's three witnesses, Melissa Lott Willes and Lorenzo Snow. Curiously, Bishop Kelley would not cross-examine another witness in Utah. Given the advanced age of some witnesses, moreover, on occasion audience members like Angus M. Cannon and Joseph F. Smith would interject information to help the witnesses' recall, an annoyance the Kelley brothers tried to curtail.²⁴

For their first witness the defendants called Wilford Woodruff, the eighty-five-year-old president of the LDS Church. Woodruff could only stay for Hall's direct-examination; illness and pressing business forced him to postpone the cross-examination to the next morning. In his truncated appearance, Woodruff testified that the early church reflexively accepted Joseph Smith's revelations as the word of the Lord; if there were any formal sustaining procedures for Smith's revelations, they didn't make much of an impression on Woodruff. He also confirmed that Smith kept some revelations from the

church at large, such as the revelation on plural marriage. Based on firsthand knowledge, moreover, Woodruff insisted that Smith instituted both the practice of plural marriage and the endowment ceremony. He noted furthermore that the manuscript records and most members of Smith's church came out west with the Twelve. And he affirmed that the LDS Church offered the same teachings as Smith, including tithing, the endowment, and baptism for the dead. The only comfort the plaintiffs could take from Woodruff's first appearance was his assurance as the former business manager of the *Times and Seasons* that the Hyrum Smith anti-polygamy letter published in the 15 March 1844 issue represented an accurate reproduction of the original.²⁵

Following Woodruff's abrupt departure, Charles Hall called to the stand sixty-eight-year-old Melissa Lott Willes. Willes testified that while living in the Smith's Nauvoo home as one of Emma's hired helpers, Joseph Smith disclosed to her that he received a revelation sanctioning plural marriage and that he wished her to be his plural wife. Willes looked upon Smith as a prophet of God, so she accepted the proposal. With her family present on 27 September 1843, Hyrum Smith sealed nineteen-year-old Melissa to the thirty-seven-year-old Prophet as a plural wife for time and eternity. Using the indirect sexual language of the late Victorian era, Willes confirmed that she "roomed" with Smith on more than two occasions and that she was his wife in all that the word implied. She also certified that Smith allowed her and a great number of other individuals to read the revelation on plural marriage, and she confirmed that it was the same revelation canonized in the LDS *Doctrine and Covenants*. On cross-examination, Edmund Kelley demonstrated that, if Willes was married to Smith, it was a furtive,

clandestine relationship unrecognized by the institutional church. Willes more or less acknowledged that the church didn't officially sustain the plural marriage revelation, Emma Smith didn't attend her wedding, Willes didn't appear in public as Smith's wife, she didn't use his surname in public, she didn't publicly mourn his death as his wife, and that no children resulted from the marriage. Kelley did a good job chipping away at Willes's testimony, though he did not undermine her central claims.²⁶

The defendants' third witness of the day was Lorenzo Snow, seventy-eight-year-old president of the LDS Quorum of Twelve Apostles and, six years later, Wilford Woodruff's successor as church president. Unlike most deponents, the good-natured Snow had fun on the witness stand, rarely missing an opportunity to needle the ever-serious Edmund Kelley. Substantively, Snow testified that in April 1843, Joseph Smith taught him the doctrine of plural marriage, telling him that he had resisted the revelation until an angel with a drawn sword threatened his life. Smith also disclosed to him that he had already taken Snow's sister, Eliza, as a plural wife. Snow conceded that polygamy wasn't revealed to the public in Smith's lifetime. In fact, Smith flatly told Snow the church wasn't ready to receive the doctrine, that even his brother Hyrum at that point couldn't stomach it. The Kelley brothers caught many an LDS witness flatfooted with the contradiction between private polygamy and official monogamy, but Snow's response was so nuanced that it left Kelley, for once, off-balance. Snow argued that there was no distinction in the early church between Joseph Smith and church law—Smith *was* the law, and any Saints to whom he revealed doctrine were obligated to accept it. The fact that Smith didn't present certain revelations to the church didn't make those revelations

any less authoritative, Snow argued, it just narrowed the number of individuals obligated to abide those revelations. Those to whom Smith did not reveal the doctrine of polygamy were obliged to live monogamously; those whom he authorized to practice polygamy were justified in practicing it. To be sure, Kelley scored points elsewhere. Snow struggled to explain the late timing of the July 1843 plural marriage revelation, and he candidly acknowledged that Brigham Young became church president via apostolic seniority and common consent, not revelatory or prophetic appointment. All in all, though, Snow proved to be one of the defendants' best witnesses.²⁷

That evening, March 16th, Salt Lake City buzzed with excitement as Charles W. Eliot, the president of Harvard University and the nation's premier educational reformer, addressed a packed house at the Mormon Tabernacle. Seated on the stand were several individuals involved one way or another in the current dispute with the Reorganized Church: Wilford Woodruff, Angus M. Cannon, Charles W. Penrose, B. H. Roberts, and Joseph F. Smith. Eliot electrified the crowd by favorably comparing the Utah pioneers to the Puritan pioneers and admonishing the federal government to grant the Mormons equal protection of the law. President Woodruff offered some concluding remarks.²⁸ The Eliots ended their night at the Hotel Templeton.²⁹ But President Eliot's favorable remarks to the Mormons ignited a firestorm of controversy that would last for weeks.³⁰

Wilford Woodruff's cross-examination was rescheduled to begin at 9:30 a.m. the following morning, March 17th. But the octogenarian's ill health worsened through the night. When the appointed time arrived, Woodruff's secretary presented Examiner John M. Orr with a physician's note from Dr. Seymour Young stating that Woodruff was ill

and could not make it. The two sides agreed to postpone Woodruff's cross-examination indefinitely until he felt well enough to testify. Woodruff, of course, was not one to rest. He went to his office anyway and, despite his illness, worked through the day. Better to work at his own pace, though, than the quickened pace of hostile attorneys. He would battle the illness all week.³¹

In lieu in Wilford Woodruff, the defense began their second day of depositions by calling upon seventy-two-year-old Lyman O. Littlefield, the LDS author of a number of faith-promoting essays in the 1840s and again in the 1880s-1890s. The defendants likely knew of Littlefield because of his 1883 public debate on polygamy's origins with Joseph Smith III. But Littlefield did not help the defendants; in fact, he hurt their cause. Littlefield testified up front that Joseph Smith taught and practiced polygamy, only to subsequently admit that Smith never said a word to him on the subject. Littlefield testified that he spoke with many men and women about polygamy during Smith's lifetime, but the only individuals he could so identify were Apostle John Taylor and the obscure Lysander Gee, and Littlefield didn't seem all that certain Taylor actually spoke with him on the matter. Littlefield testified that he saw the revelation on plural marriage during Smith's lifetime, yet he could remember virtually nothing of the text, he expressed second-thoughts as to whether he had actually seen or heard it at all in Nauvoo, and he couldn't rule out the possibility that he learned of the revelation from the John C. Bennett spiritual wife controversy. Littlefield, in short, offered grandiose assertions but little or no substantiating evidence, a deadly combination for any deposition.³² Littlefield's ineffectiveness probably stemmed from his reticence to revisit embarrassing moments

related to Nauvoo polygamy. He didn't inform the court that Joseph Smith filed slander charges against him in February 1842.³³ He didn't inform the court that the Nauvoo High Council disfellowshipped him for adultery and false doctrine in May 1842 during their sweep against Bennett's spiritual wife underground.³⁴ He didn't inform the court that in January 1846 Heber C. Kimball sealed Littlefield's wife, Olive Andrews, for time to Brigham Young and, with Young acting as proxy, for eternity to Joseph Smith, leading a number of scholars to suspect that Smith married Littlefield's wife *before the martyrdom* in a polyandrous union.³⁵ With Littlefield refusing to tell the whole truth, Parley P. Kelley found little more than hearsay in the witness's recollections of Nauvoo polygamy.

While Littlefield testified, the LDS Female Relief Society celebrated its fiftieth anniversary in wards and stakes throughout the church, the signature event being a Jubilee Celebration in the Tabernacle. Among the many participants in the program were three individuals involved in the Temple Lot Case. Angus M. Cannon delivered the invocation, Relief Society second counselor Bathsheba W. Smith recounted Joseph Smith's instructions to the society, and Joseph F. Smith offered the noontime prayer. (Wilford Woodruff's health prevented him from attending the event.³⁶) Irony abounded in the juxtaposition of the Relief Society Jubilee and the Temple Lot depositions. Fifty years earlier, founding Relief Society president Emma Smith used the organization to combat spiritual wifery and defend her husband against plural wife charges. In fact, her organization produced one of the 1842 polygamy denials the Reorganization often cited. Now five decades later, members of Emma's organization were recounting polygamous marriages with Joseph and other Nauvoo men against a rival church led by Emma's son.

Emma still held an honored place in the LDS Relief Society; her portrait stood prominently on the Jubilee stand alongside those of her successors. But unlike Emma, the LDS Relief Society had long ago made its peace with polygamy.³⁷

As if President Eliot of Harvard, the Jubilee of the Relief Society, and the Temple Lot Case didn't make for an interesting enough week, Angus M. Cannon and other LDS leaders spent some time later in the day with Andrew Carnegie, the wealthy industrialist, and Andrew Dickson White, co-founder of Cornell University and founding president of the American Historical Society. Cannon arranged a private Tabernacle organ recital for the two men by Evan Stephens, conductor of the Tabernacle Choir. Despite their generally secular outlooks, both men came away impressed. White, a bibliophile, purchased copies "of all our church works," Cannon noted.³⁸ As minister to Russia two years later, White would share his impressions of the Mormons with Leo Tolstoy.³⁹

After Littlefield's disappointing deposition, seventy-nine-year-old Joseph C. Kingsbury followed with possibly the defendants' most valuable deposition. Nobody alive could match Kingsbury's stunning firsthand testimony that, with Joseph Smith's consent, he copied William Clayton's manuscript of the plural marriage revelation for Bishop Newel K. Whitney in July 1843, and that his copy served as the manuscript source for the revelation the LDS Church published in 1852 and canonized in 1876. Kingsbury struck a powerful blow against the plaintiffs, but Parley Kelley minimized the damage with a superb cross-examination. Kelley found that Kingsbury could remember suspiciously few details about the copying process, and those that he threw out seemed rather unlikely. Kingsbury likewise remembered nothing of the text's content other than

that it authorized plural marriage. Kelley also cogently noted that Kingsbury could directly tie Clayton and Whitney to the manuscript, but not Joseph Smith. Kelley did not destroy Kingsbury's testimony, but he raised serious questions about it.⁴⁰ Kingsbury would have been more effective had he disclosed the full extent of his knowledge of Smith's polygamous practices, namely, that in April 1843, at the Prophet's request, Kingsbury married his former sister-in-law, Sarah Ann Whitney, for the purpose of concealing the identity of Sarah's real husband, Joseph Smith. To compensate Kingsbury for going along with the charade, the Prophet eternally sealed him by proxy to his late wife, Caroline Whitney.⁴¹ Kingsbury's deposition would also have been more effective had the defendants retrieved the Kingsbury copy of the revelation from the LDS Church Historian's Office and introduced it into evidence. The court would have seen that, despite Kingsbury's courtroom memory lapses, he copied nothing more and nothing less than the revelation now canonized in the *LDS Doctrine and Covenants*. The only question then would have been if he copied it under the circumstances he described.⁴²

The deposition process continued the next day, March 18th, with the testimony of Mercy Rachel Thompson, aunt of Apostle Joseph F. Smith, who in 1901 would succeed Lorenzo Snow as president of the LDS Church. In her youth, Thompson had endured a shelterless Missouri winter and the hegira to the Great Basin; now, incapacitated at eighty-four, she couldn't even go down the street to the Templeton Hotel. The defendants wanted her testimony so badly, however, that they went to her home to take her deposition. Despite her physical condition, Thompson remembered important events better than most witnesses. She recounted that her husband, Robert B. Thompson, the

secretary of Joseph Smith, died in 1841, leaving Mercy to raise their young daughter on her own. Subsequently, Thompson appeared in spirit to Joseph, urging him to seal his wife to Hyrum Smith, the husband of Mercy's sister, Mary Fielding. Accordingly, Joseph taught Mercy the principle of plural marriage and, on 11 August 1843, sealed her for eternity to her late husband and for time as Hyrum's first plural wife. Mercy conceded that Joseph didn't explicitly preach plural marriage from the stand, but she couldn't imagine the practice violated church law. Echoing other LDS witnesses, Mercy depicted Joseph as the law-giver—whatever he received from the Lord was church law. She had no doubt that he received a revelation authorizing polygamy, for Hyrum allowed her to keep it in her possession for a time. Besides, Hyrum told her that the Nauvoo High Council had approved the revelation. Mercy also testified that she was present when Joseph bestowed priesthood sealing powers upon Brigham Young and other members of the Twelve, admonishing them to faithfully administer the ordinances should he be taken away. Parley P. Kelley chipped away at Thompson's testimony but was unable to crack its foundation. Thompson's deposition proved one of the defendants' best.⁴³

Returning to the Hotel Templeton, the two sides spent the remainder of the day questioning sixty-nine-year-old Bathsheba W. Smith, widow of Apostle George A. Smith. Bathsheba provided useful testimony for the defendants, but overall her deposition proved somewhat disappointing. On the helpful side, Bathsheba agreed that revelations had to be submitted to the church for approval, but like Lorenzo Snow she denied they had to be presented to *all* members. She also testified that she received her endowment under Joseph Smith's authority in 1843, and that the rites the Twelve

subsequently administered in the Nauvoo Temple and in Utah were the same. To substantiate her point, Parley Kelley pressured her to describe the endowment(s) in detail. Bathsheba refused, citing vows of secrecy, but she offered just enough details about her 1843 endowment to give her remarks on the subject an air of authenticity infinitely more compelling than the generic affirmations of prior LDS witnesses. She recalled, for example, that during the washing and anointing of female initiates in Emma Smith's bedroom, the Prophet's wife warned that some of their husbands would take more wives unless the women present put their feet down. Unfortunately for the defendants, Bathsheba also testified that while she picked up a lot of secondhand information on polygamy during the Prophet's lifetime, she possessed no firsthand knowledge. She also recounted that she learned of eternal marriage before plural marriage, thereby lending support to RLDS suspicions that Brigham Young and his cohorts fastened their own damnable polygamy doctrine to a revelation the Prophet received on eternal marriage alone. Kelley's cross-examination dealt a number of other blows to the defendants.⁴⁴

The opposing sides anticipated that Wilford Woodruff would resume his deposition on the morning of Saturday, March 19th, but once again the LDS president proved unable to come.⁴⁵ The defendants had no backup witness present, so as the two sides waited for the next witnesses to appear, Edmund L. Kelley struck up an impromptu debate with James A. Hedrick. According to the *Salt Lake Tribune*, Kelley argued that the defendants solicited testimony on polygamy merely to obscure the Reorganization's advantages on the questions of presidential succession and Temple Lot ownership. Polygamy simply wasn't pertinent to the case, Kelley opined, as the pre-martyrdom

church did not sanction the practice and Joseph Smith clearly violated church law if he took multiple wives. Indirectly acknowledging the power of the polygamists' testimonies, Kelley wryly admitted that Smith "may have sometimes talked to the sisters in bedrooms," a comment that provoked laughter throughout the room. Kelley didn't rule out the possibility that Smith was a fallen prophet. "It may be," he nodded. "We have never claimed that he was perfect. We don't deny that he may have fallen." But again, for Kelley, Smith's imperfections had nothing to do with the official faith of the church and the proper outcome of the case. In response, Hedrick defended the superiority of the defendants' chain-of-title but abruptly left the room in frustration during renewed conversation on the Prophet's fallen status. Hedrick quickly returned, however, and challenged Kelley to a public debate. Kelley accepted the offer but tauntingly replied, "I'll get the Tabernacle, but I want to discuss the question with a man, not a boy." When the good bishop repeated his dismissive assessment, Hedrick left the room without a word. Hedrick's "disrespectness," the *Tribune* observed, killed the fun of a lively discussion. In the opinion of the reporter, Kelley "routed" Hedrick.⁴⁶

At 11 a.m., Emily Dow Partridge, who five days earlier testified for the plaintiffs, returned on behalf of the defendants. Partridge recounted that on 4 March 1843, Heber C. Kimball sealed her as a plural wife for time and eternity to Joseph Smith, a marriage, she confirmed, that included sexual intercourse. Emily learned thereafter that the Prophet had also married her sister Eliza. Joseph and the sisters didn't tell Emma Smith about their relationships, given her opposition to plural marriage. But Emma subsequently reversed course and told Joseph that he could take Emily and Eliza as plural wives, the

only lapse in Emma's otherwise persistent opposition to plural marriage. Lest they stir a hornet's nest by telling Emma they had already intermarried, the trio kept Emma in the dark and, on 11 May 1843, James Adams sealed Emily and Eliza to Joseph (again) in Emma's presence. Partridge conceded on cross-examination that she might be off on her sealing dates. She admitted she didn't know of any offspring from Joseph's plural marriages. She acknowledged that monogamy remained the official church position in Nauvoo. And she estimated she didn't see the revelation on plural marriage until Utah. But overall she held her own against P. P. Kelley. Like other LDS witnesses, Partridge insisted that plural marriage could not have violated church law, for Joseph Smith was the church's law-giver. She dismissed the chronological contradiction between her March 1843 plural marriage and the July 1843 dating of the plural marriage revelation, assuring Kelley that whatever its connection to the later July revelation, Joseph told her in March he had already received a revelation on the subject. And though Partridge, like Bathsheba W. Smith, entertained Kelley's suggestion that eternal sealing and plural marriage might have come from two separate revelations, she insisted that the revelation Smith told her about in March 1843 authorized both doctrines.⁴⁷ Emily found the deposition experience most unpleasant. "I felt sometimes as though the top of my head must move off," she exclaimed. She mulled the exchange over in her head for days on end. Four days later she wrote: "I can now think of a great many things that seemingly might have been better answers."⁴⁸ In the opinion of the unsympathetic *Tribune* reporter, however, Partridge testified "in a candid and most sincere manner, which convinced all but the opposition that she was speaking what she believed to be the truth."⁴⁹

The opposing sides heard no further testimony that Saturday, but the battle for hearts and minds continued behind the scenes. That same day, Charles W. Penrose published B. H. Roberts' and Wilford Woodruff's month-old addresses on the succession question in *The Deseret Weekly*.⁵⁰ Later in the day, James A. Hedrick exacted revenge on Edmund Kelley by asking Angus M. Cannon if Charles A. Hall could speak on the succession question in the Assembly Hall the following evening. Hedrick was no longer interested in a debate; after the bishop had treated him so rudely, Hedrick didn't want to give Kelley any sort of public platform. Given the high profile of an Assembly Hall address and the controversial character of Hall's topic, Cannon discussed the matter with First Presidency counselor Joseph F. Smith and stake counselor Joseph E. Taylor. They probably considered two things. First, did they want the president of a different faction to speak on the succession question on Temple Square? Second, did they want to allow this particular individual to speak? In the end the trio deemed the risks worthwhile. A notice was prepared for the newspapers and Cannon had Hall fitted for a new suit.⁵¹

The following morning, Sunday, March 20th, the *Salt Lake Tribune* confirmed the risks the Temple Lot Case entailed for the LDS Church in an editorial entitled "That Gloomy Record." Recapping the first four days of LDS testimony, the editorial mocked the morality of Mormon founder Joseph Smith, asserting that he "was not particular—he was ready to marry everything in the house from the landlady down to the second cook." More damaging, at least for the church's immediate interests, the editorial recounted the lies the Saints told in decades past to cover their polygamous crimes and concluded:

The whole burden of the testimony, considered in the light of the facts, simply emphasizes anew the fact that the Latter-Day Saints' Order, as founded, was on the theory that they were not obliged to tell the truth to Gentiles; that they were not bound to obey the laws of the United States; that their purpose was to be a distinct people; and that they did not consider it any crime to practice any deception upon those whom they called their enemies. The question is: How much of that theory has been modified?

The *Tribune* concluded that in light of the ignominious history detailed in the Temple Lot Case, skepticism of the LDS Church was still warranted.⁵² That LDS leaders accepted the public relations risk and testified in the Temple Lot Case indicates how badly they wished to safeguard Mormon history and the Temple Lot from the Reorganization.

That same morning, Edmund Kelley and Parley Kelley presumably opened one of the local newspapers and find the following notice:

President C. A. Hall of Independence, Jackson county, Mo., will deliver a lecture in the assembly hall, Salt Lake city, this (Sunday) evening, commencing at 8:15 o'clock. Subject, to consider the claims of Joseph Smith, the head of the reorganized church, as the successor of his father and prophet, seer, and revelator of the church.⁵³

Bishop Kelley was certainly not pleased. The day before he had agreed to James Hedrick's debate challenge but rudely insisted that Hedrick find someone suited for the task; now he learned that Hedrick had indeed found someone else, but that Hedrick had retaliated against Kelley by excluding him. Kelley had hoped to triumphantly defend the Reorganization on Temple Square in Salt Lake City; now it was Charles A. Hall who would speak from the distinguished pulpit. Not one to accept defeat, Kelley marched over to Angus M. Cannon's home and demanded equal time. But Cannon denied the request, arguing that Hall, as a member of the Church of Christ, did not have another

forum in which to speak in Salt Lake City, whereas the Reorganized Church had its own city chapel. Kelley did not appreciate the sentiment.⁵⁴

As announced, Charles A. Hall spoke in the Assembly Hall on Sunday evening, March 20th, his topic the succession claims of Joseph Smith III. Present on the stand were Angus M. Cannon, Joseph E. Taylor, Joseph F. Smith, and Patriarch John Smith. Judging from extant reports, Hall concluded, not surprisingly, that Joseph III did not have proper authority. Hall might have also spoken of the Prophet's connection to plural marriage, because Edmund L. Kelley felt that Hall personally vilified both the Prophet and his son. During or after Hall's discourse (accounts disagree), the combative RLDS bishop stood up and asked for the right to respond. Angus M. Cannon refused. Kelley persisted, so the choir began singing. James A. Hedrick quickly closed with the benediction.⁵⁵ The protagonists in the Temple Lot Case did not lack for passion!

Twelve hours later, on the morning of Monday, March 21st, the opposing parties were back at it again in the Templeton Hotel. For their first witness of the week the defendants called eighty-two-year-old Joseph Bates Noble, a former bishop in Nauvoo best known for solemnizing reportedly the first celestial marriage in Mormon history. On the heels of the previous night's partisan passions, the courtroom could not have experienced a more frustrating and alternately entertaining deponent. Noble paused for extended periods before answering questions. He complained incessantly about head pain, and each question only seemed to increase the agony—his agony and his questioners' agony. Yet when Noble spoke, he displayed a rascally, self-deprecating wit

that ultimately resulted in—without question—the most entertaining deposition of the Temple Lot Case. Substantively, Noble recounted that Joseph Smith taught the principle of plural marriage in the Noble home in 1840 and that Noble subsequently sealed his sister-in-law Louisa Beamon to the Prophet as a plural wife. Asked if Joseph and Louisa lived together as man and wife, Noble matter-of-factly replied that he saw them in bed together. Noble’s blunt testimony, periodic silences, and devil-may-care humor brought out the worst in Parley P. Kelley, his punctual and moralistic cross-examiner. Kelley berated the octogenarian, attributing his muted moments to a conscience burdened with polygamous crimes. After an hour of questioning, Examiner John M. Orr postponed the proceedings to the following day, noting that the witness obviously did not feel well.⁵⁶

With Noble’s departure, LDS president Wilford Woodruff returned to undergo the cross-examination he postponed five days earlier. Woodruff’s deposition consumed the rest of the day, making it the longest defendants’ deposition of the case. Woodruff acknowledged to Parley Kelley that the early church did not renounce monogamy. He conceded that he never saw Joseph Smith or William Smith marry a plural wife. He admitted that he did not see the revelation on plural marriage in Joseph’s lifetime, nor did he know if the LDS Church possessed a manuscript copy. He granted that, contrary to LDS practice, Smith did not designate his apostles “prophets, seers, and revelators,” at least not explicitly. And he confessed that the LDS principle of apostolic succession to the presidency was at best only implicit in Smith’s 1835 revelation on priesthood. On the whole, though, Woodruff proved an effective witness for the defendants. Aside from one exchange wherein Woodruff theoretically concurred that the church had democratic say

over revelations, he testified consistently that formal revelation-approval-procedures played little role in the early church. Woodruff could remember only one occasion, the 1835 canonization of the *Doctrine and Covenants*, when the church formally sustained Smith's revelations. The Prophet received revelations constantly, he affirmed, and church members acted upon them immediately; they didn't wait around to debate their merits. Woodruff also testified that in Nauvoo he and a select group of individuals received their endowments and learned the principle of plural marriage from Smith. He flatly denied that Smith suspended baptisms for the dead, recalling firsthand that he and others performed the ordinance in the font of the uncompleted temple up to Smith's death. Woodruff denied that Smith designated any lone individual as his successor. On the contrary, he stated, the Prophet charged the Quorum of the Twelve to carry the kingdom in his absence. Remaining true to that charge, Woodruff illustrated, the LDS Church kept Smith's endowment ordinance substantially the same. As with Bathsheba W. Smith beforehand, Parley Kelley asked Woodruff to confirm the accuracy of a published expose of the endowment, but Woodruff, like Bathsheba, begged out of it. Woodruff's memory was admittedly not as sharp as he would have liked, but in general the defendants had to have been pleased with the octogenarian's testimony.⁵⁷

The following morning, March 22nd, Joseph B. Noble was scheduled to resume his postponed testimony, but the witness failed to appear.⁵⁸ So the defendants turned to sixty-five-year-old Lucy Walker Kimball. Like Melissa Lott and Emily Partridge before her, Kimball recounted that while boarding in the Smith household in 1842, Joseph Smith taught her the doctrine of plural marriage and asked her hand in marriage. He first

learned of the Principle in an 1831 revelation, he confided, but now the time had come to socially establish it. Lucy trusted Joseph, considered him a prophet of God, and interpreted his proposal as a divine decree. So she accepted the offer—not out of love, but as a sacrifice to God to help establish a holy principle. William Clayton sealed the couple for time and eternity on 1 May 1843 in the presence of Eliza Partridge. Lucy hinted that the marriage included a sexual component, but otherwise she refused to offer any details of her marriage, believing it too sacred for a mocking world. Kimball’s stubbornness infuriated P. P. Kelley. He mocked her modesty and tender feelings, opined that she should be incarcerated for non-cooperation, and asked the court to exclude all testimony pertaining to her marriage. And as with all plural wives on the stand, Kelley successfully highlighted the secretive, unofficial character of Lucy’s alleged marriage and the dearth of any offspring. Kimball admitted that not even her sister knew of the sealing, and that even by the time of the exodus the general membership did not know of the doctrine. On non-personal matters, Kimball testified that she saw a manuscript of the plural marriage revelation before Joseph’s death and that the Nauvoo High Council sustained the revelation in 1843. Interestingly, she opined that the LDS Church would someday apologize for ending plural marriage.⁵⁹ The *Salt Lake Tribune* thought Kimball “the brightest, liveliest, spunkiest and most fanatical witness of the session.”⁶⁰ But in terms of points scored for the defendants, her’s was a solid but unspectacular deposition.

For their next witness, the defendants called seventy-six-year-old Mary Ann Covington West. The native Englishwoman recounted that upon her arrival in Nauvoo in April 1843, Joseph Smith told her he’d received a revelation authorizing plural marriage

for time and eternity. Shortly thereafter Joseph informed her that his brother William would like to take her as a plural wife. West consented, but the marriage had to await William's mission return. In the meantime, Mary Ann moved in with Agnes Coolbrith Smith, who informed her that she was a plural wife of Joseph Smith's. She recalled occasions in the Coolbrith home wherein Hyrum reported that Emma had burned the revelation on plural marriage and, conversely, that Emma had finally accepted the doctrine. Upon William's return, roughly in the fall of 1843, Brigham Young sealed him to Mary Ann for time and eternity. The couple spent at least one night together, West recalled, but never became close. William was away much of the time and she continued to live with Agnes and, later, William's sister. William acquired other plural wives as well—a young woman whose name she couldn't remember, a Priscilla Morgridge whom William introduced as his wife, and a Mary Jones whom Young sealed to William in West's presence. Her marriage ended when William left the church. P. P. Kelley treated West better than he did other LDS witnesses, probably because she rarely strayed from questions asked. Kelley couldn't shake the core points of her testimony, but she admitted that Hyrum didn't seem to know of a copy of the plural marriage revelation, acknowledged that her marriage was kept secret, conceded that she may have learned of William's marriage to Morgridge secondhand, gave reason to believe that William's other plural marriages occurred after the martyrdom, and, most importantly, admitted that, given how little she knew of the death of William's first wife, he may actually have been a single widow when she married him. And West's strained, contradictory answers on living or not living with William diminished her otherwise credible demeanor.⁶¹

Kelley could have challenged West more effectively had he known that William Smith was not in Nauvoo in the fall of 1843 (when she estimated the sealing took place), but that Smith was in the eastern states from summer 1843-April 1844.⁶²

As Mary Ann West recommended, the defendants also heard the testimony of sixty-nine-year-old Priscilla Morgridge Staines. Morgridge testified that William Smith taught her the principle of plural marriage in 1845, claiming that his late brother had received a revelation authorizing the practice. Morgridge accepted the proposal, was sealed to William by a man named Lane, and lived with Smith as a wife, albeit not publicly—a euphemism, probably, for sexual intercourse. During Charles Hall’s direct-examination, P. P. Kelley repeatedly objected that all issues in the Temple Lot Case pertained to the pre-martyrdom period, yet Morgridge was testifying of events that occurred afterwards in 1845. True to form, when Kelley cross-examined the witness he simply asked if the events which she described occurred in 1845 or later. She affirmed that they did and for all intents and purposes he summarily dismissed her. Priscilla Morgridge’s testimony lasted but thirty-two questions, the result of Kelley’s refusal to cross-examine a witness testifying exclusively of post-martyrdom events.⁶³

At the conclusion of the depositions in the Hotel Templeton, the opposing parties returned to the home of Mercy Rachel Thompson so she could state on the record that she divorced Apostle John Taylor in 1847, received her endowment under Joseph Smith, and affirm that the Nauvoo endowment and LDS endowment were the same. The plaintiffs objected to the reintroduction of the witness, as they suspected she had been coached in the four days since her first appearance. To assess the continuity between the Nauvoo

and LDS rites, Parley Kelley pressured Thompson to divulge the details of the endowment ceremony, so much so that even the reporter for the *Salt Lake Tribune* thought Kelley “was not as considerate as might have been.” Charles Hall assured her she didn’t need to describe anything that fell under the parameters of the endowment’s oath of secrecy. But like Lucy Walker Kimball before her, Thompson felt uncomfortable saying anything about the endowment. Thompson shared supplemental details pertaining to the clothing, furniture, and room arrangements of the Nauvoo endowment, but fearing that her vulnerable mother might go on to violate her covenants, Thompson’s daughter, Mary Jane, beckoned Mercy to another room, claiming that someone wanted to see her. Angrily, Kelley closed the examination. The *Tribune* reported what happened next:

The examination was finished and the old lady was being led from the room by her daughter, who had hovered about her during the ordeal, when the lawyer said with some pomposity: “I wish I had you before Judge Anderson! I’d make you tell all or you’d go to jail!” The remark was uncalled for. He forgot that the target of his tirade was a feeble old woman, and that she is tottering on the brink of the elysium where the wicked cease from troubling and the weary are at rest.

The Kelley brothers made no friends during their assignment in Utah.⁶⁴

Joseph B. Noble returned to complete his deposition the following morning, Wednesday, March 23rd, the final day of the Utah depositions.⁶⁵ Once again, Parley P. Kelley questioned Noble with barely-concealed disdain. Noble’s wisecracks and salty language grated on the attorney. Kelley saw Noble as a polygamous lothario, and Noble, who enjoyed getting under Kelley’s skin, played the role with enthusiasm:

Q: You were after women weren’t you?

A: Yes sir, we were after women and we got them to[o], and that is more than some men can do nowadays. I was after a wife, and I know I got her....

Q: You commenced hunting a wife in 1838 [actually Noble married his first wife in 1834]—now when did you quit hunting them?

A: Quit?

Q: Yes sir—that is what I asked you?

A: I don't know as I have quit yet.⁶⁶

Like all LDS witnesses, Noble was reluctant to discuss his polygamous marriages. But Noble, as usual, had a little fun along the way, pretending that he couldn't keep track of all his wives. "I will have to search the records to get them in rotation," he deadpanned to an appalled Kelley.⁶⁷ More substantively, Noble reaffirmed that he sealed his sister-in-law, Louisa Beamon, to Joseph Smith as a plural wife for time and eternity. He also reconfirmed that the newlyweds shared a bed together: "I said 'blow out the lights and get into bed, and you will be safer there,' and [Joseph] took my advice or counsel. (Witness laughs heartily)."⁶⁸ But Kelley found some problems with Noble's story. In his first appearance, Noble estimated the sealing occurred in 1840; in his second appearance, he settled on 1842 or the last several months of 1841. (In an 1869 affidavit Noble pinpointed the date to 5 April 1841.⁶⁹) Noble also couldn't explain why Smith baptized Louisa on 11 May 1843 if, as Noble claimed, she had already been baptized into the church and married the Prophet. (Noble didn't realize that Smith *re*-baptized a number of plural wives on that date.⁷⁰) Also, Noble all but conceded that Smith did not teach plural marriage to the church, at least not explicitly. In fact, Noble wasn't even sure if Smith had received a prior revelation authorizing the practice; all he cared about was that Joseph, the lawgiver, told him it was all right. Finally, Noble conceded that he did not observe firsthand if Joseph shared a bed with Louisa. All he knew was that Smith told

him they did. Noble would have been of more help to the defendants had he divulged that during Smith's lifetime he took two plural wives (in 1843) and fathered possibly the first child of a polygamous union (born 2 February 1844).⁷¹ As it was, Kelley scraped around the edges, but he didn't demolish the core of Noble's testimony.

The defendants' next witness was seventy-nine-year-old Cyrus H. Wheelock, who as a spy and bodyguard for Joseph Smith gave the Prophet the pistol with which he unsuccessfully fought off his murderers in 1844. Wheelock testified that he learned the principle of plural marriage from Smith in small gatherings at remote locations, the first being at Joseph B. Noble's home outside of Montrose, Iowa, around November 1843. On that occasion Smith had someone read the revelation on celestial marriage aloud. The revelation authorized not just eternal sealing, Wheelock recalled, but also plural marriage in this life. As far as he could remember, it was the same revelation the LDS Church later canonized. Wheelock accepted the revelation as the will of the Lord, even though he recognized the 1835 monogamy statement as the church's official position. Revelations have more authority than position statements, he explained, and the whole point of having a modern prophet is to receive the current will of the Lord. After a false start, Wheelock capably distinguished Joseph Smith's celestial marriages from John C. Bennett's spiritual wifery, the principal difference being that Bennett authorized a lustful free-or-all but Smith closely controlled the dissemination of plural marriage. Wheelock also vouched for the authenticity of the 1844 *Nauvoo Expositor* affidavits linking Hyrum and Joseph to the celestial marriage revelation, as he reported that he personally read the affidavits in the home of two of their authors, William and Jane Law. But Wheelock

readily acknowledged that plural marriage did not become the official doctrine of the church until 1852. He did not witness a plural marriage being performed in Nauvoo and he did not have firsthand knowledge of the practice in Nauvoo. Ironically, the only person he heard preach polygamy from the stand in Nauvoo was William Smith, the witness for the Reorganization, in his infamous “St. William” discourse of 1845.⁷²

For their final deponent in Utah, the defendants called sixty-seven-year-old Samuel W. Richards, nephew of the late Willard Richards, Joseph Smith’s private secretary-historian. Richards testified that the Prophet withheld certain revelations from the public in Nauvoo. He recounted meetings of the Twelve wherein Joseph and Hyrum taught that couples could be eternally sealed and a man eternally sealed to more than one wife, doctrines the Smiths did not publicize but that later became fundamental to LDS doctrine. Richards also remembered that several individuals, including his uncle Willard, told him while Smith was alive that the Prophet had received a revelation authorizing the practice of plural marriage in this lifetime. Richards concurred with Parley Kelley that everything had to be done by common consent, but like Lorenzo Snow before him (albeit with less conviction), Richards suggested that revelations of such limited release were nonetheless binding upon the individuals with whom they were shared. Having said all this, Richards also admitted that he never heard Joseph teach the doctrine of plural marriage, never saw a revelation on the subject in Nauvoo, and had no firsthand knowledge of Smith’s alleged involvement in the practice: Everything he knew on Joseph and polygamy was secondhand. On a separate matter, Richards insisted that having labored on the Nauvoo Temple for over two years, he knew for certain that the Saints

completed, dedicated, and used the structure. But he also acknowledged that baptisms for the dead were suspended beforehand for a time and that only after Smith's death were they finally performed in the Temple. In sum, Richards helped the defendants on eternal sealing and maybe the Temple, but he wasn't much help on plural marriage.⁷³

And so after three witnesses for the plaintiffs and fourteen witnesses for defendants, the Utah depositions came to a close. It had been a hard-fought, bitter, contest. Lacking the moderating influence of non-Mormon John N. Southern and the calming authority of Richard Hill and Joseph Smith III, the good will that sometimes characterized the depositions in Independence was nowhere to be found in Utah. Naturally, both sides blamed the other for the mean-spiritedness. On one side, Charles W. Penrose, stake counselor to Angus M. Cannon and editor of the *Deseret News*, offered these concluding reflections for his newspaper readers:

Messrs. [Charles] Hall and [James] Hedrick, with their attorney, have conducted themselves like gentlemen, and have had the good wishes of all with whom they have met during their stay. The Kelleys have acted like pettifoggers, exhibiting neither a Christian spirit nor that courtesy that is usual among civilized people. They have insulted and browbeaten aged and infirm ladies and gentlemen, and exhibited that bearing that might be expected from persons engaged in a scheme to obtain the property of others.⁷⁴

On the other side, the *Saints' Herald* insisted that Bishop Edmund L. Kelley could not have acted as badly as charged.⁷⁵ Furthermore, R. J. Anthony, an RLDS elder in Utah, witnessed many of the proceedings and, as the *Herald* related, "he is quite satisfied with the results. He thinks that the Bishop [Edmund L. Kelley] and Attorney P. P. Kelley, his brother, did their duty well in conducting their side of the case."⁷⁶

So what had the Church of Christ accomplished with their fourteen witnesses? For one thing, they produced abundant evidence indicating that Joseph Smith taught the doctrine of plural marriage in private. No less than eleven individuals testified firsthand that Joseph Smith privately taught them the doctrine, a doctrine, he claimed, he obtained from revelation. Even Samuel W. Richards, one of the three witnesses who did not learn plural marriage from the Prophet personally, nonetheless testified that he heard Joseph and Hyrum teach the Twelve that a man could have more than one wife in the afterlife. The Kelley brothers tried mightily to undermine their sundry testimonies on this score. But even though the witnesses sometimes expressed uncertainties about dates and doctrinal details, they did not waver from their core conviction that the Prophet himself tutored them on the controversial doctrine.

The defendants also produced considerable evidence indicating that Hyrum and Joseph shared a revelation sanctioning plural marriage with select individuals in Nauvoo. Several witnesses testified that during the Prophet's lifetime they heard, read, or held in their possession the revelation on celestial marriage, and some of them claimed that it was the same revelation later canonized by the LDS Church. Furthermore, Mercy Rachel Thompson recounted Hyrum's report that the Nauvoo High Council had approved the revelation, a claim echoed by Lucy W. Kimball. Cyrus Wheelock vouched for the authenticity of the 1844 *Nauvoo Expositor* affidavits asserting that Hyrum presented a revelation from his brother to the Nauvoo High Council authorizing plural marriage in this life and the next. Mary Ann West said that she learned from Hyrum that Emma Smith burned the revelation. But Joseph Kingsbury testified that he copied William

Clayton's original manuscript of the revelation with Joseph Smith's approval on behalf of Newel K. Whitney and Hyrum Smith, the very copy the LDS Church later published to the world. To be sure, the Kelley brothers found substantial discrepancies on this matter. Some witnesses struggled to explain how Joseph could instruct them in plural marriage before the July 1843 revelation. Kingsbury could remember surprisingly little about the text and the copying process. Mary Ann West noted that Hyrum did not seem to know that a copy of the revelation had been made. With three councilmen opposing the revelation, the Nauvoo High Council did not exactly approve the document. Still, just with the evidence presented in the case, it would be hard to discount the cumulative reports of so many witnesses, particularly since they corroborated the contemporaneous 1844 affidavits Hall introduced of deposed First Presidency counselor William Law, his wife Jane Law, and disaffected Nauvoo High Councilman Austin Cowles.

The defendants also produced a plethora of testimony indicating that Joseph, Hyrum, and William Smith were sealed for time and/or eternity to plural wives or, at the very least, justified clandestine extra-marital affairs with religious rationalizations. Mercy Rachel Thompson testified that she was sealed for time to her sister's husband, Hyrum Smith. Mary Ann West and Priscilla Morgridge Staines testified that they were sealed for time and eternity to William Smith. Melissa Lott Willes, Emily Dow Partridge, and Lucy Walker Kimball testified that they were sealed for time and eternity to Joseph Smith. And another witness, Joseph B. Noble, testified that he performed the sealing between Joseph and his sister-in-law, Louisa Beamon. The six plural wives who testified all indicated that they engaged in sexual relations with their respective husband,

and Noble recounted that Joseph told him he shared a bed with Louisa Beamon. Furthermore, Melissa Lott Willes testified that Hyrum performed her sealing to Joseph, while Mercy Rachel Thompson testified that Joseph performed her sealing to Hyrum. Witnesses also offered secondhand testimony that the Prophet married Eliza R. Snow, Eliza Partridge, and Agnes Coolbrith Smith. In response, the Kelley brothers highlighted that all of these alleged marriages were kept secret from the public. If a real marriage is a public marriage recognized by church and state, then these women were not really married to the Smith brothers. Moreover, where were the children of these couplings? That being said, the distinctive details each woman offered about her marriage lent their accounts an air of authenticity, especially since their tales of secrecy, deceit, public anonymity, and fleeting intimacies were not particularly flattering to themselves or, in some cases, their families. The cumulative weight of their testimonies made it difficult to believe that the Smith brothers weren't up to something unusual behind closed doors.

All of these sundry testimonies added up to a substantial, if not definitive, case for Joseph Smith's involvement with plural marriage. Coming five decades after the fact, the Temple Lot Case depositions were anything but contemporaneous (though it should be kept in mind that all of these witnesses had told their polygamy stories previously, sometimes decades earlier). Also, these witnesses were not altogether independent, given their longtime immersion within the unusually homogeneous culture of nineteenth-century Utah Mormonism. On the other hand, the witnesses didn't recount one or two shared polygamous experience with the Prophet easily susceptible to the homogenization of communal retellings, but well over two dozen *different, independent* experiences,

sometimes with impressive levels of idiosyncratic detail. That devout Latter-day Saints like Lyman O. Littlefield, Bathsheba W. Smith, and Samuel W. Richards *did not* claim similar firsthand knowledge indicates that the Kelleys were off the mark insinuating that LDS leaders pressured the witnesses to implicate Joseph Smith in plural marriage. The result is that despite the shared culture of the witnesses, their individual stories of Smith's polygamous practices come across as independent experiences uniquely their own. By the criterion of multiple attestation, the testimony of the defendants regarding Smith's involvement in plural marriage was pretty impressive. The evidence would have been even more substantial had not Joseph Kingsbury, Joseph B. Noble, and Lyman Littlefield withheld pertinent information pertaining to Nauvoo polygamy.

Of course, even if it were admitted that Joseph Smith taught and practiced plural marriage in obedience to a purported revelation, the Reorganization contended that he did so wrongfully insofar as he neither sought nor obtained the common consent of the church. Countering that argument, Wilford Woodruff and Mercy Rachel Thompson insisted that formal revelation-approval-procedures played little role in Joseph Smith's church. Multiple witnesses testified that the early Saints looked upon Joseph as the church's lawgiver. They didn't hold parliamentary debates on his revelations; they accepted them as the word of the Lord and acted upon them accordingly. Furthermore, a number of witnesses recounted that Smith kept certain revelations from the church at large and revealed them only to select individuals. Lorenzo Snow recalled that Smith flat out told him the church at large wasn't ready for the doctrine of plural marriage, for example. In the minds of these witnesses, the limited circulation of these doctrines and

revelations did not delegitimize them. These witnesses did not believe it the prerogative of the Saints to reject the revelations of the Lord; they believed it their duty to sustain and act upon the revelations, even if they were doing so individually rather than communally.

On other matters, Wilford Woodruff, Bathsheba W. Smith, and Mercy Rachel Thompson testified that they received their endowments in Joseph Smith's Anointed Quorum. Though none of them detailed any of the core rites of the ordinance, Mercy and Bathsheba divulged enough ancillary information to give their remarks some heft. Samuel W. Richards was unequivocal that the Saints completed the Nauvoo Temple, and he and Woodruff alike recounted that baptisms for the dead were performed in the font of the Temple. Multiple witnesses vouched for the fidelity of the LDS Church to Joseph Smith's teachings on tithing, the endowment, baptism for the dead, and other doctrines.

On the question of succession, Woodruff denied that Joseph Smith appointed Joseph III, Brigham Young, or any other single individual as his successor. Instead, Woodruff recalled firsthand that in their last meeting together the Prophet charged the Quorum of the Twelve to carry on the kingdom in his absence. Similarly, Mercy Rachel Thompson testified that Smith gave the Twelve the sealing powers to administer all the ordinances in his absence. As Lorenzo Snow acknowledged, Young became president of the church via apostolic seniority and common consent, not revelatory or prophetic appointment. On the other hand, Woodruff admitted that Joseph did not explicitly designate the apostles as prophets, seers, and revelators. He also confessed that the LDS principle of apostolic succession to the presidency was at best only implicit in Smith's 1835 revelation on priesthood. All considered, the defendants' evidence for the

succession rights of Brigham Young and the Twelve paled in comparison to the evidence the plaintiffs presented in favor of the succession rights of Joseph Smith III.

Both sides were evidently satisfied with their progress in Utah. Charles W. Penrose summarized the finding of the Utah depositions for his readers:

It has been very clearly established that the Prophet Joseph and his brother Hyrum taught and practiced plural marriage; that Wm. B. Smith did the same; that it was taught to the Twelve and others in Nauvoo; that the secret spiritual wife system of John C. Bennett, which was denounced by a number of persons over their signatures and published in the Times and Seasons, was essentially different from the system of celestial including plural marriage taught by Joseph Smith; that the endowments given in Nauvoo were the same as those given in Utah, and that revelations to the Church were given at different times which were not made public till afterwards.⁷⁷

Upon his return to Independence, Charles A. Hall informed John M. Cannon that the members of the Church of Christ “are well pleased & satisfied with the work done.”⁷⁸ In 1899 the organ of the Church of Christ recalled that the Reorganization’s attorneys “were unable to shake the testimony in the main” of the LDS witnesses.⁷⁹ The opposing side, of course, saw things differently. Joseph Smith III later recounted an exchange he had with Parley Kelley a couple of weeks after the Utah depositions:

When [Parley Kelley] returned he was at our Conference at Independence and I asked him what his opinion was as to Father’s connection with polygamy. He hesitated a moment and then he said, “If your Father had anything to do with polygamy they can’t prove it out there.”⁸⁰

After he had read the depositions of the LDS witnesses, Joseph III opined to his longtime friend George Edmunds that “the institution [of the LDS Church] could not stand the fire of a cross examination, just as I told you years ago it could not, taken where the witnesses...could be reached free from priestly domination.”⁸¹

The non-Mormon press found the depositions of the LDS witnesses convincing, entertaining, and in Utah at least, utterly appalling. Based on an interview with the newly-returned Charles Hall, the *Kansas City Times* soberly concluded that LDS witnesses in Utah had substantiated the Hedrickite argument that polygamy originated with Mormonism's founder. The headline of the *Times'* coverage said it all:

HE TAUGHT POLYGAMY.

President Hall Seems to Have Cinched a
Case on Joseph Smith, sr.

The *Times* found more than historical significance in the defendants' evident success:

The result is very important to the citizens of Independence. If perchance the reorganized church should win the suit and gain possession of the temple lot, it would cloud the title of the best half of Independence and also of a large body of land lying south of Kansas City, all of which was either purchased or entered by Edward Partridge.

For the *Times*, the Temple Lot Case wasn't just a Mormon curiosity of little relevance to outsiders; the suit was relevant to large swaths of Jackson County residents, as a victory for the Reorganized Church could cloud innumerable other local property titles.⁸²

Utah's non-Mormon newspapers took a decidedly more mocking and sensationalistic tone. The deposition of Lucy Walker Kimball, the third plural wife of Joseph Smith's to testify, received this headline from the *Salt Lake Times*:

JOSEPH WIDOW'S

PROVE TO BE ALMOST AS NUMEROUS
AS THOSE OF THE LATE SOLOMON

Another of Them Tells of How the Prophet
Taught the Young Virgins the Doc-
trine of Plural Marriage Before

God but Not Before Men.⁸³

The deposition of Joseph B. Noble inspired creative headlining like no other. The *Salt Lake Times* prefaced its coverage as follows:

THE OLD, OLD MAN

WILL HAVE TO LOOK UP THE RECORD
BEFORE HE CAN NAME HIS WIVES.⁸⁴

The *Salt Lake Tribune* focused on Noble's bawdy remark to Joseph Smith:

NOBLE'S COUNSEL TO JOSEPH

Blow Out the Light and Get Into
Bed and You're Safe.

WERE AFTER WOMEN AND GOT THEM.

Such Is the Degrading Testimony of an Old Nauvooite....⁸⁵

The LDS depositions, the *Tribune* editorialized, clearly demonstrated that plural marriage, "as conducted by the Prophet Joseph himself, was simply awful." The remarks of the LDS Church's own witnesses could only lead to one conclusion on the doctrine of polygamy: "We do not see how anyone except one perverted entirely by vicious teachings can look upon the matter at all except as simply the invention of lustful men."⁸⁶

The *Tribune* found the testimony so embarrassing to the LDS Church that the newspaper couldn't grasp why LDS leaders were energetically participating in the effort:

It is most strange that the chiefs of the Mormon Church in this city would ever permit the hearing which is going on in the Templeton Hotel nowadays when nothing more is at stake than a lot worth a few thousand dollars. It is possible they wish to have the fact affirmatively stated that Joseph Smith did practice polygamy in Nauvoo, but there was proof enough of that outside.⁸⁷

LDS leaders had done much of late to help their church assimilate into American society. But the Temple Lot Case demonstrated that they remained as interested as ever in cultivating their historic religious identity, regardless of the risks to public perception.

Irrespective of immediate concerns, some individuals quickly recognized that the Utah depositions would have lasting historical significance. Less than a week after the conclusion of the hearings, John E. Booth, a local LDS bishop in Provo, opined in a Sunday sermon that the Utah depositions have “been the means of collecting much useful information, that will be preserved.” Booth appreciated the irony that a legal contest between the Reorganized Church and the Church of Christ should produce such valuable information pertaining to LDS history. “God truly ‘moves in a mysterious way,’” he exclaimed!⁸⁸ As George D. Smith has observed in his historical reconstruction of Nauvoo polygamy, the “Temple Lot depositions brought out previously unimaginable details” insofar as “adverse questioning brings out events that otherwise might be suppressed in personal narratives.”⁸⁹ Despite the unpleasantness they caused the deponents, Parley P. Kelley and Edmund L. Kelley, ironically, did much to further our understanding of Nauvoo polygamy. The hostile questioning of the brothers forced normally reticent, aging individuals to divulge information that otherwise would soon have gone with them to their graves—not so much dates, doctrines, and documents, but rather the conflicting emotions, crossed perceptions, hushed conversations, and fleeting encounters that the participants bottled up within themselves five decades earlier when, in their youth, driven by their abiding belief that God had spoken to a modern prophet, they stepped outside of conventional morality and entered an embryonic, clandestine, social

system. We would know much less about the origins of Mormon polygamy, one of the most remarkable expressions of religious conviction in United States history, were it not for the Temple Lot Case depositions of March 1892.

Endnotes

¹ TLC-C, 2:369.

² *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Stipulation for Appointment of Examiner*, 3 March 1892, filed 8 March 1892, Civil #1720, National Archives, Midwestern Division, Kansas City.

³ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Order Appointing Special Examiner*, 8 March 1892, National Archives. This is the first reference to Judge Philips in the Temple Lot Case.

⁴ "The Right of Succession," *DN*, 24 February 1892, 8.

⁵ "Priesthood, and the Right of Succession," *Deseret Weekly*, 19 March 1892, 401-408.

⁶ The route is mentioned in "The Missouri Pacific R. R.," *SH* 33 (26 March 1892), 195.

⁷ Cabell's Salt Lake City roots are mentioned in "Depositions on Polygamy," *SLT*, 20 March 1892, 2; "Suit for the Temple Block in Missouri," *DN*, 24 March 1892, 4.

⁸ Abraham H. Cannon diary, 13 March 1892, Special Collections, Marriott Library, University of Utah, Salt Lake City.

⁹ "Sunday Services," *DN Semi-Weekly*, 15 March 1892; "City And Neighborhood," *SLT*, 14 March 1892, 8.

¹⁰ Clarence St. Clair deposition, 9 February 1892, TLC-C, 2:369; Emily Dow Partridge deposition, 14 March 1892, TLC-C, 2:369.

¹¹ Emily Dow Partridge deposition, 14 March 1892, TLC-C, 2:369-373 (Q1-58); Emily Dow Partridge diary, 12, 14 March 1892, Special Collections, Marriott Library, University of Utah, Salt Lake City.

¹² John H. Carter deposition, 14 March 1892, TLC-C, 2:374-392 (Q1-254).

¹³ Nauvoo High Council minutes, 12 August 1843, in *NCM*, 467-469; Austin Cowles affidavit, 4 May 1844, in the *Nauvoo Expositor*, 7 June 1844; Nauvoo City Council minutes, 8, 10 June 1844, in *NCM*, 241, 255, respectively; RLDS Council of Twelve Apostles minutes, 2 May 1865, Community of Christ Archives, Independence; David Fullmer affidavit, 15 June 1869, in *PM*, 227; Leonard Soby affidavit, 14 November 1883, in Charles A. Shook, *The True Origin of Mormon Polygamy* (Cincinnati: Standard Publishing Company, 1914), 98-99; Thomas Grover to A. M. Musser, 10 January 1885, in *PM*, 226-227; Mercy Rachel Thompson to A. M. Musser, 31 January 1886, in *PM*, 22; Leonard Soby affidavit, 23 March 1886, in Shook, *Mormon Polygamy*, 99n1; Mercy Rachel Thompson deposition, 18 March 1892, in TLC-R, 1:249-250 (Q215-239).

¹⁴ Minutes of the Conferences in the Log Tabernacle, 27 December 1847, in Richard E. Bennett, *Mormons at the Missouri, 1846-1852: "...And Should We Die"* (Norman: University of Oklahoma Press, 1987), 199, 202, 213-214; Norton Jacob journal, 27 December 1847, in *MH*, 1:250; T. B. H. Stenhouse, *The Rocky Mountain Saints* (New York: D. Appleton & Company, 1873), 264-265; *HC*, 7:623-624; Gary James Bergera, *Conflict in the Quorum: Orson Pratt, Brigham Young, Joseph Smith* (Salt Lake City: Signature Books, 2002), 82; *HC*, 7:623-624.

¹⁵ George D. Smith, *Nauvoo Polygamy: "...but we called it celestial marriage"* (Salt Lake City: Signature Books, 2008), 582; Dominicus Carter Individual Record at <http://familysearch.org>.

¹⁶ John Taylor deposition, 15 March 1892, TLC-C, 2:392-412 (Q1-256).

¹⁷ TLC-C, 2:412.

¹⁸ For LDS connections to the Hotel Templeton, see the L. John Nuttall diary, 12-13 November 1891, in Jedediah S. Rogers, ed., *In the President's Office: The Diaries of L. John Nuttall, 1879-1892* (Salt

Lake City: Signature Books in association with the Smith-Pettit Foundation, 2007), 479; Wilford Woodruff journal, 25 November 1891 and 30 September 1897, in *WWJ*, 9:173, 512; Thomas G. Alexander, *Mormonism in Transition: A History of the Latter-day Saints, 1890-1930* (Urbana: University of Illinois Press, 1986), 96; Marriner W. Merrill, 2 December 1890, Notes from the Miscellaneous Record Book, 1886-1906, in the *New Mormon Studies CD-ROM: A Comprehensive Resource Library* (Salt Lake City: Smith Research Associates, 1998).

¹⁹ For the hotel's view of the Salt Lake Temple, see photographs #316 and #317 of Nelson B. Wadsworth, *Set in Stone, Fixed in Glass: The Mormons, the West, and Their Photographers* (Salt Lake City: Signature Books, 1992). The hotel itself can be seen in photograph #301.

²⁰ "For 'Independence,'" *Salt Lake Herald*, 23 March 1892, 2.

²¹ For Charles A. Hall's role in procuring witnesses, see the Lyman O. Littlefield deposition, 17 March 1892, TLC-R, 1:176 (Q554); Joseph C. Kingsbury deposition, 17 March 1892, TLC-R, 1:230 (Q1164-1167); Priscilla Morgridge Staines deposition, 22 March 1892, TLC-R, 2:529-530 (Q30-32); Cyrus H. Wheelock deposition, 23 March 1892, TLC-R, 3:562 (Q358-367). For Wilford Woodruff's role, see the Lyman O. Littlefield deposition, 17 March 1892, TLC-R, 1:174-176 (Q515-554); Bathsheba W. Smith deposition, 18 March 1892, TLC-R, 2:295 (Q77-79), 2:299 (Q174); Lucy W. Kimball deposition, 22 March 1892, TLC-R, 2:473 (Q584), 486 (Q819), 495 (Q990-993). For Angus M. Cannon's role, see the Priscilla Morgridge Staines deposition, 22 March 1892, TLC-R, 2:529 (Q25-29); Angus M. Cannon diary, 16, 19, 20, 22 March 1892, LDS Archives, Salt Lake City. Joseph F. Smith probably obtained the cooperation of his aunt, Mercy Rachel Thompson.

²² D. Michael Quinn, "LDS Church Authority and New Plural Marriages, 1890-1904," *Dialogue* 18 (Spring 1985), 9-105; B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage* (Urbana: University of Illinois Press, 1990); Thomas G. Alexander, *Things in Heaven and Earth: The Life and Times of Wilford Woodruff, a Mormon Prophet* (Salt Lake City: Signature Books, 1991), 269-274. Embarrassment did come about as a result of LDS testimonies in the Temple Lot Case, but in the eyes of the public it tended to impugn Mormonism's founder more than any particular Mormon branch. See, for example, "Joseph's Widow's [sic]," *Salt Lake Times*, 22 March 1892, which ridiculed the morality of Joseph Smith. The testimonies of LDS witnesses in the case did not lead, as far as I can tell, to any additional LDS complications with federal authorities.

²³ Abraham H. Cannon diary, 16 March 1892, in Edward Leo Lyman, ed., *Candid Insights of a Mormon Apostle: The Diaries of Abraham H. Cannon, 1889-1895* Significant Mormon Diaries Series (Salt Lake City: Signature Books in association with the Smith-Pettit Foundation, 2010), 311-312; Angus M. Cannon journal, 16 March 1892, LDS Archives.

²⁴ For examples, see the Wilford Woodruff deposition, 21 March 1892, TLC-R, 1:13 (Q86-90), 1:17 (Q167), 1:50 (Q476); Mercy Rachel Thompson deposition, 18 March 1892, TLC-R, 1:237 (Q10), 1:239 (Q26), 1:242 (Q71), 1:243 (Q105), 1:248 (Q199), 1:252 (Q301), 1:255 (Q350), 1:263 (Q510), 1:267 (Q593), 1:270 (Q656, 665-666); Mercy Rachel Thompson deposition, 22 March 1892, TLC-R, 1:271 (Q683), 2:272 (Q683, 688), 2:273 (Q698-702), 2:274 (Q731), 2:282 (Q890), 2:287 (Q960), 2:290 (Q1006).

²⁵ Wilford Woodruff deposition, 16 March 1892, TLC-R, 1:1-12 (Q1-73). For newspaper coverage, see "The Mormon Depositions," *SLT*, 17 March 1892, 6; "He Taught Polygamy," *KCT*, 1 April 1892, 2.

²⁶ Melissa Lott Willes deposition, 16 March 1892, TLC-R, 1:92-108 (Q1-269). For newspaper coverage, see "The Mormon Depositions," *SLT*, 17 March 1892, 6; "Temple Lot Testimony," *KCS*, 22 March 1892, 6. Willes apparently got the date of her sealing wrong. Earlier evidence indicates the wedding occurred on 20 September 1843. See the Lott Family Bible, in Todd Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1997), 765; Melissa Lott Willes affidavit, 20 May 1869, in Joseph Fielding Smith, *Blood Atonement and the Origin of Plural Marriage* (Salt Lake City: Deseret News Press, 1905), 87. The journals of Joseph Smith and William Clayton provide contemporaneous circumstantial evidence for the 20th. See the Joseph Smith journal, 20 September 1843, in *APR*, 415; William Clayton journal, 20 September 1843, in *JWC*, 120.

²⁷ Lorenzo Snow deposition, 16 March 1892, TLC-R, 1:108-147 (Q1-591). For newspaper coverage, see “The Mormon Depositions,” *SLT*, 17 March 1892, 6. Angus M. Cannon was taken aback by how the Kelley brothers treated the elderly witness: “After listening to their way of examination and their ungentlemanly conduct towards Pres. Lorenzo Snow I felt they were no gentle men whatever else they might be.” See the Angus M. Cannon journal, 16 March 1892, LDS Archives.

²⁸ “President Eliot,” *Salt Lake Herald*, 17 March 1892; “Gush Over Saints,” *San Francisco Chronicle*, 26 March 1892; Wilford Woodruff journal, 16 March 1892, in *WWJ*, 9:189; Angus M. Cannon journal, 16 March 1892, LDS Archives. Beforehand, Wilford Woodruff attended a private dinner in Eliot’s honor and, despite his illness and age, “waited upon Mrs. Eliot at the table.” See the Wilford Woodruff journal, 16 March 1892, in *WWJ*, 9:189.

²⁹ “Eliot Entertained,” *Salt Lake Herald*, 18 March 1892.

³⁰ “OBSERVER” to editor, 17 March 1892, in “That Eliot Lecture,” *SLT*, 18 March 1892, 5; “Eliot’s Status,” *SLT*, 18 March 1892, 4; “The Eliot Visit,” *SLT*, 19 March 1892, 5; “No Apologies In Order,” *SLT*, 20 March 1892, 12; “President Eliot on the Mormons,” *New York Times*, 25 March 1892, 4; “Gush Over Saints,” *San Francisco Chronicle*, 26 March 1892; “Eliot on Mormons,” *San Francisco Chronicle*, 27 March 1892; “Statement from President Eliot,” *New York Times*, 27 March 1892, 2; Untitled editorial, in *SH* 39 (16 April 1892), 244-245; “The Puritans and the ‘Mormons,’” *Deseret Weekly*, 30 April 1892, 605-606; “President Eliot’s Salt Lake Speech,” *SH* 39 (21 May 1892), 336.

³¹ Wilford Woodruff deposition, 17 and 21 March 1892, TLC-R, 1:12-13 and 1:92, respectively; Wilford Woodruff journal, 17 March 1892, in *WWJ*, 9:189; “The Polygamy Revelation,” *SLT*, 19 March 1892, 5.

³² Lyman O. Littlefield deposition, 17 March 1892, TLC-R, 1:147-177 (Q1-554). For newspaper coverage, see “The Mormon Depositions,” *SLT*, 18 March 1892, 6.

³³ Joseph Smith journal, 12 February 1842, in *JSJ*, 2:33; Lyman O. Littlefield to Joseph Smith, 10 February 1844, in Gary James Bergera, “‘Illicit Intercourse,’ Plural Marriage, and the Nauvoo Stake High Council, 1840-1844,” *JWJ* 23 (2003), 73.

³⁴ Nauvoo High Council minutes, 25, 27 May 1842, in *NCM*, 417, 418; Wilford Woodruff journal, 27 May 1842, in *WWJ*, 2:177.

³⁵ Book of Proxy Sealings, 15 January 1846, in *EC*, 418; Jeffrey Ogden Johnson, “Determining and Defining ‘Wife’: The Brigham Young Households,” *Dialogue* 20 (Fall 1987), 67. Some scholars list Olive Andrews among the wives Joseph Smith married in his lifetime. See Fawn M. Brodie, *No Man Knows My History: The Life of Joseph Smith, the Mormon Prophet* 2d ed. (New York: Alfred A. Knopf, 1971), 485; Jerald and Sandra Tanner, *Joseph Smith and Polygamy* (Salt Lake City: Utah Lighthouse Ministry, n.d.), 44; *MH*, 1:588, 608. Others think the marriage *might* have occurred in Smith’s lifetime, but deem the evidence too sparse. See Compton, *Sacred Loneliness*, xi, 8, and “Fawn Brodie on Joseph Smith’s Plural Wives and Polygamy: A Critical View,” in Newell G. Bringhurst, ed., *Reconsidering No Man Knows My History: Fawn M. Brodie and Joseph Smith in Retrospect* (Logan: Utah State University Press, 1996), 174, 184-185; Smith, *Nauvoo Polygamy*, 222, 224, 650n356. Danel W. Bachman, “A Study of the Mormon Practice of Plural Marriage Before the Death of Joseph Smith” (M. A. thesis: Purdue University, 1975), 109, 112, 114, 335, thinks it doubtful Andrews married Smith during his lifetime. Andrew Jenson (*PM*, 233-240), does not mention her in his list of Smith’s wives.

³⁶ “Programme of Exercises,” *WE* 20 (15 March 1892), 132; “Address of Bathsheba W. Smith,” 17 March 1892, and “Relief Society Jubilee,” in *WE* 20 (1 April 1892), 139 and 140-143, respectively; Angus M. Cannon journal, 17 March 1892, LDS Archives; Jill Mulvay Derr, Janath Russell Cannon, and Maureen Ursenbach Beecher, *Women of Covenant: The Story of Relief Society* (Salt Lake City: Deseret Book, 1992), 140-143. Bathsheba did not read her address herself; Apostle John Henry Smith read it for her. In an age without audio amplification, it was thought best for voluble men to read women’s essays so that everyone in the spacious Tabernacle could hear the remarks.

³⁷ Linda King Newell and Valeen Tippetts Avery, *Mormon Enigma: Emma Hale Smith* (Urbana: University of Illinois Press, 1994), ch. 8, pgs. 128-129; Richard S. Van Wagoner, *Mormon Polygamy: A*

History 2d. ed. (Salt Lake City: Signature Books, 1989), 20-21; Smith, *Nauvoo Polygamy*, 114-115, 120-121

³⁸ Angus M. Cannon journal, 17 March 1892, LDS Archives; Abraham H. Cannon diary, 17 March 1892, in Lyman, *Candid Insights*, 312.

³⁹ Leland A. Fetzer, "Tolstoy and Mormonism," *Dialogue* 6 (Spring 1971), 22-23, 26-29. White's 1894 conversation with Tolstoy would become the basis for the Mormon folklore that Tolstoy described Mormonism as "the American religion."

⁴⁰ Joseph C. Kingsbury deposition, 17 March 1892, TLC-R, 1:177-236 (Q1-1184). For newspaper coverage, see "The Mormon Depositions," *SLT*, 18 March 1892, 6; "He Taught Polygamy," *KCT*, 1 April 1892, 2.

⁴¹ "The History of Joseph C. Kingsbury Written by his own Hand," c.1846-1864, Overland Trails Diaries, <http://patriot.lib.byu.edu>, [14-16]; "Civil Marriages Performed, Nauvoo, Hancock County, Illinois, 1842-1843," and "A Record of Marriages, in the City of Nauvoo, Illinois," in H. Michael Marquardt, *The Rise of Mormonism: 1816-1844* (Longwood, FL: Xulon Press, 2005), 586-587. For scholarly treatments, see H. Michael Marquardt, *The Strange Marriages of Sarah Ann Whitney to Joseph Smith the Mormon Prophet, Joseph C. Kingsbury and Heber C. Kimball* rev. ed. (Salt Lake City: Modern Microfilm Company, 1982), updated in Marquardt, *Rise of Mormonism*, ch. 24; Compton, *Sacred Loneliness*, 351-353, 362, 719-720; Smith, *Nauvoo Polygamy*, 645n198.

⁴² The Kingsbury copy remains within the LDS Archives to this day. For transcripts of the manuscript, see H. Michael Marquardt, *The Joseph Smith Revelations: Text and Commentary* (Salt Lake City: Signature Books, 1999), 323-328; Robert J. Woodford, "The Historical Development of the Doctrine and Covenants" 3 vols. (Ph.D. dissertation: Brigham Young University, 1974), 3:1731-1761. For published photographs of the first page of the Kingsbury copy, see Figure 6 of Bachman, "Plural Marriage," 209, and Lyndon W. Cook, *Joseph C. Kingsbury: A Biography* (Provo: Grandin Book, 1985), 96.

⁴³ Mercy Rachel Thompson deposition, 18 March 1892, TLC-R, 1:236-271 (Q1-679). For newspaper coverage, see "On That Spot," *Salt Lake Times*, 19 March 1892; "The Polygamy Revelation," *SLT*, 19 March 1892, 5; "The Legal Lexicon," *Salt Lake Herald*, 19 March 1892; "That Gloomy Record," *SLT*, 20 March 1892, 12; "Temple Lot Testimony," *KCS*, 22 March 1892, 6.

⁴⁴ Bathsheba W. Smith deposition, 18 March 1892, TLC-R, 2:290-348 (Q1-1156). For newspaper coverage, see "On That Spot," *Salt Lake Times*, 19 March 1892; "The Polygamy Revelation," *SLT*, 19 March 1892, 5; "The Legal Lexicon," *Salt Lake Herald*, 19 March 1892; "That Gloomy Record," *SLT*, 20 March 1892, 12.

⁴⁵ "The Polygamy Revelation," *SLT*, 19 March 1892, 5; "Depositions on Polygamy," *SLT*, 20 March 1892, 2; "Plural Marriage," *Salt Lake Herald*, 20 March 1892.

⁴⁶ "Depositions on Polygamy," *SLT*, 20 March 1892, 2. Another newspaper substantiated the gist of Kelley's remarks but, perhaps because of the brevity of its coverage, said nothing about the confrontation with James Hedrick. See "On That Spot," *Salt Lake Times*, 19 March 1892.

⁴⁷ Emily Dow Partridge deposition, 19 March 1892, TLC-R, 2:348-392 (Q1-930); Emily Dow Partridge diary, 11-12, 14-15, 19, 23 March, 29 April, 6 May 1892, 4 March 1893, Marriott Library. For newspaper coverage, see "On That Spot," *Salt Lake Times*, 19 March 1892; "Depositions on Polygamy," *SLT*, 20 March 1892, 2; "Plural Marriage," *Salt Lake Herald*, 20 March 1892; "That Templeton Hearing," *SLT*, 21 March 1892, 4. For more detailed secondary overviews, see H. Michael Marquardt, "Emily Dow Partridge Smith Young on the Witness Stand: Recollections of a Plural Wife," *JMH* 34 (Summer 2008), 110-141, and *Rise of Mormonism*, ch. 25.

⁴⁸ Emily Dow Partridge diary, 19, 23 March 1892, Marriott Library.

⁴⁹ "Depositions on Polygamy," *SLT*, 20 March 1892, 2.

⁵⁰ "Priesthood, and the Right of Succession," *Deseret Weekly*, 19 March 1892, 401-408.

⁵¹ Angus M. Cannon journal, 19 March 1892, LDS Archives.

⁵² "That Gloomy Record," *SLT*, 20 March 1892, 12. The sentiment was repeated in "That Awful Record," *SLT*, 25 March 1892, 4.

⁵³ The announcement appeared in all the local papers. The version I've quoted can be found in the "Church and Creed" section of the *Salt Lake Herald*, 20 March 1892.

⁵⁴ Angus M. Cannon journal, 20 March 1892, LDS Archives; "Assembly Hall Lecture," *DN Semi-Weekly*, 22 March 1892, 7; "Assembly Hall Lecture," *SH* 39 (2 April 1892), 209.

⁵⁵ "Assembly Hall Lecture," *DN Semi-Weekly*, 22 March 1892, 7; "Assembly Hall Lecture," *SH* 39 (2 April 1892), 209; Edmund L. Kelley to editor, 17 August 1892, in *SH* 39 (27 August 1892), 556.

⁵⁶ Joseph B. Noble deposition, 21 March 1892, TLC-R, 2:392-401 (Q1-182). For newspaper coverage, see "Woodruff Tells," *Salt Lake Times*, 21 March 1892; "First Plural Marriage," *SLT*, 22 March 1892, 5; "The Temple Lots," *Salt Lake Herald*, 22 March 1892, 8; "False Dispatches Again," *DN*, 29 March 1892, 4. Noble's great-great-grandson has written a splendid monograph using Noble's deposition as a springboard to examine his life. See David L. Clark, *Joseph Bates Noble: Polygamy and the Temple Lot Case* (Salt Lake City: University of Utah Press, 2009).

⁵⁷ Wilford Woodruff deposition, 21 March 1892, TLC-R, 1:13-92 (Q74-1061). For newspaper coverage, see "Woodruff Tells," *Salt Lake Times*, 21 March 1892; "First Plural Marriage," *SLT*, 22 March 1892, 5; "The Temple Lots," *Salt Lake Herald*, 22 March 1892, 8; "Temple Lot Testimony," *KCS*, 22 March 1892, 6; "He Taught Polygamy," *KCT*, 1 April 1892, 2.

⁵⁸ Joseph B. Noble deposition, 21, 23 March 1892, TLC-R, 2:401 (Q181-182), and 2:402 (Q183-184), respectively; "First Plural Marriage," *SLT*, 22 March 1892, 5.

⁵⁹ Lucy Walker Kimball deposition, 22 March 1892, TLC-R, 2:448-495 (Q1-993). For newspaper coverage, see "Joseph's Widow's [sic]," *Salt Lake Times*, 22 March 1892; "For 'Independence,'" *Salt Lake Herald*, 23 March 1892, 2; "The Church Will Apologize," *SLT*, 23 March 1892, 5.

⁶⁰ "The Church Will Apologize," *SLT*, 23 March 1892, 5.

⁶¹ Mary Ann Covington West deposition, 22 March 1892, TLC-R, 2:495-527 (Q1-800). For newspaper coverage, see "The Church Will Apologize," *SLT*, 23 March 1892, 5; "The Old, Old Man," *Salt Lake Times*, 23 March 1892; "For 'Independence,'" *Salt Lake Herald*, 23 March 1892, 2.

⁶² Gary James Bergera, "Identifying the Earliest Mormon Polygamists, 1841-44," *Dialogue* 38 (Fall 2005), 35-36, surmises that the marriage took place after William's return to Nauvoo in April 1844. Smith, *Nauvoo Polygamy*, 623, 652, thinks it took place before William's fall 1843 mission departure.

⁶³ Priscilla Morgridge Staines deposition, 22 March 1892, TLC-R, 2:527-530 (Q1-32). For newspaper coverage, see "The Church Will Apologize," *SLT*, 23 March 1892, 5; "The Old, Old Man," *Salt Lake Times*, 23 March 1892; "For 'Independence,'" *Salt Lake Herald*, 23 March 1892, 2. Morgridge appeared at the request of Charles Hall through intermediary Angus M. Cannon. See the Angus M. Cannon journal, 19, 22 March 1892, LDS Archives.

⁶⁴ Mercy Rachel Thompson deposition, 22 March 1892, TLC-R, 1:271 (Q680-683) and 2:272-290 (Q683-1006). For newspaper reports, see "The Church Will Apologize," *SLT*, 23 March 1892, 5 (quotes); untitled table of contents and "For 'Independence,'" *Salt Lake Herald*, 23 March 1892, 1, 2, respectively.

⁶⁵ The following paragraph is based upon the Joseph B. Noble deposition, 23 March 1892, TLC-R, 2:402-448 (Q183-1101). For newspaper coverage, see "The Old, Old Man," *Salt Lake Times*, 23 March 1892; "Noble's Counsel to Joseph," *SLT*, 24 March 1892, 5; "The Temple Trial," *Salt Lake Herald*, 24 March 1892, 6; "That Awful Record," *SLT*, 25 March 1892, 4; "False Dispatches Again," *DN*, 29 March 1892, 4.

⁶⁶ Joseph B. Noble deposition, 23 March 1892, TLC-R, 2:410 (Q346-349). The *Salt Lake Tribune* distorted Noble's wisecrack in the worst possible way as an admission that Mormon men were simply after women and gave no thought to religious doctrine and conviction. See "That Awful Record," *SLT*, 25 March 1892, 4. Conversely, the LDS *Deseret News* downplayed the risqué character of Noble's comment. See "False Dispatches Again," *DN*, 29 March 1892, 4.

⁶⁷ Joseph B. Noble deposition, 23 March 1892, TLC-R, 2:445 (Q1044). Noble had eleven wives over the course of his lifetime—at most four simultaneously—and fathered thirty-one children, many of whom did not survive to adulthood. Because of death and divorce Noble spent forty-seven years as a monogamist and only nineteen years as a polygamist. See Smith, *Nauvoo Polygamy*, 330, 610; Clark, *Joseph Bates Noble*, 80, 150, 153, 168-170.

⁶⁸ Joseph B. Noble deposition, 23 March 1892, TLC-R, 2:427 (Q690).

⁶⁹ Joseph B. Noble affidavit, 26 June 1869, in Bergera, "Earliest Mormon Polygamists," 16. For an overview of the sundry strands of evidence for the event, see Smith, *Nauvoo Polygamy*, 56-65.

⁷⁰ Joseph Smith journal, 11 May 1843, in *APR*, 377; Clark, *Joseph Bates Noble*, 79.

⁷¹ William Clayton journal, 17 May 1843, in *JWC*, 103; Bergera, "Earliest Mormon Polygamists," 17-18; Smith, *Nauvoo Polygamy*, 330, 610; Clark, *Joseph Bates Noble*, 86. Noble's first plural wife, Sarah B. Alley, gave birth to their first child, George O. Noble, on 2 February 1844. See the Sarah B. Alley Family Group Record at <http://www.familysearch.org>; Clark, *Joseph Bates Noble*, 86. For a veiled contemporaneous reference to Sarah's pregnancy, see Vilate Kimball to Heber C. Kimball, 29 June 1843, in Bergera, "Earliest Mormon Polygamists," 18.

⁷² Cyrus Wheelock deposition, 23 March 1892, TLC-R, 2:530-542 (Q1-156) and 3:543-563 (Q157-374). For newspaper coverage, see "Noble's Counsel to Joseph," *SLT*, 24 March 1892, 5; "The Temple Trial," *Salt Lake Herald*, 24 March 1892, 6; "That Awful Record," *SLT*, 25 March 1892, 4; "He Taught Polygamy," *KCT*, 1 April 1892, 2. Wheelock appeared at the request of Charles Hall through intermediary Angus M. Cannon. See the Angus M. Cannon journal, 22 March 1892, LDS Archives.

⁷³ Samuel W. Richards deposition, 23 March 1892, TLC-R, 3:563-577 (Q1-182). For newspaper coverage, see "Noble's Counsel to Joseph," *SLT*, 24 March 1892, 5; "The Temple Trial," *Salt Lake Herald*, 24 March 1892, 6.

⁷⁴ "Suit for the Temple Block in Missouri," *DN*, 24 March 1892, 4. In a similar spirit, see the Emily Dow Partridge diary, 24 March 1892, Marriott Library; "Despicable Tactics," *DN*, 26 March 1892, 4.

⁷⁵ "Assembly Hall Lecture," *SH* 39 (2 April 1892), 209.

⁷⁶ "Editorial Items," *SH* 39 (9 April 1892), 226. On his return trip to the Midwest, Edmund L. Kelley recounted his experience in Utah with an RLDS member who happened to spot him on the train. See C. R. Duncan to editor, 31 March 1892, in *SH* 39 (16 April 1892), 248.

⁷⁷ "Suit for the Temple Block in Missouri," *DN*, 24 March 1892, 4. The leading organ of the local non-Mormon community similarly felt that the defendants had proven their case about Joseph Smith and plural marriage. See "That Gloomy Record," *SLT*, 20 March 1892, 12.

⁷⁸ Charles A. Hall to John M. Cannon, 29 March 1892, LDS Archives.

⁷⁹ "Is It Fair?," *Searchlight* 3 (January 1899), 285.

⁸⁰ Joseph Smith III to Warren E. Peak, 21 December 1911, typescript, Miscellaneous Letters and Papers, CofC Archives.

⁸¹ See Joseph Smith III to George Edmunds, 15 February 1893, typescript, Miscellaneous Letters and Papers, CofC Archives.

⁸² "He Taught Polygamy," *KCT*, 1 April 1892, 2.

⁸³ "Joseph's Widow's [sic]," *Salt Lake Times*, 22 March 1892.

⁸⁴ "The Old, Old Man," *Salt Lake Times*, 23 March 1892.

⁸⁵ "Noble's Counsel to Joseph," *SLT*, 24 March 1892, 5.

⁸⁶ "That Awful Record," *SLT*, 25 March 1892, 4.

⁸⁷ "That Templeton Hearing," *SLT*, 21 March 1892, 4.

⁸⁸ "Sabbath Service," *Provo Daily Enquirer*, 28 March 1892.

⁸⁹ Smith, *Nauvoo Polygamy*, 466-467.

Chapter Twenty-One
The Reorganization Calls Its Final Witnesses
April-May 1892

On April 6th 1892, the LDS Church, Reorganized Church, and Church of Christ convened their respective general conferences, a tradition going back to the founding of Mormonism on April 6th 1830. For two of the churches, the April 1892 conference occasioned joyous celebration of monumental achievements. But for one church, the April 1892 conference occasioned a deep sense of foreboding.

In Salt Lake City, tens of thousands—the largest crowd heretofore in Utah history—gathered at Temple Square and the surrounding streets, windows, and rooftops to witness the laying of the capstone on the nearly-completed Salt Lake Temple. LDS leaders (coincidentally) connected to the Temple Lot Case featured prominently in the program. George Q. Cannon offered the opening remarks and benediction, Joseph F. Smith offered the dedicatory prayer, Wilford Woodruff released the capstone atop the central eastern spire by pressing an electric button (still a novelty at the time), and Lorenzo Snow led the crowd in the Hosanna Shout. In the evening, President Woodruff watched the building crew lower Cyrus E. Dallin’s gold-leafed copper statute of the Angel Moroni into the capstone. It was a remarkable day, an unparalleled showcase for a building without parallel in the American West. The most enduring photograph of the ceremony was taken by Charles Ellis Johnson atop the Hotel Templeton, the site just weeks earlier of the Temple Lot Case depositions.¹

For many attendees, the capstone ceremony provided a much-needed emotional catharsis. Wilford Woodruff wrote in his journal: “This was certainly the greatest day the

Latter-day Saints ever saw in these mountains.”² Another writer justifiably commented that “April 6th, 1892, was looked for more ardently, probably, than to any late event in connection with the Church.”³ Aside from the dedication of the regional temples in St. George (1877), Logan (1884), and Manti (1888), the LDS Church had not had a lot to celebrate of late. Polygamists had been hunted, church assets confiscated, members disenfranchised. But forced to choose between polygamy and the loss of the temples to federal authorities, Woodruff felt the hand of the Lord push him decisively towards temples and the redemption of the human family. Now, after thirty-nine-years of intermittent labor, the signature temple had its capstone and its angel, signaling that as the church retreated on plural marriage the distinctive LDS identity as a temple-building people would become ever stronger. For LDS leaders struggling to recast the faith in the wake of polygamy’s demise, they could not have enjoyed a better symbol of continued vitality, authority, and purpose than the Salt Lake Temple.⁴

The public relations implications of the Salt Lake Temple were not lost on Joseph Smith III. For three decades the Josephites had garnered attention, respect, and converts by presenting themselves as the antithesis of the abhorrent Brighamites. But suddenly the differences were considerably less pronounced. At least overtly if not completely, the LDS Church no longer promulgated polygamy, theocratic politics, communitarian economics, blood atonement, the Adam-God doctrine, and enduring hostility towards the outside world. As W. W. Blair acknowledged, the Utah Mormons were returning to the theology and practice of early Mormonism, at least early Mormonism as Blair understood it.⁵ The Utahns were even beginning to receive favorable press coverage and

commendations from distinguished figures like Charles W. Eliot, and the completion of the Salt Lake Temple was bound to only increase the praise. The de-radicalization of the LDS Church thus posed a quandary for the RLDS Church. What was the point of being an alternative if an alternative was no longer quite so necessary? A case in point: In 1893 someone asked RLDS apostle Alexander H. Smith why the Josephites shouldn't join the LDS Church now that polygamy had been eradicated.⁶ The newfound moderation of the LDS Church caused something of an "identity crisis" for the Reorganization.⁷

Nonetheless the Reorganized Church had its own occasion for celebration. That same April 6th in Independence, the Reorganization convened its first general conference in the "Stone Church" located across the street from the Temple Lot. For over two years now, the RLDS Independence Branch held services in the basement of the unfinished church. But in the first quarter of 1892, the branch put the finishing touches on the main auditorium. Although some work remained to be done on the edifice, enough had been completed since its groundbreaking four years earlier for church members to feel justifiably proud of their accomplishment. At a total cost of approximately \$30,000, the Stone Church stood as the largest and most beautiful meetinghouse in the Reorganized Church aside from the Kirtland Temple. The auditorium held up to 1,500 people, and the basement an additional eight hundred. The red brick, stained glass, high ceilings, and Gothic steeple, moreover, made for perhaps the handsomest church in the city. Of course the location of the Stone Church multiplied its luster. "This edifice is built upon historic ground," *Zion's Ensign* observed, "its site being part of the original Temple ground." To mark the completion of the auditorium, the Independence Branch hosted a flurry of

activities in early April. On the third of the month, they hosted the first Sunday services in the auditorium. On the fourth, they hosted the annual meeting of the RLDS General Sunday School Association in the basement. And on the sixth, they hosted the general conference in the auditorium.⁸ General conference would last several days, attract thousands of attendees, and receive daily attention from the local press.⁹ Symbolically, little could have epitomized the Reorganization's growing presence in Jackson County better than the Stone Church. The Reorganization may not have controlled the Temple Lot quite yet, but it now dominated the landscape of the Temple Lot neighborhood.

At the close of the general conference business session, Joseph Smith III opined that with the changes taking place in Utah, the Reorganized Church would need to change its presentation to the Latter Day Saints and the world:

The attitude of the Reorganization, especially concerning that between us and those whom we think have departed from the faith, is quite materially changed, and I am of the opinion that this change requires not only careful thought, but it requires a little difference in presentation.

Reflexively pointing to polygamy as the chief difference between the LDS and RLDS churches would no longer be sufficient, Smith mused. He suggested a subtler approach, like calling attention to formerly tangential matters like the two bodies' different attitudes towards Joseph Smith's translation of the Bible. He also recommended that when dealing with the larger Christian world, RLDS ministers initially emphasize their commonalities, and only then move on to their differences.¹⁰ If Smith's concerns at all informed his current perspective on the Temple Lot Case, they probably made him more determined to win, as victory would reinforce the collective memory and social identity of his church.

The Church of Christ convened its own general conference on the Temple Lot on April 6th.¹¹ But unlike its LDS and RLDS counterparts, the Church of Christ had little to celebrate. The sacred property that defined them as a people was under attack. Nobody knew if the church would ever hold another conference on the Temple Lot again. In order just to put up a fight to retain the property, moreover, church members were going into debt and incurring obligations to a third church with its own designs on the Temple Lot. And now, as if to dramatize their increasingly tenuous grip on the sacred ground, every time members of the Church of Christ faced northward from the Temple Lot they saw the imposing Stone Church and the burgeoning local population of their nemesis, the Reorganized Church. The prospective fortunes of the Reorganization and the Church of Christ could not have seemed starker.

In the aftermath of their costly excursion to Utah Territory, the principals in the Temple Lot Case took stock of their respective finances. In his annual financial report to the general conference, the Reorganization's chief financial officer, Bishop Edmund L. Kelley, reported that during the fiscal year from 31 March 1891-31 March 1892, the church spent \$200 for "Court deposit" and \$1,300 for "Cost of temple lot." In a church with \$38,420.58 total assets available, these were not insignificant sums. Unfortunately, the report didn't specify how the suit-related outlays were spent.¹²

Meanwhile, Charles A. Hall informed John M. Cannon that in the seven months from September 1891-March 1892, the Church of Christ spent roughly \$880 on the case, of which \$425 went towards attorney's fees (\$315 to John M. Southern, \$100 to Richard

Cabell), \$110 towards Utah travel expenses, and the remainder to taxes, witness expenses, document fees, and miscellaneous items. Hall had covered these expenses by means of loans—\$800 from John M. Cannon, \$160 from Richard Hill, \$100 from George P. Frisbie.¹³ To cover outstanding expenses in Utah, he left an expense book and some money behind in a Utah bank, probably Zion’s Savings Bank in the Templeton Building. He asked Cannon to make sure “all is square & settled in full” in Utah.¹⁴ Unfortunately, once the fees for John M. Orr’s depositions came due, expenses would increase dramatically. Hall projected the defendants would produce roughly 500 pages of testimony, and at \$1.40 per page, he (mis)calculated the cost would come to \$720. Hall also projected that the defendants would have to purchase 600 pages of plaintiff’s testimony, which at \$0.42 a copy, would come to another \$252. He anticipated, furthermore, that Southern would have to be paid another \$200, and that another \$200 would have to go to miscellaneous fees. All together then, he estimated the defendants would need to spend another \$1,372 over the coming months. Hall had \$280 on hand and figured that Church of Christ members could raise another \$300. That left \$791 in upcoming expenses Hall estimated the defendants could cover. Hall didn’t come out and say it, but clearly he hoped that Cannon’s LDS sources could fill the gap.¹⁵

To help make ends meet, Hall and other Church of Christ members entered into a printing partnership revolving around the *Nauvoo Expositor*, the June 1844 newspaper that implicated Joseph and Hyrum Smith in plural marriage. The plan went like this: If Hall and his associates supplied the printing paper and corrected the proof-sheets, a third party would pay for a reprint of the *Expositor* and share one-half of the profits with the

church. The timing could not have been better. With RLDS general conference taking place across the street, Hall had an unusually large pool of potential consumers among whom he could sell the paper and raise questions about the Prophet's role in Nauvoo polygamy. Unfortunately, the plan did not pan out. The third party backed out of the project, leaving the defendants to foot the \$75 printing bill themselves. To make matters worse, sales were flat.¹⁶ There was, however, one bright spot: A number of orders came in from Utah, prompting Hall to write Angus M. Cannon on April 18th suggesting that they sell the *Expositor* reprints throughout the wards of Cannon's Salt Lake Stake.¹⁷

The Temple Lot Case depositions were scheduled to resume on Wednesday, 13 April 1892, but owing to Bishop Edmund L. Kelley's prolonged responsibilities at the RLDS general conference, the proceedings were postponed to the following Monday.¹⁸ Accordingly, on April 18th, the opposing parties convened for the resumption of complainant's testimony in the grand jury room of the Independence courthouse.¹⁹ This would be the most diverse round of testimony up to this point, with depositions alternately focusing on such disparate subjects as the Missouri persecutions, the origins of the Reorganization, and the plaintiff's chain-of-title to the Temple Lot. Testifying for the plaintiffs in this round were Charles Johnson, Edmund C. Briggs, Hiram Rathbun Sr., John W. Brackenbury, Edmund L. Kelley, W. R. Hall, Robert Weston, John H. Thomas, Charles R. Ross, Mary Judd Page Eaton, John T. Crisp, Martha A. Hall, Jacob Gregg, and William Stewart. In contrast to the preceding rounds in Independence and Salt Lake City, several of the witnesses in this round did not subscribe to any Mormon tradition

whatsoever. For the first time, moreover, someone other than one of the Kelley brothers—Judge Traber, to be precise—examined witnesses on behalf of the plaintiffs. Parley Kelley questioned most of the first witnesses, Edmund Kelley most of the last, and Traber most of the middle. For the opposing side, Charles A. Hall, who did most of the examination work in Utah, receded into the background, and as in the earlier round in Independence, John N. Southern did most of the defendants' questioning.

For their first witness, the Reorganization called sixty-five-year-old Charles Johnson of Southwest City, Missouri. The plaintiffs spent a lot of money on Johnson's travel and boarding expenses; presumably they thought it necessary to establish the link between Oliver Cowdery and the family from whom the Reorganized Church purchased their Temple Lot deed in 1887. Johnson recounted that he married Cowdery's daughter, Marie Louise Johnson, in 1856, and that he cared for Marie and her mother, Elizabeth Whitmer Cowdery, Oliver's widow, until the mother and daughter passed away three months earlier in January 1892. From there, however, Johnson did the plaintiffs more harm than good. First, he told a disappointed Parley P. Kelley that Elizabeth Cowdery didn't consider any of the properties she inherited from Oliver to be ecclesiastical in character. Second, he told John N. Southern that, as far as he understood, the original sixty-three acres Partridge conveyed to Cowdery's children were bound together, that if Edmund L. Kelley cleared the title to the 2.5-acre Temple Lot it would clear the title to the entire Temple Tract. An RLDS victory, in other words, could topple not only the Temple Lot title of the Church of Christ but potentially all titles on the sixty-three acre Temple Tract.²⁰ The explosive implication of Johnson's remarks were immediately

apparent. The *Kansas City Times* intoned the following day: “This property is very valuable, comprising the western end of the city. This testimony created not a little excitement as the title of this property is endangered by this suit.”²¹ The *Deseret Weekly* echoed the panic: “Some of the finest residences in the city are located on this land, and Johnson could collect handsomely from people who have dwelt in fancied security.”²² The *Chicago News Record* warned that the property titles to “over the best half of the city of Independence would be clouded.”²³ The *Kansas City Star* almost lamented that the plaintiffs had no other route to the Temple Lot than through this potentially destabilizing deed: “This seems to be about the only title the Reorganized church claims under.”²⁴

After this disquieting deposition, Parley P. Kelley turned to fifty-seven-year-old Edmund C. Briggs, younger brother of Reorganization founder Jason W. Briggs and longtime member of the RLDS Council of Twelve Apostles. Briggs’ deposition, one of the plaintiff’s longest, would take up the remaining hours of the day and conclude the next day, April 19th. Like W. W. Blair before him, Briggs offered a workmanlike chronicle of the early Reorganization—its origins, leaders, doctrinal faithfulness, and disconnection from the Strangite and Williamite movements. On cross-examination, it quickly became apparent that John N. Southern had been doing some homework; his dexterity with Mormon history had dramatically improved since his last cross-examination two months earlier. Southern narrowed the gap Briggs tried to establish between James Strang, William Smith, and the Reorganization’s founders. Southern highlighted Jason Briggs’ status as a Williamite apostle, casting doubt upon the witness’s assertion that his brother never followed William Smith. Southern also compared the

Reorganization's first tract, *A Word of Consolation to the Scattered Saints* (1852), with the recent RLDS tract, *The Reorganized Church of Jesus Christ of Latter Day Saints in Succession from 1830 to the Present* (1891), and found that the compilers of the latter, Joseph Smith III, W. W. Blair, and E. L. Kelley, had excised a damning passage from the former indicting William Smith in polygamous practices. Southern also found some soft spots in the RLDS doctrine of the rejection of the church. But Edmund Briggs captured the imagination of all courtroom observers by recounting that, in his adolescence, he experienced a vision on the day of Joseph Smith's martyrdom indicating that Joseph III would lead the church someday. As with James Whitehead, Southern tried to use Briggs' vision to impeach his rationality and credibility; local newspapers, however, reported Briggs' experience sympathetically. In the end, though, neither the local press nor Charles A. Hall found Briggs' deposition particularly helpful to one side or the other.²⁵

Parley P. Kelley followed with seventy-one-year-old Hiram Rathbun Sr., an RLDS member from Lansing, Michigan. In a sometimes harrowing deposition that concluded the next day, April 20th, Rathbun described the violence he experienced as a Mormon youth in Missouri in the 1830s—the stoning of his home, the destruction of his father's blacksmith shop, the tarring and feathering of Bishop Partridge, renewed violence in 1838, the impolitic Mormon retaliation, and the Mormon expulsion from the state. The plaintiffs called upon Rathbun in order to demonstrate that anti-Mormon hatred, until recently, prevented the Reorganized Church from reclaiming the Temple Lot. They could not have found a more perfect illustration than Rathbun: The gunshot wound he sustained at the Haun's Mill Massacre crippled him for life. Rathbun's awful

tale received detailed press coverage, but he also helped the plaintiffs in less spectacular but equally important ways. Alone among all witnesses, he vouched for the existence of Jane, John, and Joseph Smith Cowdery, the three children, the plaintiffs claimed, to whom Bishop Partridge conveyed the Temple Lot in March 1839. Alone among all witnesses, he insisted that their father, Oliver Cowdery, remained a member in good standing in Far West well into 1839, lending plausibility to the otherwise unlikely Partridge-Cowdery deed. Rathbun admitted that he discussed Cowdery's itinerary in a conversation prior to the deposition. But though Southern suspected that Rathbun received RLDS coaching on Cowdery—how else, after decades, could he perfectly recite the names of the Cowdery children?—Southern had little success countering him.²⁶ The defendants apparently did not have any evidence on hand to factually counter that Cowdery was excommunicated by the Mormon Church in April 1838 and expelled from Far West, the Mormon headquarters, in June 1838.²⁷ Without a strong rebuttal, Rathbun did more for the Missouri plank of the plaintiff's arguments than any other witness.

For their second witness of April 20th, the plaintiffs called upon John Wesley Brackenbury, who had previously offered a truncated testimony for the plaintiffs on January 30th. Southern objected to the reintroduction of the witness, particularly one who had been in the courtroom listening to prior testimony, but Edmund L. Kelley assured Southern that Brackenbury would testify on matters prior witnesses had not discussed. Curiously, however, direct-examiner Judge Traber proceeded to question Brackenbury about the Missouri persecutions, the same subject Hiram Rathbun had just discussed! Brackenbury recounted his frightful experiences as a Mormon youth in

Missouri—seeing Philo Dibble bleeding from a gunshot wound, huddling with weeping women and children, camping along the freezing Missouri River, fleeing the state. Brackenbury also reiterated his earlier testimony that the Saints never completed the Nauvoo Temple. By that point Southern had endured enough: He objected that the witness was simply going over points made in his first deposition. Kelley surprisingly concurred and, before the direct-examination had even concluded, summarily dismissed the witness.²⁸ Little did Southern know that evidence indicates Brackenbury’s mother, Elizabeth Brackenbury Durfee, was a polyandrous plural wife of Joseph Smith’s who helped him court younger wives like Temple Lot Case deponent Emily Partridge.²⁹ Little did Southern know that Durfee was one of four women whom Joseph inducted into the Anointed Quorum on 1 October 1843, the first female initiates besides Emma Smith.³⁰ Little did Southern know that following the Prophet’s death and Durfee’s separation from her civil husband, Brigham Young sealed her for time as a plural wife to Cornelius Lott, the father of Temple Lot Case deponent Melissa Lott, and that with Cornelius acting as proxy, Young resealed Durfee for eternity to Joseph Smith.³¹ Had Southern known these things he would not have objected to Brackenbury’s deposition. Then again, had the plaintiffs known these things, they probably would not have allowed Brackenbury to testify. How much Brackenbury knew of his mother’s Nauvoo activities, or how much he would have been willing to divulge in court, are other questions entirely.

The plaintiffs spent the remainder of April 20th and part of the 21st introducing into evidence the four deeds comprising the Reorganization’s chain-of-title to the Temple

Lot, specifically the Flournoy-Partridge deed (1831), the Partridge-Cowdery deed (1839), the Cowdery-Johnson deed (1886), and the Johnson-Blakeslee deed (1887). Judge Traber and Parley Kelley called upon Edmund L. Kelley, as chief financial officer of the Reorganization, and W. R. Hall, Jackson County's deputy recorder of deeds, to comment on the provenance of each document. Their work should have been easy, but John N. Southern cast an effectively skeptical eye upon the proceedings.³²

At the outset, Judge Traber called Bishop Kelley to the stand and introduced into evidence a certified copy of the December 1831 Jones H. Flournoy-Edward Partridge deed as recorded in the Jackson County Record of Deeds on 24 May 1832, Bishop Partridge's title to the original sixty-three-acre Temple Grounds.³³ Plaintiff and defendant alike concurred on the legitimacy of the 1831 deed. To vouch for the accuracy of the plaintiff's certified copy of the document, Traber turned to W. R. Hall. As expected, Recorder Hall identified the document as the certified copy he wrote out in June 1887. Looking at the surprisingly youthful face of Recorder Hall, John Southern was prompted to question Hall's professional experience, and by inference, his competency. In reply, Recorder Hall admitted that he was still only twenty-four-years old, and that he joined the recorder's office as a teenager in 1886, having enjoyed just six months of prior clerical experience. As Southern suspected, then, Recorder Hall was a very young man with little experience when he made the certified copy of the Flournoy-Partridge deed in June 1887. Southern didn't have any specific damaging allegations to make; he just wanted to raise the possibility that Hall might not have been the most accurate recorder when he wrote out the Flournoy-Partridge deed in 1887.³⁴

Cross-examining Edmund L. Kelley, Southern insinuated, as he had back in January, that there was something nefarious with the incorporated status of the Reorganized Church. But Bishop Kelley stood his ground and explained that while individual trustees holding property for an unincorporated church could break away and sell the property against the wishes of the church, incorporated churches can centralize property ownership, ensuring that they never lose their property to disaffected trustees. Turning to specifics, Southern objected to the plaintiff's certified copy of the 1831 Flournoy-Partridge deed inasmuch as Kelley had produced no legal instrument showing that he, as the bishop of the Reorganization incorporated in Iowa in 1891, had formally obtained the certified copy of the deed from his predecessor, George Blakeslee, bishop of the Reorganization incorporated in Illinois in 1873. Kelley replied that the State of Iowa did not require a formal transfer of documents under such conditions.³⁵

At this point, Parley P. Kelley called W. R. Hall back to the stand to introduce into evidence another link in the plaintiff's chain-of-title to the Temple Lot: the 29 May 1886 quit claim deed from Elizabeth Whitmer Cowdery to Marie Louise Cowdery Johnson. In lieu of a certified copy, however, Recorder Hall read aloud a portion of the deed from the Jackson County records! To account for his unusual methodology, Hall explained that he hadn't been able to find the original 1886 deed in his Independence office, but had since learned that it was stored in the county recorder's office in Kansas City. The plaintiffs, in short, were unable to present a certified copy of the deed at present because it was stored all of fifteen miles away. Needless to say, this was an embarrassing moment for the plaintiffs. Rather than let it pass, John Southern let Parley

Kelley stew in the discomfort by issuing multiple objections to the botched introduction of the 1886 deed, the most damning being that “the original deed is within the reach of the parties who desire to offer the record, and because scraps of a record of this kind do not indicate the character and nature of the instrument as a muniment of title to real estate.” Eager to move on to another subject, Parley Kelley retracted Hall’s oral evidence and pressed the deputy recorder to bring a certified copy of the document to the proceedings the following day. This was not one of the plaintiff’s better moments.³⁶

Moving on, Parley Kelley started to introduce into evidence a third link in a plaintiff’s chain-of-title: A certified copy W. R. Hall produced in 1887 of the 1839 deed from Edward Partridge to children Jane, John, and Joseph Smith Cowdery. The defendants were particularly skeptical of this document, *the* key document in the Reorganization’s chain-of-title. Not wasting a moment, Southern interrupted Kelley’s introduction and got W. R. Hall to concede that, curiously, the document did not specify the date of the Partridge-Cowdery transaction, but only the date of justice Elias Higbee’s purported acknowledgement, 25 March 1839. Recorder Hall assumed the date of the conveyance and acknowledgement were one and the same, but Southern saw the omission of a conveyance date as indicative of the many problems with the document. Letting loose, Southern offered one of the longest objections of the entire Temple Lot Case, a litany of ten problems with the Partridge-Cowdery deed. Southern asserted, among other things, that the purported deed wasn’t dated, wasn’t acknowledged by proper legal authority in 1839, and contained none of the language typically found in land conveyances. For example, while the Partridge-Cowdery deed referred to the “Temple

Lot” by name, it didn’t specify the property’s dimensions, which differed considerably in 1839 and 1892. Southern also objected that the plaintiffs had not indicated whether the original Partridge-Cowdery deed was lost, destroyed, or simply unavailable, thereby necessitating the use of a certified copy. Nor had the plaintiffs demonstrated that Recorder Hall or the proper authorities had maintained continuous custody of the alleged deed, thereby, Southern implied, preventing the possibility of fraud. Southern saw the Partridge-Cowdery deed as both the weakest and the most important link in the plaintiff’s chain-of-title, so he went after it with all the arguments he could muster.³⁷

Responding to one of Southern’s objections, Edmund Kelley took the stand and assured the court that he searched for the original 1839 deed in 1887 but failed to find it. Charles A. Hall told John M. Cannon that he found Kelley’s alibi most suspicious, as Kelley had previously given him the opposite impression:

They have put in a copy of the deed from Partri[d]ge to Cowdery[']s Children & swore they did not have, never did have & never knew anything about the original deed & do not know who has it now. [But] I think they had it in Utah [in March 1892] & Kelley said here [in Independence] when we commenced tak[i]ng testimony [in January 1892] that he would produce it when necessary. They are afraid to produce it [now] & it confirms us in the belief that it is a forgery.

Ignoring Southern’s other objections, the Kelleys went ahead and introduced the 1839 Partridge-Cowdery deed into evidence.³⁸ Then they hurriedly closed out the day by presenting the fourth link in the plaintiff’s chain-of-title: The 9 June 1887 quit claim deed from Marie Louise Cowdery Johnson and Charles Johnson to George Blakeslee, late bishop and trustee-in-trust of the Reorganization.³⁹

The Kelley brothers might have taken Southern's objections to the 1839 Partridge-Cowdery deed more seriously had they anticipated the worrisome coverage the subject received the following day in the April 21st *Kansas City Times*:

WAS IT A FORGERY?

Hedrickites Question a Deed Used in Evidence in the Temple Lot Case.

Of the 1839 Partridge-Cowdery deed the *Times* commented:

The peculiar feature about this deed is its nonconformance to legal phraseology and the fact that it was not recorded until February 7, 1870. The Hedrickite people are of the opinion that this deed is a bold forgery and was recorded for the purpose of thus eluding the law. The attorney for the Hedrickite branch so stated yesterday and declared himself ready to prove his assertion.

The article concluded with the opposing sides' competing takes on the document:

One member of the reorganized church stated yesterday that the discovery of the deed on record in Caldwell county just at the time when the church people were at a loss where to look for evidence was the work of the Almighty and that a heavenly power had a hand in this suit. The other side claim that "the Almighty" in this was a schemer who had previously had a forged deed recorded and used this deed to gain possession of the sacred spot of ground.

This was not the sort of press attention the Reorganized Church wanted.⁴⁰

Despite the unflattering coverage, when the opposing parties reconvened on the afternoon of April 21st, Parley Kelley ignored the 1839 deed and, picking up where he left off the day before, re-introduced the quit claim deed Bishop Blakeslee received from Marie Louise Cowdery Johnson and Charles Johnson in 1887. But instead of questioning Recorder Hall about the 1887 deed, Kelley asked about the 1886 Elizabeth Ann Cowdery-Marie Louise Johnson quit claim deed that Hall, much to Southern's dislike, read aloud in court the previous day. In reply, Hall informed the court that he didn't

retrieve the original deed from Kansas City that morning as Southern had requested; instead he wrote out the text he read aloud the day before and had county recorder John W. Hinde certify its accuracy. Evidently satisfied, Kelley introduced the 1886 deed into evidence. But Southern promptly objected, surmising (probably on the basis of Hall's youth) that Hall had not had continuous possession of the document since 1886, and therefore could not ensure the accuracy of the Jackson County records from which he copied the 1886 deed. It was a shot in the dark, but Southern hit the mark: Hall admitted that even though he had worked in the local recorder's office a number of years, he had only had charge of the records from the beginning of the current year. Southern had successfully raised doubts about yet another link in the Reorganization's chain-of-title.⁴¹

Having encountered surprising difficulty introducing their chain-of-title into evidence, the Kelley brothers now turned to tax receipts to strengthen their case. Bishop Kelley testified that he paid the taxes on lots #16 and #17-22 of the Temple Lot for the year 1890. The Kelleys began to introduce the receipts into evidence, but as if they hadn't had enough problems in the last thirty hours, Edmund noticed, no doubt with considerable embarrassment, that one of the receipts pertained to a *different* property. As a result, Parley Kelley was forced to withdraw the receipt from evidence. The withering cross-examination that followed made things even worse. Bishop Kelley confessed to Southern that the plaintiffs never paid any other taxes on the Temple Lot. He all but admitted that some other entity (read: The Church of Christ) had otherwise paid the taxes. And he acknowledged that the Reorganized Church never had the Temple Lot assessed, nor did it apply for tax exempt status on the property.⁴² On that unsatisfying note the

Kelleys concluded their presentation of the Reorganization's titles and tax receipts to the Temple Lot. Southern's eagle eyes, the Kelleys' uncharacteristic carelessness, W. R. Hall's youthful inexperience, and the sensational coverage of the *Kansas City Times* had made it a most exasperating and disconcerting experience for the plaintiffs.

Trying to turn their fortune around, the plaintiffs spent the rest of the 21st culling more familiar testimony—the Missouri persecutions and the entrusted character of the Temple Lot. Judge Traber called once again upon Robert Weston, the former mayor of Independence who testified briefly in February.⁴³ Southern objected to the reintroduction of the witness, but Parley Kelley insisted—inaccurately, it turned out—that Weston would not be asked about any subjects upon which he had previously testified. At any rate, Weston pleased the plaintiffs by offering a gripping firsthand account of the 1833 destruction of the Mormon press in Independence and the tarring and feathering of Edward Partridge. And he largely substantiated the plaintiff's claim that it would not have been safe for Mormons to return to Jackson County until recent years. But the Kelleys could not have been happy when Weston testified that he either didn't see or couldn't remember the Mormons treating the Temple Grounds as hallowed ground in the 1830s. After the Mormon expulsion, he similarly recalled, local residents didn't treat the Temple Grounds as sacrosanct land reserved for the Mormons. On the contrary, local residents divided and sold the Temple Ground like they would any other property. They even hanged a man on or near the site, Weston recalled, an allusion to the 1839 execution of Henry Garster. Continuing, Weston affirmed that local residents referred to the

property as the “Temple Lot.” But he undercut the point by admitting that he could not remember anyone other than himself referring to the property in that manner. Weston’s second deposition proved a decidedly mixed blessing for the plaintiffs.⁴⁴

Judge Traber next called upon sixty-nine-year-old John H. Thomas, an RLDS Church member who joined the original Mormon movement in Mississippi in 1842. Thomas recounted that he moved to Nauvoo in 1845, served in an advance company across Iowa in 1846, and became relatively close to Brigham Young in Winter Quarters. But Thomas concluded there was something amiss with the church. Some of the apostles practiced polygamy, the Twelve considered their authority superior to Scripture, and many Saints, Young included, considered the Prophet’s son the rightful successor. Keeping his feelings to himself, Thomas obtained a ferry permit from Young, escaped Brighamite territory, and settled in St. Joseph, Missouri, where he lived from 1847-1853. There he met dozens of similarly disaffected Mormons who had forsaken the Twelve. But he also met some Mormon-friendly merchants, Middleton and Riley, who warned Thomas that based upon their conversations across the state it would not be safe for Mormons to return to Jackson County, nor for Mormons to worship openly in St. Joseph. As a result, the St. Joseph Mormons worshipped in private and in 1853 moved *en masse* to Council Bluffs, Iowa. Based upon his experience, Thomas validated the plaintiff’s argument that even Mormons who did not follow Brigham Young could not have safely returned to Jackson County, at least in the antebellum period. The deposition of John H. Thomas provided the plaintiffs some much-needed solace after two of their most difficult

days of testimony. Southern couldn't finish his cross-examination in the time allotted, however, so the parties agreed to resume Thomas's deposition five days later.⁴⁵

As scheduled, the deposition of John H. Thomas resumed on Tuesday, 26 April 1892. Thomas recounted his alienation from Brigham Young and the dangers of Mormons returning to antebellum Missouri. Once again, John Southern displayed his increasingly impressive dexterity with names, dates, and controversies of Mormon history, even going so far as to correct or clarify the witness on occasion. Yet Southern still couldn't impeach a single element of Thomas's testimony—in fact he only worsened the damage by allowing Thomas to add that the prominent Thompson family of St. Joseph concurred that it would be too dangerous for Mormons to return to antebellum Missouri. Southern tried to get Thomas to describe the endowment he received in the Nauvoo Temple, but Thomas demurred stating that he considered the church that administered the ordinance illegitimate. Thomas acknowledged that he joined the Reorganized Church in 1859, but this did nothing to lessen the value of his comments on the dangers preventing mid-century Mormons from returning to Jackson County. In his own small way, Thomas turned out to be one of the plaintiff's best witnesses.⁴⁶

In lieu of another witness, Judge Traber and Edmund L. Kelley spent the rest of the day introducing texts into evidence—specifically, Joseph Smith's July 1831 revelation identifying the site for the temple in Zion (Independence), passages from Granville Hedrick's *The Spiritual Wife System Proven False, and the True Order of Church Discipline* (1856), and LDS sermons from the *Journal of Discourses* on priesthood obedience, blood atonement, and the Adam-God doctrine. That the plaintiffs

enlisted the founding revelation of the Temple Tract and the controversial discourses of LDS leaders in their cause was to be expected, but using the Church of Christ founder in this manner was unexpected and quite smart. With *Spiritual Wife System*, the plaintiffs demonstrated that some of Granville Hedrick's early views coincided with the Reorganization's but differed from those of the current Hedrickites. In 1856, for example, Hedrick considered "The Church of Jesus Christ of Latter Day Saints" the proper name of the church, not "The Church of Christ." In 1856, he considered *The Doctrine and Covenants* an authoritative scriptural text, unlike his current followers who all but rejected it in favor of *The Book of Commandments*. With the introduction of these texts, the shortened workday of the 26th came to an end.⁴⁷

The plaintiffs yearned to complete their evidentiary presentation the following day, Wednesday, 27 April 1892.⁴⁸ Judge Traber began the day by calling upon seventy-eight-year-old Charles R. Ross, non-Mormon resident of Caldwell County, Missouri. Ross recounted that in February 1839, having relocated from Tennessee, he rented Jacob Haun's abandoned gristmill where seventeen Mormons were slaughtered in cold blood four months earlier. Ross learned about the massacre in months that followed from Mormon and Missourian customers. Bill Runnells (William Reynolds), he remembered, boasted that he shot a Mormon boy (ten-year-old Sardius Smith) because "knits make lice." The McBrides, a Mormon family, told Ross that Jacob Rogers decapitated the elderly Thomas McBride with a corn-cutter. Another man proudly showed Ross the spot where he shot one Benjamin Lewis. In the most disturbing testimony of the entire Temple Lot Case, Ross recalled that when the spring thaw came, he had to fill up the well

outside his door because the rotting Mormon corpses therein produced an unbearable smell. By mid-1839, Ross observed, the only Mormons who remained in the area were those whom he heard had sworn an oath of allegiance to the United States government; the rest had left the state. Even now, when the conflict is but a distant memory, Ross reflected, anti-Mormon sentiment persisted in Caldwell County. In the face of such dreadful testimony, John Southern couldn't muster much of a cross-examination.⁴⁹

For his second witness, Judge Traber called seventy-three-year-old Mary Judd Page Eaton, the widow of John E. Page, who served as an apostle under Joseph Smith. At the outset, Judd fortified the plaintiff's Missouri arguments by describing how a posse of terrifying, barking men forced her family to flee their Caldwell County home in November 1838. She also helped the plaintiffs by testifying that the church changed under Brigham Young. Tales of polygamy started flying around, and her husband went through enough of Young's endowment ceremony to conclude it was of the devil. Thus she and her husband separated from the Saints in 1846. Years later, her husband visited Granville Hedrick in Bloomington, Illinois and (she surmised) joined his movement. Judd's second husband, William Eaton, also joined the Hedrickites, and when William and Mary moved to Independence in 1876, their home served as a Hedrickite house church. But Judd never joined the Church of Christ; she now belonged, in fact, to the Reorganized Church, which was the same organization, she declared, as the early Mormon church. Judd's Hedrickite remarks didn't really help one side or the other, except when she asserted, contrary to the plaintiff's insinuations, that the Hedrickites were never a division of the Reorganization. But Southern undercut her testimonial for

the Reorganization by getting her to admit that it did not retain Joseph Smith's office of presiding patriarch nor the practice of baptism for the dead.⁵⁰ Southern might have also challenged her remarks on Brigham Young had he known that John and Mary Page received their endowment in Young's Anointed Quorum on 26 January 1845,⁵¹ that Apostle Page participated regularly in the Anointed Quorum through the rest of the year,⁵² that there is some evidence, admittedly sketchy, that with Mary's permission Apostle Page took Nancy Bliss as a plural wife before Joseph Smith's death in 1844 and married two of Judd's own sisters in 1845,⁵³ and that between his stints with the Brighamites and the Hedrickites Page served as an apostle for James Strang (1846-1849), affiliated with James Colin Brewster's movement (1849-52), and founded his own briefly-lived church with William Marks (1855).⁵⁴ In short, like several other witnesses, Judd was not completely forthcoming about the Nauvoo period and post-martyrdom period. Even without this information, Southern could have helped his cause had he stressed that, by her own admission, she and her husband were away from Nauvoo presiding over the Pittsburgh Branch during some of the Prophet's final years. As it stood, the deposition of Mary Judd Page Eaton offered something for all sides.

For his next witness, Judge Traber turned to longtime Jackson County resident John T. Crisp, a fifty-four-year-old Civil War veteran whose cousin married the son of former governor Lilburn Boggs. Crisp testified that before the war local residents despised all northerners but harbored a particular hatred for Mormons, a sentiment deepened by reports of polygamy, the Utah War, and the Mountain Meadows Massacre. Crisp observed that polygamy was retroactively backdated in Missourian memory to the

Missouri Mormons of the 1830s, even though Mormons had not practiced polygamy at that time. Crisp heard nothing about the Mormons during the Civil War, perhaps, he quipped, because he had better things to worry about, a remark that Southern, a fellow veteran, relished. When Mormons starting trickling into the area in the 1870s, Crisp recalled, there were as many reactions as residents. Many remained resentful or apprehensive, but others, Crisp included, were more concerned with the violent lawlessness of postwar Jackson County. As time passed, what prejudice remained tended to dissipate. Southern gently challenged Crisp's analysis, but the witness was all but certain that Mormons would have received a violent welcome had they returned before the war. The war, ironically, may have ensured the Mormons a peaceful return, Crisp opined, as by the 1870s county residents were weary of violence and vigilantism.⁵⁵

For their final witness of the day and possibly of the entire case, the plaintiffs turned to Martha A. Hall, another longtime resident of Jackson County. Hall testified that for years her family spoke proudly of her father's and brother's participation in the destruction of W. W. Phelps' printing press and the 1833 Mormon expulsion. She remembered family members joining the 1838 siege against the Saints vowing to kill every last Mormon. Even later, the prospect of Mormons returning to the area conjured similar sentiments. On cross-examination, Martha confessed that she joined the Reorganized Church approximately a decade earlier, much to the displeasure of her family and community. Their reaction led her to conclude that the same spirit of anti-Mormon indignation existed in the 1880s as the 1830s. But Southern pertinently noted that, by her own admission, local residents said little about the Mormons until they

trickled back in after the war. And even then, he commented, no mobs formed against the Mormons. Southern wasn't able to impeach Hall's family memories of the 1830s, but he successfully highlighted that anti-Mormon sentiment had diminished over the years.⁵⁶

After four witnesses and four depositions, had it been any other day the plaintiffs would have brought the proceedings to a close. But the plaintiffs wished to complete the presentation of their evidence, so Edmund L. Kelley took some time to wrap up loose ends. He started by introducing two chapters from the *New Revised and Annotated Code of Iowa* (1882) outlining the laws under which the Reorganized Church incorporated in Iowa. He also indicated on the record that, with the permission of the defendants, the plaintiffs had more time, until the completion of the defendants' testimony to be exact, to procure a certified copy of the Reorganization's 1873 Illinois Articles of Incorporation.⁵⁷

Kelley and Southern then turned to the scheduling. The two sides relaxed John M. Orr's deadline for completing the deposition transcripts, agreeing that he simply had to file them with the circuit court clerk by the beginning of the court's September 1892 term. Kelley next informed Southern that even though the plaintiffs still had about two weeks to do so, they might not avail themselves of the right to call additional witnesses. It was therefore agreed that if the plaintiffs decided to rest their case, Kelley would notify Southern and Orr by telegram; if the plaintiffs decided to call additional witnesses, they would do so at Southern's Independence office on Friday, May 6th. Once the plaintiff's evidence had been completed, of course, the defense could resume calling witnesses of their own. Due to pressing scheduling conflicts, however, Kelley asked Southern to postpone the resumption of defense testimony through the month of May.⁵⁸

Before closing out the day, Edmund Kelley presented into evidence letters from J.A. Wickham, the Adjutant General of Missouri, and Alexander A. LeSueur, the Secretary of State of Missouri, stating that they could neither locate nor provide copies of the 1838 extermination/expulsion order of Governor Lilburn Boggs. Kelley followed with a certified document from Secretary LeSueur chronicling the election and appointment dates of Elias Higbee and other Caldwell County justices from 25 August 1838-11 November 1840. Kelley evidently thought this document proved that Higbee was present in Caldwell County when he allegedly acknowledged the Partridge-Cowdery Temple Tract deed of 25 March 1839, but Southern rightfully objected that the document only showed when Higbee entered office, it didn't show if he was still in office in March 1839. Finally, Kelley read aloud the grim address General John B. Clark delivered to the beleaguered Mormons in Far West, Caldwell County, Missouri, on 5 November 1838. Few texts better illustrated the anti-Mormon animosities of early state officials.⁵⁹ Having done their best to underscore the dangers Mormons, and members of the Reorganized Church specifically, would have encountered had they tried to reclaim the Temple Lot earlier in time, the plaintiffs brought the days' proceedings to an end.

As it turned out, the Reorganization found additional witnesses to testify. Accordingly, the two sides met as contingently planned on May 6th. But no testimony was taken at the meeting; instead the attorneys agreed to meet the following day.⁶⁰ And so the plaintiffs resumed their presentation of evidence on the 7th, most likely in the Independence law office of John Southern. At the outset of the meeting, Edmund L.

Kelley introduced a certified copy of the Reorganization's 1873 Illinois Articles of Incorporation. Southern examined the text and, no surprise, issued several objections, the most pertinent being that "no religious incorporation has any standing in the courts of Missouri as the owner or reputed owner of property in the state of Missouri."⁶¹

Edmund Kelley thereupon took the testimony of ninety-year-old Jacob Gregg, who served as sheriff of Jackson County from 1832-36 and whose brother, Josiah, wrote the classic ethnography of the Santa Fe trail, *Commerce of the Prairies* (1844). Gregg confirmed that Jackson County residents despised the Mormons, reportedly because the newcomers boasted that God Almighty had given them the land. But even though, or because, the 1833 Mormon expulsion occurred on Sheriff Gregg's watch, he depicted himself as an innocent bystander to the cruelty and suffering. Gregg claimed he had limited contact with the Mormons, doubted the truth of their enemies' allegations, had no recollection of the anti-Mormon citizens' meeting, and, because he trustingly allowed two men to lock him in a room, did not witness the destruction of the Mormon printing press and could not arrest any of the perpetrators. Gregg, in fact, made it sound like the Mormons left Jackson County as some sort of courtesy or gentleman's agreement—only Kelley's impatience caused Gregg to concede that Mormons were coercively expelled from the county. Moving on, Gregg remembered that anti-Mormon sentiment persisted for years, fueled by events like the attempted assassination of Lilburn Boggs (1842) and the Utah War (1857). Eventually the animosity diminished. Indeed, Gregg annoyed Kelley by insisting that while Mormons would have received a violent welcome had they returned in 1840, violence would have been possible, but not probable, by the 1850s. No

more than half the county population in 1850 had lived there in 1833, he estimated, and by 1860 the proportion had probably fallen to one-fourth. In the end, Gregg proved more beneficial to the defendants than the plaintiffs.⁶² But Kelley would get one more chance, as he and Southern agreed to hear another deponent for the plaintiffs two days hence.⁶³

As agreed, on Monday, 9 May 1892, the plaintiffs questioned their final witness, seventy-two-year-old William Stewart, another longtime local resident. Stewart testified that when he settled in the Independence area in 1836, the population was so small that he got to know almost everyone. None of the old settlers could say a kind word about the Mormons, he remembered. From this he surmised that Jackson County would not have been safe for Mormons in the late 1830s. But by 1840, he observed, many of the Mormon-haters—the Nolands, the Bradys, the Glasscocks—had left the county seeking fortune in the Platte Country of northwestern Missouri or the Republic of Texas. Jackson County also received an influx of new settlers from the upper South who knew nothing of the Mormons. From this Stewart concluded that by as early as 1840, returning Mormons would not have encountered much danger in Jackson County. Dumbfounded, Edmund L. Kelley retorted that the newcomers would surely have absorbed the anti-Mormon hatreds of the older settlers. But Stewart disagreed, cited himself as a perfect example of a newcomer who *didn't* adopt the prejudices of the older settlers. As if disbelieving that an opposing witness could provide such helpful testimony to his own cause, Southern almost rebutted Stewart on cross-examination, asking how he could claim that the trouble-makers who expelled the Mormons in 1833 had departed by 1840 if those individuals were on hand to raise hell with abolitionists in Kansas in the 1850s? Unruffled, Stewart

replied that the “border ruffians” of the 1850s had nothing to do with the anti-Mormons of the 1830s—they didn’t emerge until 1856, well over two decades after the Mormon expulsion. Thus like Jacob Gregg two days earlier, William Stewart helped the defendants more than the plaintiffs. With deponents like Gregg and Stewart, the defendants didn’t need witnesses of their own. The Reorganization’s last two witnesses backfired so badly that Bishop Kelley, not one for second-guessing, may well have had some second-thoughts about prolonging the complainant’s evidence.⁶⁴

Upon conclusion of William Stewart’s deposition, Edmund L. Kelley declared that the Reorganized Church had hereby concluded the presentation of its evidence. John M. Orr’s transcript simply records: “Plaintiffs rest their case upon direct testimony.” Reacting to the milestone, Southern argued that the plaintiff’s pleadings and evidence, now completed, did not warrant a verdict in their favor. Southern therefore entered a demurrer into the record, stating that the “defendants ask judgment in their favor with costs of suit.” Kelley, naturally, objected to Southern’s pleading.⁶⁵

Now that the plaintiffs had called all their witnesses, Southern announced that, per Bishop Kelley’s request, the defendants would desist from taking testimony during the month of May. Defendants’ testimony would resume instead at the St. James Hotel in Denver, Colorado on Wednesday, 8 June 1892. The defendants might also call witnesses in Pleasanton and Nebraska City, Nebraska at times still to be determined, Southern added.⁶⁶ And whom did the defendants wish to question in Colorado and Nebraska? In Colorado they wished to question none other than Jason W. Briggs, the founder of the Reorganized Church. In Nebraska they possibly wished to question E. R. Briggs, a

member of the Reorganized Church who, with brother Jason, remained one of few surviving individuals present when William Smith revealed his revelation authorizing plural marriage in 1851.⁶⁷ The defendants hereby announced, in effect, that they weren't only going to call members of the LDS Church to witness in their behalf; they were going to interrogate individuals present at the creation of the Reorganized Church.

And with that, John Southern, Edmund Kelley, and John M. Orr went home for the day.

So what did the plaintiffs accomplish in their final round of depositions and evidence? To begin with, they reinforced some of the doctrinal points they focused on in the first round. Edmund C. Briggs, John H. Thomas, and Mary Page Eaton indicated once again that Brigham Young and the LDS Church departed from the teachings of Joseph Smith with such innovations as plural marriage and the Nauvoo Temple endowment. Briggs and Eaton also reaffirmed the conclusion of many a prior witness that the Reorganized Church taught the same doctrines as Joseph Smith. Even Granville Hedrick, the plaintiffs demonstrated, supported positions at one time coincident with those of the Reorganization but disputed by the current Church of Christ and its ally, the LDS Church. Meanwhile, John H. Thomas joined the chorus of witnesses who defended the succession rights of Joseph Smith III. Even Brigham Young, Thomas declared, acknowledged Joseph III's right to lead the church someday.

Of course, sometimes the plaintiff's own witnesses said things detrimental to their case. Despite his best efforts, for example, Edmund C. Briggs was not altogether

successful distancing the founders of the Reorganization from William Smith and James Strang. As with James Whitehead, moreover, Briggs' account of his dramatic adolescent supernatural experience had the potential to discredit him in the mind of a skeptical judge. For her part, Mary Page Eaton corroborated the defendants' argument that the Hedrickites were never a division of the Reorganization. And she also admitted that the Reorganization did not retain the early church office of presiding patriarch nor the rite of baptism for the dead. All in all, though, the limited testimony the plaintiffs presented on religious history and doctrine in this round had to be considered a minor success.

As we've seen, the plaintiffs focused their last round of depositions not on doctrine but on Missouri—specifically, the persecution of the Mormons in Missouri and the Reorganization's chain-of-title to the Independence Temple Lot. In regard to the first issue, the reminiscences of Hiram Rathbun Sr., John W. Brackenbury, Robert Weston, Charles R. Ross, Mary Page Eaton, and Martha A. Hall offered compelling testimony of the terror and violence Missourians inflicted upon Mormons in 1833 and 1838, so much so that John Southern didn't really dispute their portrayal of the period. Both sides could agree that early Mormons were persecuted and expelled from Missouri.

The question under dispute pertained to the aftermath: When could Mormons return to Jackson County and reclaim the Temple Lot in relative safety? On this the plaintiff's witnesses offered varying opinions. Martha A. Hall seemed to suggest that anti-Mormon prejudices remained as strong in the 1880s as in the 1830s. By contrast, Robert Weston, John H. Thomas, and John T. Crisp all seemed to agree that anti-Mormon hostility had diminished by the 1870s, but that it would have been unsafe for Mormons to

return to Jackson County before the Civil War, and possibly in the immediate years afterwards. Jacob Gregg, however, pointed to the demographic transformation of Jackson County's antebellum population and concluded that violence might not have ensued had the Mormons returned in the 1850s. Going even further, William Stewart thought the demographics indicated the Mormons could have returned to Jackson County peacefully by 1840! Despite the many witnesses questioned in this round on this matter, then, the plaintiffs were unable to assemble a consistent and compelling alibi for their delay in claiming the Temple Lot. Even if Mormons could only return in safety beginning, say, a few years after the Civil War (which is when the Hedrickites starting moving into the area) why did the Reorganized Church wait another fifteen-to-twenty years before beginning their pursuit of the Temple Lot?

The plaintiffs had even more difficulty with the other focus of their last-round testimony—the Reorganization's chain-of-title to the Temple Lot. John Southern successfully depicted W. R. Hall, deputy recorder for Jackson County, as young, inexperienced, and possibly incompetent, thereby raising potential (but unverified) doubts as to the accuracy of the certified land titles Hall provided the plaintiffs and the court. On a more substantial point, the plaintiffs still lacked compelling firsthand evidence that Edward Partridge purchased the Temple Grounds in trust for Joseph Smith's church. As Charles A. Hall reported to John M. Cannon: "They have not introduced a witness yet who gave one cent to E Partri[d]ge to buy the Temple lot."⁶⁸ Edmund L. Kelley capable defended the legitimacy of the Reorganization's incorporated status in Illinois and Iowa. But in the opinion of the defendants, the plaintiffs did not

convincingly demonstrate that a church incorporated in another state could enjoy the rights of a corporation in Missouri, a state that denied incorporation rights to its own churches. As Charles Hall commented to John Cannon:

The question is now can the law of comity among the states permit a corporation outside of the state[,] a citizen of another state[,] to exercise & have rights & privileges that are denied the citizens who reside in the state. We think they have made a very serious mistake in bringing the suit in the name of a corporation inste[a]d of the Bishop & Trustee of the Church.⁶⁹

Thirdly, Bishop Kelley botched the presentation of the plaintiff's tax receipts and had to confess that the Reorganization paid taxes on the Temple Lot for one year alone (1890). Kelley didn't need to say who paid the taxes all the other years.

By far the most serious problem with the Reorganization's chain-of-title was the purported 1839 deed conveying the Temple Grounds from Edward Partridge to Jane, John, and Joseph Smith Cowdery. Hiram Rathbun Sr. provided the plaintiffs their most helpful testimony of the last round by vouching for the existence of these mysterious Cowdery children and affirming that Oliver Cowdery was present in Far West, Missouri, and apparently remained a Mormon in good standing when Judge Elias Higbee acknowledged the deed on 25 March 1839. On the other hand, Charles Johnson, who married the only Cowdery child to reach adulthood, gave no indication that he knew of a Jane, John, and Joseph Smith Cowdery. Moreover, the letter the plaintiffs produced from Missouri Secretary of State Alexander A. LeSueur did not prove what the plaintiffs wanted it to prove, namely, that Elias Higbee was still in Missouri on 25 March 1839 and had not already fled the state with his fellow Mormons. Irrespective of the existence of the Cowdery children and the whereabouts of Judge Higbee, John Southern scrutinized

the text of the Partridge-Cowdery deed and found multiple discrepancies that the *Kansas City Times* encapsulated with one disturbing word—forgery. As if these problems weren't enough, Charles Johnson alarmed the local press and populous by indicating that should the Reorganization clear the title to the Temple Lot it would topple not only the Church of Christ's title to the 2.5 acre plot but potentially destabilize land titles throughout the western edge of Independence.

In sum, the Reorganization's last round of testimony was surprisingly ineffectual. The strongest testimony, that on Mormon persecution in the 1830s, was so indisputable as to be almost unnecessary. Did the plaintiffs really need six witnesses to make the point? Another strong suit of the round, the testimony offered on the apostasy of the LDS Church and the fidelity of the Reorganization, was completely unnecessary, as the plaintiffs had already presented abundant (and better) evidence on this matter in earlier rounds. By contrast, the weakest points of the last round were precisely those the plaintiffs needed to be most effective—the 1839 Partridge-Cowdery deed, the RLDS chain-of-title to the Temple Lot, and the Reorganization's delayed pursuit of the Temple Lot. The plaintiffs ended their evidence on a disconcerting rather than assuring note.

Endnotes

¹ Wilford Woodruff journal, 6 April 1892, in *WWJ*, 9:192-194; H. W. Naisbitt, "Temple Building," *The Contributor* 13 (April 1892), 254-259; "The Conference and Capstone Ceremonies," *WE* 20 (15 April 1892), 148-149; James H. Anderson, "The Salt Lake Temple," *The Contributor* 14 (April 1893), 270-273; the reports of the 1892 *Millennial Star* excerpted in Brian H. Stuy, ed., *Collected Discourses Delivered by President Wilford Woodruff, His Two Counselors, The Twelve Apostles, and Others* (Burbank, CA: B. H. S. Publishing, 1989), 3:40-44; Richard Neitzel Holzapfel, *Every Stone a Sermon: The Magnificent Story of the Construction and Dedication of the Salt Lake Temple* (Salt Lake City: Bookcraft, 1992), ch. 6; Nelson B. Wadsworth, *Set in Stone, Fixed in Glass: The Mormons, the West, and Their Photographers* (Salt Lake City: Signature Books, 1996), introduction.

² Wilford Woodruff journal, 6 April 1892, in *WWJ*, 9:192-194.

³ Naisbitt, "Temple Building," 254.

⁴ M. Guy Bishop and Richard Neitzel Holzapfel, "The 'St. Peter's of the New World': The Salt Lake Temple, Tourism, and a New Image for Utah," *UHQ* 61 (Spring 1993), 136-149; Don L. Searle, "A 'Magnificent and Enduring Monument,'" *Ensign* 23 (March 1993), 22-27.

⁵ LDS Journal History, 18 April 1896, LDS Archives, Salt Lake City.

⁶ Alexander Hale Smith to editor, c. 1 March 1893, in "Extracts From Letters," *SH* 40 (25 March 1893), 180-181.

⁷ Charles Millard Turner, "Joseph Smith III and the Mormons of Utah" (Ph.D. dissertation: Graduate Theological Union, 1985), 405. Turner thinks the identity crisis occurred in the twentieth-century, but the dynamics he observes began in the 1890s. See Roger D. Launius, *Joseph Smith III: Pragmatic Prophet* (Urbana: University of Illinois Press, 1988), 295-298.

⁸ "The Saints['] New Church at Independence," *ZE*, 6 April 1892; *Kansas City Journal*, 7 April 1892, in "From the Kansas City Journal," *ZE*, 7 April 1892, 1. For a historical sketch of the structure, see Richard A. Brown, *An Illustrated History of the Stone Church* (Independence: Herald Publishing House, 1988). As of the fall of 1893, the Independence Branch had paid over \$20,000 of the cost of the Stone Church, but still owed eight thousand dollars. See "Independence Church and Reserve Fund," *ZE*, 9 September 1893.

⁹ For daily coverage, see the variously titled reports in *ZE*, 6-13 April 1892.

¹⁰ Joseph Smith III discourse, 13 April 1892, in *SH* 39 (30 April 1892), 274; Launius, *Joseph Smith III*, 295-298.

¹¹ *ZE*, 8 April 1892, 3.

¹² RLDS Council of Twelve Apostles minutes, 5 April 1892, Community of Christ Archives, Independence; "Minutes of the Fortieth Annual General Conference of the Reorganized Church of Jesus Christ of Latter Day Saints," 8 April 1892, in *ZE*, 9 April 1892.

¹³ Charles A. Hall, unsigned and undated document, John M. Cannon Correspondence, 1890-1893, LDS Archives. Based on Hall's preface in his 29 March 1892 letter to Cannon and the congruence of some of the financial figures in the two documents, I've concluded that the unsigned and undated document was originally part of the March 29th letter.

¹⁴ Charles A. Hall to John M. Cannon, 6 April 1892, LDS Archives.

¹⁵ Charles A. Hall to John M. Cannon, 29 March 1892, and unsigned and undated document [29 March 1892], LDS Archives. Hall's expense report from September 1891-March 1892 can be found on the undated document, his projection of future expenses can be found in the March 29th letter.

¹⁶ Charles A. Hall to John M. Cannon, 6 and 26 April 1892, LDS Archives.

¹⁷ Charles A. Hall to John M. Cannon, 23 May 1892, and Angus M. Cannon to Charles A. Hall, 1 June 1892, LDS Archives.

¹⁸ "Local News," *ZE*, 13 April 1892, 4; "The Temple Lot Case," *KCT*, 14 April 1892, 5.

¹⁹ TLC-C, 2:413; "Flashes From The Wires," *Los Angeles Times*, 19 April 1892.

²⁰ Charles Johnson deposition, 18 April 1892, TLC-C, 2:413-422 (Q1-135). For newspaper coverage, see "Trying To Prove Title," *KCT*, 19 April 1892, 5; "The Temple Lot Case," *KCS*, 19 April 1892, 2; "Independence," *ZE*, 23 April 1892, 5; "The Temple Lot in Jackson County," *Deseret Weekly*, 7 May 1892, 624; "Mormons Make Big Claims," *KCT*, 5 August 1892, 8.

²¹ "Trying To Prove Title," *KCT*, 19 April 1892, 5.

²² "The Temple Lot in Jackson County," *Deseret Weekly*, 7 May 1892, 624.

²³ *Chicago News Record*, 2 July 1892, reprinted in "News From Independence," *SH* 39 (23 July 1892), 472. The *News Record* article, which had a number of factual errors, erroneously reported that such would be the case should the court rule in favor of the Church of Christ, not the Reorganized Church.

²⁴ "The Temple Lot Case," *KCS*, 19 April 1892, 2.

²⁵ Edmund C. Briggs deposition, 18-19 April 1892, TLC-C, 2:422-502 (Q1-1223). For newspaper coverage, see "Trying To Prove Title," *KCT*, 19 April 1892, 5; "Stories of Persecutions," *KCT*, 20 April 1892, 8; "A Lot of Temple Lot Talk," *KCS*, 20 April 1892, 8; "Independence," *ZE*, 23 April 1892, 5. For Hall's assessment, see Charles A. Hall to John M. Cannon, 20 April 1892, LDS Archives. Reactions to Briggs's supernatural testimony were not all sympathetic. One future Temple Lot Case deponent recounted

that news of Briggs's testimony reached all the way into his Coldwater, Michigan neighborhood, and it did nothing to impress local non-Mormon professionals. "It was the laughingstock of the country," Lorenzo Dow Hickey recalled. "[T]he judges in Michigan ask about what is going on here, and what kind of a court it is that permits such to go in as evidence, and the lawyers talk about it." As a result, Hickey feared the reaction should he testify of his own spiritual convictions. See the Lorenzo Dow Hickey deposition, 6 July 1892, TLC-R, 3:652-653 (Q285-299), quotes, 3:653 (Q298), 3:652 (Q295).

²⁶ Hiram Rathbun Sr. deposition, 19-20 April 1892, TLC-C, 2:502-548 (Q1-542); Charles A. Hall to John M. Cannon, 20 April 1892, LDS Archives; Hiram Rathbun Sr. to editor, 11 June 1892, in *SH* 39 (9 July 1892), 444-445. For newspaper coverage, see "Stories of Persecutions," *KCT*, 20 April 1892, 8; "A Lot of Temple Lot Talk," *KCS*, 20 April 1892, 8; "Was It A Forgery?," *KCT*, 21 April 1892, 8; "An Old Time Revelation," *KCS*, 21 April 1892, 6; "Independence," *ZE*, 23 April 1892, 5; "Temple Lot Suit," *SH* 39 (7 May 1892), 291-292. Hall included a clipping of "Stories of Persecutions," *KCT*, 20 April 1892, 8, in his letter to Cannon.

²⁷ For Cowdery's excommunication, see the *Far West Record*, 12 April 1838, in *FWR*, 162-171; Joseph Smith journal, 12 April 1838, in *JSJ*, 1:251-256. For Cowdery's expulsion, see Sampson Avard, et. al. to Oliver Cowdery, David Whitmer, John Whitmer, William W. Phelps, and Lyman E. Johnson, June 1838, in *Document*, 103-106; Joseph Smith journal, 4 July 1838, in *JSJ*, 1:276, 278; John Corrill deposition, November 1838, in *Document*, 110, 113; John Whitmer deposition, November 1838, in *Document*, 139; John Corrill, *A Brief History of the Church of Christ of Latter Day Saints (Commonly Called Mormons,) Including an Account of Their Doctrine and Discipline, with the Reasons of the Author for Leaving the Church* (St. Louis: n. p., 1839), 30-31; Reed Peck manuscript, September 1839, in *RPM*, 7; John Whitmer history, in *BJW*, 183-184; David Whitmer, *An Address to All Believers in Christ* (Richmond, MO: by the author, 1887), 27-28; Ebenezer Robinson, "Items of Personal History of the Editor," *The Return* 1 (November 1889), 171, and (February 1890), 219.

²⁸ John W. Brackenbury deposition, 20 April 1892, TLC-C, 2:548-552 (Q1-42). For newspaper coverage, see "Was It A Forgery?," *KCT*, 21 April 1892, 8. For the witness's first appearance, see the John W. Brackenbury deposition, 30 January 1892, TLC-C, 1:219-221 (Q1-57).

²⁹ John C. Bennett, *The History of the Saints: or, An Expose of Joe Smith and Mormonism* (Boston: Leland & Whiting, 1842), 256; "Incidents of the Early Life of Emily Dow Partridge," December 1876, in Todd Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1997), 407-408, and Linda King Newell and Valeen Tippetts Avery, *Mormon Enigma: Emma Hale Smith* 2d. ed. (Urbana: University of Illinois Press, 1994), 138; Joseph H. Jackson, *A Narrative of the Adventures and Experience of Joseph H. Jackson, in Nauvoo: Disclosing the Depths of Mormon Villainy* (Warsaw, IL: n. p., 1844), 13; Wilhelm Wyl, *Mormon Portraits or The Truth About the Mormon Leaders from 1830 to 1886* (Salt Lake City: Tribune Printing and Publishing Company, 1886), 54.

³⁰ Joseph Smith journal, 1 October 1843, in *APR*, 416-417, and *JSQA*, 27-28. Elizabeth Durfee's pre-martyrdom endowment is confirmed in the William Clayton journal, 3 September 1844, in *JWC*, 147. Unlike Joseph Smith, William Law, William Marks, and Hyrum Smith—the spouses of the other four initial female inductees—Elizabeth's civil husband, Jabez Durfee, was never initiated into the Holy Order. Elizabeth was admitted by virtue of her plural marriage to Joseph Smith.

³¹ "Book of Proxey—Wives to Husbands," 22 January 1846, in *EC*, 464. On Cornelius Lott, see Compton, *Sacred Loneliness*, 596-601. Compton points out on page 597 that Elizabeth Durfee and three other women may have introduced the principle of plural marriage to Melissa Lott.

³² For newspaper coverage, see "Was It A Forgery?," *KCT*, 21 April 1892, 8.

³³ Edmund L. Kelley deposition, 20 April 1892, TLC-C, 2:552-555 (Q1-26).

³⁴ W. R. Hall deposition, 20 April 1892, TLC-C, 2:555-556 (Q1-19).

³⁵ Edmund L. Kelley deposition, 20 April 1892, TLC-C, 2:556-563 (Q1-115).

³⁶ W. R. Hall deposition, 20 April 1892, TLC-C, 2:563-565 (Q1-19).

³⁷ W. R. Hall deposition, 20 April 1892, TLC-C, 2:565-567 (Q20-53). As Charles A. Hall noted to John M. Cannon on 26 April 1892: "They have not introduced a witness yet who gave one cent to E Partri[d]ge to buy the Temple lot but have put in that deed to prove the trust."

³⁸ Edmund L. Kelley deposition, 20 April 1892, TLC-C, 2:567-570 (Q1-14); Charles A. Hall to John M. Cannon, 26 April 1892, LDS Archives.

³⁹ Edmund L. Kelley deposition, 20 April 1892, TLC-C, 2:570.

⁴⁰ “Was It A Forgery?,” *KCT*, 21 April 1892, 8.

⁴¹ W. R. Hall deposition, 21 April 1892, TLC-C, 2:570-573 (Q1-18). For newspaper coverage, see “Affairs in Independence,” *KCT*, 22 April 1892, 8; “Independence the Final Gathering Place,” *KCS*, 22 April 1892, 6. Charles A. Hall described another problem the defendants found with the deeds of the plaintiff’s chain-of-title: “There is one point in our favor they had the ~~deed~~ copy certified to by the recorder & the law governing Chancery practice requires the copy to be certified to by the presiding judge of the circuit court none of the[ir] copys are certified to by the proper officirs.” See Charles A. Hall to John M. Cannon, 26 April 1892, LDS Archives. But Hall later had second-thoughts as to whether this rule was still in effect in 1892: “There may be some rule in the court that does away with the old rules.” See Charles A. Hall to John M. Cannon, 23 May 1892, LDS Archives.

⁴² Edmund L. Kelley deposition, 21 April 1892, TLC-C, 2:573-577 (Q1-30). For newspaper coverage, see “Affairs in Independence,” *KCT*, 22 April 1892, 8; “Independence the Final Gathering Place,” *KCS*, 22 April 1892, 6.

⁴³ For Weston’s first testimony in the Temple Lot Case, see the Robert Weston deposition, 9 February 1892, TLC-C, 2:359-362

⁴⁴ Robert Weston deposition, 21 April 1892, TLC-C, 2:577-593 (Q1-222). For newspaper coverage, see “Affairs in Independence,” *KCT*, 22 April 1892, 8; “Independence the Final Gathering Place,” *KCS*, 22 April 1892, 6. For more on the Henry Garster hanging, see William Bundschu, *Abuse and Murder on the Frontier: The Trials and Travels of Rebecca Hawkins, 1800-1860* (Independence: Little Blue Valley Publishing Company, 2003).

⁴⁵ John H. Thomas deposition, 21 April 1892, TLC-C, 2:593-602 (Q1-114). For newspaper coverage, see “Affairs in Independence,” *KCT*, 22 April 1892, 8; “Independence the Final Gathering Place,” *KCS*, 22 April 1892, 6.

⁴⁶ John H. Thomas deposition, 26 May 1892, TLC-C, 2:602-609 (Q115-264).

⁴⁷ TLC-C, 2:609-617.

⁴⁸ “Will Conclude Today,” *KCT*, 28 April 1892, 8.

⁴⁹ Charles R. Ross deposition, 27 April 1892, TLC-C, 2:617-629 (Q1-210). For newspaper coverage, see “Colonel Crisp Testifies,” *KCT*, 29 April 1892, 8.

⁵⁰ Mary Page Eaton deposition, 27 April 1892, TLC-C, 2:629-647 (Q1-299). For newspaper coverage, see “Colonel Crisp Testifies,” *KCT*, 29 April 1892, 8.

⁵¹ William Clayton journal, Heber C. Kimball diary, and George A. Smith journal, 26 January 1845, all in *JSQA*, 93-94.

⁵² See the following sources compiled in *JSQA*, 93-94, 100, 107, 109-110, 112-115, 119, 122, 127, 144, 159, 174, 187, 198-206, 210-211: William Clayton journal, 26 January, 3 April, 8, 11, 25 May, 1, 5, 8, 27 June, 14 September, 24 October, 10, 11 December 1845; Heber C. Kimball diary, 26 January, 23 May, 18 November 1845; George A. Smith journal, 26 January 1845; Willard Richards journal, 27 June, 9 July, 18 November 1845; Historian’s Office Journal, 25 June 1845; John Taylor, “Meeting of the Twelve and others. Dedication of Upper Room of Temple,” 30 November 1845; and William Clayton diary kept for Heber C. Kimball, 10, 11 December 1845; Manuscript History of Brigham Young, 10 December 1845. There is no indication in these records that John and Mary Page ever received the second anointing.

⁵³ *MH*, 1:567; George D. Smith, *Nauvoo Polygamy: “...but we called it celestial marriage”* (Salt Lake City: Signature Books, 2008), 611, 647. For more specific details, see Joseph Fielding Smith, *Blood Atonement and the Origin of Plural Marriage* (Salt Lake City: Deseret News Press, 1905), 59; Minutes of the Meeting of the [LDS] Council of the Twelve, the Patriarch to the Church, the Assistants to the Twelve, the First Council of the Seventy, and the Presiding Bishopric, 5 May 1954, in Gary James Bergera, “Identifying the Earliest Mormon Polygamists, 1841-44,” *Dialogue* 38 (Fall 2005), 19, and Smith, *Nauvoo Polygamy*, 647n269.

⁵⁴ *MH*, 1:567-568.

⁵⁵ John T. Crisp deposition, 27 April 1892, TLC-C, 2:647-659 (Q1-67). For newspaper coverage, see “Colonel Crisp Testifies,” *KCT*, 29 April 1892, 8.

⁵⁶ Martha A. Hall deposition, 27 April 1892, TLC-C, 2:659-663 (Q1-78).

⁵⁷ TLC-C, 27 April 1892, 2:664-668; William E. Miller, *New Revised and Annotated Code of Iowa...* (Des Moines: Mills & Company, 1882), chs. 2 (1882), 40 (1873, rev. in 1874).

⁵⁸ TLC-C, 27 April 1892, 2:667-668.

⁵⁹ TLC-C, 27 April 1892, 2:668-671. For newspaper coverage, see “Colonel Crisp Testifies,” *KCT*, 29 April 1892, 8.

⁶⁰ TLC-C, 6 May 1892, 2:671; “To Be Resumed Today,” *KCT*, 7 May 1892, 8.

⁶¹ TLC-C, 7 May 1892, 2:671-674.

⁶² Jacob Gregg deposition, 7 May 1892, TLC-C, 2:671, 674-687 (Q1-209). For newspaper coverage, see “Independence,” *ZE*, 14 May 1892, 4.

⁶³ TLC-C, 7 May 1892, 2:687-688.

⁶⁴ William Stewart deposition, 9 May 1892, 2:688-696 (Q1-105).

⁶⁵ TLC-C, 9 May 1892, 2:696.

⁶⁶ TLC-C, 9 May 1892, 2:696. See also Charles A. Hall to John M. Cannon, 23 May 1892, LDS Archives.

⁶⁷ Jason W. Briggs deposition, 8 June 1892, TLC-R, 3:585 (Q124-129).

⁶⁸ Charles A. Hall to John M. Cannon, 26 April 1892, LDS Archives.

⁶⁹ Charles A. Hall to John M. Cannon, 26 April 1892, LDS Archives.

Chapter Twenty-Two
The Church of Christ Calls Its Final Witnesses
May-August 1892

Upon completion of the plaintiff's testimony on 9 May 1892, Charles A. Hall spent the next four weeks preparing for the concluding round of defendants' testimony, scheduled to begin on June 9th. Part of Hall's preparations involved the collection of evidence. Among other records, Hall and his associates procured the many documents comprising the Church of Christ's complicated chain-of-title to the Temple Lot. To provide the best evidence and avoid the purchasing cost of certified copies, Hall tried whenever possible to obtain the original holographs of the documents. He particularly wanted the original 1831 deed of purchase between Edward Partridge and Independence landowner Jones H. Flournoy. As Hall explained to John M. Cannon, the original text could help prove that Partridge did not purchase the property in trust for the church:

[Y]ou will understand the necessity of our having it to introduce in evidence as they admit Partri[d]ge recieved a good & suff[ic]ic[i]ent Title to the property but allege it was in trust & not otherwise we are caught a little on that admis[s]ion & will have to produce a copy of the reckord or the original & it would strengthen the case to produce the original.¹

Hall inquired of Emily Dow Partridge if she might hold the original in her possession. Partridge believed she did, but she deferred the matter to the LDS First Presidency. "I went to the President's office to get some instructions concerning a letter I had received from Mr. Hall, Pr[esident]. of the Hedrickites," she wrote on May 6th. "I left the letter also the original copy deed to the Temple lot in Independence and am waiting further instructions."² But George F. Gibbs, the First Presidency's private secretary, examined the document and informed Hall that it was not the original. The defendants would have

to rely on certified copies of this and other important documents in their chain-of-title. Hall glumly told John M. Cannon: “We will have more expenses now in getting certified copys of all the deeds we have not the original of.”³

Disappointed on this front, Charles Hall was nonetheless excited to discover an Emma Smith letter addressed to and published in the *New York Sun* in November 1845. That Hall considered the letter of potential benefit to the defendants is rather surprising given its characterization of Brigham Young and the Nauvoo Twelve as petty tyrants. What Hall found useful about the letter was Emma’s expression of disbelief therein in the revelations of her late husband. “This letter speaks for itself,” Hall exulted to John Cannon, “& shews how she would go back on Joseph to get a little favor or help from the world.” Hall probably thought her confession could be used to undermine the plaintiff’s portrait of her as a devoted truth-telling wife who safeguarded the wrongly-besmirched reputation of her late husband by denying he ever practiced polygamy. As it turned out, the defendants never entered the letter into evidence. John M. Cannon must have informed Hall that, shortly after its publication, Emma denounced the *New York Sun* letter as a forgery, a judgment her biographers have borne out.⁴

As ever, the defendants also had to deal with the escalating costs of the case. On 23 May 1892, Charles Hall informed John Cannon that he had finally spoken with John Southern about financial compensation. Two months earlier, you’ll recall, Hall estimated that Southern would ask for another \$200 and probably not much more. Instead, Southern breezily replied that “1000.00 is a very reasenable price for conducting so important a case.” Stunned, Hall proposed that Southern work for a daily fee rather than

one lump sum, but Southern assured him that “the one who has charge of a case could not be paid by the day.” Hall was disgusted. As a layman who worked in Southern’s stead in Utah, who examined LDS witnesses without any legal training whatsoever, Hall found Southern’s fees disproportionate to the need and the contribution. “[W]hen 1000.00 is a very reasonable price for defending a good title to [\$]15.[00] or [\$]20.00 worth of property[,]” Hall rhetorically asked Cannon, “what would it be worth to defend a case that required some more skill[?]” Knowing full well that the Church of Christ couldn’t change attorneys in the middle of the case, Hall tried to be philosophical. “I suppose we may consider ourselv[e]s fortunate if we escape with our lives,” he deadpanned to Cannon. “Well we have him down to the 1000.00 statement & if he don[‘]t find occasion to double it before we get through we will be thankful.”⁵

Hall received some other bad news on the financial front shortly thereafter. If you’ll recall, he wrote Angus M. Cannon on 18 April 1892 asking if the wards of the LDS Salt Lake Stake could sell the *Nauvoo Expositor* reprints he and his associates had inadvertently funded, as the attendees of the Reorganization’s April conference had purchased few copies.⁶ Someone in Angus Cannon’s office apparently misplaced Hall’s letter, however, so Cannon neither read it nor replied. As weeks passed with still no word from Cannon, Hall and his colleagues decided to just go ahead and send copies of the reprint to the bishops of Salt Lake City—what harm could come of it? But Cannon finally obtained Hall’s letter and offered this chilly reply on June 1st:

I have just received yours of April 18th 1892, relating to the “Nauvoo Expositor” and its “reprint.”

I regret your letter was misplaced as it was important that I should have answered it immediately.

I have no desire to read that paper much less to see it circulate in this Stake.

The spirit that actuated those men to publish that paper prompted them to spill the blood of our Martyred leaders.

Its circulation here can be of no good to our people.

I am now informed that packages have already been received by some of our - Bishops in this City, -- who are at a loss to know what to do with them.

Cannon assured Hall in closing that “I remain as ever your Friend.” But Hall and his reprint partners had clearly misjudged the LDS reaction to the *Nauvoo Expositor*.⁷ Hall thought Utah Mormons would welcome the proof the newspaper provided of Joseph and Hyrum Smith’s complicity in Nauvoo polygamy. But Cannon and his colleagues thought of the *Expositor* as the newspaper that precipitated the crisis that culminated in Joseph’s and Hyrum’s assassinations. Although their reasons differed, neither the Josephites nor the Brighamites wished to be reminded of the *Expositor*. As a result, the reprint scheme fell on its face and Hall and his partners could not recoup their financial investment. As if that wasn’t hard enough to stomach, Hall now had to wonder if his presumptuousness would jeopardize his critical relationship with the Cannons.

Meanwhile, now that the Reorganization had presented its evidence, Joseph Smith III and W. W. Blair tried to reinforce the plaintiff’s arguments from their editorial posts at the *Saints’ Herald*. They began, in May, by underscoring the plaintiff’s arguments on the Missouri persecutions. As the editors themselves aptly described, the May 7th and 14th issues of the newspaper “presented a hug mass of testimony, from reliable sources, proving that the Latter Day Saints were persecuted, robbed, and driven at different times in Missouri by persons actuated by barbarous bigotry and insane political prejudice.”

And to combat the opinions of those who, like the plaintiff's disappointing concluding witnesses, Jacob Gregg and William Stewart, believed the Mormons could have returned to Jackson County in the 1850s or even 1840s, the May 21st issue recounted the violence area residents visited upon the Free-Soilers of Kansas in 1856.⁸ In the May 7th issue, Joseph III (presumably) suggested that the Temple Lot Case may be the fulfillment of the Prophet's 1844 prophecy that "I *or my posterity* will plead the cause of injured [Mormon] innocence until Missouri makes atonement."⁹

Switching gears, the editors serially outlined seven criteria of the rightful successor in the church presidency. The May 28th issue defended Joseph III's right of succession by focusing on two criteria, the law of lineage and the Prophet's revelatory promises for his son. The article concluded that, at most, Sidney Rigdon or the Twelve should have succeeded the Prophet temporarily until Joseph III came of age.¹⁰ Charles A. Hall, for one, wasn't impressed with the first installment, as he told John M. Cannon:

The Herald has comme[n]ced there promised article on the Suc[c]essor & it is if anything worse[,] weaker & more of it than any Thing published as yet on that subject. They have abandoned the useless effort to prove liniag by the books & resort to assertion & the worst kind of hearsay evidence & what quotations are ~~made~~ used have words & notes interpreted to make an ap[p]lication not war[r]anted by the text.¹¹

The June 4th issue presented a third criterion for presidential succession, namely, that the selection and appointment of the successor must be made by the predecessor.¹² The June 11th issue presented four final criteria, specifically, that the rightful successor must receive a personal revelation confirming his call, the common consent of obedient church members, an authorized ordination to the presidential office, and once in office must preside over the church in a scriptural, orderly manner.¹³ "Tried by the foregoing

principles,” the editors concluded, “the claims of Pres. Joseph Smith [III] are found consistent, lawful, and invulnerable, while the claims of Brigham Young, John Taylor, and Wilford Woodruff are by the same tests ‘found wanting’ in every essential point.”¹⁴ To drove the point home, the concluding installment on June 25th argued in blistering, lengthy detail that the Twelve only had jurisdiction over the mission fields of the early church and that Brigham Young had no authority to organize a First Presidency.¹⁵

These essays, like B. H. Roberts’ and Charles Hall’s earlier succession discourses in the LDS Assembly Hall, probably had little, if any, impact upon the outcome of the Temple Lot Case. Nonetheless all of these productions served to hone the presenters’ arguments, fortify the respective identities of the competing churches, and present core issues of the Temple Lot Case to the public at large, albeit in a one-sided manner.¹⁶

In early June, Charles A. Hall, Edmund L. Kelley, and John M. Orr left the Midwest and travelled by train (separately of course!) to Denver, Colorado. It was a long trip to make just for the deposition of one witness. But then again, seventy-year-old Jason W. Briggs was no ordinary witness. If the Reorganization had a founder besides the Prophet Joseph Smith, it was Briggs. Briggs’ November 1851 revelation catalyzed the formation of the reorganization movement. Briggs went on to serve in the Council of Twelve Apostles for over three decades. But by the mid-1870s, influenced by historical criticism of *The Bible*, he became a theological liberal. Briggs no longer believed that scripture and revelation offered infallible truths, but only provisional truths and the fallible viewpoints of their human authors. He questioned the revelations of the Prophet,

particularly the doctrines of the gathering and the premortal existence. He protested Joseph III's concentration of power and editorial control of the *Saints' Herald*. And he irritated Joseph III to no end by insisting that Joseph Smith practiced polygamy. As a result, Briggs lost his apostolic status in 1885 and resigned from the church in 1886. It was, therefore, no mystery why the Temple Lot Case defendants travelled all the way to Denver to obtain Briggs' testimony. They believed, with good reason, that Briggs, more than any other individual, might provide information damaging to the plaintiffs.¹⁷

As in Independence and Salt Lake City previously, the convening of the Temple Lot Case in Denver, coupled with the visit of the Prophet Joseph Smith's son, Apostle Alexander Hale Smith, spurred public gatherings of the faithful. From June 5th-8th, the local branch of the Reorganized Church rented out Denver's Euclid Hall on four separate occasions to hear discourses from Apostle Smith and Bishop Edmund L. Kelley. The June 7th gathering was the largest RLDS assembly ever in Denver. Three people requested baptism into the church. One, an old friend of Kelley's, wanted the Bishop to perform the ceremony, but Kelley was so busy with the Temple Lot Case that the baptism had to be postponed. As one local member summarized at the end of the week: "The Denver branch has had a time of feasting of late."¹⁸

The deposition of Jason W. Briggs took place in Denver's St. James Hotel on June 8th. In contrast to his stunningly brief direct-examinations in Utah, Charles Hall's direct-examination of Briggs was possibly the longest of the case, a contrast attributable, in part, to Hall's dramatic improvement as an interlocutor. Like Southern with Mormon history, Hall was learning how to question witnesses. Despite Hall's considerable

improvement, however, Jason Briggs did not provide the devastating indictment of the Reorganization for which the defendants had hoped. When Hall asked if Briggs now looked upon Joseph Smith III as he did his previously rejected mentors, James Strang and William Smith, Briggs chose discretion over denunciation. Still, even though Briggs wouldn't condemn the Reorganization and its president, he proved useful to the defendants in many small ways. He testified that during an 1843 visit to Joseph Smith's Nauvoo he heard of a revelation authorizing sealing for time and eternity and sanctioning multiple wives in the afterlife. He also saw baptisms for the dead performed, contrary to the plaintiff's protestation that the practice had been suspended. He also affirmed that the church mixed politics and religion during Joseph Smith's 1844 presidential campaign, a practice more reminiscent of the LDS Church than the RLDS Church. On the subject of the early Reorganization, Briggs insisted that to the best of his knowledge every branch and individual at the founding conference had formerly affiliated with James Strang, William Smith, or other false teachers. Briggs disavowed William Smith, he explained, upon learning firsthand that William taught polygamy and declared himself the Prophet's chosen successor rather than a temporary surrogate. By contrast, Briggs noted, W. W. Blair, Joseph III's counselor in the First Presidency, remained with William Smith for some time after learning these things. On the matter of the early Hedrickites, Briggs declared that, contrary to the plaintiff's assertion, Granville Hedrick never joined the Reorganization, as Hedrick couldn't accept certain revelations in *The Doctrine and Covenants*. As for the mature Reorganization, Briggs testified that it had no patriarch and no baptism for the dead, it acted on some of Joseph III's revelations without formal

sustaining votes, and that while its doctrines may have changed only slightly over time, its interpretation of doctrine had changed enough to alienate him from the church.¹⁹

In the end, both sides could claim a measure of victory with Jason W. Briggs. The plaintiffs were relieved that Briggs did not launch a full frontal assault on the succession claims of Joseph Smith III and the Reorganization. Alexander Hale Smith wrote that he was “well pleased at Jason’s straightforward testimony. There was nothing in it which we of the Reorganization need be ashamed of, nor afraid. In fact, although he was summoned by Hedrick, Hall and Co. he proved a good witness for the True Church Reorganized.”²⁰ Building on such reports, the *Saints’ Herald* editorialized:

Those who may have been expecting to find a vicious attack upon the Reorganized Church...will doubtless be disappointed when they read his testimony. Elder Briggs had no criticism to make upon the faith and doctrine of the Reorganization. Whatever may be said, it is evident that he looks upon the Reorganization as being both in harmony with the standard works and the original church established in 1830; and in fact in legal and rightful succession to the original body.²¹

On the opposing side, Charles A. Hall thought that Briggs’ barrage of damning details added up to a substantial blow against the plaintiffs, particularly Briggs’ confirmation that the Reorganization crawled from the apostate muck of Strangism and Williamism. Hall also thought that Briggs’ disclosures called into serious question the veracity of the depositions of plaintiff’s witnesses William Smith and W. W. Blair:

We got through with J. W Briggs yesterday & are well satisfied with his evidence[.] I think we have impeached [W. W.] Blair & W[illiam] Smith & showed that Briggs & his [Beloit] branch[,] The Walkeshah [Waukesha] branch & Gurley[’]s [Yellowstone] branch was all followers of [James J.] Strang & Wm Smith. We also mad[e] some other good points....²²

Briggs may not have been as devastating to the plaintiff's chances as the defendants had wished, but Hall and his associates got quite a bit out of the witness nonetheless.²³

Behind the scenes of the Temple Lot Case, court reporter John M. Orr quietly went about the labor intensive process of turning his voluminous shorthand notes of the depositions into complete words and sentences. Once he had a full transcript of a deposition, Orr would allow the witness to examine it and correct it, though some witnesses had waived their right to do so.²⁴ Orr had been churning out transcripts for over two months now. Charles A. Hall mailed copies of some early depositions to John M. Cannon in April 1892.²⁵ Finally, in mid-June, five weeks after the completion of the complainant's testimony, Orr completed the transcripts of the complainant's depositions. The total length of the complainant's testimony came to 696 pages. Hall promptly sent the final installments of the complainant's depositions to Cannon.²⁶

Orr thereupon turned to the defendants' first depositions, taken in Utah. Hall notified Cannon on June 20th that "the reporter is getting out some of our work." Hall urged Cannon to remind the defendants' LDS witnesses to examine the transcripts of their respective deposition and to send back a list of corrections. Hall also had to share the bad news that he had underestimated the cost of the defendants' transcripts: "We find the reporter is not satisfied with the legal rate in the state courts of 15c a hundred words but wants the rate in the U. S. court 20c a hundred[—]that is going to make our bill more than we calculated on." Hall had already paid Orr \$325, but the bill for the defendants' transcripts would have to be paid in full by July 15th, the date scheduled for the

completion of the defendants' testimony. To raise the money, Church of Christ members were willing to sell what little they had—unless, of course, Cannon's LDS connections could help them out again. But Hall wasn't sure how far the Utahns' beneficence would go. Cannon had sent Hall \$100 just a month before. Since that time, Hall and his associates had pushed their luck by sending reprints of the *Nauvoo Expositor* to the wards of Salt Lake City. Had the Utahns had enough with the Church of Christ? With these concerns in mind, Hall closed his June 20th letter to Cannon with the following remarks:

We will have to begin to make some arrang[e]ments to mett the bill for the court copy of the evidence[.] How much can we depend on getting from your friends to help out on this[?] We would like to know as soon as convenient so we will have time to dispose of what we have at as good a price as possible[.] We have some things we are determined to sacrifice before we will let the property [the Temple Lot] go or we will have to realize all we can on what we have to meet the expense if we have to car[r]y it. We have thought you and & your friends might feel you had done all you were able to do & we ap[p]reciate what you have done for us in this case[.] We do not feel like asking you to advance any ~~something~~ more unless you can do so ~~without~~ with means you can spare without sacrificin[g] your interests & comfort[.] I think best we should understand each other on this ~~something~~ matter.

Fortunately for the defendants, the Cannons did not consider the *Nauvoo Expositor* affair a sufficient reason to cut off their support. A note at the top of Hall's letter indicates that John M. Cannon promised to send another \$400, presumably when Orr's bill came due.²⁷

On 29 June 1892, the opposing parties met in John Southern's Independence law office and agreed to resume defendants' testimony one week later on July 6th.²⁸ The defendants' final round, spanning July 6th to 15th, would consist of five days of deliberations and eleven witnesses: Lorenzo Dow Hickey, Ember Mason, Edmund L. Kelley, H. G. Henley, P. H. Grinter, Thomas Maxwell, W. R. Moore, Alma Owen,

Richard Hill, William R. Wilson, and John H. Taylor. With the plaintiff's permission, the defendants subsequently called one additional witness, Josiah W. Swearingen, on August 2nd. John N. Southern and Parley P. Kelley did the bulk of the questioning for the two sides, with intermittent contributions from Charles A. Hall and Judge Traber.

In his June 20th letter to John M. Cannon, Charles A. Hall summarized the evidence the defendants planned to introduce in the final round as “deeds[,] tax receipts[,] & some testimony of witnessess in the Church & some old citizens to prove [the defendants’] pos[s]ession [of the Temple Lot].”²⁹ Judging from Hall’s remark, the defendants apparently had no interest in obtaining additional testimony on the doctrines and practices of Joseph Smith’s church, the LDS Church, or any other church. Having concentrated on such matters in their Utah depositions, the defendants were now going to focus on the mundane task of proving their ownership of the Temple Lot.

Yet when the defendants resumed their testimony on July 6th, they called as their first witness yet another voice in the succession debate, and a most unexpected one at that: Lorenzo Dow Hickey, last surviving apostle of James J. Strang’s Church of Jesus Christ of Latter Day Saints.³⁰ Hickey’s deposition would prove to be one of the nastiest of the case. “The opposing saints have little love for each other,” the *Kansas City Times* correctly observed. But having interrogated one lone witness in nearly two months, one would think the tension between the opposing sides might have eased up a bit. But before he had even been sworn in, Hickey got the concluding round of defendants’ testimony off on a sour note by refusing to shake hands with Parley P. Kelley and any other associates of Joseph Smith III. “With this warlike feeling prevalent,” the *Times*

reported, “the taking of depositions began.” Hickey and Kelley traded barbs throughout the examination. Southern’s office “was full of an atmosphere of restrained hostility.”³¹ At one point Kelley demanded: “I expect to be treated like a white man[!]”³²

If any deposition threw a wildcard into the contest for the Temple Lot Case, it was Hickey’s. As the only deponent who still believed in James Strang, Hickey delivered a testimony like no other. Hickey argued that Strang alone met the requirements of *The Doctrine and Covenants* that the Prophet would designate his successor immediately before his death and the designee would receive an angelic ordination. In accord with these directives, Hickey testified, the Prophet appointed Strang by letter on 18 June 1844 and Strang received an angelic ordination upon Smith’s death nine days later. Hickey also shared his unique “Young Joseph” theory with the court, positing that in response to a November 1846 revelation, Strang crept into Joseph III’s bedroom and ordained the sleeping teenager Hyrum Smith’s successor as church patriarch and (assistant) church president. Joseph III did not receive an angelic ordination, Hickey noted, so his authority remains inferior to that of Joseph Smith and James Strang. But since nobody currently living has received an angelic ordination, Hickey reasoned, Joseph III by default stands as the rightful president of the church. Hickey had pushed this idiosyncratic theory for almost three decades now, and it had alienated him from Strangites and Josephites alike. Joseph III didn’t believe that Strang ordained him or held any divine authority whatsoever (which is why Hickey resented the RLDS president), whereas most Strangites were unconvinced that Strang ordained Joseph III, nocturnally or otherwise. Curiously, Parley Kelley took the time to rebut Hickey’s theory by noting that Strang ordained

Temple Lot Case deponent William Smith patriarch of his church half a year before his purported ordination of Joseph III. On more conventional matters, Hickey might have helped the defendants by mocking the notion that Joseph Smith subjected his revelations to “testers” and confirming that church elders campaigned for Smith’s presidency in 1844. Most damaging of all, Hickey’s Strangite minute book, the *Chronicles of Voree*, showed conclusively that RLDS principals Jason W. Briggs, Zenos H. Gurley, William Marks, and William Smith formerly accepted Strang’s prophetic claims. On the other hand, Hickey admitted that all these individuals eventually rejected Strang. And the plaintiffs took comfort in Hickey’s admission that Strang’s *Book of the Law of the Lord* sanctioned polygamy in a way that Joseph Smith’s *Doctrine and Covenants* did not. All in all, Hickey proved slightly more helpful to the defendants than the plaintiffs, but much if not most of his testimony simply did not fit into the established parameters of the religious debates of the Temple Lot Case.³³

Before moving on, I should note one tantalizing tidbit related, perhaps, to the deposition of Lorenzo Dow Hickey. According to Strangite pamphleteer Wingfield Watson and RLDS historian Heman Hale Smith, sometime during the Temple Lot Case, Charles A. Hall procured the “Rajah Manchou” plates from one of James Strang’s widows, Betsy McNutt. These were one of two sets of ancient plates Strang translated by divine inspiration. Watson surmised that Hall intended to disprove the succession claims of the Reorganization by demonstrating that Strang was the rightful successor. As it turned out, however, Hall never introduced the plates into evidence. If he did procure the plates, he apparently reconsidered their value as evidence. At any rate, reportedly Hall

never returned the plates to McNutt. After relocating to Pueblo, Colorado, Hall's wife loaned the plates to elders from the LDS Church in approximately the year 1900. But the elders never returned the plates either. To this day, the Rajah Manchou plates have never been located, a significant loss for Strang's community and for historians alike.³⁴

To close out the day, John N. Southern questioned Ember Mason, longtime Jackson County resident whom for many years had lived on Westport Road (Lexington Avenue), the street that curved around the north and west sides of the Temple Lot. The defendants anticipated that Mason could describe improvements that sundry owners had made to the original Temple Grounds over the decades, thereby substantiating the defendants' thesis that it had always been considered private property, and not ecclesiastical property held in trust for an absent church. As hoped, Mason testified that before the Civil War, Samuel Woodson, one of the men who owned portions of the Temple Grounds, constructed a lengthy stone fence that ran, in part, along the curved, northern edge of the current Temple Lot. The fence served as part of a large enclosure for stock grazing, Mason recalled, but a few years later it was torn down and reconstituted near the Chrisman residence east of the Temple Grounds, where it served as a breastwork during a Civil War battle. Unfortunately for the defendants, Mason diminished the power of his testimony by conceding that he wasn't absolutely sure the fence and the enclosure actually reached all the way to the site of the current Temple Lot. The plaintiffs also took pleasure in his admission that, as long as he could remember, local residents referred to the area as the "Temple Ground" or "Temple Lot." Ember Mason was not the most productive witness for the defendants.³⁵

John N. Southern spent the next day, July 7th, attempting to demonstrate that the Reorganized Church recognized a different *Bible* than Joseph Smith's church. At the outset, Southern contrasted two sets of passages—Genesis 9:5/Genesis 9:11-12 and Exodus 32:35/Exodus 32:35—from the King James Translation (the *Bible* used in the original Mormon church) and *The Holy Scriptures* (the Reorganization's canonized version of Joseph Smith's *Bible* revision). The subjects of the passages, the Golden Calf and the shedding of blood, weren't pertinent to the controversies in the Temple Lot Case, so Southern must have selected these passages because they showed differences between the two texts. Southern fumbled a bit trying to navigate the unfamiliar *Holy Scriptures*, but Edmund L. Kelley graciously helped him.³⁶ Southern thereupon called Kelley to the stand to verify *The Holy Scriptures'* authority within the Reorganization. But Kelley minimized the text's authority, arguing that it merely supplemented the King James Translation, did not always improve upon the King James Translation, and did not doctrinally differ from the King James Translation. In response, Southern appealed to the Reorganization's 1878 conference resolution identifying *The Holy Scriptures* specifically—not the King James Translation, not the *Bible* generically—as one of the church's three canonical works.³⁷ But Southern erred if he thought the minor differences evident in Genesis 9 and Exodus 32 effectively countered Kelley's insistence that there were no significant doctrinal differences between the King James Translation and *The Holy Scriptures*. Southern should have called attention instead to the opening chapters of Genesis, which differed substantially in the two texts.³⁸ At any rate, Southern was correct that the Reorganization elevated the Joseph Smith translation to an official status

it did not hold during the Prophet's lifetime. But since the manuscript came from the Prophet himself, and the Lord commanded the early church to publish the text, to accuse the plaintiffs of prohibitively deviating from the canon and the doctrine of the early church on this matter seemed an overstretch.³⁹ Then again, Southern's biblical presentation was effective enough to lead the *Kansas City Times*, for one, to conclude: "The evidence tends to prove that the Reorganized Church of Jesus Christ of Lat[t]er Day Saints is not the successor of the old church founded by Joseph Smith."⁴⁰

Two days later, on Saturday, July 9th, John N. Southern turned at last to the defendants' chain-of-title. At the outset, Southern had H. G. Henley, the local deputy circuit court clerk, verify one link in the chain, the 1859 Jackson County Circuit Court ruling ordering the sheriff to sell the lots of the sixty-three-acre Temple Tract and divide the proceeds between Samuel Woodson and the heirs of John Maxwell.⁴¹ Then land surveyor P. H. Grinter, former city engineer for Independence, confirmed that in the decades since Edward Partridge purchased the Temple Tract in 1831, the sixty-three acres had been subdivided into Prospect Place, St. John's Addition, St. John & Dawson's Addition, Torpey & Serviss's Addition, Woodson & Maxwell's Addition (a part of which now constituted the 2.5-acre Temple Lot), depot grounds affiliated with the Missouri Pacific Railroad, and a tract of land to the east of St. John & Dawson's Addition. Southern didn't spell out the implications, but clearly the purpose of this exercise was to highlight all the land titles that would be clouded should the court rule for the Reorganized Church and invalidate the Church of Christ's title. A plaintiff's victory

wouldn't just overturn the title to the Temple Lot; it could destabilize the titles to all lands that were part on the original sixty-three-acre Temple Tract. Parley P. Kelley's cross-examination failed to undermine the alarming implications of Grinter's testimony.⁴²

Keeping the momentum going, Southern introduced into evidence the many documents comprising the Church of Christ's chain-of-title to the Temple Lot, as well as the plats of the adjacent land tracts similarly carved out of the original sixty-three-acres. Judge Traber and Parley Kelley offered specific objections to each and every deed, but none of the objections were as potentially damaging to the defendants' evidence as the objections Southern leveled two months earlier against the plaintiff's critical 1839 Partridge-Cowdery deed.⁴³ The *Kansas City Times* lauded the chain-of-title of the Church of Christ as "a complete chain from the government grant to the present time."⁴⁴

Southern next called upon fifty-one-year-old Thomas Maxwell, son of the late John Maxwell, who held much of the Temple Tract in the 1850s, including the site of the current Temple Lot. As with Ember Mason two day earlier, Southern sought evidence that the property did not lie in wait for the return of the Mormons. Maxwell wasn't much help at first, but the more he talked the more he remembered. He recalled various improvements on the Temple Grounds in the 1850s—homes north of Walnut Street, a kiln on the triangular section, and Samuel Woodson's stone fence, which Mason had also described. Indeed, Maxwell revealed that he was one of the locals who used the stone wall as a breastwork during the skirmish with the Union Army. Ember Mason, who hadn't participated in the fracas, testified earlier that the battle took place at the wall's second location, the Chrisman property east of the Temple Grounds; but Maxwell angrily

insisted (no doubt to Southern's satisfaction) that, as a veteran of the fight, he knew full well that it occurred on the Temple Grounds. The plaintiffs could take comfort in the fact that Maxwell couldn't remember any particular improvements on the Temple Lot proper, though he had a vague recollection of a fence on the property at one time. Overall, though, Maxwell helped the defendants insofar as he demonstrated that midcentury local residents improved the Temple Tract as they would any other piece of property.⁴⁵

Afterwards, Southern spent a few minutes with W. R. Moore, Jackson County's deputy recorder of deeds and head of the recorder's office in Independence. As requested (presumably), Moore had on hand a record of Jackson County land entries. Southern asked Moore to identify therein all the local land purchases of Bishop Edward Partridge, whereupon Moore listed a dozen purchases in Partridge's name from 1831-1833 *other* than the Temple Tract. Southern didn't explain the purpose of this brief exercise and Parley Kelley didn't see the point of cross-examining the witness.⁴⁶ But just like the Temple Ground subdivisions Southern documented earlier with surveyor P. H. Grinter, Southern most likely wanted a list of Partridge's purchases in order to demonstrate all the additional property titles the court could potentially cloud should it rule in favor of the Reorganization. If the court decided that Partridge purchased the Temple Lot in trust for Joseph Smith's church despite the lack of any language to that effect in the 1831 Flournoy-Partridge deed, what would stop the Reorganization from asserting that all local properties purchased by Partridge, though owned now by local residents, were actually entrusted to the Reorganization? Again, Southern wished to show that the Temple Lot

did not exist independently in a vacuum; it came bundled with an array of other local properties. A ruling on the one could potentially affect all.⁴⁷

To substantiate the defendants' continuous possession of the Temple Lot, Southern introduced a host of receipts that agents for the Church of Christ had received over the past quarter-century (1866-1891) by paying property taxes on the various lots comprising the property. To authenticate and contextualize the receipts, Southern alternated back-and-forth between the two Church of Christ members responsible for the tax payments, Alma Owen and Richard Hill. Owen testified that all but one of the earliest tax receipts came from a trove of documents Hill and he obtained from Granville Hedrick's widow in Gardner, Kansas around 1878-1880. Hill had retained possession of the receipts ever since. As for the receipts dated after 1880, Owen paid most of the taxes up through 1887 and Hill assumed the responsibility thereafter.⁴⁸

At a certain point Southern focused on Alma Owen alone. Owen turned out to be a most helpful deponent for the defendants. Owen testified that whenever he paid the property taxes on the Temple Lot, he did so on behalf of the Church of Christ, directly or indirectly from the church's general fund; not once did he pay the taxes on behalf of the Reorganized Church. It was an obvious but necessary point, as it undercut the plaintiff's bizarre argument that the Church of Christ held the Temple Lot in reserve for the Reorganized Church. Owen also recounted that he used the general fund of the church to finance the erection of a fence and the planting of trees on the property in 1882, and later, sidewalks. As far as Owen knew, the Reorganized Church never paid for taxes or improvements on the Temple Lot. Owen also confirmed that William Eaton, Owen's

predecessor as Church of Christ treasurer, never belonged to the Reorganized Church, unlike Eaton's wife, Mary Page Eaton, who earlier testified for the plaintiffs. Parley P. Kelley wasn't able to undermine Owen's tax evidence, so he focused much of his cross-examination on the formative years of the Church of Christ. Nothing much came out of this exchange, except that Owen balked at the suggestion that the Church of Christ was merely a faction; he understood it to be the continuation of Joseph Smith's church.⁴⁹ Kelley had intended to cross-examine Richard Hill as well, but not enough time remained to do so. Thus ended an extremely productive day for the defendants.

Parley Kelley interrogated Richard Hill on Monday, July 11th, in what proved to be among the longest and most contentious cross-examinations of the case. Southern's direct-examination of Hill had focused on tax receipts, but Kelley completely disregarded Southern's parameters and questioned Hill at length on the doctrines and organization of the Church of Christ. Hill's evasive, contradictory testimony on this score did the defendants no help. Yet when Southern tried to control the damage, Kelley accused Southern, most ironically, of violating the parameters of the direct-examination! Kelley's impertinence certainly did not endear him to Southern.

Richard Hill opined that the Church of Christ was not merely a branch of Joseph Smith's original church, nor, with so few members, was it the comprehensive continuation of that church. Hill felt most comfortable characterizing his church as simply a part and parcel of the original church. Hill affirmed that Hedrickites, like all Mormons, believe in prophets, yet he made it seem as if revelation had veritably ended with Joseph Smith. The Church of Christ did not look upon its presidents as prophets,

seers, and revelators, he explained, for Granville Hedrick, David Judy, Richard Hill, and Charles Hall were chosen by the church, not the Lord. Indeed, Hill flat out denied that Hall received a revelation sanctioning the mortgaging of the Temple Lot. In response, Kelley produced an 1864 Hedrickite newspaper describing Granville Hedrick as a divinely-approved prophet, seer, and revelator. Hill inadvertently divulged, moreover, that his ordination as bishop a few years earlier may have resulted from revelation. Why did Hill minimize the role of prophets and revelation in the Church of Christ? Unfortunately I can only conjecture. Perhaps he did not want to subject his beleaguered flock to ridicule, or perhaps he thought it best the defendants appear as rational as possible, or perhaps he grasped the damage Hall's revelation could do in court.

Moving to sturdier ground, Hill recounted that he gathered to Jackson County as early as 1868, plaintiff's claims of lingering anti-Mormonism to the contrary. And even though Hill's relocation underlined the persistent religious character of the Temple Lot, the property did not lie in wait for Mormon return. The Hedrickites obtained it by purchase, he noted, not by flashing their Mormon credentials. As current trustee-in-trust, he declared, he held the site for the Church of Christ alone. And as far as he knew, the Reorganized Church contributed nothing to the purchase and upkeep of the Temple Lot. Weak and evasive on doctrinal issues, Hill was strongest precisely where he needed to be—on the defendants' rights to the Temple Lot.⁵⁰

Before proceeding with the next witness, John Southern asked the plaintiffs for permission to complete the presentation of the defendants' tax receipts at a later time with

accompanying witness. Circumstances, Southern blandly explained, prevented the defendants from completing the task at present. Parley Kelley approved the request.⁵¹

John Southern thereupon questioned longtime local resident William R. Wilson. Wilson testified that the entire southern half of the old Temple Grounds were enclosed as early as the late 1840s. He also added, albeit with some uncertainty, that a number of individuals lived on Maxwell's and Woodson's Addition before the Civil War. A man named Dunn, he remembered, lived in the northeast corner of the Addition. But people didn't really start settling on the grounds in big numbers until after the war, he said. Wilson's comments were moderately helpful to the defendants, and the plaintiffs didn't contest their accuracy. But Wilson subsequently indicated to Parley Kelley that he had always been able to demarcate the current Temple Lot from the rest of the Temple Grounds, a comment that lent indirect support to the plaintiff's contention that local residents had always recognized the Temple Lot proper, if not the larger tract, as special ground. Southern's redirect-examination only made things worse, as Wilson specified that he could identify the current Temple Lot even back before the roads and churches in the area were laid out. The Temple Lot, Wilson clarified in Judge Traber's recross-examination, represents the highest point on the larger Temple Tract. Wilson did as much if not more good for the plaintiffs as he did for the defendants.⁵²

Hoping for better results, Southern followed with another longtime resident, John H. Taylor. Taylor recollected that the Temple Grounds were enclosed soon after his arrival in 1851. The northern section was bounded by a fence on the east, a stone wall on the west, and a rail fence on the south. Apparently, however, the enclosure did not

extend so far west as to include the Temple Lot proper. Aside from a house or two, moreover, the Temple Grounds remained largely vacant before the Civil War. The defendants didn't find much to work with here. To make matters worse, Taylor commented that it seemed local residents had always referred to the property as "Temple" property, and that they considered the highest point, the Temple Lot proper, as the premier location on the grounds. Southern could not have been pleased. Taylor hurt the defendants in the same manner as the preceding witness, William Wilson. Apparently the defendants had not vetted Wilson and Taylor thoroughly enough.⁵³

Turning to more predictable evidence, Southern presented copies of deeds to other sections of the original sixty-three acre Temple Tract, specifically the properties surrounding the Temple Lot proper to the southwest (St. John's Addition), south (St. John's and Dawson's Addition), and southeast (the William Chrisman Estate). These sections of Edward Partridge's 1831 purchase had been completely secularized over the years. But as with prior extraneous titles, Southern introduced these deeds into evidence to demonstrate that a verdict for the plaintiffs would overturn not only the defendants' title to the Temple Lot, but potentially cloud the titles of a large swath of western Independence. Eager to minimize these implications, Parley Kelley objected to the deeds on the grounds that they had nothing to do with the land in controversy in the suit.⁵⁴

Continuing, Southern presented a copy of a deed to Lot #23 of Woodson's and Maxwell's Addition, the small triangular piece of ground west of the Temple Lot. Whereas the other outlying sections of the Temple Grounds were now owned by non-Mormons, Lot #23 was now owned by the Reorganized Church. RLDS apostle Joseph

Luff purchased the title in the 1880s from Thomas H. Swope and transferred it for compensation to the Reorganized Church. To provide some insight on the acquisition, Southern questioned Bishop Edmund L. Kelley. Kelley opined that the Reorganization did not feel as passionate about Lot #23 as it did the Temple Lot proper (Lots #15-22). The church nonetheless felt as entitled to Lot #23 as it did the Temple Lot, but to avoid litigation it simply paid for the property outright. In closing, Kelley reminded the Church of Christ that the Reorganized Church would prefer to do likewise with the Temple Lot:

I will say right here that we would have been willing, and have been willing and are now, to remunerate these defendants at any time, and have so stated to them, for any reasonable amount, for what they expended, and we were willing to do that not because we did not think we had the title and right to it, but for the purpose of effecting a peaceable settlement. We not only have tendered but stand ready now to do so, and have all the time stood ready to compensate them—to do justice to these other parties and pay them back their money expended on account of it for taxes, purchase money or anything else.⁵⁵

Of course the Church of Christ had invested too much in the Temple Lot and the Temple Lot Case by this time to give any consideration to Kelley's proposal.

As if to prove he was not getting soft after his conciliatory deposition, Bishop Kelley wrote a letter to the *Saints' Herald* later that day blasting the Reorganization's Temple Lot Case opponents, specifically Charles A. Hall and Lorenzo Dow Hickey. As with the Church of Christ's partnership with the LDS Church, Kelley saw Hickey's testimony for the defense as an unholy combination in league against the truth:

The Hickey, Strang, and Hedrick combination is a wonderful thing. About as powerful as the Brigham, Woodruff, Hedrick combine. It is a little singular that all of the pretensions, and "ites" and "isms" which have been cursing each other for the last twenty years should all at once bob up and embrace each other and unite in waging war against The Reorganized Church. Hall as chief of the Hedrickites vehemently attacks the character of Joseph Smith the founder of the church and these other parties which have been feigning at least a belief in the

divine mission of Smith for the last thirty years, rush to Hall's assistance; as though the very existence of their organizations depended upon proving, as Hall claims, that Joseph Smith was a false prophet.

Neither Hall, Hickey, nor the LDS Church considered Joseph Smith a false prophet, of course, though Hall believed that Smith fell from grace in the course of his ministry. But they all believed or suspected that Smith taught and practiced polygamy, and because Kelley believed polygamy to be a false doctrine, in his estimation that meant they believed Smith to be a false prophet.⁵⁶

The opposing parties reconvened four days later on Friday, July 15th. At the outset, John Southern announced that he had intended to have a representative from the Jackson County court certify that they could not locate the county tax records predating 1860. Unfortunately, none of the officials were able to appear that day. At Southern's request, therefore, Parley Kelley gave the defendants permission to introduce testimony on this matter during the plaintiff's rebuttal testimony in August. With that out of the way, Southern presented a copy of Jackson County's tax records for the Temple Lot from 1860 to the present. Then the two sides announced some agreements they had reached in private consultation. First, Southern announced that both sides would accept at face value the dates of the original deeds presented in evidence as documented by the Recorders of those deeds. Second, the plaintiffs acknowledged the accuracy of the plat Southern had used of Woodson's and Maxwell's Addition. Third, Southern admitted the plaintiffs held the title to the property underlying the Stone Church. Fourth, Southern announced that copies of all deeds presented in the case would be taxed one dollar. Finally, Southern stated that the plaintiffs had granted permission for the defendants to

offer additional testimony during the first two days of the plaintiff's rebuttal testimony, and that the plaintiffs, if they requested, would subsequently have two extra days to present rebuttal testimony. With that the two sides adjourned for the day. They were to meet again at a time of the plaintiff's choosing for rebuttal testimony.⁵⁷

The Reorganization commenced rebuttal testimony little more than two weeks later on Tuesday, 2 August 1892. At the outset, pursuant to the July 15th agreement, the plaintiffs allowed the defendants to introduce their final evidence. Accordingly, John Southern questioned Josiah W. Swearingen, deputy clerk of the Jackson County court, the defendants' final witness. Swearingen testified that he could find no record books in his office of taxes paid before 1860. As a result, the defendants could offer no documentation of the taxes paid on the Temple Lot before 1860. Since Swearingen couldn't help the defendants, the plaintiffs declined to cross-examine him.⁵⁸

Southern thereupon took care of a couple of small technical matters, the most noteworthy being the (re-)introduction of the defendants' Temple Lot tax receipts. He had already introduced these documents into evidence, but they meant so much to the defendants' case that, just to be safe presumably, he introduced them again. The plaintiffs objected on the grounds that the Temple Lot, according to their understanding, was religious property and exempt from taxation. And with that the Church of Christ completed their presentation of evidence. Southern declared: "Defendant rests."⁵⁹

So what did the Church of Christ accomplish with its final round of testimony? To begin with, unlikely sources slightly strengthened the defendants' previous depiction

of Nauvoo Mormonism. Jason W. Briggs testified that during his visit to Nauvoo in 1843 he heard talk of a revelation authorizing sealing for time and eternity and multiple wives in the afterlife. Lorenzo Dow Hickey also heard rumors of polygamous practices in Joseph Smith's Nauvoo. Briggs, moreover, witnessed baptisms performed for the dead, contrary to the plaintiff's allegation that the rite had been suspended by that time. Hickey and Briggs verified that the church mixed politics and religion during the 1844 presidential campaign of Joseph Smith. On the down side, Hickey depicted Smith's *Doctrine and Covenants* as an obstacle to the implementation of plural marriage.

Moving to the post-martyrdom period, Lorenzo Dow Hickey portrayed James Strang as the rightful successor of Joseph Smith. But Hickey's remarks on this score helped neither the defendants nor the plaintiffs, for while they implicitly challenged the succession claims of Joseph Smith III, they did likewise to the succession rights of Brigham Young and the Twelve. More helpful to the defendants was Jason W. Briggs's firsthand confirmation that in 1851 William Smith promulgated polygamy and declared himself the designated successor of the Prophet. Building on similar reflections from other witnesses, Briggs's testimony seemed to dispel any lingering doubts that William Smith perjured himself in his January deposition. As if no longer interested in protecting the reputation of the Prophet's brother, Parley Kelley didn't hesitate to point out in Hickey's deposition that William served as the patriarch of James Strang's church, something that Kelley probably would not have volunteered a few months earlier.⁶⁰

Similarly, the defendants also proved beyond a reasonable doubt that virtually all the founders of the Reorganization formerly affiliated with James Strang's and William

Smith's movements. Jason Briggs testified to that effect, and Lorenzo Dow Hickey's Strangite minute book, *Chronicles of Voree*, added contemporaneous substantiation. Briggs also indicated that W. W. Blair, Joseph III's First Presidency counselor, continued to serve as an apostle of William Smith after the Prophet's brother espoused polygamy and pushed his own succession rights. To be sure, Hickey acknowledged that all the Reorganization's founders in due time renounced Strang's leadership. Nonetheless, their former affiliations raised questions about the founding authority of the Reorganization.

The defendants also raised questions about the fidelity of the mature Reorganized Church to the church of Joseph Smith III. Even though Jason W. Briggs wouldn't impugn the succession rights of the Prophet's son, he testified that the Reorganization had no patriarch, no baptism for the dead, and had changed its interpretation of doctrine over time. He also recollected that on occasion the Reorganization acted upon the revelations of Joseph III without a formal sustaining process, much like the plaintiffs accused of the LDS Church. Indeed, the fact that Briggs had parted with the church he helped establish—despite his reluctance to divulge the details thereof—indicated that something in the church might have changed over those years. For his part, John Southern demonstrated that the Reorganization officially elevated Joseph Smith's *Bible* revision to a prominence it did not enjoy in the Prophet's own era. He also showed, albeit not nearly as effectively as he could have, that the King James Translation of Joseph Smith's church differed from *The Holy Scriptures* of the Reorganized Church.

Aside from the Reorganization, the church that fared the worst in the defendants' final round of testimony was, ironically, the defendants themselves. Alma Owen

depicted the Church of Christ as the continuation of Joseph Smith's original Mormon church. But Richard Hill wasn't sure how to characterize the relationship, other than to say the Church of Christ represented a part and parcel of the original church. Hill downplayed the role of prophets and revelation in the Church of Christ so thoroughly as to make it seem as if the heavens closed upon the death of Joseph Smith. Yet Parley Kelley proceeded to show that the Hedrickite newspaper itself referred to Granville Hedrick as a prophet in 1864. Hill himself mentioned a revelation in connection with his recent ordination as bishop. And Kelley indicated that he knew something of Charles Hall's revelation on the Temple Lot. In sum, Kelley's interrogation of Richard Hill revealed substantial confusion and contradiction. In light of the uninspiring performance of this senior church member, it becomes perhaps more understandable why the defendants focused their defense on the succession rights of the LDS Church rather than the succession rights of their own church. Jason W. Briggs provided one bright spot in the testimony pertaining to the Church of Christ: He verified with greater conviction than any prior witness that Granville Hedrick did not unite with the Reorganization in 1857.

The defendants did a competent, if not spectacular, job showing that local residents treated the Temple Grounds like any other piece of Independence property. Multiple deponents recalled a stone wall and an enclosure(s) on the antebellum Temple Tract. Ember Mason and John Maxwell lent a vivid credibility to the testimony by recounting that the locals used the wall as a Civil War breastworks. Witnesses also remembered homes springing up on the property before and after the war. Maxwell, moreover, described a kiln on the triangular property immediately to the west of the

Temple Lot. Unfortunately for the defendants, none of the witnesses could speak with confidence of any improvements on the Temple Lot proper. This might not have posed a problem for the defendants given that by all accounts most of the Temple Tract remained vacant. But the fact that William R. Wilson and John H. Taylor identified the Temple Lot proper as the summit and most valuable section of the Temple Grounds left the defendants vulnerable, as it enabled the plaintiffs to argue that the Temple Lot remained unimproved all those years because residents recognized it as property with a special identity. The defendants were more successful highlighting the myriad property titles that could potentially become clouded should the court rule in favor of the plaintiff, not only the remainder of the Temple Tract properties, but also the properties scattered throughout Jackson County that Edward Partridge purchased in 1831-1833. The defendants were smart to raise the stakes in the Temple Lot Case, for it turned a curious Mormon suit into a case with great potential ramifications for local residents.

The defendants enjoyed their greatest success in the final round by demonstrating their right to the Temple Lot. Richard Hill testified that he returned to Jackson County in 1868, begging the question as to why the Josephites didn't return to Jackson County and claim the Temple Lot just as early as the Hedrickites. Hill also made it clear that Mormon credentials meant nothing in the defendants' acquisition of the Temple Lot. Like prior owners of the property, the Hedrickites had to purchase it with money. Substantiating the point, John Southern presented the defendants' chain-of-title to the Temple Lot on not one but two occasions. The plaintiffs, in response, could identify no glaring weaknesses, certainly nothing to compare to the problems Southern detected with

the plaintiff's 1839 Partridge-Cowdery deed. The defendants also produced a quarter-century of tax receipts for the Temple Lot, duly authenticated by Alma Owen and Richard Hill. Owen, moreover, recounted that he supervised the 1882 improvements on the Temple Lot. And in rebuttal to the plaintiff's counter-intuitive assurance that the defendants unwittingly held the property in trust for the plaintiffs, Owen testified that he paid the taxes on the Temple Lot on behalf of the Church of Christ and Hill testified that he held the Temple Lot in trust for the Church of Christ. The Reorganized Church, they insisted, never contributed anything to the acquisition and upkeep of the Temple Lot. The Partridge-Cowdery deed and the lone tax receipt of the plaintiffs paled in comparison to the defendants' impressive evidence of their continuous possession of the Temple Lot.

Parley P. Kelley almost tripped up the defendants when he claimed that the president of the Church of Christ, Charles A. Hall, had received a revelation sometime ago instructing the defendants to mortgage the Temple Lot. Richard Hill denied the allegation, safeguarding the image the defendants wished to project of themselves as the indefatigable defenders of the Temple Lot. The defendants would soon find out, however, that the plaintiffs were not persuaded in the least bit by Hill's denial.

Endnotes

¹ Charles A. Hall to John M. Cannon, 23 May 1892, LDS Archives, Salt Lake City.

² Emily Dow Partridge diary, 6 May 1892, Special Collections, Marriott Library, University of Utah, Salt Lake City.

³ Charles A. Hall to John M. Cannon, 30 May 1892, LDS Archives. See also Hall's 9 June 1892 letter to Cannon.

⁴ Charles A. Hall to John M. Cannon, 9 June 1892, LDS Archives. Hall copied the entire letter for Cannon's benefit. On the dubious nature of the letter, see Linda King Newell and Valeen Tippetts Avery, "New Light on the *Sun*: Emma Smith and the *New York Sun* Letter," *JMH* 6 (1979), 23-35; Linda King Newell and Valeen Tippetts Avery, *Mormon Enigma: Emma Hale Smith* 2d. ed. (Urbana: University of Illinois Press, 1994), 221-226, 231-232.

⁵ Charles A. Hall to John M. Cannon, 23 May 1892, LDS Archives. For Hall's earlier estimate, see his 29 March 1892 letter to Cannon.

⁶ Charles A. Hall to John M. Cannon, 23 May 1892 and Angus M. Cannon to Charles A. Hall, 1 June 1892, LDS Archives.

⁷ Angus M. Cannon to Charles A. Hall, 1 June 1892, LDS Archives.

⁸ “Missouri Mobbers,” *SH* 39 (21 May 1892), 321-322.

⁹ “Temple Lot Suit,” *SH* 39 (7 May 1892), 291-292. Italics in original.

¹⁰ “The Successor—No. 1,” *SH* 39 (28 May 1892), 337-339.

¹¹ Charles A. Hall to John M. Cannon, 30 May 1892, LDS Archives.

¹² “The Successor—No. 2,” *SH* 39 (4 June 1892), 358-361.

¹³ “The Successor—No. 3,” *SH* 39 (11 June 1892), 373-376.

¹⁴ “The Successor—No. 1,” *SH* 39 (28 May 1892), 337.

¹⁵ “The Successor—No. 4,” *SH* 39 (25 June 1892), 407-412. Heman C. Smith challenged this essay in an editorial entitled “Apostolic Jurisdiction” in *SH* 39 (13 August 1892), 526-529.

¹⁶ In a subsequent unrelated essay, the *Herald* editorialized that, contrary to the portrait painted by the Brighamites and other apostates, the Prophet Joseph was not a dictator and did not claim infallibility, but on the contrary, advocated the principle of common consent. See “Joseph the Seer Claimed To Be Fallible,” *SH* 39 (9 July 1892), 437-438. Judging by the timing of this article, this may have been something of a response to the March 1892 testimony of LDS witnesses in Utah.

¹⁷ Alma R. Blair, “The Tradition of Dissent: Jason W. Briggs,” in *RS*, 1:146-161. Fellow apostle Zenas H. Gurley Jr. traveled a similar path of dissent as Briggs and suffered the same fate. See Clare D. Vlahos, “The Challenge to Centralized Power: Zenas H. Gurley, Jr., and the Prophetic Office,” *Courage: A Journal of History, Thought, and Action* 1 (March 1971), 141-158.

¹⁸ E. F. Shupe to editors, 12 June 1892, in *SH* 39 (25 June 1892), 414; Alexander Hale Smith to editor, 14 June 1892, in *SH* 39 (2 July 1892), 24.

¹⁹ Jason W. Briggs deposition, 8 June 1892, TLC-R, 3:577-623 (Q1-593).

²⁰ Alexander Hale Smith to editor, 14 June 1892, in *SH* 39 (2 July 1892), 424.

²¹ Untitled editorial, in *SH* 39 (25 June 1892), 412.

²² Charles A. Hall to John M. Cannon, 9 June 1892, LDS Archives.

²³ Unbeknownst to the defendants, Jason W. Briggs may have been a compromised witness. Three months earlier, in March 1892, Briggs sent Edmund L. Kelley over eighty pages of a manuscript he was writing on the history of the Reorganized Church. Kelley apparently had offered Briggs financial support upon receipt of the manuscript. See Jason W. Briggs to Edmund L. Kell[e]y, n.d. [in folder dated 23 August 1892-22 February 1893], P16, f29, Community of Christ Archives, Independence.

²⁴ Charles A. Hall to John M. Cannon, 20 June 1892, LDS Archives.

²⁵ Charles A. Hall to John M. Cannon, 20 April 1892, LDS Archives.

²⁶ TLC-C, 2:696; Charles A. Hall to John M. Cannon, 20 June 1892, LDS Archives.

²⁷ Charles A. Hall to John M. Cannon, 20 June 1892, LDS Archives. For Cannon’s financial contribution a month earlier, see Hall to Cannon, 23 May 1892. For July 15th as a deadline, see *The Reorganized Church of Jesus Christ of Latter Day Saints vs. The Church of Christ, et. al.: Stipulation for Taking Testimony*, 14 January 1892, Civil #1720, National Archives, Midwestern Division, Kansas City; Charles A. Hall to John M. Cannon, 20 April 1892, LDS Archives; Lorenzo Dow Hickey deposition, 6 July 1892, TLC-R, 3:682 (Q780).

²⁸ TLC-R, 29 June 1892, 3:623.

²⁹ Charles A. Hall to John M. Cannon, 20 June 1892, LDS Archives.

³⁰ The *Chicago News Record* reported on 2 July 1892 that testimony on James Strang’s succession claim would be presented in the defendants’ upcoming round of testimony. For a reprint and critical comment on the article, see “News From Independence,” *SH* 39 (23 July 1892), 472.

³¹ “Gave Him The Earache,” *KCT*, 7 July 1892, 8; Edmund L. Kelley to editors, 17 August 1892, in *SH* 39 (27 August 1892), 556.

³² Lorenzo Dow Hickey deposition, 6 July 1892, TLC-R, 3:648 (Q217).

³³ Lorenzo Dow Hickey deposition, 6 July 1892, TLC-R, 3:623-785[685] (Q1-818). For newspaper coverage, see “Gave Him The Earache,” *KCT*, 7 July 1892, 8; “A Fight For Sacred Ground,” *KCS*, 7 July 1892, 7.

Edmund L. Kelley wrote a letter published in the *Saints’ Herald* commenting that in light of the deposition of Lorenzo Dow Hickey, all the apostates (Hedrickites, Brighamites, Strangites) bury their differences when it comes to attacking the true faith. See *SH* 39 (23 July 1892), 477. Hickey wrote a rebuttal on 10 August, to which Kelley replied on 17 August. See *SH* 39 (27 August 1892), 556.

³⁴ Milo Quaife, notes of exchange with Wingfield Watson, 11 December 1918, and Heman Hale Smith to Milo Quaife, 9 June 1920, in the James Jesse Strang Collection, Beinecke Library, Yale University, New Haven, CT. See also William Shepard, Donna Falk, and Thelma Lewis, eds., *James J. Strang: Teachings of a Mormon Prophet* (Burlington, WI: Church of Jesus Christ of Latter Day Saints [Strangite], 1977), 194-195; Vickie Cleverley Speek, “*God Has Made Us A Kingdom*”: *James Strang and the Midwest Mormons* (Salt Lake City: Signature Books, 2006), 280.

³⁵ Ember Mason deposition, 6 July 1892, TLC-R, 3:786[686]-694 (Q1-179). For biographical information on Mason, see “Grew Tree for His Coffin,” *Watertown Daily Times* [N.Y.], 6 March 1905, 4.

³⁶ TLC-R, 7 July 1892, 3:694-695.

³⁷ Edmund L. Kelley deposition, 7 July 1892, TLC-R, 3:695-698 (Q1-20).

³⁸ Compare Genesis 1-6:13 of *The Holy Bible* with Genesis 1-7:85 of *The Holy Scriptures*, corresponding to *The Book of Moses* of the PGP of the LDS Church.

³⁹ Joseph Smith revelations, 2 August 1833 and 23 April 1834, in *MRB*, 322-323/544-545 and 368-369/626-627, *D&C* (1835) 83:3 and 98:10, *D&C* (LDS) 94:10 and 104:58, *D&C* (RLDS) 91:3 and 101:10c; Joseph Smith, Sidney Rigdon, and Frederick G. Williams to Edward Partridge, 6 August 1833, in *JST*, 7; Joseph Smith revelation, 19 January 1841, in *D&C* (LDS) 124:89 and *D&C* (RLDS) 107:28b; Robert J. Matthews, “Joseph Smith’s Efforts to Publish His Bible Translations,” *Ensign* 13 (January 1983), 57-64.

⁴⁰ “News From Independence,” *KCT*, 8 July 1892, 8. Before closing this abbreviated day of deliberations, the opposing sides agreed that neither side would have to go to the trouble of authenticating each and every signature on deeds, all the while preserving their right to demand authenticating evidence for specific signatures. See TLC-R, 7 July 1892, 3:698-699.

⁴¹ H. G. Henley deposition, 9 July 1892, TLC-R, 3:699-700 (Q1-20).

⁴² P. H. Grinter deposition, 9 July 1892, TLC-R, 3:700-703 (Q1-50).

⁴³ TLC-R, 9 July 1892, 3:703-708.

⁴⁴ “The Temple Lot Case,” *KCT*, 10 July 1892, 8.

⁴⁵ Thomas Maxwell deposition, 9 July 1892, TLC-R, 3:708-716 (Q1-138).

⁴⁶ W. R. Moore deposition, 9 July 1892, TLC-R, 3:716-717 (Q1-16). For newspaper coverage, see “The Temple Lot Case,” *KCT*, 10 July 1892, 8. W. R. Moore may have been the same individual who testified earlier for the plaintiffs under the name W. R. Hill. First, Moore’s occupation—Jackson County deputy recorder of deeds in charge of the Independence office—was identical to Hill’s. Second, Southern began his questioning by asking Moore if he was the same individual who earlier testified for the plaintiffs, to which Moore responded in the affirmative. But nobody by the name of W. R. Moore had testified earlier for the plaintiffs. And third, of course, the two individuals shared the same first two initials. Judging by Hill’s/Moore’s depositions, it seems the witness identified himself as Hill, but Southern knew him as Moore. Lest I be presumptuous, however, I will identify the witness the same way the TLC-R identifies him—as W. R. Moore.

⁴⁷ A local reporter cited this evidence to the same conclusion in “Mormons Make Big Claims,” *KCT*, 5 August 1892, 8.

⁴⁸ Alma Owen and Richard Hill deposition, 9 July 1892, TLC-R, 3:717-726 (Q1-140). For newspaper coverage, see “The Temple Lot Case,” *KCT*, 10 July 1892, 8.

⁴⁹ Alma Owen and Richard Hill deposition, 9 July 1892, TLC-R, 3:726-738 (Q141-347). Somewhat confusingly, court reporter John M. Orr identified Owen’s solo testimony as a continuation of

the 140 questions Owen fielded back-and-forth with Richard Hill immediately beforehand. Despite my label of this as a joint Alma Owen-Richard Hill deposition, Hill didn't field any of questions #141-347.

⁵⁰ Richard Hill deposition, 11 July 1892, TLC-R, 3:739-794 (Q1-1031).

⁵¹ William R. Wilson deposition, 11 July 1892, TLC-R, 3:794.

⁵² William R. Wilson deposition, 11 July 1892, TLC-R, 3:794-803 (Q1-176).

⁵³ John H. Taylor deposition, 11 July 1892, TLC-R, 3:803-806 (Q1-61).

⁵⁴ TLC-R, 11 July 1892, 3:806-807.

⁵⁵ Edmund L. Kelley deposition, 11 July 1892, TLC-R, 3:807-810 (Q1-28). Quote, 3:810 (Q28).

⁵⁶ Edmund L. Kelley to editors, 11 July 1892, in *SH* 39 (23 July 1892), 477.

⁵⁷ TLC-R, 15 July 1892, 3:810-811.

⁵⁸ Josiah W. Swearingen deposition, 2 August 1892, TLC-R, 3:811-812 (Q1-18).

⁵⁹ TLC-R, 2 August 1892, 3:812.

⁶⁰ Lorenzo Dow Hickey deposition, 6 July 1892, TLC-R, 3:678-681 (Q708-750).

Chapter Twenty-Three
The Reorganization Presents Rebuttal Testimony
August 1892

On August 2nd, the Reorganized Church began the final stage of the evidentiary phase, the plaintiff's rebuttal testimony. Having heard all the evidence the defendants could present in the case, the complainants now had the opportunity to provide evidence in rebuttal. As the *Zion's Ensign* informed its RLDS readers: "The Temple lot case came up again this week, and evidence in rebuttal was taken, this will in all probability be the last in the line of evidence."¹ The proceedings took place in the Independence law office of John N. Southern. In all the plaintiffs called six witnesses between August 2nd and 15th, all of whom were current members of the Reorganized Church: John Hawley, Willard Griffith, James Whitehead, C. E. Reynolds, Joseph Smith III, and W. W. Blair.

Unfortunately, we cannot provide as accurate and detailed an account of the plaintiff's rebuttal testimony as we have of the prior testimony in the case. Originally, the Temple Lot Case testimony consisted of three sections—the complainant's evidence, the defendants' evidence, and the complainant's rebuttal testimony. Of these three sections, however, we now have only the first two. The transcripts of the Temple Lot Case, housed in the archives of the Community of Christ (Reorganized Church), end at the conclusion of the defendants' testimony on 15 July 1892. Surely court reporter John M. Orr transcribed the plaintiff's rebuttal testimony of August 1892 as he had the prior testimony in the case. But so far as I have been able to determine, this final section—the plaintiff's rebuttal testimony—is no longer extant. If it's any consolation, however, the missing section was the smallest of the three. Whereas the plaintiff's evidence consisted

of 696 pages and the respondents' evidence of 813 pages, it seems from the limited information available that the plaintiff's rebuttal testimony consisted of 192 pages.² We are missing, then, approximately 8.9 percent of the Temple Lot Case testimony.

In lieu of John M. Orr's original transcripts, we can use three sources to try to reconstruct the plaintiff's rebuttal testimony: (1) the Reorganized Church's 1893 abridgement of the testimony; (2) contemporary newspaper reports; (3) and contemporary letters and journals. All of these sources, unfortunately, have substantial flaws. The Reorganization's *Complainant's Abstract* provides an often pro-plaintiff abridgement of the Temple Lot Case testimony. Letters and journals, of course, bear the biases of their authors. And judging by the coverage offered the earlier depositions in the case (which we can compare with Orr's original transcripts), newspaper reports were highly erratic in their accuracy. Anticipating the rebuttal testimony of Joseph Smith III, for example, the *Kansas City Times* fancifully reported "it is highly probable that he will be called upon to translate the hieroglyphics on the plates alleged to have been given to his father by the angels."³ Fortunately, some sources tend to counterbalance each other. The *Complainant's Abstract* and Charles A. Hall's 3 August 1892 letter to John M. Cannon, for instance, can serve as something of a check on one another. With these caveats in mind, I think we can arrive at a fairly accurate, if frustratingly generalized, understanding of the evidence the plaintiffs presented in rebuttal testimony in August 1892.

For their first rebuttal witness, the plaintiffs called upon sixty-six-year-old John Hawley, a man with a most usual Mormon résumé. Having converted to Mormonism in

1837, Hawley spent eight years in Lyman Wight's Texas colony (1845-1853) and fourteen years in the LDS Church in Utah (1856-1870) before joining the Reorganization. As the only individual to ever receive endowments in both Wight's colony and the LDS Church, Hawley's deposition focused on that subject. According to the *Complainant's Abstract*, Hawley testified that he never heard of endowments in Nauvoo but first learned of them in Texas. In February 1849, Wight established a little-known temple, the first Mormon temple west of the Mississippi, along the banks of the Pedernales River below Fredericksburg, Texas. The endowment ordinance Wight administered therein, Hawley recounted, was essentially a sacral marriage ceremony open to all consisting of foot washing, anointing the head with oil, and sealing couples for time and eternity. By contrast, the endowment Hawley later received in Utah was not a marriage ceremony, he noted, but consisted instead of a secretive ritual drama involving signs, grips, and symbolic penalties, washing and anointing virtually the entire body, and an oath to avenge the blood of Joseph and Hyrum upon the nation. After encountering the resistance of so many LDS witnesses, the plaintiffs must have been relieved to find a witness finally willing to divulge the details of the LDS endowment. On polygamy, the *Abstract* reported that Hawley understood Lyman Wight to be the first Mormon to teach and practice the doctrine, as Hawley had never heard a peep about the subject in Nauvoo. In fact, Hawley recounted an 1868 conversation wherein William Marks, former president of the Nauvoo Stake, told him the Prophet asked Marks to bring up charges against Nauvoo's polygamists shortly before his 1844 murder. As depicted in the *Complainant's Abstract*, then, Hawley's deposition seemed quite helpful to the plaintiffs,

as the witness absolved Joseph Smith of any connection to the polygamous practices and endowment ordinances of both the Lyman Wight colony and the LDS Church.⁴

Contemporary records bear out the general accuracy of the *Complainant's Abstract's* account of the John Hawley deposition.⁵ But these sources also suggest that the editor(s) of the *Abstract* may have cleaned Hawley's deposition up a bit to present the witness and the Reorganization in a better light. The *Kansas City Times* indicates the deposition did not go nearly as smoothly for the plaintiffs as the *Abstract* depicts:

Hawley knows much of the rules and doctrines of the old church and several times yesterday he found himself caught and had to "fess up" that the old church under Joseph Smith, the prophet and the seer, and the now Reorganized Church were not alike in manners and customs.⁶

Reading the *Abstract*, however, one does not find Hawley confessing that the plaintiffs deviated from the Prophet's church in manners and customs. If the *Times* report is accurate, what could the *Abstract* have omitted? We may find some clues in Hawley's autobiography, Wight family lore, and the recollections of Wight's followers. First, Hawley's 1889 autobiography lists baptism for the dead and the ordaining of couples as priestly kings and queens as two of Wight's temple ordinances. He also noted that Wight ordained the witness's father, Pierce Hawley, as a patriarch.⁷ Yet Hawley doesn't say a word on these subjects in the *Abstract*, which seems strange considering the ritualistic focus of his deposition. Did Hawley admit that patriarchs and baptisms for the dead existed in Joseph's Nauvoo, Wight's colony, and the LDS Church, but not in the Reorganized Church? Did Hawley indicate that Wight told him he learned the endowment and sealing ordinances in Joseph Smith's Anointed Quorum?⁸ Second, Jermy Benton Wight reports that Wight had four wives by September 1844, one of them

being none other than the witness's own sister, Mary Hawley.⁹ Did Hawley mention this in his deposition? Did he mention that his brother, George Hawley, practiced polygamy in both Texas and Utah? Did the witness admit that he himself reportedly considered the practice?¹⁰ Finally, colony member Gideon Carter, who lived with Wight's son Orange, testified in 1874 that Wight assured his young followers who could find no authorization for polygamy in Mormon scripture (an apt description of John Hawley) that Joseph Smith sanctioned the doctrine by revelation and authorized Wight to promulgate the practice.¹¹ Did Hawley betray any of this instruction in his deposition? All of this is mere conjecture, of course. But if the *Times* was correct and Hawley provided information detrimental to the plaintiffs, these might have been the subjects of controversy.

In a letter to John M. Cannon the next day, moreover, Charles A. Hall indicated that the defendants effectively attacked Hawley's character (and by inference the Reorganization's too) for violating the oath of secrecy he swore in the LDS endowment:

[W]e asked him if he did not take an oath not to revele [reveal] those things[.] [H]e said he did[.] [W]e then asked him when he was the best man[—]while he rema[i]ned a member of the Utah Church & kept his oath or when he join[e]d the [R]eorganised Church & violated his oath[?] [H]e was very small in the estimation of those present about that time.¹²

The *Abstract* hints that Hawley defended himself by arguing that LDS initiates swore only to keep the grips and tokens secret, suggesting that though he went so far as to describe the symbolic penalty of the rite in court, he did not go any further.¹³ The August 4th issue of the *Kansas City Times* described the dialogue and ritual drama of the LDS endowment in considerable detail, but did not reveal the signs, tokens, and penalties.¹⁴

Hawley's deposition apparently took place over two days, August 2nd and 3rd.¹⁵ The first day's proceedings took place in John Southern's law office, but the August heat became so intense the following morning the parties vacated Southern's stifling office and finished Hawley's deposition in the Independence courtroom. Unfortunately, prospective witness James Whitehead had to be sequestered in Southern's sweltering office. To add to his discomfort, Whitehead received a most unpleasant visit therein from Strangite apostle Lorenzo Dow Hickey, who returned to Independence to witness the rebuttal testimony. The septuagenarians had never met before, but Hickey rarely let formal courtesies get in the way of sectarian warfare. According to the *Kansas City Times*, Hickey lambasted Whitehead, accusing him of committing perjury by testifying for the plaintiffs in January that Joseph Smith ordained Joseph III his successor. *The Doctrine and Covenants*, Hickey countered, plainly states that the Prophet had the power to *appoint* his successor—it didn't say he had the power to *ordain* his successor. "In the discussion which followed between the aged witnesses," the *Times* reported, "both became decidedly angry and insult after insult was given and taken." The enfeebled Whitehead, who relied on crutches to get around, sprang to his feet and demanded that Hickey treat him like a gentleman. Undaunted, Hickey challenged Whitehead to a debate on the merits of Joseph III's succession claims. But Whitehead brushed Hickey off, contending that even if *The Doctrine and Covenants* did not authorize the Prophet to ordain his successor, the Prophet nonetheless received a special revelation granting him the authority, an allusion to an 1843-1844 revelation Whitehead spoke of in January commanding Smith to ordain his son. Hickey's abrasiveness won him few friends.¹⁶

Before James Whitehead could take the stand, however, the plaintiffs called upon seventy-eight-year-old Willard Griffith. A member of the Mormon church since 1831, Griffith testified that the church changed considerably after Joseph Smith's death. Brigham Young and the Twelve disregarded the Scriptures, made their own authority paramount, (re)ordained male members *en masse* as seventies, introduced the practice of polygamy, and instituted a newfangled endowment ordinance. Griffith was assigned to the 16th Quorum of Seventy in Nauvoo, but after the quorum leader told its members they would need to teach polygamy should they receive a mission call, he left Nauvoo in early 1846 and joined James Strang's movement in Voree, Wisconsin. As a member of Strang's Order of the Illuminati, Griffith covenanted by blood to stand by his brethren right or wrong or face physical coercion and the confiscation of his property. This covenant, Griffith believed, originated with Strang and his confidant, John C. Bennett; it did not, Griffith inferred, exist in Joseph Smith's day. Griffith eventually left Strang and published an exposé of the covenant oath. After the Civil War, Griffith at last found a church that taught the same doctrines as the original church: The Reorganized Church.¹⁷

If we take the *Complainant's Abstract* at face value, the plaintiffs must have been pleased with Griffith, except perhaps for his observation that the Prophet never convened the elders as a quorum, which countered the plaintiff's contention that the early church conducted business through the common consent of priesthood quorums. The *Kansas City Times*, however, thought that John Southern got the best of Griffith's cross-examination. Southern demonstrated to the satisfaction of the reporter that Griffith's many memory lapses seemed designed to avoid any information that might harm the

plaintiff. Griffith's resistance notwithstanding, the *Times* reported that Southern uncovered "the witness had known of the teachings of polygamy in the summer before the death of Joseph Smith." As a member of a Hancock County grand jury and a reader of the *Nauvoo Expositor*, Griffith remembered that William Law charged Smith in court and print with adultery and polygamy. Griffith didn't think Smith guilty. But his admission at least raised the possibility that polygamy did not begin a year after Smith's death, as Griffith claimed earlier, but during Smith's lifetime.¹⁸ Charles Hall, for his part, didn't find anything noteworthy about Griffith's deposition.¹⁹

In the time remaining on August 3rd, James Whitehead took the stand. The *Complainant's Abstract* indicates that the plaintiffs asked Whitehead to reiterate many of the main points of his January deposition and to respond to some of the damaging testimony of LDS witnesses. Whitehead testified that neither Joseph Smith nor any other church officers taught polygamy in public or private during the Prophet's lifetime. Whitehead admitted that William Clayton preceded him as a clerk in Smith's office and served as Smith's private secretary in his duties as trustee-in-trust. But Whitehead otherwise diminished Clayton's responsibilities and claimed that it was he, Whitehead, not Clayton, who took care of Smith's private papers. Whitehead similarly observed that Joseph C. Kingsbury had nothing to do with the secretarial duties attending the Prophet, as if that ruled out the possibility that Kingsbury copied the celestial marriage revelation at Newel K. Whitney's request. Whitehead later undercut his assessment of Clayton's role by disclosing that at Winter Quarters in 1848, Bishop Whitney showed him a two-to-three page 1842 or 1843 revelation in Clayton's handwriting authorizing the sealing of

couples for time and eternity. The text said nothing about plural marriage, Whitehead insisted, but he detected traces of the text in the plural marriage revelation published by the LDS Church in 1852. Whitehead opined that the Brighamites must have incorporated mutilated passages from the sealing revelation into the plural marriage revelation.²⁰

Despite Whitehead's theory of textual redaction, Charles A. Hall delighted in the witness's disclosure, for Whitehead, quite suspiciously, never mentioned this sealing revelation in his exhaustive January deposition. Hall thought Whitehead's belated admission narrowed the gap between Joseph Smith and the plural marriage revelation:

[Whitehead] read a revelation on Sealing for time & eternity given through Joseph in 1843 at Bishops Whitney's House in Winter Quarters. You can imagine how desperate there case is to let that out. The object is to shew there was a revelati[o]n given to Joseph on Sealing but that did not permit a plurality of wives[.] Whitehead said there was some parts of the Revelation published in the D & C of the Church in Utah That is like what he read in the copy Whitney had[.] [H]e thought it was in W. Clayton[']s handriteing[.]²¹

Even though Whitehead insisted this sealing revelation did not sanction polygamy, his admission at the very least lent credibility to the LDS doctrine of eternal marriage. It also begged the question: If Joseph Smith apparently received a revelation sanctioning eternal marriage, why didn't the Reorganized Church promulgate this doctrine?

Later that evening of August 3rd, Charles A. Hall marked the commencement of rebuttal testimony by starting a diary—the first, that I can tell, he ever kept. Hall would write in it almost daily for the next six years. Unfortunately his remarks were quite terse. The August 4th entry is typical: “Helped take depositions in the Temple lot case Wrote a letter to J M Cannon sent some copy.”²² The diary isn't terribly informative as to the contents of Hall's letters or the specific details of his labors, but it nonetheless gives us

some insights into the timelines, activities, and social networks of the otherwise poorly-documented post-deposition period of the Temple Lot Case.

The following day, August 4th, the plaintiffs produced one of the most startling depositions of the entire case. Seventy-one-year-old C. E. Reynolds joined Joseph Smith's movement in 1840, was an early follower of Granville Hedrick's, and returned to Jackson County with the Hedrickites in the 1860s. Of late, however, Reynolds had twice fallen out with the Church and Christ and twice joined the Reorganized Church. Reynolds presently belonged to the latter, and to help their cause he presented to the court four confidential letters Charles A. Hall had written him as a fellow Hedrickite in 1890-1891. The letters revealed Hall to be an energetic religious reformer, a Hedrickite puritan of sorts, determined to purge the Church of Christ of all worldliness and all revelations, doctrines, and practices postdating Joseph Smith's 1834 fall from grace. Hall urged the Hedrickites to be equal in all things, even in their dress. He advised the church to renounce the 1835 *Doctrine and Covenants* and embrace the earliest forms of the Prophet's revelations as found in the 1832-1833 *Evening and Morning Star*. And he contended that Granville Hedrick erred accepting Smith's 1835 priesthood structure. Shockingly, the letters also disclosed that Hall received a revelation commanding the Church of Christ to mortgage the Temple Lot and use the proceeds to revive the *Evening and Morning Star* and publish *The Book of Mormon* and a collection of Smith's early revelations. These primitivist publications, Hall argued, would establish the *bona fides* of the Church of Christ as the continuation of the original Mormon church and convince at least some Utahns to renounce the "evil practices" (read: polygamy) of Smith's later

ministry. This plan, of course, begged a critical question: Who would hold the mortgage? Given the financial duress of the Hedrickites, Hall feared they would soon be forced to mortgage the property to their “worst enemies,” the Josephites. To avoid that loathsome outcome, Hall recommended the church look, ironically, towards Utah, as the LDS Church, unlike the RLDS Church, “have sent us money to help pay the taxes, and never tried to injure us.” Anticipating the impending legal battle with the Reorganized Church, Hall presciently assured Reynolds it would be in the Hedrickites’ best interest for the LDS Church to hold the mortgage: “If we get the money where we expect to, it will be to their interest to defend the property, and it will have to be defended one of these days, and it will take money, and a lot of it.” The letters were legally inconsequential but probably terribly embarrassing for Hall and the Hedrickites. The documents demonstrated that the Church of Christ remained in flux textually and doctrinally, that the defendants’ point-man seemed as supernaturally inclined as the plaintiff’s most superstitious witnesses, and that, as the *Kansas City Times* observed, Hall was not above employing “wily schemes for proving his sect to be the original church.” The letters also provided strong circumstantial evidence that the LDS Church, as the plaintiffs had alleged, were probably helping the defendants behind the scenes.²³

The deposition of C. E. Reynolds had to be considered a significant success for the plaintiffs. Thus the attorneys for the plaintiffs must have been dismayed to find this headline in the *Kansas City Times* the following day, 5 August 1892:

MORMONS MAKE BIG CLAIMS.

WHAT THE PRESENT FIGHT IN INDE-

PENDENCE MAY RESULT IN.

Members of the Warring Churches Claim
Title to 1,700 Acres of Valuable Land
South of Kansas City...

As if an afterthought, the *Times* summarized the fascinating disclosures of Charles Hall's letters at the conclusion of the article. Instead the *Times* focused its coverage of "the case fast becoming of national fame" on the dire ramifications should the court overturn the title of the Church of Christ and rule in favor of the Reorganized Church:

[I]f the Reorganized Church of Jesus Christ of Latter Day Saints has a valid claim to the two and a half acres of ground in Independence known as temple lot it will set up that it has an equally valid claim to some 1,700 acres of land south of Kansas City in Jackson county. Some of it is within the city limits and quite a good deal in Westport.

Should the court declare the Reorganization the rightful trustee of the Temple Lot Bishop Edward Partridge purchased in 1831, the article explained, it would enable the Reorganization to claim the remainder of the sixty-three acres as well as all the other lands Partridge purchased in Jackson County for Joseph Smith's church: "[O]nly a slight difference would exist between the rights of ownership of the lot and the rest of other property mentioned." In light of Mormon beliefs about gathering to Zion in the last days, the *Times* had little doubt the Reorganization would claim all that land. And lest anyone mistake the final outcome, representatives for the defendants fanned the flames of fear:

The defenders of the Hedrickites, now in possession, claim that should their property be wrested from them, it would be the signal for the greatest influx of Mormons ever known; that all, including the Utah Mormons, regard Independence as their Mecca, and that it will need only this to start them to their old grounds.

This was not the sort of coverage the plaintiffs wanted to see.²⁴

That same morning, the plaintiffs called Joseph Smith III to the stand. Countering the defendants' LDS witnesses, Smith insisted he never saw any indication his father had plural wives or organized a secret endowment society. *The Book of Mormon* condemned secret societies, he averred, and church authorities denied allegations of polygamy. He acknowledged that Melissa Lott, Lucy Walker, and the Partridge sisters lived with his family in the Nauvoo Mansion House, and that his father might have concealed plural marriages from Emma and the children. But given their circumscribed living arrangements, Joseph III thought it impossible he would not have noticed such things. Smith granted that in 1885 Lott told him his father married her with Emma's permission and "treated" her as a wife on one occasion. But Lott admitted, he quickly added, that she never lived with the Prophet as a wife, knew of no offspring from his alleged couplings, and that she figured that Emma, as an honest woman, must have told the truth when she assured Joseph III she was his father's only wife. Joseph III also pushed back against the defendants' criticisms of *The Holy Scriptures*. Smith read a February 1831 revelation commanding the Prophet to share his *Bible* revision with the world. The Reorganization dutifully complied with that directive, Smith recounted, by publishing the manuscript as they received it from Emma. On cross-examination, however, Joseph III conceded he didn't know of a revelation commanding his father to translate the Scriptures, nor of definitive evidence his father completed the project. Still, if we take the *Complainant's Abstract* at face value, Smith's deposition seemed to go reasonably well for the plaintiffs. But the *Abstract's* marginal notations indicate the editors of the text heavily condensed Smith's deposition, so it may not have gone as well as it seems.

The *Kansas City Times* remarked that some of Joseph III's comments on the Inspired Translation were "as imperturbable as King James and his translators could have been."²⁵

At the conclusion of the deposition, the opposing parties agreed to resume deliberations ten days later on August 15th.²⁶ During the interim, the drama surrounding Lorenzo Dow Hickey continued unabated. On August 10th, Hickey responded to Edmund Kelley's July 11th charge, published in the July 23rd *Saints' Herald*, that Strangite Hickey, Hedrickite Hall, and Brighamite Woodruff formed an unholy combination against the true faith, the Reorganized Church. Addressing the editors of the *Herald*, Hickey denied the accusation and dispassionately explained that Hall simply asked him to bring James Strang's records to Independence and testify in the case. Hickey accepted the offer, as it would give him a chance to share the message of Strang's prophetic ministry. As for the Temple Lot Case, Hickey portrayed himself as agnostic:

I fail to get hold of the facts on either side, as I have not taken much pains to learn: but I have talked with both plaintiffs and defendants and would be happy to hear it settled by arbitration. We hope God will overrule all for the good of all his people in this Temple Suit.²⁷

The next day, August 11th, Hickey attended an RLDS branch meeting in Atchison, Kansas. He told the assembly that Joseph Smith III was the right man in the right position, and that when he (Hickey) baptized people, he baptized them into Joseph III's church. In response, branch leader C. E. Guinard reminded Hickey that Joseph III did not recognize Hickey as a church representative. Hickey snorted in reply that even a prophet could err. Lest his congregation give Hickey too sympathetic a hearing, Guinard spoke

on the differences between the Strangites and the Josephites, focusing particularly on Strangite polygamy. It was probably not the sort of welcome Hickey desired.²⁸

Meanwhile, taking a step back from the depositions, John N. Southern looked into the suit's larger legal context, specifically the case law on religious property disputes. The results looked promising. On August 12th, Charles Hall excitedly notified John M. Cannon about a recent ruling Southern came across touching on many of the same issues as the Temple Lot Case. In *Nance v. Busby* (1892), the Tennessee Supreme Court declared that, per the U. S. Supreme Court decision in *Watson v. Jones* (1871), courts have no authority over the internal decisions of religious bodies. Courts cannot adjudicate controversies over belief and practice, nor can they second-guess excommunications or other disciplinary measures. Tennessee acknowledged that matters can become a little more complicated if property is involved. The court nonetheless stipulated that "if, to determine a property right, it becomes necessary to adjudge an ecclesiastical question, the courts will go only so far as is necessary to determine the effect of ecclesiastical law or relations on property rights." Hall didn't need to draw out the conclusion for Cannon. If the Eighth Federal Circuit Court followed the *Watson* and *Nance* precedents it would disregard most or all of the evidence on the succession question, thereby foiling one of the Reorganization's chief aims in the suit.²⁹

The opposing parties reconvened in Independence on Monday, August 15th. By the terms of the circuit court schedule provided back on January 14th, this was the final day allotted for rebuttal testimony.³⁰ Accordingly, the plaintiffs planned to call one final

deponent, W. W. Blair. At the plaintiff's request, court reporter John M. Orr allowed Blair to prepare for questioning by reading a portion of the June 8th deposition of Jason W. Briggs, Blair's former colleague in the Williamite and Josephite movements.³¹ Briggs, you'll recall, testified firsthand that William Smith and his counselor Joseph Wood presented a revelation authorizing plural marriage in 1851. Briggs claimed that Blair was present at the meeting, but that instead of abandoning William as Briggs and others did, Blair served for some time thereafter as a Williamite apostle.³²

As Blair reviewed the material, Judge Traber informed Edmund L. Kelley that Lorenzo Dow Hickey had shown up. Kelley looked towards the defendants' private consultation room and found that "sure enough,-there was Hickey and Hall closeted,-with heads together, looking over documents and occasionally glancing very knowingly at each other." The sight confirmed for Kelley that the Strangite apostle and the Hedrickite president had joined forces to trash the reputation of the Prophet Joseph Smith and defeat the true Mormon faith, the Reorganized Church.³³

Preparations completed, W. W. Blair took the stand. As summarized in the *Complainant's Abstract*, Blair testified that he had no recollection of being present at a meeting in which William Smith and Joseph Wood presented a revelation authorizing plural marriage. Had he witnessed such a thing, Blair insisted, he would have forsaken William's leadership, for before joining the Williamite church in October 1851 he made certain it did not condone polygamy. Blair acknowledged that Briggs accused Smith of polygamy in November 1851, but at the time, Blair explained, he and the Williamites deemed the charges false. Several months later in the summer of 1852, however, Blair

heard polygamy rumors he considered more credible, including the doctrine that a man could be sealed to two women, one living and one dead. Blair looked into the matter but found no evidence linking William with polygamy. Blair told John Southern in fact that, in conversation just the day before, August 14th, William Smith confirmed he never presented any such revelation to the church. Blair nevertheless came across a letter in 1852 that convinced him Joseph Wood embraced polygamy. William repudiated Wood, Blair recollected, but even so, Wood's letter and other factors convinced Blair to leave the Williamite movement around August 1852. Blair's remarks begged the question why the polygamous crimes of William's counselor contributed to Blair's disaffection from William; unfortunately the *Complainant's Abstract* doesn't indicate if Southern posed this question. At any rate, the *Kansas City Times* substantiates the general accuracy of the *Abstract's* account of Blair's deposition. We therefore should judge Blair's rebuttal testimony, the final deposition of the Temple Lot Case, a plaintiff's success.³⁴

RLDS apostle Edmund C. Briggs wasn't among the plaintiff's rebuttal witnesses. But Edmund L. Kelley, hearing that Briggs had privately discussed the disputed 1851 Williamite conference with Charles A. Hall, wrote Briggs a week after the conclusion of rebuttal testimony to find out if he told Hall that William Smith sanctioned the practice of polygamy at the meeting. In reply, Apostle Briggs assured Kelley he told Hall nothing was said at the Williamite meeting about polygamy.³⁵

Meanwhile, by this time the editors of the *Saints' Herald*, Joseph Smith III and W. W. Blair, had decided to publish Lorenzo Dow Hickey's August 10th rejoinder to Edmund L. Kelley's July 11th letter, but not before giving Kelley the opportunity to

present a counter-response. Accordingly, on August 17th, two days after the conclusion of rebuttal testimony, Kelley rebuked Hickey's literary pose of equanimity in the Temple Lot Case. With blistering prose, Kelley recounted Hickey's refusal to shake hands with Joseph Smith III and his supporters on July 6th, his vilification of James Whitehead on August 3rd, and his private collaboration with Charles Hall on August 15th. In light of such partisan behavior, Kelley found Hickey's letter disingenuous. "Now, Mr. Hickey wants to crawl out of his part," Kelley thundered. "What is the trouble? Is he afraid that he may yet be held with the Brighamites as a codefendant with Hall & Co., and stand a judgment for costs?" The Strangites and Brighamites were base hypocrites, Kelley concluded. They piously fawn over the Prophet Joseph Smith but practice polygamy and secret orders contrary to the word of the Lord.³⁶ The editors of the *Saints' Herald* published Hickey's letter and Kelley's rejoinder back-to-back in the August 27th issue. Despite the intermittently personal proximity of Hedrickites, Josephites, Brighamites, and Strangites throughout the nearly seven-month-long deposition process, the flames of Mormondom's sectarian battles burned as hot at the conclusion as they did at the outset.

In all the plaintiffs called six witnesses for rebuttal testimony. Judging by the subject matter of their depositions, the plaintiffs apparently set out to demonstrate that, contrary to the testimony of multiple LDS witnesses, Joseph Smith neither authorized polygamy nor established a secret endowment order in Nauvoo; that Lyman Wight, James Strang, the LDS Church, and the Church of Christ, contrary to the views of their followers, departed from the Prophet's teachings; that W. W. Blair, contrary to the

testimony of Jason W. Briggs, had no knowledge of William Smith advocating polygamy; that the Reorganized Church, contrary to John Southern's insinuations, remained true to the Prophet's vision by publishing the inspired translation of *The Bible*; and that the defendants, contrary to their denials and evasions, had an alliance with the LDS Church. Unfortunately, the loss of John M. Orr's original transcripts, the partisan character of the *Complainant's Abstract*, and the sometimes idiosyncratic nature of the *Kansas City Times* coverage makes it difficult to render anything but a tentative verdict on the success of the rebuttal testimony. The best we can do is evaluate the evidence at hand while keeping in mind that our chief source skews in favor of the plaintiffs.

Joseph Smith III, James Whitehead, John Hawley, and Willard Griffith all indicated that neither Joseph Smith nor his church condoned plural marriage. Nobody taught the doctrine during the Prophet's lifetime, James Whitehead testified. As a Nauvoo youth, Joseph III assured the court, he saw nothing to suggest his father practiced polygamy. Even Melissa Lott Willes, he noted, one of the Prophet's self-proclaimed wives, knew of no offspring from the Prophet's alleged marriages. In fact, John Hawley recounted, in 1868 former Nauvoo Stake President William Marks told him the Prophet instructed him to bring charges against polygamists shortly before his untimely death. During Joseph III's deposition, the plaintiffs reminded the court yet again that church leaders during the Prophet's lifetime repeatedly denied allegations of polygamy in the pages of the *Times and Seasons*. In Willard Griffith's estimation, polygamy started after the martyrdom with apostles Parley Pratt and Willard Richards. As far as Hawley knew,

polygamy started with renegade apostle Lyman Wight. The witnesses, in short, uniformly absolved the Prophet of responsibility for the doctrine and the practice.

Amidst the general harmony, however, the *Complainant's Abstract* contains discordant notes that may hint at passages the editor(s) chose to excise. The *Kansas City Times* confirmed that on cross-examination Willard Griffith admitted he was well acquainted with William Law's polygamy charges against the Prophet, both as a reader of the *Nauvoo Expositor* but more importantly as a member of a Hancock County grand jury. Joseph III confirmed that defendants' witnesses Melissa Lott, Lucy Walker, and Emily Partridge all lived in the Smith household as young woman as they had claimed. He also conceded that Lott told him to his face in 1885 that his father not only married her but "treated" her as a wife on one occasion. The RLDS president also hypothetically acknowledged that if his father did practice polygamy, he quite understandably would have kept it hidden from young Joseph and his siblings. Most dramatically, James Whitehead revealed that in 1848 Bishop Newel K. Whitney showed him a purported Joseph Smith revelation written apparently in William Clayton's hand authorizing the eternal sealing of marriages. The implications of this admission could work both ways, of course. On the one hand it lent support to the plaintiff's hypothesis that the LDS Church twisted an authentic revelation on sealing into a permission slip for polygamy. On the other hand, it lent credibility to the LDS doctrine of eternal sealing and suggested the Reorganization might not know the full story on Joseph Smith's doctrine of marriage. And for Charles A. Hall, it raised suspicions that Whitehead saw the revelation on plural marriage but couldn't bring himself to tell the whole truth. Judging from Whitehead's

private disclosures in decades past to W. W. Blair, Alexander Hale Smith, and Joseph Smith III, Hall's suspicions were justified.³⁷

As far as the evidence goes, there were few discordant notes in the rebuttal witnesses' comments on the endowment orders of Brigham Young, Lyman Wight, and James Strang. John Hawley's descriptions of the endowment ordinances of Wight's Pedernales Temple and the LDS Endowment House indicated that he experienced nothing comparable under Joseph Smith. Willard Griffith flatly stated that Strang's Order of the Illuminati originated with Strang and John C. Bennett, not with Joseph Smith. And Joseph III said he saw nothing in his father's life suggestive of a secret endowment order. Charles Hall claimed that John Southern successfully shamed Hawley for revealing sacred LDS ceremonies he covenanted not to reveal. But otherwise the testimony on the endowment ordinances seemed to go off without a hitch.

Judging by the *Complainant's Abstract*, the rebuttal witnesses added surprisingly little to the plaintiff's body of evidence for the Reorganization's succession claims; perhaps the Kelley brothers and their colleagues thought they had done enough in this vein already. To be sure, Joseph III demonstrated that the Reorganized Church published Joseph Smith's inspired translation of *The Bible* in apparent compliance with a revelation to the Prophet. Yet Joseph III admitted that aside from inferences drawn from his father's manuscript, there was no definitive evidence the Prophet completed the project. Willard Griffith, for his part, couldn't remember the Prophet calling the elders' quorum together as a quorum, which went against the portrait of common consent the plaintiffs wished to present of the early church. And according to the *Kansas City Times*, John

Southern cornered John Hawley on more than one occasion and forced him to reluctantly admit that the Reorganized Church deviated from the practices of the original church. The *Abstract*, unfortunately, doesn't preserve this portion of their reputed interaction. If the *Times'* report is correct, it may be that the rebuttal witnesses did more harm than good to the plaintiff's evidence for the Reorganization's succession.

The plaintiffs spent most of their rebuttal testimony discrediting competing Mormon factions, and here they apparently fared much better. Willard Griffith expressed contempt for the Twelve's post-martyrdom innovations of polygamy, the temple endowment, mass ordinations into seventies quorums, and the aggrandizement of their authority over that of the Scriptures. Griffith also offered a sometimes alarming account of James Strang's Illuminati Order, and he made it clear that it had nothing to do, in his estimation, with Joseph Smith. Again, John Hawley indicated that the endowment ordinances of Lyman Wight and Brigham Young had no counterpart in Joseph Smith's era. Most convincingly of all, however, the Charles A. Hall letters C. E. Reynolds presented demonstrated that the defendants themselves, the Church of Christ, were still in considerable flux over such fundamental issues as the proper organization of the church and the revelations to be included in the scriptural canon. James Whitehead's account of the revelation on eternal sealing represented about the only bit of testimony that (inadvertently) strengthened the succession claim of a rival to the Reorganization.

The rebuttal testimony on William Smith's movement didn't turn on the succession question. Instead the plaintiffs asked W. W. Blair to rebut Jason W. Briggs's charge that William advocated polygamy in 1851-1852 and Blair knowingly tolerated it.

Blair, in response, denied he was present when William Smith and Joseph Wood allegedly presented a revelation sanctioning plural marriage. Blair, in fact, denied any knowledge of William ever endorsing polygamy. By this Blair cleared his name of any complicity in Williamite polygamy, thereby improving the credibility of his initial deposition. But the plaintiffs didn't really do much to resuscitate the reputation of William Smith himself. Blair gave it a shot, but his findings on Joseph Wood and his unexplained 1852 disaffection from William limited his persuasiveness. It's quite telling the plaintiffs did not put William back on the stand to offer his own defense. They could have easily done so, as Smith was present in Independence at this time, an indication perhaps that the plaintiffs at least considered the possibility.³⁸ Ultimately the attorneys may have concluded that William was too unpredictable for an encore performance.

Finally, the Charles Hall letters the plaintiffs presented in evidence offered compelling evidence that the Church of Christ in recent years had received financial assistance from the LDS Church, even to the point perhaps of holding the mortgage on the Temple Lot. Extrapolating from this information, it seemed likely that LDS sources were currently funding the defendants in the Temple Lot Case. The plaintiffs seemed to think this information highly damaging to the defendants. Yet legally it wasn't: the defendants were free to accept financial assistance from whatever source they could find. The plaintiffs, then, must have thought Hall's letters could harm the defendants via guilt by association. Evidently they were counting on animosity towards the LDS Church remaining high enough to besmirch the reputation of the Church of Christ in the court of public opinion and, ideally, with the judge in the case. In terms of public relations,

however, it was the Reorganization that seemed to be losing the local battle. The *Kansas City Times* didn't even mention the LDS Church in its coverage of Hall's letters. Instead the *Times* reminded its readers yet again that a victory for the plaintiffs could cloud the title to other properties in the area. Hall's letters may have raised eyebrows within the circumscribed, sectarian room of the courtroom, but the *Times* report no doubt alarmed many a resident of Independence and Jackson County.

In conclusion I would deem the plaintiff's rebuttal testimony as only modestly successful. C. E. Reynolds shared some potentially embarrassing information about the Church of Christ, but nothing all that damaging to the defendants' case. W. W. Blair cleared his name and provided a good word for William Smith, but the latter's reputation remained damaged nonetheless. John Hawley, Willard Griffith, and Joseph Smith III absolved the Prophet of polygamy and the temple endowment, but none of them enjoyed the kind of vantage-point in Nauvoo that would have made their assessments compelling. Hawley was a mere teenager at the time, and by his own admission he spent the last year of the Prophet's life sawing lumber in the woods of Wisconsin. Griffith spent his summers outside of Nauvoo, and even in wintertime he never belonged to Smith's inner circle. Joseph III, of course, enjoyed a father-son relationship with the Prophet, but also the restrictions and limited perspective of a youth. James Whitehead once again stood as a critically important witness for the plaintiffs, given his role as a secretary to the Prophet. Whitehead lent credibility to the plaintiff's insinuation that the plural marriage revelation Joseph Smith allegedly received may originally have been a modest-sized revelation authorizing eternal marriage alone. But Whitehead substantiated too many

points of Joseph Kingsbury’s testimony for the plaintiffs to take great comfort. Hawley and Griffith, meanwhile, provided unflattering portraits of rites administered under Brigham Young, Lyman Wight, and James Strang. But the ritual details seemed more voyeuristic than necessary, as the plaintiffs provided no comparative reference given their denial that Joseph Smith administered an endowment of his own. Finally, there were several subjects upon which the plaintiffs remained vulnerable that they didn’t even address, such as the purportedly entrusted nature of Edward Partridge’s 1831 purchase, the authenticity of the alleged 1839 Partridge-Cowdery deed, the defendants’ impressive evidence for their continuous possession of the Temple Lot, the lack of a patriarchate and baptisms for the dead in the Reorganization, and the threat a plaintiff’s victory could conceivably pose to the owners of other local lands Partridge purchased. The plaintiffs, in short, could have done much more with their two weeks of rebuttal testimony. Charles Hall, John Southern, and presumably the other defendants, in fact, considered the rebuttal testimony a disaster for the plaintiffs.³⁹ But then again, the plaintiffs almost certainly felt confident about the body of evidence they had already presented.

Now the Temple Lot Case moved to a new phase. *Zion’s Ensign* summarized the situation on Saturday, August 20th: “On Monday the Temple Lot case was closed so far as evidence is concerned, and briefs will now be prepared to be submitted to the court.”⁴⁰

Endnotes

¹ “Independence,” *ZE*, 6 August 1892, 4.

² The latter figure is taken from the index found on page 4 of the Reorganized Church’s published 1893 abridgement of the Temple Lot Case testimony, *In the Circuit Court of the United States, Western District of Missouri, Western Division, at Kansas City. The Reorganized Church of Jesus Christ of Latter Day Saints, Complainant, vs. The Church of Christ at Independence, Missouri; Richard Hill, Trustee; Richard Hill, Mrs. E. Hill, C. A. Hall, President; Mrs. C. A. Hall, George Frisbie, Mrs. E. Frisbie, Miss Nannie Frisbie, Daniel Bauder, and G. D. Cole, as members of and doing business under the name of the*

Church of Christ at Independence, Missouri, Respondents.: Complainant's Abstract of Pleading and Evidence (Lamoni: Herald Publishing House and Bindery, 1893), hereinafter abbreviated as *CA*. To help readers find the testimony of each particular deponent in the Temple Lot Case, the index lists in two parallel columns the corresponding page numbers in both John M. Orr's original transcripts (designated as "Folio") and the *Complainant's Abstract* (designated as "Page"). The index indicates that the rebuttal testimony concluded with the deposition of W. W. Blair on page 192 of the original transcripts.

³ "Smith On The Stand," *KCT*, 6 August 1892, 5.

⁴ John Hawley deposition, 2-3 August 1892, Complainant's Rebuttal Testimony, 1-34, presented in abridged form in *CA*, 451-462. On Hawley's endowment experiences in Texas and Utah, see Melvin C. Johnson, "So we built a good little Temple to worship in': Mormonism on the Pedernales-Texas, 1847-1851," *JWJ* 22 (2002), 89-98. For a full treatment of the Wight colony, see Melvin C. Johnson, *Polygamy on the Pedernales: Lyman Wight's Mormon Villages in Antebellum Texas, 1845-1858* (Logan: Utah State University Press, 2006). For the larger context, see Michael Scott Van Wagenen, *The Texas Republic and the Mormon Kingdom of God* (College Station, TX: Texas A&M University Press, 2002).

⁵ "Baptized Four Times," *KCT*, 3 August 1892, 8; "Mormon Elders Talk Fight," *KCT*, 4 August 1892, 2; Charles A. Hall to John M. Cannon, 3 August 1892, LDS Archives, Salt Lake City.

⁶ "Baptized Four Times," *KCT*, 3 August 1892, 8.

⁷ John Hawley autobiography, 1889, in Johnson, "Mormonism on the Pedernales," 91, 95.

⁸ For Lyman Wight's admission to the Anointed Quorum, see the Joseph Smith and Willard Richards journals, 14 May 1844, in *JSQA*, 77. See also pages xlii, 240-241.

⁹ Jermy Benton Wight, *The Wild Ram of the Mountain: The Story of Lyman Wight* (Afton, WY: Star Valley Llama, 1996), 236, 441. See also George D. Smith, *Nauvoo Polygamy: "...but we called it celestial marriage"* (Salt Lake City: Signature Books, 2008), 631, 654n444.

¹⁰ Johnson, "Mormonism on the Pedernales," 93.

¹¹ Gideon Carter affidavit, 27 February 1874, in B. H. Roberts, *Succession in the Presidency of the Church of Jesus Christ of Latter-Day Saints* 2d ed. (Salt Lake City: George Q. Cannon & Sons, 1900), 122-125.

¹² Charles A. Hall to John M. Cannon, 3 August 1892, LDS Archives.

¹³ *CA*, 459.

¹⁴ "Mormon Elders Talk Fight," *KCT*, 4 August 1892, 2.

¹⁵ "Baptized Four Times," *KCT*, 3 August 1892, 8, indicates that Hawley testified on August 2nd. But "Mormon Elders Talk Fight," *KCT*, 4 August 1892, 2, indicates that his testimony pertaining to the LDS Endowment House in Salt Lake City occurred the following day, August 3rd. The latter report doesn't specify who offered this testimony, but it had to be Hawley, considering he was the only rebuttal witness who went through the Endowment House. Thus it seems Hawley's deposition began on August 2nd and concluded on the morning of August 3rd.

¹⁶ "Mormon Elders Talk Fight," *KCT*, 4 August 1892, 2; Edmund L. Kelley to editors, 17 August 1892, in *SH* 39 (27 August 1892), 556. On both August 3rd and 4th, the *Times* stated that the plaintiffs intended to call Hickey to the stand on their behalf. But Kelley's letter indicates that they never had that intention.

¹⁷ Willard Griffith deposition, 3 August 1892, Complainant's Rebuttal Testimony, 35-92, presented in abridged form in *CA*, 462-473. On the covenant of Strang's Order of the Illuminati, see Vickie Cleverley Speek, "*God Has Made Us A Kingdom*": *James Strang and the Midwest Mormons* (Salt Lake City: Signature Books, 2006), 47-49, 115-116, 120, 167, 363-374; Roger Van Noord, *King of Beaver Island: The Life and Assassination of James Jesse Strang* (Urbana: University of Illinois Press, 1988), 49-51, 60-65, 106, 116, 151-152, 156-157, 159-160. The exposé Griffith most likely alluded to was the January 1847 issue of the *New Era and Herald of Zion's Watchman*, a semi-monthly publication of Strangite dissenters cited in Speek, *God Has Made Us A Kingdom*, 48n80.

¹⁸ "Mormon Elders Talk Fight," *KCT*, 4 August 1892, 2. *CA*, 472, retained traces of Griffith's testimony on these points. For information on the 1844 grand jury Griffith most likely sat on, see the Joseph Smith journal, 23, 25, 27 May 1844, in *APR*, 482-485; *HC*, 6:403, 405, 412-415 (23, 25, 27 May

1844); Richard Lyman Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 538-539.

¹⁹ Charles A. Hall to John M. Cannon, 3 August 1892, and Charles A. Hall diary, 3 August 1892, both in LDS Archives.

²⁰ James Whitehead deposition, 3 August 1892, Complainant's Rebuttal Testimony, 93-113, presented in abridged form in *CA*, 473-478.

²¹ Charles A. Hall to John M. Cannon, 3 August 1892, LDS Archives.

²² Charles A. Hall diary, 4 August 1892, LDS Archives.

²³ C. E. Reynolds deposition, 4 August 1892, Complainant's Rebuttal Testimony, 117-134, presented in abridged form in *CA*, 478-484; Charles A. Hall diary, 4 August 1892, LDS Archives. For newspaper coverage, see "Mormons Make Big Claims," *KCT*, 5 August 1892, 8; "Independence," *ZE*, 13 August 1892, 4. If for no other reason, Reynolds' deposition is the most valuable of the rebuttal testimonies in the *Complainant's Abstract* insofar as it reproduces Hall's letters, apparently *in toto*. Aside from grammatical corrections, Hall's letters presumably did not undergo the heavy editing characteristic of the *Abstract* generally.

²⁴ "Mormons Make Big Claims," *KCT*, 5 August 1892, 8.

²⁵ Joseph Smith III deposition, 5 August 1892, Complainant's Rebuttal Testimony, 136-178, presented in abridged form in *CA*, 484-501; Charles A. Hall diary, 5 August 1892, LDS Archives. For newspaper coverage, see "Smith On The Stand," *KCT*, 6 August 1892, 5.

²⁶ "Smith On The Stand," *KCT*, 6 August 1892, 5, states that they adjourned to August 14th. But I think this doubtful considering the 14th fell on the Sabbath day. The proceedings resumed on Monday, August 15th, and I think it more likely the parties intended to meet on that day from the outset. Charles A. Hall to John M. Cannon, 12 August 1892, LDS Archives, pinpoints the 15th as the date.

²⁷ Lorenzo Dow Hickey to editors, 10 August 1892, in *SH* 39 (27 August 1892), 556.

²⁸ C. E. Guinard to editor, 4 September 1892, in *SH* 39 (1 October 1892), 636.

²⁹ Charles A. Hall to John M. Cannon, 12 August 1892, and Charles A. Hall diary, 12 August 1892, both in LDS Archives; *Nance v. Busby* (1892) 91 Tenn. 303, 18 S. W. 874, 15 L. R. A. 801. Hall never specifies the name of the case, but judging from his description and reference information it must be *Nance v. Busby*, which remains an important case in the legal history of religious property disputes. For more information on the case, see Carl Zollman, *American Church Law* (St. Paul: West Publishing Co., 1933), 116, 128, 270, 282, 293, 297, 307, 308, 314, 603. Hall also took comfort in Tennessee's verdict that unincorporated religious bodies (like the Church of Christ) could hold up to five acres of property at one location for purposes of public worship, held by a trustee. On the other hand, he didn't bother to mention that Tennessee sided with the majority of the congregation in the dispute; as *Nance* dealt with a lone independent congregation rather than a congregation subordinate to a larger body, its remedy wasn't all that applicable to the hierarchical structure of Joseph Smith's Mormon movement.

³⁰ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Stipulation for Taking Testimony*, 14 January 1892, Civil #1720, National Archives, Midwestern Division, Kansas City; Charles A. Hall to John M. Cannon, 12 August 1892, LDS Archives.

³¹ W. W. Blair deposition, 15 August 1892, Complainant's Rebuttal Testimony, 179, presented in abridged form in *CA*, 501-502.

³² Jason W. Briggs deposition, 8 June 1892, TLC-R, 3:584-585 (Q115-130), 3:609-610 (Q426-444), 3:620 (Q568-571).

³³ Edmund L. Kelley to editors, 17 August 1892, in *SH* 39 (27 August 1892), 556. Hickey may have attended the proceedings at Hall's request, as Hall wrote him a letter three days earlier. See the Charles A. Hall diary, 12 August 1892, LDS Archives.

³⁴ W. W. Blair deposition, 15 August 1892, Complainant's Rebuttal Testimony, 179-192, presented in abridged form in *CA*, 501-506; Charles A. Hall diary, 15 August 1892, LDS Archives. For newspaper coverage, see "Testimony All Taken," *KCT*, 16 August 1892, 5.

³⁵ E. C. Briggs to E. L. Kelley, 23 August 1892, P16, f29, CofC Archives. That the individual named Hall to which they referred was Charles A. Hall is an assumption on my part.

³⁶ Edmund L. Kelley to editors, 17 August 1892, in *SH* 39 (27 August 1892), 556.

³⁷ See the following documents in the Community of Christ Archives in Independence: Alexander H. Smith journal, 14-15 May 1864 and undated entry opposite the torn page that follows; W. W. Blair journal, 17 June 1874; Joseph Smith III journal, 20 April 1885.

³⁸ On William Smith's proximity, see "Independence," *ZE*, 6 August 1892, 4; "Independence," *ZE*, 13 August 1892, 4.

³⁹ Charles A. Hall to John M. Cannon, 4 September 1892, LDS Archives.

⁴⁰ "Independence," *ZE*, 20 August 1892, 4.

Chapter Twenty-Four
The Trial Delayed
August 1892-May 1893

On the surface, the Temple Lot Case came to an apparent standstill following the completion of the evidentiary phase. Between August 1892 and May 1893, no witnesses were called, no briefs were filed, no abstracts were submitted, and no rulings were pronounced. Behind the scenes, however, the parties in the Temple Lot Case were hard at work examining depositions, compiling abstracts, paying bills, shaping public opinion, and fortifying their legal teams for a possible court trial in spring 1893.

As the evidentiary phase wound down, John N. Southern took a deeper look at the legal context of the suit. Sharing his findings to Charles A. Hall on 3 September 1892, Southern had both good news and bad news to report. On one hand, Southern discovered that, in Missouri law, “a deed is of no force or effect on anyone except the grantor & grantee until it is recorded.” Since the Reorganization’s critical 1839 Partridge-Cowdery deed hadn’t been recorded until 1870, Hall welcomed this news as a powerful point in the defendants’ favor; after all, by the time the Partridge-Cowdery deed was recorded, the Church of Christ had already purchased and recorded the deeds to three of the eight lots comprising the Temple Lot. Unfortunately, Southern and Hall also learned that the 1865 Missouri Constitution allowed church trustees to hold no more than one acre of land in a town or a city. The state repealed the statute in 1875, but Hall feared the short-lived 1865 statute could give the Church of Christ trouble, being as how trustee-in-trust Granville Hedrick evidently exceeded the one-acre limitation between 1869-1875.¹

As the defendants delved into the legal backdrop of the case, *Saints' Herald* editors Joseph Smith III and/or W. W. Blair defended the Reorganization's part in the suit. Writing in the September 3rd issue, the editor(s) acknowledged that some believed the Reorganization was pursuing the Temple Lot simply for the purpose of financial speculation. Others, they added, including some who thought the Temple Lot rightfully belonged to the Reorganization, were troubled that the church sued the Church of Christ in a Gentile court. In defense of their suit, the editor(s) insisted the Reorganization sought the Temple Lot due to religious sentiment alone, not financial aspirations. The Temple Lot was founded by the church to which the Reorganization was the rightful successor, the editor(s) retorted, and to prove the succession link the Reorganization had to turn to the courts of the land. St. Paul's injunction against Christians suing Christians, the *Herald* explained, applied strictly to ecclesiastical disputes, not land titles. The Prophet Joseph himself, the editor(s) contended, received a revelation instructing the Saints to use the "laws of man" to redeem Zion. In light of these considerations, the editor(s) concluded, the Reorganized Church was right to sue for the site.²

As the plaintiffs and defendants pursued their respective concerns, court reporter John M. Orr completed the transcripts of the defendants' depositions in early September, one month after the Church of Christ concluded their presentation of evidence. Orr certified the accuracy of the documents on September 13th. He billed the defendants in all \$1,104 for the 812-page transcript. Charles A. Hall promptly sent a copy to John M. Cannon and his LDS allies. Hall estimated that Orr would complete the comparatively much-shorter transcripts of the plaintiff's rebuttal testimony by October 1st.³

Meanwhile, the drama that began with the deposition of Strangite apostle Lorenzo Dow Hickey in July continued into the fall. On September 27th, C. E. Guinard, head of the Reorganized Church branch in Atchison, Kansas, asked Joseph Smith III by letter if he recognized Hickey as an elder in the Reorganized Church. Hickey had presented a notice to that effect, Guinard explained, which Hickey used to ingratiate himself with branch members and introduce James Strang's *Book of the Law of the Lord*.⁴ Joseph III replied on November 12th that he addressed Hickey as "elder" only because Hickey received the priesthood in the lifetime of the Prophet Joseph. President Smith insisted he did not recognize Hickey as an elder of the Reorganized Church; in fact, he couldn't recall Hickey ever asking for admission into the church.⁵ Hickey's solipsistic "young Joseph" theory, his curious attempt to bridge the Strangite and Josephite movements, was thus a source of consternation to Strangites and Josephites alike.

As for Charles A. Hall, now that the intermittent grind of depositions had reached an end, he turned his focus in the fall to home and livelihood.⁶ He drove cattle to Kansas City, shingled his roof, dug a cistern, and hauled lumber for George Frisbey. But Hall's diary also reveals, with maddeningly little detail, that the Temple Lot Case was never far from his mind. He wrote an article on the case for the *Kansas City Times* (never published that I've been able to determine). He paid \$100 to John M. Orr. He corresponded with a host of individuals connected to or interested in the case, including LDS allies John M. Cannon and Charles W. Penrose, Utah attorney Richard H. Cabell, fellow Church of Christ members George D. Cole and James A. Hedrick, and Strangite deponent Lorenzo Dow Hickey.⁷ Hall increased his case-related activities in November.

On the 1st and 2nd of the month, he and Hickey evaluated Joseph Smith III's succession claims in a public forum at the Independence courthouse.⁸ In subsequent days he worked almost exclusively on the case, presumably identifying key passages of testimony and examining the relevant legal context in preparation for the writing of the defendants' briefs. On November 19th, he met with LDS apostle John Henry Smith, who was passing through Independence. In successive Sabbath sermons, he evaluated the succession claims of the Strangites, Brighamites, and Hedrickites. Most importantly, on December 5th, he went to Kansas City and paid a \$1,000 installment to John M. Orr. With that Hall and Orr filed the defendants' testimony with the Eighth Federal Circuit Court.⁹

At the beginning of the Temple Lot Case in August-September 1891, you'll recall, John M. Cannon traveled from Salt Lake City to Independence to strategize with the Church of Christ in person. Now sixteen months later, with the focus of the case shifting from depositions to legal briefs, Charles A. Hall and his LDS benefactors thought it advisable to meet and plot strategy once again. This time, however, Hall made the trip, leaving Kansas City on December 12th, arriving in Salt Lake City on the 15th, and embarking on his return trip on the 28th. In the course of his stay, Hall met with, amongst others, the LDS First Presidency of Wilford Woodruff, George Q. Cannon, and Joseph F. Smith, Apostle Abraham Cannon (son of George Q. Cannon and cousin of John M. Cannon), Joseph C. Kingsbury (the Temple Lot Case deponent who copied the revelation on plural marriage in 1843), Andrew Jenson (the LDS historian whom the Hedrickites befriended in 1888), and, in separate individual visits, George Q. Cannon and

Joseph F. Smith. Unfortunately, we don't know the substance of these conversations. I would imagine, though, that Hall generally spoke with them about the state of the Temple Lot Case, vulnerabilities in the plaintiff's testimony, the upcoming defendants' briefs, the prospects for a defendants' victory, the financial condition of the Church of Christ, the boorish behavior of the Kelley brothers, and the latest gossip on the Reorganized Church. With Kingsbury, Hall probably reviewed James Whitehead's rebuttal testimony on the revelation on eternal sealing/plural marriage. Hall apparently also met with John M. Cannon. Hall told Cannon of misgivings within the Church of Christ concerning the alliance with the LDS Church. "I had my fears," Hall confessed, "in regard to Bro [George] Frisby & [James] Hedrick that they would let the old bitter spirit of Hostility to ~~your petition~~ to the church in Utah control them." Hall also "worked on papers" a couple of days, most likely reviewing depositions and preparing the defendants' abstract. He delivered two discourses as well, one at the LDS 21st ward on the necessity of apostles and the other at an Ogden Christmas gathering on the prophetic claims of Joseph Smith.¹⁰

Hall also visited Peregrine Sessions, son of Patty Sessions (who died just a week earlier on December 14th) and brother of Sylvia Sessions, the deceased mother and daughter duo who married Joseph Smith polyandrously in early 1842.¹¹ Unlike his other Utah conversations, Hall stated the purpose for his Sessions visit in his diary: "to learn about Josephine a daughter of J[oseph] Smith."¹² On her deathbed in 1882, Sylvia Sessions told her daughter, Josephine Rosetta Lyon, that her father was not Windsor Lyon, Sylvia's late civil husband, but the Prophet Joseph. Josephine was born on 8 February 1844, four months before the Prophet's death.¹³ Angus M. Cannon and Andrew

Jenson certainly knew of this report later in time; perhaps one or both of them knew of it in 1892 and recommended that Hall inquire into the matter.¹⁴ If the Prophet ever fathered any children with his plural wives, Josephine remains the likeliest candidate.¹⁵ Hall also visited Philo Dibble, with whom he could have conversed about any number of pertinent topics. Dibble took a bullet in the abdomen during the 1833 Jackson County persecutions.¹⁶ In 1838 he served as a Danite lieutenant colonel and signed the ultimatum forcing Oliver Cowdery and other prominent dissidents to flee Far West.¹⁷ In 1857 Mormon apostate John Hyde Jr. identified Dibble's wife, Hannah Dubois Dibble, as one of the Prophet's polyandrous plural wives. Utahns universally assumed, Hyde claimed, that Smith fathered one of Dibble's sons, presumably Loren Dibble, born on 29 May 1844.¹⁸ Hall didn't visit Peregrine Sessions and Philo Dibble to follow up on previous business; neither man had any prior association with Hall or the Temple Lot Case. Thus it seems that even though the defendants could call no further witnesses, Hall remained interested in finding individuals who could substantiate or shed further light on the defendants' arguments, whether it be by confirming Joseph Smith's practice of polygamy or disproving the Reorganization's claim that Oliver Cowdery and family were present in Far West in March 1839 to receive the Temple Tract from Edward Partridge.

Hall returned to Jackson County at the end of the year to find George Frisbey and James Hedrick increasingly apprehensive about the ties between the Church of Christ and the LDS Church. "[A]s soon as I returned and stated the result of my visit," Hall recounted to John M. Cannon, "they seemed to act under a spirit of opposition." Frisbey and Hedrick were particularly worried about the money loaned from Utah; they feared

the Church of Christ would become financially beholden to the LDS Church. Lest such sentiments reach a critical mass, Hall related to Cannon, he obtained “notes from Bro [Richard] Hill as trustee to me covering all the money that has be[e]n advanced and I expect to do as I agreed with you and others to see that the interests of the church in Utah is protected & Bro Hill is with me.” Hall’s critics were not in open opposition, but Hall suspected that their criticisms would sharpen rather than diminish in the months ahead.¹⁹

On Monday, 2 January 1893, a few days after his return to Jackson County, Charles A. Hall travelled across the state of Missouri to St. Louis. His purpose? To enlist the legal services of James O. Broadhead, the attorney who represented the LDS Church in the landmark 1890 Supreme Court case, *Late Corporation of the Church of Jesus Christ of Latter-day Saints v. the United States*. Hall went to Broadhead’s office on Tuesday only to find the attorney had left for New York. Hall returned to Jackson County with nothing to show for his troubles.²⁰ Back in Independence the following week, the Church of Christ secured the continuing service of John N. Southern.²¹ The week after that, on January 16th, Hall returned to St. Louis and “called on Mr. J. O. Broadhead employed him to help in the temple lot case at a fee of 500.00 for the circuit court & 500. more if it goes to the supreme court.”²² The Church of Christ now had two attorneys on the case. Hall hadn’t expressed any prior interest in Broadhead; he may not have even known of him beforehand. The sudden haste and determination with which Hall pursued Broadhead, coming on the heels of his trip to Utah, suggest that he procured Broadhead’s services at the recommendation of his LDS contacts.

In James Overton Broadhead, the defendants procured one of the country's best attorneys.²³ Broadhead was born the son of a county judge, a Presbyterian elder, in Charlottesville, Virginia, on 29 May 1819. After a year of study at the University of Virginia, in 1837 he moved to his parents' new home in Missouri to be with his ailing mother. He studied under jurist Edward Bates, was admitted to the bar in 1842, and opened a law practice in Bowling Green, Missouri. In 1845, he served as a delegate to the State Constitutional Convention. He married Mary S. Dorsey in 1847, with whom he had three children. They also owned a slave named Estin, with whom Broadhead grew up on the Virginia family farm and whom his mother entrusted to him. In 1847, Broadhead was elected on the Whig ticket in a Democratic district to the State House of Representatives. In 1850, he won election to the State Senate. Seeking a larger platform, he moved to St. Louis in 1859 and formed a law practice with Fidelio C. Sharp.

Though a slave-owning native Virginian, Broadhead never wavered in his loyalty to the Union. As a delegate to the February 1861 State Convention, he pressed for Missouri to remain in the Union, despite the secessionist plans of the state's leaders. As a member of the five-person St. Louis Committee of Safety, he was instrumental in forging the volunteer regiments that successfully resisted the secessionists' takeover of the Camp Jackson arsenal in May 1861. In July 1861 he chaired the committee that successfully recommended the appointment of provisional office-holders in place of Missouri's secessionist state leaders. In effect, Broadhead and his compatriots affected a *coup d'état* that kept Missouri in the Union. Over the next two years, Broadhead served as one of the ablest figures in the state's provisional government. In the course of the war, President

Lincoln commissioned him Lieutenant-Colonel of volunteers, provost marshal-general of the Department of the Missouri (which included Missouri, Arkansas, Kansas, lower Iowa, and the Indian Territory), and U. S. district attorney for the eastern district of Missouri. (Regretfully, Broadhead's multiple responsibilities forced him to resign the latter post after six months.) The Union cause also brought an end to Broadhead's days as a slave-owner. According to his former law clerk, when Estin, Broadhead's slave, announced he would be leaving to fight for the Union Army, Broadhead let him go.

With the death of his law partner Fidelio C. Sharp in 1875, Broadhead formed a St. Louis firm called Broadhead, Slayback & Haeussler. That same year, Broadhead served as a delegate to the State Constitutional Convention. In 1876, President U. S. Grant selected Broadhead as special counsel in the "Whiskey Ring" cases in St. Louis. In 1878, Broadhead was elected the first president of the American Bar Association. In 1882, Broadhead was elected on the Democratic ticket to Congress, where he served with distinction on the House Judiciary Committee. In 1885, President Cleveland appointed him special commissioner on the French Spoliation Claims, forcing Broadhead to spend several months examining government documents in France. In 1890, before the U. S. Senate and Supreme Court, Broadhead defended the unpopular LDS Church against federal efforts to confiscate its property for the benefit of Utah public schools.²⁴

Broadhead's reputation extended far beyond the boundaries of his state. The St. Louis Bar Association commented after his death:

In the profession of the law Colonel Broadhead stood easily in the front rank, not only in this State, but in the nation; indeed, of all our State bar he probably enjoyed the widest national reputation, for his public career served to attract attention to his notable ability as a lawyer, as is shown by his constant

employment in cases of great magnitude, in the Federal courts, arising outside of the State.²⁵

Three decades after his death, the *Dictionary of American Biography* concurred: “Of all the lawyers in Missouri, he probably enjoyed the widest national reputation.”²⁶ Broadhead was particularly renowned for his skill in constitutional law, which seems fitting for a son of Madisonian Virginia.²⁷ It was no accident that Broadhead played such a large role in the state constitutional conventions of his era and the wartime effort to keep Missouri in the Union. The St. Louis Bar Association singled out his Supreme Court argument on behalf of the LDS Church as “rarely equaled in the profession,” and one that “stamps him as a constitutional lawyer of surpassing ability.”²⁸

Despite his enormous accomplishments, Broadhead was an unassuming man. A posthumous memorial by the St. Louis bar recalled: “There was in him a simplicity, an utter absence of guile such as is rarely seen in one whose life has been spent in legal and public controversies.”²⁹ A contemporary observed: “His treatment of younger attorneys is marked by a spirit of kindness and forbearance.”³⁰ Thus he raised no ruckus when the Temple Lot Case forced him to work with Charles A. Hall, non-attorney.

The attorneys for the Reorganized Church were certainly aware of Broadhead’s formidable reputation. And the defendants probably let it be known that Broadhead was a “personal friend” of John F. Philips, the federal circuit court judge who could very well preside in the Temple Lot Case.³¹ According to Charles A. Hall, “it almost demoralised the other side when we let them knew that we had retained Mr. Broadhead in the case.” When Judge Traber heard the news, Hall recounted a few months later, Traber asked the defendants if the two sides could not compromise in some manner. “I told him,” Hall

defiantly intoned, “that it was impos[s]ible as we had nothing to compromise[,] that we was forced into this suit & we was in it not to stay and we were determined to fight it to the end as long as we lived financially.” With Broadhead on their side, Hall felt more strongly than ever that the defendants held the upper hand in the case.³²

As the new year dawned, the plaintiffs and defendants anticipated the Temple Lot Case would go to trial in the federal court term beginning 24 April 1893.³³ With that deadline in mind, the Reorganized Church started assembling an “abstract” of the case evidence. An abstract is a summary or condensation of a larger body of material. In this case, the plaintiff’s abstract was a summary of the evidence deemed most relevant by the plaintiff; conversely, the defendants’ abstract, which would follow, would summarize the evidence deemed most relevant by the defendants. In place of or combination with the unabridged transcripts of the evidence, the judge in the case could consult the plaintiff’s and defendants’ abstracts to focus on the most critical evidence in the suit.

I have found little information to identify the editor(s) of the plaintiff’s abstract. A letter from Edmund L. Kelley to George Edmunds indicates that, at least in its final stages, Kelley contributed to the editing process, that the editing may have taken place in part in Lamoni, and that if Edmunds contributed to the process at all it was only during the final week.³⁴ I think it doubtful Kelley worked alone before addressing Edmunds, given the sheer bulk of the evidence through which the editor(s) had to sift. It’s possible Joseph Smith III or W. W. Blair took part in the editing process, given their residency in Lamoni. But a letter from Smith to Edmunds suggests that Smith wasn’t up-to-speed on

the abstract's progress, which wouldn't have been likely had he or Blair been heavily involved in the project.³⁵ If Kelley had help, and Smith and Blair didn't (usually) provide it, I suspect it was Kelley's brother Parley who did. Combined, the Kelley brothers questioned all witnesses in the case, and it stands to reason that they would jointly summarize the depositions. Parley Kelley lived 125 miles from Lamoni in Glenwood, Iowa, but that wouldn't have created an obstacle given the speed of the mails.³⁶

According to Charles Hall, the RLDS legal team promised Judge John F. Philips they would give a copy of their abstract to the defendants with enough time remaining before trial to allow the defendants to prepare an adequate defense.³⁷ Hall hoped to receive the plaintiff's abstract by 15 March 1893, enabling the defendants to prepare an abstract in response preparatory to a spring court date. By March 6th, however, the defendants had not received the plaintiff's abstract, and Hall thought it doubtful they would receive it by the 15th. Each day without the plaintiff's abstract meant one less day for the defendants to prepare their own abstract. Hall indexed the unabridged transcripts of the case to quicken the preparation of an abstract, but even with that handy textual aid in hand he recognized "it will take time to get ready the best we can do."³⁸ Three weeks later, by March 26th, the defendants still hadn't received the plaintiff's abstract. Hall fretted it "will not be possible to try the case in the April term unless we get it soon."³⁹

Financial difficulties and poor communication compounded Hall's anxieties. Hall expected John M. Cannon or LDS apostle Franklin D. Richards to make a payment to James O. Broadhead in early March, but he received no confirmation from the Utahns

that the payment had been sent. Hall was much relieved to learn from Broadhead himself on March 5th that Richards paid the fee. Hall was also annoyed that his LDS colleagues failed to take advantage of a discounted transcription rate court reporter John M. Orr offered should the defendants pay off some of their outstanding bill. He notified Cannon on March 6th that the defendants could still get a substantial discount of \$70 should they make a payment within ten days. The Church of Christ had some money on hand, but Hall needed \$1000 from Utah to make the deal.⁴⁰ Cannon apparently didn't make it happen. But he did send \$300 a couple of weeks later, which netted a \$46 discount for the defendants. Hall clearly wanted more money and better communications from Utah, but also recognized that he had to be content with whatever he could get. He tried to be philosophical about the situation in a March 26th letter to Cannon:

I often think your people have there hands full to finish the [Salt Lake] temple & that makes it more difficult to help us out we try to ap[p]reciate the efforts made & are working hard to get things in shape so we can do as much as possible to help pay expenses so the burden will not be so heavy.

Since Hall's LDS contacts could not meet all the defendants' expenses, Hall thought the members of the Church of Christ needed to become more self-sufficient, even to the point of selling off some of their livestock.⁴¹ He sought to minimize expenses, moreover, expressing hope that should the Reorganized Church produce a fair abstract the Church of Christ could forgo one of their own and simply respond with a short brief.⁴²

On April 1st, Hall received a telegram from James O. Broadhead, prompting Hall to respond with a telegram of his own the next day. This was unusual: Hall and Broadhead usually communicated by letter. The following day, April 3rd, Broadhead suddenly turned up in Jackson County, spent the day with Hall in Independence and

Kansas City, and returned to St. Louis that night.⁴³ Why the haste? Broadhead most likely visited the Hedrickites in order to inform them that the U. S. State Department had appointed him Minister Plenipotentiary to Switzerland effective April 7th. President Grover Cleveland had started his second (non-consecutive) term in office a month earlier, and the incoming Democratic administration decided to tap Broadhead, a Democrat, for the diplomatic post.⁴⁴ The news no doubt stunned and disappointed the defendants. They had enlisted one of the best attorneys in the country; now he would be dividing his time and attention between Switzerland and Washington D. C. Fortunately for the defendants, Broadhead didn't summarily withdraw his services. He told them he would try to persuade Judge John F. Philips to try the case in May, presumably before Broadhead's departure. Hall estimated the most plausible timeframe for trial would be late May. Anything sooner would be difficult, as the plaintiffs, he learned, had just completed their abstract and the defendants expected to get copies in a few days. Conversely, anything later would be impossible, as Judge Philips would be departing in June for a health-related summer stay in the mountain resorts of Colorado. If late May didn't work out, Hall reflected, the case couldn't be tried until the fall court session. Overall, Hall took a wait-and-see attitude towards Broadhead's diplomatic responsibilities. "I do not know how it will effect the case," he shrugged to Cannon.⁴⁵

As the prospective court date of the Temple Lot Case hovered in limbo, the churches of the suit convened their respective general conferences. As you'll recall, the April 1892 conferences of the previous year were momentous occasions for the LDS

Church and the Reorganized Church. The LDS Church celebrated the laying of the capstone on the Salt Lake Temple; the Reorganized Church convened general conference for the first time in the Stone Church across from the Temple Lot. Now, one year later, general conference occasioned additional milestones for the rival churches.

On 6 April 1893, forty years after Brigham Young laid the cornerstones, the LDS Church dedicated the Salt Lake Temple. Whereas the capstone ceremony of the preceding year was a one-time outdoor event attended by tens of thousands, the dedication ceremony took place before three thousand in the interior Assembly Room of the Temple and was repeated almost daily with different speakers for different audiences through the 24th. Wilford Woodruff offered the dedicatory prayer at the initial April 6th service. Fellow Temple Lot Case deponent Lorenzo Snow, president of the Twelve Apostles, led the assemblage in the Hosanna Shout.⁴⁶ Three days later, the Reorganized Church dedicated a new meetinghouse for the Lamoni Branch, the central branch of the church. Temple Lot Case deponents Joseph Smith III and W. W. Blair, respectively, offered the dedicatory sermon and dedicatory prayer before an audience of 1,400.⁴⁷

The heads of the two churches used the occasion to affirm the divine authority and distinctive identity of their organizations. In their dedicatory sermons, LDS leaders portrayed the completion of the Salt Lake Temple as a fulfillment of prophesy, as a spur to church unity, as a sign of the Lord's forgiveness, as confirmation the Lord remained with the LDS Church, as vindication of the Woodruff Manifesto, and as underscoring the importance of vicarious work for the dead. In the wake of polygamy's demise, the Temple served as a much-needed source of pride and unity for the LDS Church, and a

nationally-acceptable one at that. Some LDS leaders saw the completion of the Salt Lake Temple as a harbinger of an imminent millennium and imminent resettlement in Jackson County. Referring to the Hosanna Shout, Lorenzo Snow proclaimed, “some of you will give this shout in the great Temple to be built in Jackson County.”⁴⁸ The potential significance of the Temple Lot Case probably did not escape these millennial hopefuls.

The importance of the Temple dedication and the continued integration of Utah Mormons into American society were not lost on the Reorganized Church and Church of Christ. That month, Charles A. Hall preached two successive sermons on temple building before the Church of Christ.⁴⁹ He asked John M. Cannon to relate the spiritual manifestations attending the dedication.⁵⁰ He also sent a *Kansas City Times* clipping to his LDS contacts demonstrating, as he put it, “that there is no disposition on the part of the [Jackson County] citizens to prevent the Church from returning here.” A Kansas City judge, he reported, recently identified two acts of Congress as national disgraces—the laws governing Indians and the anti-Mormon Edmunds bigamy act. Hall gathered from these local cultural indices that “the sentiment seemes to be growing that there is some good among the [LDS] Mormons & that they have rights as well as other people.”⁵¹

Reorganization leaders in Lamoni struck gracious notes of their own. Addressing the RLDS general conference, Joseph Smith III stated that the Reorganization took pride in the changes taking place within Utah Mormonism. Apostle Alexander Hale Smith observed that he found a more hospitable reception during his recent Utah mission than ever before. Missionary R. J. Anthony added: “Suggestions of a union of some kind between the Utah Church and the Reorganization were made in Utah.”⁵² Lest anyone

think the Utahns now offered an equally valid form of Mormonism, however, RLDS leaders cautioned the conference that such was not the case. The Lamoni church may not be a temple, Joseph Smith III quipped, but at least it was located, unlike the Salt Lake Temple, in the historic sacred territory of early Mormonism.⁵³ Repeating a wildly-inaccurate overestimate of early Mormon membership, Alexander Smith reminded the audience that the majority of the Prophet's followers did not follow Brigham Young: "Only twenty-five or thirty thousand of the original two hundred thousand went to the valleys of Utah."⁵⁴ Responding to conference inquiries, Katharine Smith Salisbury, surviving sister of Joseph, Hyrum, and William Smith, testified that the Prophet neither taught nor practiced polygamy.⁵⁵ Someone in attendance avowed that the lives of Katharine Salisbury and Temple Lot Case deponent James Whitehead had been prolonged to bear witness to the truth of the work of the Prophet and his successor.⁵⁶ The conference also passed a resolution stating that much of the church history contained in the *Times and Seasons* and *Millennial Star*, both of which had proto-Brighamite apostles as editors, was of dubious character and should not be considered authoritative.⁵⁷ Defending the resolution months later, Edmund L. Kelley insisted the church was bound to Scripture alone and had no obligation to follow the Prophet's non-scriptural teachings:

[H]ere is a great distinction between the Reorganized Church and the faction that is out West: The position of the latter is that whatever Joseph Smith said or did was a binding precedent; that he was the lawgiver, and that what he said they must obey. We made this a ground of departure in the Temple Lot suit that is now pending showing that they had departed from the law and regarded man's dictum instead.⁵⁸

Thus despite the increasing moderation of the LDS Church, the Reorganization reaffirmed its historic identity as the premier alternative to Utah Mormonism. It was an

orientation that still bore fruit. The Reorganization reported a net gain of 1,820 members in the previous year, its largest annual increase ever.⁵⁹

As I mentioned earlier, Charles A. Hall wrote on April 8th that the defendants expected to get the plaintiff's abstract within days.⁶⁰ But more weeks passed, and still the abstract did not materialize. By May 2nd, the defendants received a letter from Edmund L. Kelley declaring that the plaintiffs would wait until the last possible minute before sharing their abstract with the court and the defendants. The rules stipulated that each side had to file their abstract five days before the start of the trial, and that is exactly what the plaintiffs now intended to do. This meant the defendants could no longer wait around in the expectation they could base their own abstract on the scope, arguments, and evidence of the plaintiff's abstract. As Hall complained to John M. Cannon, "we will not know what there case is or the points they rely on in preparing our abstracts." Instead, the defendants' abstract would have to be an independent production, and should the case go to trial in late May, it would have to be produced mighty quickly. Hall wrote: "We will have to go to work on the abstract at once whithout having there case to rebut & this will of co[u]rse require more work and expense than we expected but we will have to be ready so there will be no deley in the case."⁶¹

In preparation for the abstract and trial, Charles A. Hall conferred with James O. Broadhead in St. Louis on April 29th.⁶² But Broadhead gave Hall some additional bad news: "Judge Broadhead offered to turn the money he had recieved over to Judge Huff of St Louis & let him take his place in the case as he could not give the time and attention to

the case he intended to before his [diplomatic] appointment.” Hall pleaded with Broadhead to remain on the case, even if he could only work on it intermittently. Broadhead’s name carried such clout that Hall thought the price worthwhile. Broadhead conceded he would have some time to work on the case while away; in fact he planned to take a two month leave-of-absence from his diplomatic duties in the fall, which would free up some additional time, if the suit was still ongoing, to work on the case. So to Hall’s undoubted relief, the attorney-diplomat accepted Hall’s request and assured him that, if available, he would prepare the defendants’ brief. Broadhead promised that “if anything happens that he cannot attend to it himself Judge Huff will take his place and both names will be in the case.”⁶³ The nature of the case seemed conducive to Broadhead’s long-distance participation. As Hall remarked to John M. Cannon, “the case will be submitted without any oral argument so it is not necessary for [Broadhead] to be here when the case is tried altho[ugh] he may be here at that time.”⁶⁴

Two days later, on May 1st, the defendants went to the Kansas City courthouse expecting to meet the plaintiffs’ attorneys for the purpose of setting a hearing date in May. But plaintiff’s counsel did not show up; the defendants went home with no court date established.⁶⁵ As the delaying tactics indicated, the RLDS legal team by this time had little intention of getting the case heard during the current court term, most likely because the long-anticipated plaintiff’s abstract, which still hadn’t been submitted, had taken longer to complete than expected. Later that month, accordingly, the plaintiffs asked John N. Southern for permission to delay the trial to the fall court session. Southern consented and the two sides outlined a new four-stage timetable of deadlines:

1 June 1893	Complainant's Abstract
1 September 1893	Respondents' Abstract
c. 1 October 1893	Complainant's Brief
c. 1 November 1893	Respondents' Brief

As Charles A. Hall notified John M. Cannon on May 29th, "the case will not come to trial until mid[-]November or Dec[ember]."66

Hall didn't like this one bit. He wanted to get the case over with. It angered him that John Southern had so readily agreed to the plaintiff's delay request. "[I]f our Attorney had of pushed things a little," he complained to John M. Cannon, "we could have forced them [the plaintiffs] to get ready for this term instead of makeing an agreement to let the case go over until next term." Hall didn't lay out his reasons, but his frustration probably stemmed in part from the exhausting and impoverishing toll the case exacted on the Church of Christ and himself. As a later writer encapsulated:

Picture a little handful of people who, not so many years before, had drained their resources some of them selling their homes, to purchase the "Temple Lot," now confronted with the necessity of meeting the heavy expense of defending their sacred trust in three courts of the land. Again they sold their homes, men took their overcoats off, their watches out of their pockets, women took off their jewelry, even their wedding rings from their fingers, and laid them on the table at Church to be sold to help defend that piece of ground.

Hall must have recognized that the longer the case continued, the more it became a war of attrition, which would tend to benefit the Reorganization, the side with greater recourses at its ready disposal. Hall was therefore resolute the defendants would never capitulate on the timetable again: "I am determined on one thing we will get all ready & refuse to agree to any further continuance."67

The Church of Christ pressed onward with a sense of urgency. On May 25th, Hall and Southern conferred with James Broadhead in St. Louis to “agree on the points we would rely on in our defense.”⁶⁸ Back home in Jackson County two days later, Hall received \$250 from John M. Cannon. For once Hall had some good financial news to share: “We are being prospered at present & if we continue to do as well with our dairy as we have be[e]n doing in the last two months we will not have to ask for any more assistance for a while.”⁶⁹ On the 27th, Hall sent Broadhead a copy of an abstract, most likely a draft of the defendants’ abstract.⁷⁰ On the 29th, Southern petitioned the Eighth Federal Circuit Court to dismiss the Temple Lot Case unless the plaintiff provided additional security for costs. The Reorganization was a non-resident of Missouri, Southern argued, and had not deposited a sufficient bond to cover the defendants’ expenses should they emerge triumphant over the plaintiff.⁷¹ Judge John F. Philips denied Southern’s request one week later.⁷² But by then the case had entered a new phase: The Reorganization had finally completed its abstract of evidence.

Endnotes

¹ Charles A. Hall to John M. Cannon, 4 September 1892, LDS Archives, Salt Lake City. On Church of Christ land purchases, see R. Jean Addams, “Reclaiming the Temple Lot in the Centerplace of Zion,” *MHS* 7 (Spring/Fall 2006), 13-15; Arthur M. Smith, *Temple Lot Deed: A Complete Record of All Legal Transfers of That Interesting Spot of Ground Known as The Temple Lot* 2d ed. (Independence: The Church of Christ, 1954), 9-12.

² “The Temple Suit,” *SH* 39 (3 September 1892), 566-567.

³ Charles A. Hall to John M. Cannon, 4 September 1892, LDS Archives; John M. Orr certification, 13 September 1892, in TLC-R, 3:812-813.

⁴ C. E. Guinard to Joseph Smith III, 27 September 1892, in *SH* 39 (12 November 1892), 730.

⁵ Joseph Smith III editorial response, in *SH* 39 (12 November 1892), 730-731.

⁶ The following paragraph is based upon the Charles A. Hall diary, 16 August-11 December 1892, LDS Archives.

⁷ The Charles A. Hall-John M. Cannon correspondence housed in the LDS Archives does not contain some of their letters from this period.

⁸ “Editorial Items,” *SH* 39 (19 November 1892), 745.

⁹ Charles A. Hall diary, 5 December 1892, LDS Archives. The \$1000 note was signed by “C A. Hall S. P. Frisby Mrs E. Frisby & R. Hill.” The dating of the milestone is circumstantially confirmed by

the filing date on the backside of *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Certified Copy of the Order Appointing a Special Examiner in the above entitled cause*, 8 March 1892, Civil #1720, National Archives, Midwestern Division, Kansas City.

¹⁰ Charles A. Hall diary, 15-28 December 1892. For confirmation of one visit, see the Andrew Jenson journal, 20 December 1892. Hall was the first guest in Jenson's new home. On their conversation, see Charles A. Hall to John M. Cannon, 2 July 1893. All documents in the LDS Archives.

¹¹ Sylvia Sessions Lyon affidavit, 1869, in George D. Smith, *Nauvoo Polygamy: "...but we called it celestial marriage"* (Salt Lake City: Signature Books, 2008), 99; Patty Bartlett Sessions, undated entries after 16 June 1860 entry, in Donna Toland Smart, ed., *Mormon Midwife: The 1846-1888 Diaries of Patty Bartlett Sessions* (Logan: Utah State University Press, 1997), 276-277; *PM*, 234; Todd Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1997), ch. 7. At the time of their 1842 sealings to Joseph Smith, Sylvia was married to Windsor Lyon and Patty to David Sessions.

¹² Charles A. Hall diary, 21 December 1892, LDS Archives.

¹³ Josephine Rosetta Lyon Fisher affidavit, 24 February 1915, in Smith, *Nauvoo Polygamy*, 100-101.

¹⁴ Angus M. Cannon interview with Joseph Smith III, 1905, LDS Archives; Josephine Rosetta Lyon Fisher affidavit, 24 February 1915, in Smith, *Nauvoo Polygamy*, 100-101.

¹⁵ Smith, *Nauvoo Polygamy*, 100-102; Compton, *Sacred Loneliness*, 13, 21, 183, 202. Using Y chromosome analysis, researchers from the Sorenson Molecular Genealogy Foundation have determined that five of the male offspring of Joseph Smith's polyandrous wives were not the sons of the Prophet but rather the sons of their mothers' civil husbands. The researchers have yet to arrive at any conclusions regarding Josephine Lyon or any of the other females Smith allegedly fathered through polygamy. It is much more difficult to identify father-daughter linkages of the distant past than father-son linkages. The Y chromosome, unique among the 23 pairs of chromosomes, carries no trace of the mother, thus readily facilitating determinations of father-son relationships. To determine the paternity of woman, researchers have to examine *all* the other 22 chromosomes. But the Sorenson analysts have collected hundreds of DNA samples from Joseph's and Josephine's descendants and in due time we should see some results of their research. For their work thus far, see Ugo A. Perego, Natalie M. Myres, and Scott R. Woodward, "Reconstructing the Y-Chromosome of Joseph Smith: Genealogical Applications," *JMH* 31 (Summer 2005), 70-88; Ugo A. Perego, Jayne E. Ekins, and Scott R. Woodward, "Resolving the Paternities of Oliver N. Buell and Mosiah L. Hancock Through DNA," *JWJ* 28 (2008), 128-136.

¹⁶ John W. Brackenbury deposition, 20 April 1892, TLC-C, 2:549-550 (Q18-20).

¹⁷ Reed Peck deposition, November 1838, and Sampson Avard, et. al. to Oliver Cowdery, David Whitmer, John Whitmer, William W. Phelps, and Lyman E. Johnson, June 1838, in *Document*, 116-117 and 103-107, respectively.

¹⁸ John Hyde Jr., *Mormonism: Its Leaders and Designs* (New York: W. P. Fetridge & Co., 1857), 84-85; Loren Dibble Individual Record at <http://familysearch.org>; Benjamin F. Johnson, *My Life's Review* (Independence: Zion's Printing & Publishing, 1947), 96; Compton, *Sacred Loneliness*, 2, 8-9, 631; Joseph Smith III to E. C. Brand, 26 January 1884, in JSIII Letterbook #4, 63-67, Community of Christ Archives, Independence. Most historians find the evidence too sparse to number Hannah Dubois Dibble among Joseph Smith's plural wives.

¹⁹ Charles A. Hall to John M. Cannon, 2 July 1893. Hall may have alluded to these problems in his diary, wherein he states on 23-24 January 1893 that he "[v]isited the Saints" and "assisted to settle difficulties." The following day, the 25th, he "[w]ent to Independence to see Bro Hill," though this probably had more to do with the death of Hill's wife than the dispute over the LDS Church. Both documents in the LDS Archives.

²⁰ Charles A. Hall diary, 2-3 January 1893, LDS Archives.

²¹ Charles A. Hall diary, 10 January 1893, LDS Archives.

²² Charles A. Hall diary, 16 January 1893, LDS Archives.

²³ The following biographical sketch is based upon David D. March, *The History of Missouri* (New York: Lewis Historical Publishing, 1967), 2:872-873, 958-961, 1006-1007, 1012-1013, 1138-1139,

1200-1201; Floyd C. Shoemaker, ed., *Missouri Day by Day* 2 vols. (Jefferson City, MO: State Historical Society of Missouri, 1942-1943), 1:367-368; William Rufus Jackson, *Missouri Democracy: A History of the Party and Its Representative Members—Past and Present* 3 vols. (St. Louis: S. J. Clarke Publishing, 1935), 1:162n9; Allen Johnson and Dumas Malone, eds., *Dictionary of American Biography* 20 vols. (New York: Charles Scribner's Sons, 1929-1936), 2:58-59; David Dyer, *Autobiography and Reminiscences* (St. Louis: William Harvey Minor Company, Inc., 1922), 28, 55-59, 62-67, ch. 6, 119, 152-153, 178-183, 200-201; William Hyde and Howard L. Conard, eds., *Encyclopedia of the History of St. Louis* 4 vols. (St. Louis: Southern History Company, 1899), 1:239-243; James O. Broadhead, "Early Events of the War in Missouri," in Commandery of the State of Missouri, *War Papers and Personal Reminiscences, 1861-1865* (St. Louis: Becktold & Company, 1892), 1:1-28; J. Thomas Scharf, *History of Saint Louis City and County* 2 vols. (Philadelphia: Louis H. Everts & Company, 1883), 1:601-603; *The United States Biographical Dictionary and Portrait Gallery of Eminent and Self-Made Men: Missouri Volume* (St. Louis: United States Biographical Publishing, 1878), 434-437; C. R. Barns, ed., *The Commonwealth of Missouri: A Centennial Record* (St. Louis: Bryan, Brand & Company, 1877), 732-734; Walter Bickford Davis and Daniel S. Durrie, *An Illustrated History of Missouri* (St. Louis: A. J. Hall and Company, 1876), 478-479; L. U. Reavis, *Saint Louis: the Future Great City of The World with Biographical Sketches of the Representative Men and Women of St. Louis and Missouri* (St. Louis: C. R. Barns, 1876), 635-640.

²⁴ *Mormon Church Property: Argument of Hon. James O. Broadhead, of St. Louis, on Senate Bill No. 4047, Proposing to Dispose of the Confiscated Personal Property of the Mormon Church for the Use and Benefit of the Public Schools in the Territory of Utah, Before the House Committee on the Judiciary, Saturday, July 19, 1890* (Washington D. C.: Government Printing Office, 1890).

²⁵ Hyde and Conard, *Encyclopedia of the History of St. Louis*, 1:240.

²⁶ Johnson and Malone, *Dictionary of American Biography*, 2:58-59.

²⁷ Hyde and Conard, *Encyclopedia of the History of St. Louis*, 1:240. For a glimpse into Broadhead's constitutional thinking, see *An Address Delivered Before the Society of Alumni of the University of Virginia, June 30, 1881, by Col. James O. Broadhead, of Missouri* (Charlottesville, VA: University of Virginia Society of Alumni, 1881).

²⁸ Hyde and Conard, *Encyclopedia of the History of St. Louis*, 1:240.

²⁹ Hyde and Conard, *Encyclopedia of the History of St. Louis*, 1:242.

³⁰ *United States Biographical Dictionary*, 437.

³¹ Charles A. Hall to John M. Cannon, 8 April 1893, LDS Archives.

³² Charles A. Hall to John M. Cannon, 2 May 1893, LDS Archives.

³³ Joseph Smith III to George Edmunds, 15 February 1893, typescript, P13, f425, CofC Archives; Charles A. Hall to John M. Cannon, 6, 26 March, 8 April 1893, LDS Archives.

³⁴ Edmund L. Kelley to George Edmunds, 19 May 1893, typescript, P13, f429, CofC Archives.

³⁵ Three months before E. L. Kelley sent a draft of the abstract and a copy of the original unabridged depositions to George Edmunds, Joseph Smith III wrote Edmunds, "I supposed you had a look at the transcript of evidence by this time." See Joseph Smith III to George Edmunds, 15 February 1893, typescript, P13, f425, CofC Archives. Unless Smith (or someone else with Smith's knowledge) sent Edmunds a copy of the "transcript of evidence" without Kelley's knowledge, it would seem Smith wasn't keeping close watch of developments regarding the original deposition and the editing of the abstract.

³⁶ I haven't found any hard evidence linking Parley Kelley to the editing of the abstract, but in a later letter he expressed satisfaction with the document and saw no reasons to revise it. See Parley P. Kelley to George Edmunds, 18 July 1894, Miscellaneous Letters and Papers, CofC Archives.

³⁷ Charles A. Hall to John M. Cannon, 2 May, 6 March 1893, LDS Archives.

³⁸ Charles A. Hall to John M. Cannon, 6 March 1893, LDS Archives.

³⁹ Charles A. Hall to John M. Cannon, 26 March 1893, LDS Archives.

⁴⁰ Charles A. Hall diary, 5 March 1893, and Charles A. Hall to John M. Cannon, 6 March 1893, both in the LDS Archives.

⁴¹ Charles A. Hall to John M. Cannon, 26 March 1893. On the \$46 discount, see Charles A. Hall to John M. Cannon, 8 April 1893. That the discounted bill was probably Orr's bill can be gleaned from Hill to Cannon, 13 July 1893. All documents in the LDS Archives.

⁴² Charles A. Hall to John M. Cannon, 8 April 1893, LDS Archives.

⁴³ Charles A. Hall diary, 1-3 April 1893, and Charles A. Hall to John M. Cannon, 8 April 1893, both in the LDS Archives.

⁴⁴ For the dates and official title of Broadhead's appointment, see <http://history.state.gov/departmenthistory/people/broadhead-james-overton>.

⁴⁵ Charles A. Hall to John M. Cannon, 8 April 1893, LDS Archives. On Philips' stay in Colorado, see "Judge Philips Improving," *KCS*, 15 April 1892, 2.

⁴⁶ Brian H. Stuy, "'Come, Let Us Go Up to the Mountain of the Lord': The Salt Lake Temple Dedication," *Dialogue* 31 (Fall 1998), 102-122. For the text of Wilford Woodruff's dedicatory prayer, see *House of the Lord: Historical and Descriptive Sketch of the Salt Lake Temple* (Salt Lake City: George Q. Cannon & Sons, 1893), 24-36.

⁴⁷ "The General Conference," *SH* 40 (15 April 1893), 232-233.

⁴⁸ Stuy, "Salt Lake Temple Dedication," 110-122. Quote, Francis Asbury Hammond journal, 13 April 1893, in Stuy, 114-115.

⁴⁹ Charles A. Hall diary, 9, 16 April 1893, LDS Archives.

⁵⁰ Charles A. Hall to John M. Cannon, 2 May 1893, LDS Archives.

⁵¹ Charles A. Hall to John M. Cannon, 13 April 1893, LDS Archives.

⁵² "The General Conference," *SH* 40 (15 April 1893), 229, 230, 230, respectively.

⁵³ "The General Conference," *SH* 40 (15 April 1893), 229.

⁵⁴ "The General Conference," *SH* 40 (22 April 1893), 241.

⁵⁵ Katharine Salisbury to readers of the *Herald*, 13 April 1893, in *SH* 40 (6 May 1893), 275.

⁵⁶ "The General Conference," *SH* 40 (22 April 1893), 241.

⁵⁷ "The General Conference," *SH* 40 (22 April 1893), 244.

⁵⁸ Edmund L. Kelley, "Church History as Found in Times and Seasons and Millennial Star," 24 February 1894, in "Original Articles," *SH* 40 (7 March 1894), 151-154..

⁵⁹ "The General Conference," *SH* 40 (15 April 1893), 230. The gains of the preceding year brought RLDS church membership to 28,526. The LDS Church, by contrast, had just passed 200,000. For the latter, see *Deseret News 1997-98 Church Almanac* (Salt Lake City: Deseret News, 1996), 530.

⁶⁰ Charles A. Hall to John M. Cannon, 8 April 1893, LDS Archives.

⁶¹ Charles A. Hall to John M. Cannon, 2 May 1893, LDS Archives.

⁶² Charles A. Hall diary, 29 April 1893, LDS Archives.

⁶³ Charles A. Hall to John M. Cannon, 2 May 1893. See also Hall's 10 June 1893 letter to Cannon. Both documents in the LDS Archives.

⁶⁴ Charles A. Hall to John M. Cannon, 10 June 1893, LDS Archives. As it turned out, the case was submitted with oral argument.

⁶⁵ Charles A. Hall diary, 1 May 1893, and Charles A. Hall to John M. Cannon, 2 May 1893, both in the LDS Archives.

⁶⁶ Charles A. Hall to John M. Cannon, 29 May 1893. Hall reaffirmed the dates in his 10 June 1893 letter to Cannon. Both documents in the LDS Archives.

⁶⁷ Charles A. Hall to John M. Cannon, 29 May 1893, LDS Archives. The block quote comes from Angela Wheaton, "Spotlights of Our History," *Zion's Advocate* 41 (May 1964), 70.

⁶⁸ Charles A. Hall diary, 24-25 May 1893, and Charles A. Hall to John M. Cannon, 29 May 1893, both in the LDS Archives.

⁶⁹ Charles A. Hall diary, 26 May 1893, and Charles A. Hall to John M. Cannon, 29 May 1893, both in the LDS Archives.

⁷⁰ Charles A. Hall diary, 27 May 1893, LDS Archives: "[I] went to Ind[ependence] & sent copy of abstract to J. O. Broadhead." Hall doesn't specify whether this was the defendants' abstract he sent or the plaintiff's abstract. But I don't think it was the plaintiff's abstract as two days later, on May 29th, Hall

addressed a letter to John Cannon but gave no indication that the defendants had already obtained copies of the plaintiff's abstract. On the contrary, Hall specified that by written agreement the defendants would receive copies a few days hence on June 1st. If not the plaintiff's abstract, then I surmise that Hall must have sent Broadhead a draft of the defendants' abstract. Indeed, Hall's June 10th letter to Cannon indicates that by that date Hall was already thinking about the printing of the defendants' abstract.

⁷¹ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Motion for additional security for costs*, 29 May 1893, National Archives.

⁷² *Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Order*, 5 June 1893, National Archives. On a possibly related matter, Hall wrote the following shortly thereafter: "We had the bondsmen go to court last rule day & qualify under oath what they was worth so we are all safe on that point now." See Charles A. Hall to John M. Cannon, 10 June 1893, LDS Archives.

Chapter Twenty-Five
Abstracts, Abyss, and Awe
June-August 1893

The Reorganized Church filed its abstract of evidence with the federal court on 1 June 1893.¹ This was no ordinary abstract. The 507-page text condensed the testimony of *every* witness in the case, plaintiff's and defendants' witnesses alike, thereby providing some explanation as to why the text took so long to produce. And the plaintiff didn't just distribute the text to the parties in the suit; the RLDS Board of Publication published the text for the general public as the *Complainant's Abstract of Pleading and Evidence*.² The June 10th issue of the *Saints' Herald* carried this advertisement:

TEMPLE LOT EVIDENCE.

The bound volume of the "Abstract of Evidence" in the Temple Lot Suit is now on sale at the Herald Office, price \$3.00 per copy. The book is neatly bound in regular law library style. A limited number has been published, and those first applying for it will be first served. The evidence will be found of much value to all defenders of the work.³

Thus it was that just days after the defendants received their own long-awaited copy from the plaintiffs, the *Complainant's Abstract* became available to the public at large.

In little time, missionaries and apologists for the Reorganized Church found the *Complainant's Abstract* of inestimable value in defending the church and countering the LDS Church. As they saw it, the testimony contained within the *Abstract* condemned Brigham Young as an unlawful usurper and proved once and for all that the Reorganized Church stood as the rightful successor to the church of Joseph Smith. As one RLDS missionary wrote: "The testimony in "Temple Lot" suit on our side is clear and strong. I have used it to advantage. Every elder should have it."⁴ The *Abstract* quickly became a

cornerstone of RLDS apologetics. One would be hard pressed to enumerate all the occasions it has been cited in defense of the Reorganization.⁵

As with all texts, however, the *Abstract* is amenable to multiple readings and uses. The *Abstract* hasn't just served the cause of RLDS apologetics; Brighamite,⁶ Hedrickite,⁷ and Strangite⁸ writers have used the text on occasion for their own particular purposes. And the *Abstract* isn't just amenable to those who believe in the prophetic calling of Joseph Smith; anti-Mormons have used the *Abstract* to discredit the Prophet and his sundry successors.⁹ Beyond religious polemics, many scholars have used the *Abstract* for research purposes.¹⁰ Simply put, the *Complainant's Abstract* has served from 1893 to the present as the premier documentary source on the Temple Lot Case.

But Charles A. Hall, for one, was unimpressed. He opined to John M. Cannon that the *Abstract* "does not amount to anything & is very unfair." Illustrating the latter point, Hall complained that the *Abstract* "did not even set out the answer in full."¹¹ Aside from minor grammatical corrections, the *Abstract* offered a verbatim reproduction of the Reorganization's Amended Complaint, not their original Complaint, which was appropriate, as the Amended Complaint represented the mature version of the plaintiff's opening arguments. By contrast, the *Abstract* neutered the defendants' Amended Answer by excising several critical passages.¹² In a section dealing with the right of a "foreign" church corporation to own property in Missouri, moreover, the *Abstract* omitted the language of the Amended Answer and substituted the milder language of the un-amended Answer.¹³ Hall had good reason to find the plaintiff's *Abstract* "unfair" on this score.

But Hall only scratched the surface of the *Abstract's* textual problems. For one thing, the *Abstract* routinely omitted critical witness testimony unfavorable to RLDS interests. In the deposition of Melissa Lott Willes, for example, the *Abstract* omitted Willes's claim that she was a wife to Joseph Smith in all that the word implied.¹⁴ Even worse, the *Abstract* frequently altered testimonies to say something very different from what the witnesses actually said. Joseph Kingsbury repeatedly contested Parley Kelley's pejorative characterizations of LDS rebaptisms, yet the *Abstract* almost completely ignored Kingsbury's denials and made it seem as if he agreed with a number of Kelley's characterizations.¹⁵ The inaccuracies of the *Abstract* are so commonplace that the document in most places is simply untrustworthy.¹⁶ Fortunately, researchers of late have increasingly turned from the *Abstract* and consulted the original deposition transcripts.¹⁷ On the whole, though, few readers from 1893 to the present have appreciated the depth of the *Abstract's* inaccuracies, perhaps not even Charles A. Hall.¹⁸

The release of the *Abstract* nonetheless brought a measure of relief to Hall. As we saw earlier, when Hall expected the case to come to trial in May, he bemoaned Edmund L. Kelley's stipulation that the defendants would receive the plaintiff's abstract at the very last minute, preventing the defendants from structuring their own abstract as a rebuttal to the plaintiff's abstract.¹⁹ Since that time, however, the plaintiffs had released their abstract but the trial had been postponed to the fall. As Hall had hoped, therefore, the Church of Christ could now create their own abstract with full knowledge of the contents of the Reorganization's abstract. This offered potential advantages to the defendants. On June 10th, for example, Hall remarked to John M. Cannon that in

comparison with the plaintiff's abstract (seemingly) exhaustive and comprehensive summary of every deposition, Hall thought it best the defendants' abstract "group" the evidence by topic, culling relevant bits of testimony from the mass to substantiate specific points.²⁰ Hall and his colleagues worked on the defendants' abstract through the summer, performing the bulk of the labor in July.²¹

By early July, disagreements within the Church of Christ over their financial dependence on the LDS Church worsened to the point that Charles A. Hall had to notify John M. Cannon of the problem. According to Hall, George Frisbey and James Hedrick were now working in open opposition to the LDS-friendly policies of Hall and Richard Hill. "I do not ap[p]rehend any sereous difficulty," Hall cautioned Cannon, "but thought best to let you know the situation so you will not be disturbed if you should recieve a communication from some of the disfectated parties." Hall told Cannon he assured the Church of Christ his LDS benefactors considered the money they loaned for the Temple Lot defense a personal loan to Hall, not a loan to the Church of Christ:

I have stated to the Brethren here that it was your wish to deal with me as an individual & not with the Church here as a Church & have acted accordingly. I expect to account to you for all money recieved & that you do not expect the church as a church here to account to you for the money advanced. This is my understanding of how you wished the buisness conducted and if I am mistaken pleas[e] inform me so I may act in harmony with your wishes in the matter.

If Hall's explanation did not placate Frisbey and Hedrick, it apparently satisfied most members of the Church of Christ congregation.²² Hall promised Cannon he would "endeavor to hold things to gather until the suit is decided."²³

The Church of Christ struggled with another issue at this time, specifically, its geographical boundaries. A few years earlier, the Hedrickites established a five-mile membership radius around the Temple Lot. Those who lived within the radius were considered members of the Independence Branch; those who lived outside the radius were considered “scattered” members. Scattered members could not vote or take part in Independence Branch meetings without special authorization.²⁴ I haven’t been able to determine the motivation behind the policy—perhaps it was an attempt to incentivize members to live near the Temple Lot. At any rate, according to Charles Hall, the church reconsidered the policy in July 1893. He initially reported that the policy had been revoked; ultimately the church decided to keep it in place. Even so, the Church of Christ liberalized its application, resulting in increased membership in the Independence Branch. Hall welcomed the modification as a repudiation of those Church of Christ members he characterized as “Narrow minded and bigoted.” For Hall, the policy change held profound implications for the doctrinal soundness of the Church of Christ. “[T]he final outcome of this is that the church must concede that it was wrong in one of the most important questions of doctrines on which the division started.” Now that the church admitted it was wrong on this important subject, Hall anticipated that truth-seeking Hedrickites would rightfully question their church’s stance on other issues:

[T]he next question that will natural[ly] follow is[:] in what other respect are we mistaken[?] [T]his will of neces[s]ity cause more investigate[o]n & I think everything will be clear to the honest & candid but the ~~pred~~ dishonest will do as has be[e]n done in the past[—]get a persecuting spirit[,] reject[,] and fight against the truth.²⁵

I'm not sure what doctrinal import Hall saw in the radius controversy. Did literal-minded Church of Christ members associate the five-mile radius with the "regions round about" spoken of in Joseph Smith's revelations?²⁶ Did Hall mean to suggest that the church had formerly propagated an erroneous interpretation of the doctrine of the gathering? Whatever he was alluding to, Hall sounded surprisingly critical of his own church.

In July, court reporter John M. Orr offered the Church of Christ another discount if they could pay part of their bill ahead of his December due-date. This time Charles A. Hall didn't wait around for an LDS loan from Utah to make it happen; instead, Church of Christ members raised the money themselves, shaving \$59 plus interest from Orr's bill, which decreased to \$500. The defendants had no other pressing case-related bills, but the Orr payment all but depleted their coffers. Therefore, on July 13th, Hall asked John M. Cannon to provide whatever funding he could towards the \$100-\$150 the defendants expected to pay for the printing of their abstract and other upcoming expenses.²⁷

Unbeknownst to Hall, his LDS benefactors were no longer in any financial situation to loan money—to him or to anyone else. On 4 May 1893, one of the nation's largest trusts, the National Cordage Company, went into receivership, precipitating the collapse the following day of the stock market. Banks weren't federally insured at the time, so panicky depositors, fearful of losing their savings, hastily withdrew deposits across the country, triggering a wave of bank failures and, in turn, railroad failures. By June, the effects of the Panic of 1893 rippled through the American economy. In the final six months of the year, approximately 360 banks and 8,000 businesses collapsed. Trying

to keep their businesses afloat, employers cut wages and workers. By winter, nearly one-fifth of the American workforce were out of work.²⁸ The trauma was particularly acute in the rural, cash-starved West. Of the 141 national banks that failed, 115 were located in the West, sixty-six of them in the coastal states and western territories.²⁹

The Panic of 1893 crippled the economies of Utah Territory and the LDS Church. Silver prices dropped, forcing the closure of several silver mines. Agricultural prices plummeted, and with it LDS tithing revenues. In 1890 the church collected \$878,394 in tithing; in 1893, \$576,584. The church was in considerable debt as well, the Woodruff Administration having spent \$1,000,000 to complete the Salt Lake Temple and \$1,000,000 on public works projects like the Saltair Railway Company and the Utah Sugar Company. At first it seemed Utah might avoid the worst of the crisis. But in the first week of June, depositors started running on the church's banking interests, Zion's Savings Bank and the State Bank of Utah. On June 3rd, Heber M. Wells, cashier of the State Bank of Utah, reported that the bank's cash/deposit ratio had fallen to an alarming twenty-two percent, down from sixty-five percent less than a year earlier. A few weeks later, a key creditor demanded loan repayments from the church's investment firm, Cannon, Grant & Company. A series of additional large withdrawals or loan repayments could sink any one of the companies, bringing down all three interlocking firms and effectively destroying the credit rating of the LDS Church. Normally the church would have had sufficient investments from which to obtain revenues, procure loans, and possibly weather the storm. But the 1887 Edmunds-Tucker Act disincorporated the church and seized all assets valued over \$50,000. With limited assets to fall back on, the

LDS Church didn't have sufficient collateral to obtain the loans it needed to survive the crisis. The church's financial point-man, Apostle Heber J. Grant, spent the summer of 1893 prostrating before New York City's captains of commerce, obtaining several short-term, high interest loans—\$5,000, \$20,000, \$50,000, \$150,000—but nothing sizeable and long-term enough to ensure the survival of the church's financial firms.³⁰

Conditions grew ever more desperate as the summer progressed. On July 1st alone, the State Bank of Utah lost seventy-five percent of its cash reserves, leaving it with just \$10,000 in the vault.³¹ The church failed that same day to cover its payroll expenses. The authorities of the church had to collect their salaries in tithing commodities.³² Later that month, LDS leaders drew up a list of 126 members from whom they could possibly borrow \$1,000.³³ Weeks later President Woodruff met with LDS stake presidents to see if the church could somehow procure more money from its members.³⁴ By August, the church banks neared collapse.³⁵ In this crushing fiscal environment, the legal bills of the Church of Christ became a luxury that Charles Hall's LDS benefactors could ill afford. Even John M. Cannon's cousin, Apostle Abraham H. Cannon, couldn't obtain a bank loan. And Apostle Cannon was a director of the State Bank of Utah!³⁶

As citizens of the United States struggled to make do in this terrifying economy, an iridescent, dream-like beacon of modern marvels and classical harmonies arose along the shores of Lake Michigan, giving much-needed hope (and some raucous entertainment) to millions. The rise of this "White City" in Chicago precipitated, quite unexpectedly, the most moving face-to-face encounters between the Temple Lot Case

antagonists of the entire suit, and possibly of an entire generation. Many of the critical figures in the Temple Lot Case took part in these unlikely interactions, including Charles Hall, Richard Hill, and George Frisbey of the Church of Christ; Joseph Smith III, W. W. Blair, and Edmund L. Kelley of the Reorganized Church; and Wilford Woodruff, George Q. Cannon, B. H. Roberts, and Andrew Jenson of the LDS Church. I will detail their encounters in considerable detail, for they tell us much not only about the relationships of the suit's protagonists, but also about the shifting identities of the Temple Lot Case churches, the LDS Church particularly, vis-à-vis one another and American society.

The precipitant for these encounters was the Chicago World's Fair, the "Columbian Exposition" commemorating the 400th anniversary of Columbus' voyage. On 24 February 1890, the House of Representatives awarded Chicago the rights to the fair. In the months and years that followed, Daniel H. Burnham, Frederick Law Olmstead, and other premier architects frantically supervised the construction of a breathtaking classically-themed city on 630 acres of swampy Jackson Park. Dedicated in October 1892 but opened to the public for six months between May 1st and October 30th 1893, the World's Fair was the cultural event of the Gilded Age. Even as the nation plummeted into economic depression, twenty-seven million people visited the Exposition, equivalent to over forty percent of the United States population. The greatest discoveries and products of the era were introduced at the World's Fair: electric light, the telephone, the phonograph, the Ferris wheel, Cracker Jack, Cream of Wheat, and Aunt Jemima syrup.³⁷ To celebrate human cultural advancement, moreover, the Exposition played host to 224 conferences on subjects ranging from agriculture to women's rights.

The most prominent of these congresses was the ecumenical World's Parliament of Religions, held over seventeen days from 11-27 September 1893. Under the leadership of Charles C. Bonney and John Henry Barrows, the Parliament of Religions hosted speakers from around the world, scores of presentations on the major world religions, and adjunct sessions on virtually every religious topic imaginable.³⁸

The leadership of the LDS Church, however, showed little interest in the World's Fair. In an editorial published in July 1891, B. H. Roberts, whom we met earlier as the premier LDS apologist on the succession question, urged the church to send delegates to the Parliament of Religions; regardless of whether they were formally admitted, he argued, the church should set up an information booth on the fairgrounds, rent out a hall for public lectures and worship meetings, and publish a periodical targeted to fair attendees.³⁹ An LDS committee considered the matter in 1892, but to Roberts's disappointment, "the general feeling prevailed that the matter was unimportant, and therefore no preliminary steps were taken looking to the representation of the Church, either in the exposition in the World's Columbian Exhibition proper or in the Parliament of Religions."⁴⁰ The church was only now just beginning to develop a real interest in public relations.⁴¹ It was not lost on the First Presidency, moreover, that the Parliament of Religions never sent the LDS Church an invitation.⁴² Besides, the church already had enough on its agenda, what with the Salt Lake Temple dedication scheduled for April 1893, three weeks before the opening of the World's Fair.

Unlike the male church hierarchy, leading women of the LDS Church took great interest in the World's Fair. In 1892, Emily S. Richards, Relief Society board member

and founder of the Utah chapter of Susan B. Anthony's National Woman Suffrage Association, became president of Utah's delegation to the Board of Lady Managers of the Columbian Exposition.⁴³ That October, Richards and her fellow delegates went to Chicago to attend the dedication of the (still unfinished and unopened) Columbian Exposition.⁴⁴ At the local level, Emmeline B. Wells, longtime editor of the *LDS Woman's Exponent*, became president of Salt Lake County's World's Fair Association.⁴⁵ Convening a mass meeting in the Salt Lake Theatre on 3 November 1892, Wells, Richards, and their colleagues urged the women of Utah to get involved in World's Fair planning.⁴⁶ Wells, in fact, used her organ as a bully pulpit for the Exposition. From the fall of 1892 to the fall of 1893, barely an issue of the *Woman's Exponent* went by without some comment on the World's Fair. Based on column space alone, one would think Wells considered the World's Fair of greater moment than the dedication of the Salt Lake Temple. The message got across, for women throughout Utah Territory joined World's Fair clubs or contributed to the event through their local Relief Societies.⁴⁷

Why did LDS women take such interest in the World's Fair? Regional pride, for one. Utah was contending for statehood, and it could not afford to make a poor impression at the Exposition. "Every woman should make an effort to do something in this direction that Utah may not be behind any other state of equal size and population," Emmeline Wells admonished.⁴⁸ Cultural identity was another factor. Nearly three years after the Manifesto, the Exposition gave Mormon women an opportunity to recast their image, to seek common ground with non-Mormon women without the stumbling block of polygamy getting in the way.⁴⁹ The Exposition also gave women much to do. The

interior of the Women's Building had to be furnished, the myriad exhibits of the Utah Building erected. "The Columbian Exposition has given to women everywhere wider opportunities," the *Exponent* commented.⁵⁰ Beyond that, though, the World's Fair gave Mormon women—and all American women—a historic opportunity to showcase the progress they had made in previous decades. The very first congress of the Exposition was to be the World's Congress of Representative Women, held in Chicago's Memorial Art Institute from 15-22 May 1893. In similar spirit to the Parliament of Religions, the Women's Congress would bring women together from around the world, providing a status report on their conditions and possibilities.⁵¹ The potential of the Women's Congress—indeed, the entire Exposition—thrilled Emily Richards:

At no time in the history of the world has such an opportunity been offered woman to display her skill in the arts and industries; her proficiency in the professions, in skilled and unskilled labor, and her art in the management of home and its domestic industries, as will be afforded at the great Columbian Exposition at Chicago in 1893.⁵²

"The advantages it will give to women all over the world cannot be too highly estimated," Wells seconded.⁵³ She anticipated that "the Columbian Exposition will do more to bring about the enfranchisement of women than all other causes put together."⁵⁴ In sum, the leading women of the LDS Church considered the World's Fair a source of empowerment, something the priesthood leadership of the church did not appreciate in equal measure, at least not initially.

In the months leading up to the Exposition's grand opening in May 1893, Latter-day Saint women, acting oftentimes in conjunction with their non-Mormon counterparts, tried to make the most of the opportunities presented by the World's Fair. They donated,

vetted, transported, and assembled myriad cultural, geological, and agricultural artifacts for the displays of the Utah Building.⁵⁵ They furnished the silk portieres adorning the entrance of the Women's Building.⁵⁶ They collected statistics on the financial, educational, and political status of Utah women for the use of the World's Congress of Representative Women.⁵⁷ They held fundraisers to defray costs.⁵⁸ All the while, the *Woman's Exponent* kept them abreast of what women in other regions were doing for the Exposition.⁵⁹ In Utah, Emmeline B. Wells groaned, "things have really been put off until the eleventh hour."⁶⁰ But the women of Utah accomplished much in that eleventh hour.

Given the lines of authority and expertise in the LDS Church, the involvement of Mormon women in the World's Fair eventually got the male leadership of the church involved as well. At the request of the Utah Board of Lady Managers for the Columbian Exposition, historian Andrew Jenson, friend to Charles A. Hall and the Hedrickites, prepared a remarkably-detailed overview of the LDS Church for the *World's Fair Ecclesiastical History of Utah*, a compilation published preparatory to the Exposition's opening by George Q. Cannon and Sons.⁶¹ Meanwhile, Emily S. Richards was selected to speak on the status of Mormon women at the Women's Auxiliary of the Parliament of Religion in September. In response, the First Presidency asked B. H. Roberts to prepare the text of the speech. Roberts started working on the text in late May, concluding in early June.⁶² Otherwise, however, church leaders seemed content to keep their involvement in the Exposition to a minimum.

In its first months of operation, attendance at the World's Fair was lower than expected. It certainly didn't help that the Panic of 1893 started in May.⁶³ Undaunted, a

good number of Utah women attended the World Congress of Representative Women, including Dr. Martha Hughes Cannon, plural wife of Angus M. Cannon, and Carlie Y. Cannon, Carroll Cannon, and Emily S. Richards.⁶⁴ Travelling separately perhaps, a party of twenty-three Mormons, including Chris Cannon, brother of John M. Cannon, made it to Chicago.⁶⁵ The Women's Congress turned out to be all that Emmeline B. Wells had anticipated; her *Woman's Exponent* characterized it as "the most wonderful gathering of women that the world has ever seen."⁶⁶ For Mormon visitors, the highlight of the Congress took place on May 19th in Hall #7 of the Memorial Art Institute, wherein the LDS Relief Society and Young Women's Mutual Improvement Association held public meetings reviewing the history and accomplishments of Mormon women. Among the speakers, Martha Hughes Cannon addressed the Relief Society meeting, while Emily S. Richards addressed the YWMIA meeting.⁶⁷ The conference sessions received favorable reviews from non-Mormon audience members and newspapers. It made at least one non-Mormon suffragist look upon Mormon women in a new sisterly light, the exact sort of reception that Wells, Richards, and their colleagues had hoped for.⁶⁸

At least one of the Mormon travelling parties visited the Temple Lot en route to Chicago and scooped up some of its sacred soil.⁶⁹ At the time, Charles A. Hall lived five miles outside of Independence, so he didn't learn about the visitors until they had left. To prevent another missed opportunity, Hall urged John M. Cannon on June 10th to stop in Independence should he attend the World's Fair "as I would like to talk over the is[s]ues with you." Warming to the prospect, Hall extended an open invitation on behalf the Church of Christ to all of Cannon's and Hall's LDS colleagues:

I would be glad to meet any of my friends that think of passing through here. if you could drop me a card notifying me when to expect you. & if any of the Elders pass through & will stay over sunday our little Church is open & we will try to make you all feel at home & that we have mutual interests in the land of Zion.⁷⁰

Hall couldn't have imagined how dramatically his wish would be fulfilled.

LDS participation in the World's Fair might have remained limited to the women's organization but for the supplication of a most unexpected source. In June 1893, representatives of the "Eisteddfod," the traditional Welsh music competition to be held for the first time outside of Wales at the World's Fair, visited the First Presidency in Salt Lake City and invited the Mormon Tabernacle Choir to enter the venerable contest.⁷¹ The invitation surprised everyone, but on deeper reflection it had a certain symmetry. The Welsh were renowned for their choral singing, and converts from Wales were instrumental in the formation of the Mormon Tabernacle Choir.⁷² Evan Stephens, the Tabernacle Choir's director, was himself a Welshman.⁷³ At the time, the costs involved in transporting the large choir to Chicago were potentially prohibitive.⁷⁴ But all Utahns, Mormon and non-Mormon alike, quickly recognized that the invitation to the World's Fair was a singular opportunity that could not be passed up. As one businessman remarked, "the [travel] fund ought to be raised by Mormon, Jew and Gentile alike, as the choir excursion would be the biggest boom to advertise Utah that the Territory had ever sent out."⁷⁵ Even the anti-Mormon *Salt Lake Tribune* intoned: "The Tabernacle choir is something in which every one in this region is interested, and when they go they will carry with them the hopes of everybody in this city that their performances in Chicago will result in a triumphal success."⁷⁶ The trip to the World's Fair could serve as nothing

less than a coming-out event for the LDS Church and the Territory of Utah. The *Ogden Standard* voiced the regional consensus: “With it goes the faith of the people of Utah, irrespective of political or religious affiliations, all of whom would take great delight in the news that Utah had triumphed at the greatest musical contest in the history of the world.”⁷⁷ Like nothing else, the presence of Latter-day Saints at the World’s Fair, unimaginable three years earlier, would symbolize the movement of the LDS Church and the Territory of Utah towards the American mainstream.

The Mormon Tabernacle Choir practiced and performed throughout June, July, and August, honing their craft and raising travel funds for their August 31st departure. The announcement of the Mormons’ participation raised interest across the country.⁷⁸ A newspaper correspondent in Chicago offered these impressions of the growing sentiment regarding the Exposition’s official “Utah Day,” September 9th:

Utah day promises now to be one of the great events of the Exposition. The fact that the Tabernacle choir is to take part in the exercises has created a general interest in this particular day throughout the entire eastern portion of the country. The newspapers have frequently mentioned the fact that the choir is to be present and give a concert on that day, and as this musical society is so well known by reputation throughout the country, the result has been to awaken a general interest in Utah day.⁷⁹

The news that the Mormon Tabernacle Choir would perform in the final month of the Exposition made the current lack of LDS representation at the fairgrounds stand out all the more. As attendance at the Exposition picked up, the First Presidency and Salt Lake City newspapers were inundated with complaints that seemingly every denomination had a booth at the Exposition except the Mormons.⁸⁰ To help fill the lacuna, B. H. Roberts prepared a speech on LDS history and faith for the Parliament of Religions, which the

First Presidency approved in June.⁸¹ In early July, the Presidency sent a belated admission request to Charles C. Bonney, organizer of the Parliament of Religions.⁸² When ten days passed with no reply, the Presidency dispatched Roberts to Chicago.⁸³ Roberts had underscored the importance of the Parliament of Religions for two years; now he would finally get his chance to make it happen.

Like the LDS Church, the Reorganized Church apparently had not received a speaking invitation from the Parliament of Religions. Hoping for the best, the Reorganization appointed First Presidency counselor and Temple Lot Case deponent William W. Blair and Apostle Joseph Luff to represent the church in Chicago. Evidently Blair, much like the LDS First Presidency, petitioned John Henry Barrows, the Parliament chairman, for a speaker's slot. In response, Barrows informed Blair that the largest branch of the Mormon Restoration, the LDS Church, had not received an invitation either. So many "minor" sects sought recognition at the Congress, he added, that he did not think it appropriate to single out the Reorganization with an invitation. But Barrows's explanation left the RLDS First Presidency unsatisfied. It left them with the impression that Barrows, like many others before him, did not appreciate the differences between the LDS Church and the Reorganized Church. Perhaps Barrows, they thought, wrote the Reorganization off as some variant of the (formerly) polygamist Utahns. To ensure that wasn't the case, Blair wrote Barrows again, detailing how the Reorganization differed from the Utahns, particularly when it came to polygamy. The strategy quickly paid off: Barrows invited Blair to serve as a delegate to the Parliament of Religions. Whether he would get an opportunity to speak remained to be seen.⁸⁴

B. H. Roberts arrived in Chicago on July 25th and met with George R. Davis, Exposition general-director, requesting space for an LDS bureau of information. Davis regretfully informed Roberts that due to the lateness of the request, no space remained on the fairground for another exhibition. Roberts seemed to take Davis' practical explanation at face value, but his skepticism reawakened in a subsequent meeting with Charles C. Bonney. Bonney told Roberts he hadn't replied to the First Presidency letter because the managing committee of the Parliament remained divided on the matter. Most committee members, Bonney confided, believed that a Mormon presence at the religious congress, given their polygamous principles, would disrupt the proceedings. Not one to back down, Roberts protested that the LDS Church had halted the practice of polygamy; besides, he pointed out, the managing committee admitted "Oriental" religions that tolerated or even sanctioned polygamy. Conceding the points, Bonney asked Roberts to write out an argument for the Mormons' admission and an outline of his address should they receive admission. With these in hand, Bonney promised, he would raise the Mormon question again with the committee.⁸⁵

Roberts submitted the papers and waited for a reply. But no reply came. After ten days of futility, Roberts headed home to Salt Lake City, arriving approximately the second week of August. The third week of the month came, and then the fourth week. Still no reply. Bonney's managing committee found it easier to deal with exotic religious bodies from the other side of the world than this exotic religious body in its own backyard. As September approached, Roberts and his colleagues in the church leadership had abandoned all hope of addressing the Parliament of Religions.⁸⁶

Meanwhile, Utah's political and economic elite made the most of the Tabernacle Choir invitation. Mayor Robert N. Baskin (an otherwise indefatigable critic of the LDS Church), the Chamber of Commerce, and the Business Men's Association of Salt Lake City contacted their counterparts in Denver, St. Louis, Omaha, and, of all places, Kansas City, Missouri, arranging for the Tabernacle Choir to perform concerts en route.⁸⁷ The significance of the inclusion of Kansas City on the itinerary could not be overstated. The Utah Mormons had encountered many enemies in their history, but none had ever left so deep a scar as that of the Missourians in Jackson County and the adjacent counties to the north. In the Brighamite universe of the nineteenth-century, northwestern Missouri had some of the same symbolic resonance as "Babylon" in post-exilic Judaism. Missouri epitomized all the evils, hatreds, and Christian hypocrisies the Mormons had ever encountered. Latter-day Saints believed they would resettle in Missouri someday, but given their history in the state, only divine intervention seemed capable of pulling it off. Now the Mormons were going to perform a pair of concerts in Jackson County! Maybe the millennial hopes of the Salt Lake Temple dedication were on the mark after all.

Appreciating the historical significance of the Tabernacle trip, on August 21st LDS Church Historian Franklin D. Richards asked Assistant Church Historian Andrew Jenson to postpone an impending research trip to southern Utah and accompany the choir to the World's Fair, conducting historical research en route in Iowa and Missouri. Jenson consented but, three days later, questioned whether he shouldn't receive a First Presidency letter of appointment and ceremonial setting apart as he had for his previous research mission to Missouri in 1888. Jenson also asked permission to make a second

attempt to track down the first extant manuscript history of Mormonism, written by church historian-turned-apostate John Whitmer in the 1830s. Apostle Richards fulfilled part of Jenson's request by setting him apart with the blessing "that I should obtain the desired information and in meeting with leading men of this nation or other nations at the world's fair I should be blessed with wisdom and intelligence to converse with them in a proper and consistant [sic] manner."⁸⁸

From the earliest June conjectures to the last August announcements, the itinerary for the Mormon Tabernacle Choir concert tour included Kansas City, Missouri, and St. Louis, Missouri. As far as I can tell, the possibility of visiting Independence, Missouri didn't enter the discussion. Yet shortly before the scheduled departure date apparently, word spread that the Mormons hoped to visit Independence as well.⁸⁹ The possibility, of course, hinged on the residents of Independence—would they welcome or resist a Mormon visit? As it turned out, the Utahns need not have wondered. Independence had changed dramatically since the Mormon expulsion, particularly since the Civil War. Xenophobic mob violence no longer characterized the local culture. To a critical mass of modern Independence residents, the 1833 Mormon expulsion seemed like an embarrassing relic of a distant past, even more so given that the Mormons of Utah had abandoned their most obnoxious practices and made peace with the world. Civic leaders of Independence were anxious to remove, or at least alleviate, the shameful stain of the expulsion on their hometown reputation. What better way to do so than to honor the Mormon Tabernacle Choir as it made its way to the Chicago World's Fair?

And so it was that Joseph W. Mercer, mayor of Independence, formed a welcoming committee of fifty prominent Independence residents for the nascent Tabernacle Choir visit. From among this committee, five individuals were selected to coordinate the logistics of the event with the Utahns—attorney William Flournoy, descendant of the Flournoy family from whom Edward Partridge purchased the Temple Tract; John A. Robinson, presiding elder of the RLDS Independence Branch; H. H. Noland, clerk of the Jackson County Circuit Court; and two members of the city council. Unfortunately, the Choir’s tight travelling schedule prevented it from scheduling a concert in Independence; nonetheless, the Utahns were able to schedule a brief visit to Independence coinciding with their stay in Kansas City on Friday, September 1st.⁹⁰

While preparations were taking place in Independence, Andrew Jenson departed for Kansas City on the Union Pacific Railroad on the evening of September 28th.⁹¹ The following day, a boisterous crowd of three thousand gathered at the Union Pacific Depot in Salt Lake City to see off the LDS First Presidency, 250 of the Mormon Tabernacle Choir’s best singers, and assorted guests, dignitaries, and family members as they departed on their historic journey to the Columbian Exposition in Chicago.⁹² In all the caravan included around 420 individuals.⁹³ The *Kansas City Times* rightly observed that this was “the most distinguished company of Mormons that ever left the Rocky mountains.”⁹⁴ The Utahns travelled in grand style, as railroad interests recognized that the Tabernacle trip, coming on the heels of the Temple dedication, would attract tourists to Utah and points west. The exclusive train comprised of a day coach, a luggage car, and the eight largest Pullman sleeping cars to venture west of the Missouri. The cars

were all new, some having never been used before. The First Presidency travelled in the rear in “Pickwick,” one of George Pullman’s private sleeping cars. With bay windows, a kitchen, a dining room, a rear observation deck, a central parlor room, and an interior finish of walnut and mahogany, Pickwick was one of the most exquisite cars of the time. On both sides of the train hung banners declaring: “Mormon Tabernacle Choir,” “Two Hundred and Fifty Voices,” “En Route to Chicago to Sing at the Fair.” As the *Ogden Standard* observed, “This is the most magnificent train ever sent out of Utah.” Choir members wore badges adorned with images of the Salt Lake Temple and Tabernacle.⁹⁵

But this was as much a regional event as an LDS event. The entire intermountain West, it seemed, now looked upon the Tabernacle Choir as *their* choir. At train stops in Ogden, Utah and Evanston and Rock Springs, Wyoming, local residents regaled the Choir with song and praise. Citizens lined the train route to cheer on their regional representatives.⁹⁶ The *Kansas City Star* rightly assessed: “The coming of this representative party, stopping at Kansas City on their way to the World’s Fair, is the signal of the reabsorption of a long isolated community into the general fellowship of the world.”⁹⁷ On the second day of the journey, August 30th, the Tabernacle Choir performed a wildly-successful concert to a standing-room audience at Denver’s Trinity Church. Local interest was such that an estimated 500 people had to be turned away at the doors. The Choir netted \$1,220 in profits to help defray their travel expenses.⁹⁸

Travelling alone, Andrew Jenson arrived in Kansas City on the evening of the 30th and proceeded due east of Independence to the home of Charles A. Hall.⁹⁹ The two men had much to talk about—their discoveries in Mormon history, the impending visit of

the Tabernacle train, and of course the Temple Lot Case. Hall told Jenson of the defendants' financial struggles and of the rebellion brewing within the Church of Christ against Hall's reliance on LDS assistance. As Hall told John M. Cannon six weeks later, "I requested Bro Jenson to call on you and explane the situation here as he could tell you better than I could write just how I was situated and the difficulties I am laboring under."¹⁰⁰ Perhaps Hall and Jenson also spent some time reviewing the defendants' abstract Hall intended to submit to the court the next day.

On 31 August 1893, acting on behalf of the Church of Christ, Charles A. Hall filed John Southern's and James Broadhead's "Respondents' Abstract of Pleadings and Evidence" at the Eighth Federal Circuit Court in Kansas City.¹⁰¹ The contrasts between this document and the Reorganization's *Complainant's Abstract* were marked. The *Complainant's Abstract* feigned comprehensiveness, whereas the respondents' abstract employed a targeted approach. The *Complainant's Abstract* was a hefty 507 pages, whereas the respondents' abstract totaled just 111 pages. The *Complainant's Abstract* condensed every deposition of the case in a (seemingly) impartial manner, whereas the respondents' abstract grouped evidence together in support of specific arguments. The *Complainant's Abstract* had a subtle and easily-overlooked editorial hand, whereas the editorial hands of the respondents' abstract were unmistakable. The *Complainant's Abstract* was marketed to a mass audience and enjoyed longtime use among students of Mormon history, whereas the respondent's abstract quickly faded into obscurity.

The respondents' abstract opened with a brief section on the pleadings in the case. The defendants didn't reproduce the plaintiff's Amended Complaint and defendants' Amended Answer. Instead, the respondents' abstract simply referred readers to the texts of those documents as conveniently reproduced in the *Complainant's Abstract*. Not only did this strategy reduce printing costs for the defendants, but it also allowed them to follow up with an exacting list of the many instances in which the *Complainant's Abstract* distorted the text of the defendants' Amended Answer. Some of the changes were inconsequential, but as I noted earlier in this chapter, the *Complainant's Abstract* dropped several passages outright or substituted the more palatable language of the defendants' original Answer. As the respondents' abstract charged, "five consecutive paragraphs of the answer are wholly omitted from complainant's alleged copy." All together, the opening section of the respondents' abstract presented a convincing and fairly damning indictment of the plaintiff. Reading through the evidence presented here, one could only conclude that the editors of the *Complainant's Abstract* willfully distorted the text of the defendants' Amended Answer.¹⁰²

Aside from this brief opening section on the pleadings, the respondents' abstract consisted essentially of six sections of evidence rebutting the arguments of the plaintiff's Complaint. The first section countered the plaintiff's Temple Lot claim by reproducing the Church of Christ's chain-of-title and demonstrating that trustee-in-trust Richard Hill held the property in trust for the Church of Christ.¹⁰³ The brief second section quoted Joseph Smith III, W. W. Blair, Mary Page Eaton, Alma Owen, and Jason W. Briggs to counter the plaintiff's allegations that Granville Hedrick belonged to the Reorganized

Church before 1860 and that the Church of Christ broke away from the Reorganization.¹⁰⁴ The third and lengthiest section featured tax receipts and testimonies of Alma Owen, Richard Hill, Thomas Maxwell, P. H. Grinter, William R. Wilson, and John H. Taylor to demonstrate that the sixty-three-acre Temple Tract had been occupied, improved, and subdivided since the antebellum era and that the Church of Christ had held transparent and continuous possession of the Temple Lot for over twenty years now.¹⁰⁵ The fourth section cited Wilford Woodruff, Melissa Lott Willes, Emily Dow Partridge, Lucy Walker Kimball, Mercy Rachel Thompson, Jason W. Briggs, and even Joseph Smith III, James Whitehead, and William Smith to the effect that the LDS Church retained the name, doctrines, practices, procedures, records, and membership of the Nauvoo church.¹⁰⁶ The brief fifth section enlisted W. W. Blair, Joseph Smith III, and Henry A. Stebbins to prove that the Reorganized Church emerged from the factional milieu of the 1850s and differed from Joseph Smith's church in name, canon, records, revelations, practices, procedures, and membership.¹⁰⁷ The sixth and final section employed Joseph Smith III, Henry A. Stebbins, and Edmund L. Kelley to make the case that the alleged incorporation of the Reorganized Church in Iowa could not empower it to own church property in Missouri.¹⁰⁸

For the most part the respondents' abstract served its function well. The targeted approach to specific issues gave the document a sense of purpose difficult to find in the bulky and subtly-partisan *Complainant's Abstract*. The respondents' abstract confronted the main issues in the case head on and identified key pieces of salient evidence. Some sections were particularly strong. The tax receipts and chain-of-title presented a powerful

case for the Church of Christ's claim to and continuous possession of the Temple Lot. Jason W. Briggs and other witnesses clearly indicated that Granville Hedrick never belonged to the Reorganized Church. The text also benefitted from a nimble selection of quotations. The defendants quoted the compressed testimony of the *Complainant's Abstract* when it suited their purposes; otherwise they used John M. Orr's unabridged transcripts. Nonetheless, in some ways the respondents' abstract came up short. The section on incorporation failed to prove its point as it lacked relevant legal citations to the incorporation of religious bodies and property ownership in Missouri. The sections on LDS and RLDS doctrine were, like the *Complainant's Abstract*, guilty of the charge that they highlighted beneficial testimony but omitted contrary testimony. Surprisingly, moreover, the respondents' abstract said nothing about the Reorganization's vulnerable Partridge-Cowdery deed. Finally, the respondents' abstract lacked the graceful presentation of the *Complainant's Abstract*. Section-breaks were not always clearly demarcated; transitions between quoted sources were sometimes difficult to find. The *Complainant's Abstract* may have looked more forbidding in terms of bulkiness, but the interior of the text was much friendlier than the respondent's abstract.

Whatever its merits, few people paid attention at the time to the defendants' abstract. All eyes, it seemed, were focused on the drama surrounding the Mormon Tabernacle Choir visit to Jackson County and the World's Fair.

Endnotes

¹ Edmund L. Kelley to George Edmunds, 19 May 1893, typescript, P13, f429, Community of Christ Archives, Independence; Charles A. Hall to John M. Cannon, 27 May and 10 June 1893, LDS Archives, Salt Lake City.

² *In the Circuit Court of the United States, Western District of Missouri, Western Division, at Kansas City. The Reorganized Church of Jesus Christ of Latter Day Saints, Complainant, vs. The Church of Christ at Independence, Missouri; Richard Hill, Trustee; Richard Hill, Mrs. E. Hill, C. A. Hall, President; Mrs. C. A. Hall, George Frisbie, Mrs. E. Frisbie, Miss Nannie Frisbie, Daniel Bauder, and G. D. Cole, as members of and doing business under the name of the Church of Christ at Independence, Missouri, Respondents: Complainant's Abstract of Pleading and Evidence* (Lamoni: Herald Publishing House and Bindery, 1893), hereafter cited as *CA*.

³ "Temple Lot Evidence," *SH* 40 (10 June 1893), 372. Joseph Smith III distributed copies to certain individuals and libraries. See Joseph Smith III to E. R. Lewis, 26 September 1893, JSIII Letterbook #1a; Joseph Smith III to George Edmunds, 28 November 1893, P13, f442; Joseph Smith III to George Edmunds, 7 and 13 March 1894, in JSIII Letterbook #5. All in CofC Archives.

⁴ William Waterman to editors, 7 September 1893, in *SH* 40 (30 September 1893), 620-621. Joseph Smith III noticed the reaction among friends and family: "The evidence in the Temple Suit is making a sensation in our farm at Carthage." See Joseph Smith III to Bertha M. Smith, 20 July 1893, P13, f433, CofC Archives.

⁵ For a sampling, see *HRC*, 1 (1896): 335-338, 660-663; 3 (1900): 196-198, 211-212, 349-351, 644-645, 739-741; 5 (1969): 70, 228, 236-240; Rudolph Etzenhouser, *The Books and Utah Mormonism in Contrast* rev. ed. (Independence: Ensign Publishing House, 1897), 3, 5-6, 11-13, 48-49; J. W. Wright, *The Legal Successor in the Presidency of the Church* (Independence: Ensign Publishing House, 1898), 3-4, 12-18; Amante Luce, *Utah Mormons Repudiate Joseph Smith The Prophet* (Independence: Ensign Publishing House, 1902), 22-24; Joseph Smith III, *Plural Marriage in America* (N. p.: n. d. [c.1903]), 1-6; Joseph Smith III, *Plural Marriage in America: A Critical Examination* (Lamoni: Herald Publishing House, 1903), 5, 20-25, 29-35; William H. Kelley, *A Defense of Monogamic Marriage* (Independence: N. p., 1904), 38; Willard J. Smith, *Joseph Smith; Who Was He? Did He Teach Or Practice Polygamy?* (Lamoni: Herald Publishing House, 1904), 63-63, 70-71, 76-77, 107-116, 137-140; R. C. Evans to Joseph Fielding Smith, 1 March 1905, in Joseph Fielding Smith and Richard C. Evans, *Blood Atonement and the Origin of Plural Marriage* (Salt Lake City: Deseret News, 1905), 39; Amante Luce, *Distinguishing Doctrines of the Utah Mormon Church Examined: Eternity of the Marriage Covenant* (Lamoni: Board of Publication of the Reorganized Church of Jesus Christ of Latter Day Saints, 1908), 8-9; Heman C. Smith, *The Truth Defended or A Reply to Elder D. H. Bay's Doctrines and Dogmas of Mormonism* 4th ed. (Lamoni: Reorganized Church of Jesus Christ of Latter Day Saints, 1908), 169, 173; Heman C. Smith, *True Succession in Church Presidency of the Church of Jesus Christ of Latter Day Saints: Being a Reply to Elder B. H. Roberts on "Succession in the Presidency of the Church"* 4th ed. (Lamoni: Reorganized Church of Jesus Christ of Latter Day Saints, 1912), 47-48, 182-184, 199-201; J. F. Curtis, *Our Beliefs Defended* (Independence: Herald Publishing House, 1928), 110-111, 113-115, 121-122, 132; *The President of the Church: The Law of Succession* (N. p., n. d.), 6-7; *Joseph Smith in His Own Defense* (Lamoni: Herald Publishing House, n. d.), 20-21, 25, 38; Elbert A. Smith, *The Church in Court* (Lamoni: Herald Publishing House, n. d.), 7-12; Heman C. Smith, *Duplicity Exposed: A Review of the Tracts Entitled "Corner Stones of the Reorganization," and "Reorganization Weighed"* (Lamoni: Herald Publishing House, n. d.), 5-8, 13-14; Elbert A. Smith, *Differences That Persist Between the Reorganized Church of Jesus Christ of Latter Day Saints and the Utah Mormon Church* (Independence: Herald House, 1943), 20-21, 42-45; Russell F. Ralston, *Fundamental Differences Between the Reorganized Church and the Church in Utah* 2d ed. (Independence: Herald Publishing House, 1963), 29, 38-41, 68, 112, 202-205, 281-282, 308-309, 317; Aleah G. Koury, *The Truth and the Evidence: A Comparison Between Doctrines of the Reorganized Church of Jesus Christ of Latter Day Saints and the Church of Jesus Christ of Latter-day Saints* (Independence: Herald Publishing House, 1965), 29, 78-81, 89, 92, 108-110. For RLDS appeals to the Temple Lot Case without specific references to the *Complainant's Abstract*, see Rudolph Etzenhouser, *The Whole Gospel Briefly Set Forth* (Lamoni: Board of Publication of the Reorganized Church of Jesus Christ of Latter Day Saints), 1908), 25-26; J. D. Stead, *Doctrines and Dogmas of Brighamism Exposed* (Lamoni: Reorganized Church of Jesus Christ of Latter Day Saints, 1911), 224-225, 261-262, 271-273; Alan S. Frater, *Latter Day Succession Through Joseph Smith or Brigham Young?* (West Preston, Australia: by the

author, n. d.), 1-2, 8-9; Roderick May, *The Reorganized Church of Jesus Christ of Latter Day Saints versus the Utah Mormons, self-styled Latter Day Saints* (London: N. p., n. d.), 4.

⁶ For some of the LDS uses of the *Complainant's Abstract*, see B. H. Roberts, *Succession in the Presidency of the Church of Jesus Christ of Latter-Day Saints* 2d ed. (Salt Lake City: George Q. Cannon & Sons, 1900), 57-58, 65, 103-105; Joseph Fielding Smith, *The "Reorganized" Church vs. Salvation for the Dead* (Salt Lake City: Deseret News, 1905), 12; Joseph Fielding Smith and Richard C. Evans, *Blood Atonement and the Origin of Plural Marriage* (Salt Lake City: Deseret News, 1905), 58, 63-64, 111; Joseph Fielding Smith, *Origin of the "Reorganized" Church and the Question of Succession* (Salt Lake City: Deseret News, 1909), 21, 79-82; P. J. Sanders, *A Key to Succession in the Presidency of the Church and A Complete Ready Reference for the Missionary* (Murray, UT: Sanders Book Company, 1909), 106, 176; O. A. Murdock, *Succession of Joseph III: Is Joseph III the True Successor of Joseph the Prophet in the Office of President of the Church of Jesus Christ of Latter-day Saints[?]* (Salt Lake City: Deseret News, 1913), passim; Paul E. Reimann, *The Reorganized Church in the Light of Court Decisions* (Salt Lake City: Harper Brothers, 1942), 29, 31-35, 38-39, 44, 46-56, 58-61, 66, 69, 76-77; Arch S. Reynolds, *The Josephites By a Utah Mormon* (Springville, UT: by the author, 1951), 15-17, 45, 49-50; Paul E. Reimann, *The Reorganized Church and the Civil Courts* (Salt Lake City: Utah Printing Company, 1961), passim.

⁷ The Church of Christ subsequently published their own version of the Temple Lot Case testimony in serial installments of their monthly newspaper, *The Searchlight*, from May 1896 through the end of 1897. Unfortunately, the *Searchlight* did not use or apparently did not have access to a copy of the original depositions as recorded by court examiner John M. Orr. A preliminary comparison of the original 1892 transcripts, the 1893 RLDS *Abstract*, and the 1896-97 *Searchlight* indicates to me that the version found in the *Searchlight* is a condensed version of the RLDS *Abstract*. For other Hedrickite uses of the *Complainant's Abstract*, see *The Searchlight* 1 (2 March 1896), 5; 3 (December 1898), 277; 3 (January 1899), 285-286; John R. Haldeman, *Origin of Polygamy Among Latter Day Saints* (Independence: Church of Christ Publishing House, 1904), 7-11, 18-19, 39, 42-43, 46-47.

⁸ For a Strangite citing of the *Complainant's Abstract*, see Wingfield Watson, *Prophetic Controversy No. 4. Mr. Strang Proved To Have Been Always An Honorable Man. The Theory That The Prophetic Office Goes By Lineal Right, And The Doctrine That Lesser Officers In The Priesthood Can Ordain To The Greater, Utterly Exploded* (Burlington, Wis.: N. p., 1897), 36-37. Allusions to the *Abstract* may possibly be found in Wingfield Watson, *An Open Letter to B. H. Roberts* (Burlington, Wis.: N. p., 1894), 4; Lorenzo Dow Hickey, *Who Was The Successor of Joseph Smith?* (Monte Vista, Co., 1896?), 4; and Lorenzo Dow Hickey, *A Summing Up. Letter of Joseph Smith* (N. p., 189-), 2.

⁹ For some of the anti-Mormon uses of the *Complainant's Abstract*, see Charles A. Shook, *The True Origin of Mormon Polygamy* (Cincinnati: Standard Publishing Company, 1914), 78-79, 96, 146-147, 150, 161, 198-199; William Earl LaRue, *The Foundations of Mormonism: A Study of the Fundamental Facts in the History and Doctrines of the Mormons from Original Sources* (New York and Chicago: Fleming H. Revell Company, 1919), 46, 96-97, 105-106, 227; R. C. Evans, *Forty Years in the Mormon Church: Why I Left It!* (Toronto: by the author, 1920), 75-76, 131; Jerald and Sandra Tanner, *Joseph Smith and Polygamy* (Salt Lake City: Modern Microfilm Company, 1966), 4, 8, 23, 25, 27, 29, 35-36, 47, 97.

¹⁰ For some of the scholarly uses of the *Abstract*, see Danel W. Bachman, "A Study of the Mormon Practice of Plural Marriage Before the Death of Joseph Smith" (M. A. thesis: Purdue University, 1975), 208, 226; D. Michael Quinn, "The Mormon Hierarchy, 1832-1932: An American Elite" (Ph.D. dissertation: Yale University, 1976), 57; Paul M. Edwards, "William B. Smith: The Persistent 'Pretender,'" *Dialogue* 18 (Summer 1985), 130; Richard S. Van Wagoner, "Mormon Polyandry in Nauvoo," *Dialogue* 18 (Fall 1985), 83; Richard S. Van Wagoner, Steven C. Walker, and Allen D. Roberts, "The 'Lectures on Faith': A Case Study in Decanonization," *Dialogue* 20 (Fall 1987), 74; Richard S. Van Wagoner, *Mormon Polygamy: A History* 2d. ed. (Salt Lake City: Signature Book, 1989), 14-15n8, 26n5, 48n3, 62n11; Roger D. Launius, *Joseph Smith III: Pragmatic Prophet* (Urbana and Chicago: University of Illinois Press, 1988), 27n35; B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage* (Urbana: University of Illinois Press, 1992), 25-26n41, 29n64, 30n68, 70n62, 125n155, 159n75, 381n19, 381n21; David John

Buerger, *The Mysteries of Godliness: A History of Mormon Temple Worship* (Salt Lake City: Smith Research Associates, 1994), 134, 218.

¹¹ Charles A. Hall to John M. Cannon, 10 June 1893, LDS Archives.

¹² Compare CA, 21, with pages 16-18 of *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Amended Answer*, 7 December 1891, Civil #1720, National Archives, Midwestern Division, Kansas City.

¹³ Compare CA, 12, with page 2 of *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Amended Answer*, 7 December 1891, National Archives.

¹⁴ Compare TLC-R, 3:93 (Q17), 3:97 (Q94); 3:105-107 (Q227-261) with CA, 313-316.

¹⁵ Compare TLC-R, 3:215-221 (Q813-939) with CA, 340-341.

¹⁶ To be fair, the *Abstract* faithfully condenses some of the minor depositions of the Temple Lot Case. Compare, for example, the Isaac N. Rogers deposition, 9 February 1892, TLC-C, 2:362-363, and CA, 173; the Thomas Halley deposition, 9 February 1892, TLC-C, 2:367-368, and CA, 175; and the Emily Dow Partridge deposition, 14 March 1892, TLC-C, 2:369-373, and CA, 176-179.

¹⁷ Some scholars have alternated between the *Abstract* and the original transcripts. See Lawrence Foster, *Religion and Sexuality: The Shakers, the Mormons, and the Oneida Community* (Urbana: University of Illinois Press, 1984), 308n93, 317n156, 323n16 (*Abstract*) / 308n93, 309-310n103-104, 310n109 (original depositions); D. Michael Quinn, "Joseph Smith III's Blessing and the Mormons of Utah," *JWJ* 1 (1981), 15, 25-27 (*Abstract*) / 15, 25n14 (original depositions); Van Hale, "The King Follett Discourse: Textual History and Criticism," *Sunstone* 8 (September 1983), 7; Charles Millard Turner, "Joseph Smith III and the Mormons of Utah" (Ph.D. dissertation: Graduate Theological Union, 1985), 518-519n38, 519n41, 519n44, 520n49, 520n51-52, 609n185, 609n187, 609n189, 610n196-197, 610-611n199-205, 611n213-214, 612n216-221 (*Abstract*) / 606-607n156, 607n159, 610n196, 611n205-212 (original depositions); *MH*, 1:433n220, 435n229, 436n233-234, 437n242-243, 438n244, 441n281, 517 (*Abstract*) / 1:436n233-234 (original depositions); Todd Compton, *Sacred Loneliness*, 633, 653-654, 700-703, 733, 738, 740-741, 764-766 (*Abstract*) / 637, 654, 675, 701, 730, 732-733, 739-741, 743, 764-765 (original depositions).

Some scholars have bypassed the *Abstract* entirely and relied exclusively upon the original transcripts. See Andrew F. Ehat, "Joseph Smith's Introduction of Temple Ordinances and the 1844 Mormon Succession Question" (M. A. thesis: Brigham Young University, 1982), 108, 140; Linda King Newell and Valeen Tippetts Avery, *Mormon Enigma: Emma Hale Smith* 2d ed. (Urbana: University of Illinois Press, 1994), 311, 322n1, 325n41, 330n8, 331n35, 333n53-54, 334n60-61, 335n75, 339n29, 341n21-22; Irene M. Bates and E. Gary Smith, *Lost Legacy: The Mormon Office of Presiding Patriarch* (Urbana: University of Illinois Press, 1996), 96n4, 241; Gary James Bergera, "Identifying the Earliest Mormon Polygamists, 1841-1844," *Dialogue* 38 (Fall 2005), 16-17, 19n48, 27, 34-35, 35-36n87; *JSQA*, 33, 45-46, 63; George D. Smith, *Nauvoo Polygamy:... "but we called it celestial marriage"* (Salt Lake City: Signature Books, 2008), 57, 62, 88, 175-178, 179, 182-184, 191, 193-195, 215-216, 235, 338, 386, 467, 679; David L. Clark, *Joseph Bates Noble: Polygamy and the Temple Lot Case* (Salt Lake City: University of Utah Press, 2009), *passim*.

¹⁸ One exception is James E. Elliot, "The Editing of the Temple Lot Case Transcript," unpublished manuscript, c. 1978, copy in my possession.

¹⁹ Charles A. Hall to John M. Cannon, 2 May 1893, LDS Archives.

²⁰ Charles A. Hall to John M. Cannon, 10 June 1893, LDS Archives.

²¹ Charles A. Hall diary, June-August 1893, and Charles A. Hall to John M. Cannon, 13 July 1893, LDS Archives. That Hall did not work alone on the defendants' abstract is indicated by his use of the pronoun "we" in the letter above and the fact that he frequently travelled to Independence to work on the manuscript, Independence being the location of both John Southern's office and the Church of Christ.

The printer started typesetting the completed pages of the unfinished respondents' abstract in mid-July. See Charles A. Hall to John M. Cannon, 22 October 1893, LDS Archives.

²² Charles A. Hall to John M. Cannon, 2 July 1893, LDS Archives.

²³ Charles A. Hall to John M. Cannon, 13 July 1893, LDS Archives.

²⁴ Richard Hill deposition, 11 July 1892, TLC-R, 3:761-762 (Q416-445).

- ²⁵ Charles A. Hall to John M. Cannon, 2 and 13 July 1893, LDS Archives.
- ²⁶ See, most notably, the Joseph Smith revelation, 22 June 1834, in *MRB*, 374-379/610-617, *D&C* (LDS) 105, *D&C* (RLDS) 102.
- ²⁷ Charles A. Hall to John M. Cannon, 13 July 1893, LDS Archives.
- ²⁸ My numbers here come from Nell Irvin Painter, *Standing at Armageddon: The United States, 1877-1919* (New York: W. W. Norton & Company, 1987), 116. For more detailed analyses of the subject, see Charles Hoffmann, *The Depression of the Nineties: An Economic History* (Westport, CT: Greenwood Press, 1970); Douglas Steeples and David O. Whitten, *Democracy in Desperation: The Depression of 1893* (Westport, CT: Greenwood Press, 1998).
- ²⁹ Ronald W. Walker, "Crisis in Zion: Heber J. Grant and the Panic of 1893," *BYU Studies* 43/1 (2004), 116.
- ³⁰ *Idem*, 116-132.
- ³¹ *Idem*, 128.
- ³² *Idem*, 130.
- ³³ Wilford Woodruff journal, 20 July 1893, in *WWJ*, 9:254. Walker, "Crisis in Zion," 130-131, says that the plan was never implemented.
- ³⁴ Wilford Woodruff journal, 12 August 1893, in *WWJ*, 9:257.
- ³⁵ Wilford Woodruff journal, 2 and 9 August 1893, in *WWJ*, 9:256.
- ³⁶ Walker, "Crisis in Zion," 126.
- ³⁷ For a few of the many works on the Chicago World's Fair, see Norman Bolotin and Christine Laing, *The World's Columbian Exposition: The Chicago World's Fair of 1893* (Champaign: University of Illinois Press, 2002); Chaim M. Rosenberg, *America at the Fair: Chicago's 1893 World's Columbian Exposition* (San Francisco: Arcadia Press, 2008); Erik Larson, *The Devil in the White City: Murder, Magic, and Madness at the Fair that Changed America* (New York: Crown Publishers, 2003).
- ³⁸ John Henry Barrows, ed., *The World's Parliament of Religions: An Illustrated and Popular Story of the World's First Parliament of Religions, Held in Chicago in Connection with the Columbian Exposition of 1893* 2 vols. (N. p.: The Parliament Publishing Company, 1893); Richard Hughes Seager, *The World's Parliament of Religion: The East/West Encounter, Chicago 1893* Religion in North America Series (Bloomington: Indiana University Press, 1995); Richard Hughes Seager, ed., *The Dawn of Religious Pluralism: Voices from the World's Parliament of Religions, 1893* (La Salle, IL: Open Court Publishing Company, 1993).
- ³⁹ Davis Bitton, "B. H. Roberts at the World Parliament of Religion, 1893 Chicago," *Sunstone* 7 (January/February 1982), 48.
- ⁴⁰ B. H. Roberts, "The Church of Jesus Christ of Latter-day Saints at the Parliament of Religions," *Improvement Era* 2 (July 1899), available online without pagination at <http://gospelink.com/library/document/55354>; Bitton, "B. H. Roberts," 48.
- ⁴¹ Thomas G. Alexander, *Mormonism in Transition: A History of the Latter-day Saints, 1890-1930* (Urbana: University of Illinois Press, 1986), 240.
- ⁴² Wilford Woodruff, George Q. Cannon, and Joseph F. Smith to Charles C. Bonney, [July] 1893, in Roberts, "Parliament of Religions" (July 1899); Bitton, "B. H. Roberts," 50-51.
- ⁴³ "Editorial Notes," *WE* 22 (1-15 July 1893), 188-189. Richards represented a new generation of Mormon women insofar as her husband, church attorney Franklin S. Richards, did not take a second wife. Her monogamist status enabled her to forge ties with non-Mormon women even before the Woodruff Manifesto ending plural marriage.
- ⁴⁴ "Editorial Notes," *WE* 21 (15 October 1892), 60. For a description of the dedication ceremony, see "Columbus Day in Chicago," *WE* 21 (1 November 1892), 68.
- ⁴⁵ "World's Fair Work," and May Preston to Emmeline B. Wells, undated, in *WE* 21 (1 October 1892), 52. Cf. "Bylaws of the Salt Lake County World's Fair Association," *WE* 21 (1 November 1892), 69.
- ⁴⁶ "Mass Meeting of Women," *WE* 21 (1 November 1892), 68; "World's Fair Mass Meeting," *WE* 21 (15 November 1892), 74.

⁴⁷ “Bylaws of the Salt Lake County World’s Fair Association,” and “W. S. A. Report,” *WE* 21 (1 November 1892), 69 and 71, respectively; “World’s Fair Mass Meeting,” *WE* 21 (15 November 1892), 74; “Women and the World’s Fair,” *WE* 21 (1 December 1892), 84; “R. S. Reports,” *WE* 21 (15 February 1893), 126-127; “Editorial Notes,” *WE* 21 (15 April-1 May 1893), 156.

⁴⁸ “Mass Meeting of Women,” *WE* 21 (1 November 1892), 68. For similar sentiments, see “World’s Fair Mass Meeting,” *WE* 21 (15 November 1892), 74; “Editorial Notes,” *WE* 21 (15 March 1893), 141.

⁴⁹ See, for example, “Editorial Notes,” *WE* 21 (15 April-1 May 1893), 156; “The Woman’s Exponent,” *WE* 22 (1-15 July 1893), 188.

Even though the women of Utah Territory were the first women in the nation to obtain the franchise (in 1869, but revoked by the Edmunds-Tucker Act in 1887), the practice of polygamy had divided Mormon and non-Mormon women. Female activists who otherwise might have partnered with their LDS counterparts organized relief missions to rescue LDS women from Mormonism. Polygamy’s demise in 1890 removed that intractable barrier, and by 1893 alliances between Mormon and non-Mormon women were expanding considerably on such issues as suffrage, education, and public welfare. See Jill Mulvay Derr, Janath Russell Cannon, and Maureen Ursenbach Beecher, *Women of Covenant: The Story of Relief Society* (Salt Lake City: Deseret Book Company, 1992), 139-140.

⁵⁰ “Hail the Glad New Year,” *WE* 21 (1 January 1893), 100. For similar remarks, see “World’s Fair Mass Meeting,” *WE* 21 (15 November 1892), 74.

⁵¹ “Editorial Notes” and Rachel Foster Avery, “World’s Congress of Women,” *WE* 21 (15 March 1893), 141 and 142-143, respectively.

⁵² “World’s Fair Mass Meeting,” *WE* 21 (15 November 1892), 74. For a similar sentiment, see C.C.R. Wells, “The Closing of the Year 1892,” *WE* 21 (1 February 1893), 115.

⁵³ “Women and the World’s Fair,” *WE* 21 (1 December 1892), 84. Greater exposure to the peoples and customs of the world, Wells argued, would tend to educate, refine, and unify women.

⁵⁴ “Cleveland vs. Harrison,” *WE* 21 (15 November 1892), 76. One dispatch unapologetically noted that the Women’s Congress of Representative Women would include a Sunday worship service conducted entirely by female ordained ministers. See Rachel Foster Avery, “World’s Congress of Women,” *WE* 21 (15 March 1893), 143.

⁵⁵ “Woman’s Part in the Exposition,” *WE* 21 (15 January 1893), 108; “Loan Exhibit,” *WE* 21 (1 February 1893), 117; “R. S. Reports,” *WE* 21 (15 February 1893), 126-127; “Editorial Notes,” *WE* 21 (15 March 1893), 141; Camelia, “The Utah Room,” *WE* 21 (1 April 1893), 148-149.

⁵⁶ “World’s Fair Mass Meeting,” *WE* 21 (15 November 1892), 74; “World’s Fair and Silk Industry,” *WE* 21 (15 December 1892), 93; “Woman’s Part in the Exposition,” *WE* 21 (15 January 1893), 108; “Editorial Notes,” *WE* 21 (15 March 1893), 141; “The Silk Industry,” *WE* 21 (1 April 1893), 148; “Editorial Notes,” *WE* 21 (15 April-1 May 1893), 156; “Silk Culture,” *WE* 21 (1 June 1893), 171; “Editorial Notes,” 22 (1-15 July 1893), 188.

⁵⁷ Susan G. Cooke to the State Board and Committees, 1 February 1893, in “Historical and Heroic Deeds of Women,” *WE* 21 (15 February 1893), 123; “Woman’s Part in the Exposition,” and “Work for the World’s Fair,” *WE* 21 (15 January 1893), 108 and 109, respectively.

⁵⁸ “World’s Fair and Silk Industry,” *WE* 21 (15 December 1892), 93; “Editorial Notes,” *WE* 21 (15 January 1893), 108; “Acknowledgement,” *WE* 21 (15 February 1893), 122; “Editorial Notes,” *WE* 21 (15 April-1 May 1893), 156.

⁵⁹ “Woman’s Part in the Exposition,” and “Work for the World’s Fair,” *WE* 21 (15 January 1893), 108 and 109, respectively; “Liberty Bell, 1893,” *WE* 21 (15 February 1893), 124; Rachel Foster Avery, “Woman Suffrage at the World’s Fair,” and “English Women,” *WE* 21 (1 April 1893), 147; untitled column and “Notes and News,” *WE* 21 (15 April-1 May 1893), 158 and 159, respectively.

⁶⁰ “Women and the World’s Fair,” *WE* 21 (1 December 1892), 84. For a similar remark, see “Woman’s Part in the Exposition,” *WE* 21 (15 January 1893), 108.

⁶¹ Andrew Jensen, “An Epitome of the History of the Church of Jesus Christ of Latter-day Saints,” in *World’s Fair Ecclesiastical History of Utah* (Salt Lake City: George Q. Cannon and Sons, 1893). Sarah

M. Kimball wrote the forward to the compilation on 1 March 1893, which may indicate the approximate publication date of the book.

⁶² B. H. Roberts diary, 29, 31 May, 2, 5-7, 9, 10, 12, 21 June 1893, in John Sillito, ed., *History's Apprentice: The Diaries of B. H. Roberts, 1880-1898* Significant Mormon Diaries Series (Salt Lake City: Signature Books in association with Smith Research Associates, 2004), 300-305, 307. In some of the latter entries, it's difficult to determine if Roberts is speaking of the Richards paper or his own proposed paper to the Parliament of Religions.

⁶³ Larson, *Devil in the White City*, 239-242, 255, 274-277, 280, 282.

⁶⁴ "World's Congress of Women," *WE* 21 (1 June 1893), 172.

⁶⁵ "Visited the Temple Lot," *SLT*, 25 May 1893, 2.

⁶⁶ "World's Congress of Women," *WE* 21 (1 June 1893), 172.

⁶⁷ "Editorial Notes" and Rachel Foster Avery, "World's Congress of Women," *WE* 21 (15 March 1893), 141 and 142-143, respectively; "Editorial Notes," *WE* 21 (1 April 1893), 148; *Chicago Daily Inter-Ocean*, 20 May 1893, *Chicago Daily Tribune*, 20 May 1893, and *Ashtabula News Journal*, 23 May 1893, reprinted respectively as "Woman's Relief Society," "Utah Women in Chicago," and "The World's Fair," in *WE* 21 (15 June 1893), 178, 179, 177-178.

⁶⁸ *Ashtabula News Journal*, 23 May 1893, reprinted in "The World's Fair," *WE* 21 (15 June 1893), 177-178.

⁶⁹ "Visited the Temple Lot," *SLT*, 25 May 1893, 2.

⁷⁰ Charles A. Hall to John M. Cannon, 27 May 1893, LDS Archives.

⁷¹ "To the World's Fair," *OS*, 7 June 1893, 1; "Choir Arrangement," *Deseret Weekly*, 17 June 1893, 829-830. On the Welsh sponsorship of the Eisteddfod, see "The International Eisteddfod at the World's Fair," *SLT*, 6 August 1893, 7; "Eisteddfod at Chicago," *Deseret Weekly*, 9 September 1893, 380; "Cymro" to editor, 1 September 1893, in "A Welshman's Protest," *Deseret Weekly*, 16 September 1893, 416; Evan Stephans to editor, 25 September 1893, in "The Famous Singing Contest," *Deseret Weekly*, 30 September 1893, 467-468.

⁷² "1893; First Choir Out-of-State Tour; Singers Compete at Chicago Fair, Have Concerts in 4 Cities," [LDS] *Church News*, 4 September 1893.

⁷³ "Salt Lake Tabernacle Choir," *WE* 22 (15 September 1893), 37.

⁷⁴ "Salt Lake Tabernacle Choir," *WE* 22 (15 September 1893), 36.

⁷⁵ "Choir Arrangement," *Deseret Weekly*, 17 June 1893, 830.

⁷⁶ Editorial page, *SLT*, 8 July 1893, 4. For other expressions of regional support, see "To the World's Fair," *OS*, 7 June 1893, 1; "Real Estate Exchange," *SLT*, 15 June 1893, 6; "It Was A Great Day At Saltair," *SLT*, 29 July 1893, 2; "Tabernacle Choir Rehearsal," *SLT*, 25 August 1893, 8; "Tabernacle Choir Concert," *SLT*, 27 August 1893, 7; "Tabernacle Choir Concert," *SLT*, 28 August 1893, 4; "The Tabernacle Choir's Trip," *SLT*, 29 August 1893, 8; "The Tabernacle Choir Departs," *SLT*, 30 August 1893, 5; "The Great Choir Leaves Utah," *OS*, 31 August 1893, 4; "Timothy at the Fair," *Deseret Weekly*, 22 July 1893, 146-147; "The Twenty-Fourth," *Deseret Weekly*, 29 July 1893, 176; "Off For Chicago" and "Notes," *Deseret Weekly*, 2 September 1893, 342.

⁷⁷ "The Great Choir Leaves Utah," *OS*, 31 August 1893, 4.

⁷⁸ "Mormons to Go to the Fair," *New York Times*, 24 August 1893, 5; "At The Fair," *Los Angeles Times*, 27 August 1893, 2.

⁷⁹ "Timothy at the Fair," 1 August 1893, in *Deseret Weekly*, 12 August 1893, 256. See also "Timothy at the Fair," 12 August 1893, in *Deseret Weekly*, 26 August 1893, 307; "The Choir in Chicago," *SLT*, 4 September 1893, 1. To coincide with Utah's annual "Pioneer Day" celebration, Utah Day was originally scheduled to take place on July 24th. But perhaps because of the addition of the Mormon Tabernacle Choir to the schedule in early June, Utah Day was pushed back to September 9th, possibly to give the Choir sufficient preparation time. See "Utah's Day Changed," *Deseret Weekly*, 24 June 1893, 10.

⁸⁰ Roberts, "Parliament of Religions" (July 1899); Bitton, "B. H. Roberts," 48. For travelers like the Chris Cannon party that visited the Temple Lot en route to the World's Fair in May, the official

Mormon presence at the Columbian Exposition would have been conspicuous by its absence. See “Visited the Temple Lot,” *SLT*, 25 May 1893, 2; Charles A. Hall to John M. Cannon, 27 May 1893, LDS Archives.

⁸¹ B. H. Roberts diary, 9, 10, 12 June 1893, in Sillito, *History’s Apprentice*, 303, 305.

⁸² Wilford Woodruff, George Q. Cannon, and Joseph F. Smith to Charles C. Bonney, [July] 1893, in Roberts, “Parliament of Religions” (July 1899).

⁸³ Roberts, “Parliament of Religions” (July 1899); Bitton, “B. H. Roberts,” 48.

⁸⁴ I’ve distilled this sequence of events from “Is It Fear?,” *SH* 40 (7 October 1893), 630.

⁸⁵ Roberts, “Parliament of Religions” (July 1899); Bitton, “B. H. Roberts,” 48.

⁸⁶ Roberts, “Parliament of Religions” (July 1899); Bitton, “B. H. Roberts,” 48.

⁸⁷ “Brigham Young’s Choir,” *KCT*, 1 August 1893, 5; “Off For Chicago,” *Deseret Weekly*, 2 September 1893, 342; “The Tabernacle Choir,” *SLT*, 19 August 1893, 5; “Tabernacle Choir’s Itinerary,” *SLT*, 22 August 1893, 8; “The Tabernacle Choir’s Trip,” *SLT*, 29 August 1893, 8; “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581. The Choir was to perform in Omaha during the return-trip.

⁸⁸ Andrew Jenson journal, 21-24, 26 August 1893, LDS Archives; Andrew Jenson, *Autobiography of Andrew Jenson, Assistant Historian of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Deseret News Press, 1938), 207.

⁸⁹ That the impetus for the visit came from Utah rather than Independence I’ve gleaned from “A Change,” *ZE* 4 (9 September 1893), 1, and “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581.

⁹⁰ “Independence,” *ZE* 4 (2 September 1893), 4; “A Change,” *ZE* 4 (9 September 1893), 1; “The Choir at Independence,” *OS*, 2 September 1893, 1. Charles A. Hall addressed a letter to Wilford Woodruff on 25 August 1893, perhaps in regard to Woodruff’s impending visit. See the Charles A. Hall diary, 25 August 1893, LDS Archives.

⁹¹ Andrew Jenson to editor, 29 August 1893, in “Salt Lake to Denver,” *Deseret Weekly*, 9 September 1893, 379; Jenson, *Autobiography*, 207.

⁹² Wilford Woodruff journal, 29 August 1893, in *WWJ*, 9:259; “The Tabernacle Choir,” *SLT*, 19 August 1893, 5; “Tabernacle Choir’s Itinerary,” *SLT*, 22 August 1893, 8; “Tabernacle Choir Concert,” *SLT*, 27 August 1893, 7; Milo Zip, “The Chicago Trip,” *OS*, 29 August 1893, 1; “The Tabernacle Choir Departs,” *SLT*, 30 August 1893, 5; “The Great Choir Leaves Utah,” *OS*, 31 August 1893, 4; “Telegraphic Brevities,” *New York Times*, 31 August 1893, 1; “Mormon Concerts To-Morrow,” *KCS*, 31 August 1893, 3; *KCT*, 1 September 1893. One year earlier, the choir’s conductor counted some 550 individuals on his membership roll. See Evan Stephans, “The Tabernacle Choir,” 17 October 1892, in *Deseret Weekly*, 22 October 1892, 561. The Eisteddfod’s main competition only permitted 250 singers per contestant, however, so Stephans had to leave many Choir members at home.

⁹³ For various counts, see “Telegraphic Brevities,” *New York Times*, 31 August 1893, 1; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388; “The Choir in Missouri,” *SLT*, 2 September 1893, 1.

⁹⁴ *KCT*, 1 September 1893.

⁹⁵ “The Tabernacle Choir Departs,” *SLT*, 30 August 1893, 5; “The Great Choir Leaves Utah,” *OS*, 31 August 1893, 4; *KCT*, 1 September 1893; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “Off For Chicago,” *Deseret Weekly*, 2 September 1893, 342. Wilford Woodruff thought the Pickwick car “superb.” See the Wilford Woodruff journal, 28 August and 7 September 1893, in *WWJ*, 9:258, 260.

⁹⁶ “P” to editor, 30 August 1893, in *Deseret Weekly*, 16 September 1893, 386.

⁹⁷ Untitled editorial, *KCS*, 31 August 1893, 4.

⁹⁸ “P” to editor, 30 August 1893, in *Deseret Weekly*, 16 September 1893, 386; “The Choir at Denver,” *SLT*, 31 August 1893, 1; “Tabernacle Choir in Denver,” *OS*, 1 September 1893, 1; Wilford Woodruff journal, 30 August 1893, in *WWJ*, 9:259.

⁹⁹ Andrew Jenson journal, 30 August 1893, and Charles A. Hall diary, 30 August 1893, both in LDS Archives; Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388; Jenson, *Autobiography*, 207.

¹⁰⁰ Charles A. Hall to John M. Cannon, 10 October 1893, LDS Archives.

¹⁰¹ Charles A. Hall diary, 31 August 1893, LDS Archives. In the following section I've relied upon the published version of the text as found in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ: Respondents' Abstract of Pleadings and Evidence* (Kansas City: Sidney F. Woody Printing Co., 1894), 1-111.

¹⁰² *Idem*, 3-5.

¹⁰³ *Idem*, 5-33.

¹⁰⁴ *Idem*, 33-38.

¹⁰⁵ *Idem*, 39-81.

¹⁰⁶ *Idem*, 82-95.

¹⁰⁷ *Idem*, 95-100.

¹⁰⁸ *Idem*, 100-107.

Chapter Twenty-Six
Reevaluating Identity at the World's Fair
August-September 1893

Following breakfast at the Hall home on 31 August 1893, Andrew Jenson was introduced to Mayor Joseph Mercer and the Independence welcoming committee, who were busily preparing for the Latter-day Saints.¹ Jenson could not have helped but been impressed with the preparations. Mercer and his colleagues had beautified Independence and posted notices of the Tabernacle Choir's visit around town. Private citizens had donated their carriages to transport the LDS visitors. The Reorganized Church had proffered the use of the Stone Church to Mayor Mercer.² And the Church of Christ had set up a temporary seating platform on the south side of the Temple Lot.³

At some point in the day, Andrew Jenson and Charles A. Hall alike ventured to Kansas City. Hall submitted the respondents' abstract to the Eighth Federal Circuit courthouse before returning to Independence to continue preparations for the Tabernacle train.⁴ Jenson spent the day in the Kansas City Public Library before repairing to the Union Depot to await the 5:00 p.m. arrival of the Tabernacle train.⁵ Jenson waited quite a while, as the Tabernacle train was running over five hours late. Finally, nearing 11:00 at night, the Utahns steamed into town.⁶ Despite the late hour, excitement filled the cars. Many of the Utahns had never been to Jackson County before. Eagerly, they stood on the platforms of the train or peered out the windows for a view. Bishop Orson F. Whitney spoke for many when he told an awaiting reporter: "You can not imagine the indescribable [sic] thrill which passed through me as our train just now slowed up and the conductor told me that we were upon Jackson county soil."⁷ The train settled for the

night in the Missouri Pacific train yard.⁸ Absent the shaking and rattling of a moving train, the excursionists caught some much-needed sleep. But many, undoubtedly, must have found it difficult to rest with such a momentous day ahead.⁹ Jenson spoke with the First Presidency and other leading brethren past midnight, going over the arrangements for the following morning's visit to Independence. Then Jenson walked out into the night and found lodging for fifty cents at the Le Grande House on 9th Street.¹⁰

The following morning, September 1st, the principals of the Independence welcoming committee took an early train to the Missouri Pacific Railroad Depot in Kansas City.¹¹ Andrew Jenson went to the depot as well, intending, he wrote, to meet up in Independence with "my friends [Charles] Hall and [Richard] Hill." Jenson was surprised to find Hall and Hill at the Kansas City depot themselves, presumably in the company of the welcoming committee. The trio walked down to the Missouri Pacific rail yards and met with the LDS First Presidency.¹² Hall was disappointed to find only one member of the Cannon family, George Q. Cannon, had made the trip; he had expected Angus M. Cannon and other relatives of John M. Cannon to come along as well.¹³

At 9:00 a.m. the train returned to the Kansas City depot, where the general manager of the Union Pacific Railroad introduced the Independence welcoming committee to Bishop Hiram Clawson of the LDS Church. Clawson, in turn, introduced the committee to the LDS First Presidency.¹⁴ Introductions exchanged, the committee escorted the train along the Missouri Pacific line to Independence, "the land," one traveler wrote, "of our fond pilgrimage."¹⁵ "The ride, though brief," reported the *Kansas City Star*, "was of great interest to the party from Utah." Some travelers sang, some

listened to a reading of the Scriptures, and some shared tales of Joseph Smith's exploits in Missouri.¹⁶ What an astonishing turn of events—sixty years earlier, in November 1833, the citizens of Independence expelled the Mormons from the county; now in September 1893, Independence leaders were welcoming Latter-day Saints into town.

Zion's Ensign, the local organ of the Reorganized Church, described the lively scene in Independence on the morning of September 1st:

As the time approached when the train was expected citizens of our city could be seen wending their way toward the Temple Lot, from every direction in carriages, on bicycles [sic] and on foot, and of every denomination, rank and color (in the city,) all anxious to see and hear, until it is estimated that between two and three thousand were assembled.

Arriving in Independence around 9:30 a.m., the Mormons found one thousand people awaiting their arrival at the Missouri Pacific Station, located on the southwestern corner of the original sixty-three acre Temple Tract.¹⁷ The welcoming committee introduced the LDS leadership to Mayor Mercer, who graciously invited Wilford Woodruff to share his carriage. Woodruff was charmed that Mercer, who lost an arm in the war, interlocked his remaining arm with his.¹⁸ A caravan estimated at some fifty to one hundred carriages transported the bulk of the visitors from the depot to the Temple Lot. A good many, however, preferred to walk under the shade trees lining the route.¹⁹ For one traveler, “the serious cast of all features gave a sure indication of the deep feelings that stirred the heart as we trod the land endeared by a thousand sacred ties to the children of Zion.”²⁰

At the Temple Lot a crowd of thousands awaited the visitors.²¹ It was a poignant moment. So many memories and hopes were evoked on that small plot of land: the presence over sixty years earlier of their lamented, martyred Prophet; the efforts of the

initial band of Mormons to build the New Jerusalem; the terrible violence that ensued; the blessed dream that one day Christ would enable His people to build His millennial home at that site. In a small way, this was the Mormon equivalent of Jews visiting the Western Wall in Jerusalem, contemplating the lost glories of the Temple.

For decades Wilford Woodruff had dreamed of coming to this spot. As a young man in 1834, he in company with dozens of other earnest, young Zion's Camp volunteers had walked over a thousand miles to help the Mormons reclaim their stolen lands in Jackson County. But popular hostility, governmental indifference, and a cholera outbreak prevented Zion's Camp from achieving its goals. The marchers never reached Jackson County, choosing instead to disband across the Missouri River in Clay County. Several months later, in January 1835, Woodruff passed through Jackson County en route to a southern states mission. But he and his missionary companion by no means felt welcome; the duo kept their Mormon identities secret lest they suffer repercussions.²² Over the next five decades, Woodruff embarked on many journeys for the church, travelling tens of thousands of miles. But never again did he set foot in Jackson County. Never did he enjoy the pleasure of entering the promised land in peace and safety—until now. Unimaginably, in his eighties, Woodruff at last stood upon the most eschatologically important site in his religion—with a welcoming party to boot. The contrast was not lost on the church president. He wrote in his journal:

I went through Jackson County with Harry Brown in 1834 [1835] on a Mission to the Southern States. At that time we had to keep secreted so the people would not know that we were in the County as our lives would be sacrafized if they knew that two Mormon Missionaries were in the County. Now the Mayor of the City of Independance Comes & greets us with the warmest reception. How Great the Contrast. We give God the praise.²³

It was well then, as the *Kansas City Star* observed, that “nothing was more conspicuous” during the visit of the Tabernacle travelers to Independence “than the reverence shown President Woodruff.”²⁴ He had earned his stripes.

At the Temple Lot, the LDS First Presidency and the leading men of Independence took their seats on the stand. The Mormon Tabernacle Choir sang “The Spirit of God Like a Fire is Burning,” a rousing Mormon tune written by W. W. Phelps in the 1830s, and concluded with a hosanna chorus. The applause was enthusiastic.²⁵

Andrew Jenson characterized the emotions of those present:

As the inspired words were repeated and the sweet voices of 250 singers rang through the air on this beautiful summer morning, the hearts of at least a majority of those present were touched as perhaps they had never been touched before; for the multitude was certainly listening to one of the beautiful songs of Zion in the land of Zion, where ere long a Temple of God will be erected.²⁶

The assembly then headed towards the RLDS Stone Church.²⁷ As they left the Temple Lot, the *Kansas City Star* observed, “scores picked up pebbles, tore off twigs from the trees and shrubs to carry away as sacred relics.”²⁸ Like fifth-century Christian pilgrims leaving the Holy Land with jars of dirt, the Saints wanted some tangible remembrance of the sacred site. Fortunately, there were just enough peaches on the fruit trees of the Temple Lot for the Church of Christ to distribute one per visitor.²⁹ So eager were the Utahns for such relics, one newspaper reported, they almost stripped the foliage bare.³⁰

Despite the Utahns’ obvious passion for the sacred site, George Q. Cannon reportedly told journalists during his visit that the LDS Church had no particular interest in the Temple Lot Case. “We expect to build a temple there sometime, but it will probably be many years until this is done.” He further explained that the LDS Church

expected to obtain the lot through purchase rather than through the courts. “We do not claim to have any shadow of title to the lot under the deed to Edward Partridge, and will not contest for possession in the courts.”³¹

At the Stone Church the guests were seated on the stand, the doors were opened, and approximately two thousand individuals crammed in. Hundreds had to remain outdoors. “Such a congregation,” the *Saints’ Herald* reported, “never before gathered there and may never again.”³² Local residents were fascinated to see flesh-and-blood Utah Mormons. “The strangers were interested in the edifice,” the *Star* remarked, “and the remainder of the audience in the strangers.”³³ Following an introduction by John A. Robinson, Mayor Mercer warmly welcomed the guests, eager to live down the violent and lawless reputation Independence acquired in decades past:

I am here as the representative of the citizens of Independence, Missouri, a broad open people, free from bigotry, generous, law-abiding, God-fearing and lovers of liberty, to extend to you in their behalf the right hand of fellowship and a hearty welcome to our limits. I hope the memory of this day, may be ever garnered in each of our hearts as an electric gem of one of the most happy events of our lives.³⁴

LDS leaders Wilford Woodruff and George Q. Cannon thanked their hosts for the warm welcome, Cannon remarking, in majestic understatement, that it was unexpected.³⁵ The Choir sang three hymns, but according to the *Ogden Standard* it was R. C. Easton’s solo of “O My Father,” an Eliza R. Snow hymn notable for its references to eternal marriage and Mother in Heaven, that received the most applause.³⁶ One traveler reported that “the effect on many hearts, softened by the memories that hover around that historic spot, was witnessed in the warm tears that welled unbidden to the eyes.”³⁷ The correspondent for the *Kansas City Star* ventured that the Stone Church, which he misconstrued as the

temple of the Temple Lot, “never before heard and probably will not hear for many years, such fervid and ringing melody as echoed within its walls this morning.”³⁸ Many audience-members expressed astonishment that such singing could come from the barely-civilized American West. *Zion’s Ensign* opined “that all who were present have a more exalted opinion of the west and its people than they previously had.”³⁹

Unfortunately, the visitors’ tight train schedule meant the gathering had to come to a quick end. Railroad schedules forced the Utah delegation to return to Kansas City before they even had a chance to tour Independence, much to everyone’s regret.⁴⁰ Thus after two short hours at best, the LDS visit to Independence came to an end.⁴¹ But while brief in length, the power of the encounter could not have been overstated. One Latter-day Saint described the sentiments of the visitors:

[W]ith deep regret we returned to the cars, bringing with us some momento of the spot in leaf, stone or twig gathered from the sacred soil, but carrying in our hearts more lasting remembrance in the joy we had experienced in being permitted to visit the land dedicated to the building of the New Jerusalem.⁴²

For many present, the encounter raised eschatological dreams of a united people in Zion. When the Tabernacle Choir sang at long last upon the Temple Lot, Andrew Jenson discerned “the spirit of prophecy came upon many, whispering in unmistakable terms a promise that the time for the redemption of Zion is drawing nigh.”⁴³ The *Saints’ Herald* expressed hope that all factions might return to the teachings of the Scriptures and join together in building the temple on the Temple Lot.

May we not hope that such a preparation as God is thus making in the “hastening time” will, upon its discovery, stimulate all Israel, whether called Brighamite, Strangite, Whitmerite, Hedrickite, Josephite, Cutlerite, Rigdonite, or what not to arise and “shake off the coals from our garments,” and unitedly “seek unto the

Lord” that he may heal her wounds and deliver her from her distresses and bring her to the Zion of his presence and glory, an emancipated and united people?⁴⁴

More prosaically, the *Kansas City Star* rightly commented: “This has been a great day in the history of the Mormon church, and one of the most memorable in the history of the town of Independence.”⁴⁵

A few days later, after taking in local reaction to the event, Andrew Jenson offered this assessment for the *Deseret News*: “I am happy to say that the impression made by the excursion upon the people generally is very favorable. The people as a rule speak highly of the event, and newspapers gave fair accounts concerning it.”⁴⁶ A local newspaperman told Jenson “the old spirit of hatred toward the Mormons still existed in Jackson County.” But Jenson didn’t think local sentiments were as bad as the man indicated.⁴⁷ In these two hours, the Mormon/Missourian hostilities of the past revealed themselves to have more or less, well, passed. Jenson mused:

The difference in feelings existing toward the Saints now and that which led to the expulsion by mob violence in 1833 is very striking; and it would seem to indicate that the present inhabitants of Independence do not endorse the cruelties inflicted upon our people in this goodly land sixty years ago.

The clincher, for Jenson, was that two Kansas City newspapers, the *Star* and the *Times*, filed reports *favorable* to the Utahns using information gleaned from the Utahns themselves.⁴⁸ The Mormon experience in Missouri in 1893 could not have been more different than their experience in 1833. As the *Saints’ Herald* commented: “*Then* the authorities led and encouraged the movement which drove out the Saints; *now* the city is moved to tender a reception to them and make them feel that as citizens they are welcome.”⁴⁹ It was hard to believe this was the same county.

With the return of the Tabernacle travelling party to Kansas City, Andrew Jenson spent the rest of the day in the Kansas City Public Library.⁵⁰ Wilford Woodruff and his colleagues, on the other hand, passed the time with a little sightseeing. “We took a ride through Kansas City but found the City far inferior in many respects to Denver in respect to the private Residences.”⁵¹ Charles A. Hall, by contrast, conducted the funeral service of Edward Frisbey, one of the sons of George P. Frisbey. Hall joined Richard Hill to administer a blessing to Frisbey’s ailing daughter, Adelia. Later that afternoon and evening, the Mormon Tabernacle Choir performed two well-received concerts in Kansas City.⁵² Hall, Hill, and Jenson attended the final concert together. Jenson spent the night at the Hall home, undoubtedly conversing late into the night on the momentous events of the day and the defendants’ prospects in the Temple Lot Case.⁵³ The Tabernacle train departed Kansas City just before midnight bound for St. Louis.⁵⁴

The following morning, September 2nd, Hall and Jenson returned to Kansas City by oxen team, Jenson “enjoying the landscape very much as I journeyed along.” The pair split up and Jenson proceeded to Westport to interview old citizens about the persecution of the Mormons. Later, Hall reconnected with Jenson at the Kansas City Public Library and asked him to accompany him six miles into the country to the home of George P. Frisbey. Upon arrival, Hall, Jenson, and Frisbey jointly blessed the Frisbey child, Jenson acting as mouth. “I was led to rebuke the sickness by virtue of the Priesthood ‘I’ possessed,” Jenson reflected, “and the power of God was manifested; the next morning

the young girl was up and doing well.” Jenson spent the night with the Frisbeys.

Jenson’s journal revealed that he was ministering to souls as well as bodies:

Before retiring for the night I prayed to the Lord to give Mr. Frisb[e]y a testimony that the “Utah Church” as he called it was the church which the Lord acknowledges as his, and that the Elders who represent the same are men of God. We expect that some of the Hedrickite brethren will join the true Church soon, and I very much desired that Mr. Frisb[e]y should be one of them. But he is wavering.⁵⁵

Judging by Hall’s letters and Jenson’s journal, it would seem at the very least that Andrew Jenson and John M. Cannon anticipated that Charles Hall, perhaps Richard Hill, and possibly George Frisbey would soon join the LDS Church.

The next day, September 3rd, Andrew Jenson accompanied George P. Frisbey to the Temple Lot for the Sunday services of the Church of Christ. Jenson addressed the morning meeting and, as he reported to the *Desert News*, received “a kind and brotherly treatment.”⁵⁶ Afterwards, however, a member of the Hedrick family whom Jenson identified as the widow of Granville Hedrick himself refused to shake hands with the LDS elder. She tried to engage him verbally, but after her discourteous display, Jenson refused to speak with her. Jenson briefly addressed the afternoon meeting as well, wherein, he wrote, “some extraordinary scenes were enacted; one man jumped upon the stand like a mad man, excited in the extreme.”⁵⁷ Jenson had only read about such behavior in the historical records of the Kirtland church of the 1830s; charisma like this had long since been frowned upon within the LDS tradition.

In the evening, Andrew Jenson and Charles A. Hall attended a meeting of the RLDS Independence Branch in the Stone Church. To Jenson’s chagrin, presiding branch elder John A. Robinson, one of the members—ironically—of the Independence

welcoming committee, appealed to the recently published *Complainant's Abstract* and “insulted us in Utah by attacking polygamy in a most vehement manner.” It was Robinson, probably, who offended Jenson in private conversation by saying, “Your institution is all of the Devil.” As Hedrick’s and Robinson’s reactions indicated, the good will of the short-lived Tabernacle Choir visit two days earlier could not erase decades of sectarian animosity. Jenson commented on the contrasting receptions in Independence:

It is rather strange that the citizens of Independence who take no interest in the restoration of the Gospel should receive their Utah visitors with kindness and consistency, and that the so-called Reorganization, whose members at least share our belief in the divine mission of the prophet Joseph should be the ones to stir up hatred, misrepresent and malign.⁵⁸

In the evening, Jenson joined Hall for a prayer on the Temple Lot before the two retired to Hall’s home for the evening.⁵⁹

At some point in the day, Hall updated John M. Cannon on the defendants’ financial condition. The printing of the abstract, he noted, came to \$202.50, of which Hall paid \$60 up front, the rest to be due in ninety days or around the time the final bill for John M. Orr’s depositions came due. The defendants, he added, would also need approximately \$100 to pay for the printing of the defendants’ brief due for completion around November 1st. Unfortunately, Hall reported, the printing of the abstract had depleted the defendants’ current financial reserves. Hall thought the defendants could possibly raise another \$300 over the next three months, but this would leave them far short of the \$775.50 needed to cover the bills coming due by December:

John M. Orr’s depositions + interest	\$535.00
Printing of defendants’ abstract	\$142.50

Printing of defendants' argument

\$100.00

As a result, Hall asked Cannon once again for financial assistance. Hall included a copy of the defendants' abstract with the letter.⁶⁰

John A. Robinson's harsh words still stuck in Jenson's throat the next morning, so Jenson recorded some of his outrage in a long, detailed letter to the *Deseret News*.⁶¹ The historian then visited the Independence graveyard and scanned the scenery from the courthouse tower. He spent some time with Temple Lot Case deponent Robert Weston, longtime Independence resident. Then Charles Hall showed Jenson the ferry site where the Mormons fled across the Missouri River in 1833. Hall escorted Jenson to the train and the two men said their goodbyes.⁶² Jenson headed for Richmond, Missouri, arriving on Tuesday, September 5th. He paid his respects at the grave of the late David Whitmer, one of the Three Witnesses to *The Book of Mormon*. He visited Whitmer's son, David J. Whitmer, and George P. Schweich, and as he had hoped, "succeeded in getting sight of the old John Whitmer Church history." Jenson spent the day reading the document.⁶³ He returned to Kansas City and spent the 7th in the public library writing his observations for the *Deseret News* before boarding a train for Chicago that night.⁶⁴ Jenson remained in Chicago from September 8th through 24th, joining the Tabernacle Choir and sundry LDS and RLDS representatives at the World's Fair and Parliament of Religions.⁶⁵

The presence of LDS and RLDS representatives at the Parliament of Religions raised sometimes contentious questions about their place on the American and global

religious landscape. Were the sundry followers of Joseph Smith significant enough and acceptable enough to be admitted into the conversation on modern world religion?

On September 2nd, Rev. John Henry Barrows, pastor of Chicago's First Presbyterian Church and chairman of the Parliament of Religions, appointed RLDS First Presidency counselor W. W. Blair to the Parliament's Advisory Council on Religious Congresses. Barrows expressed hope that time would open up to allow Blair to speak briefly on the tenets of the Reorganized Church.⁶⁶ Blair's appointment to the Advisory Council was a nice honorific. As the *Saints' Herald* explained, the Advisory Council "is quite large; and the duties are more passive than active; but a place on it will give an opportunity to be heard, in case necessity should make a hearing imperative."⁶⁷

Approximately that same day in Salt Lake City, B. H. Roberts received a most unexpected letter from Charles C. Bonney, organizer of the Parliament of Religions. A month had passed since Bonney told Roberts he would ask the Parliament's managing committee to reconsider the admission request of the LDS Church. By now Roberts had abandoned all hope of speaking to the Congress. But Bonney informed Roberts that Chairman Barrows would accept Roberts' proposed paper "and will make such use of it as, under the circumstances, may seem wisest and best." In other words, Roberts could submit his paper to the Parliament, but he might not be allowed to read it in public before the assembled body.⁶⁸ Since the First Presidency had already left for Chicago, Roberts went to Lorenzo Snow, president of the Quorum of the Twelve, and asked what he should do. The scrappy octogenarian urged Roberts to go to Chicago. If Roberts sent his paper by mail, Snow warned, it would simply disappear in Barrows's files; if Roberts showed

up in person, however, it would be more difficult for Barrows to deny the Latter-day Saints their due. Roberts promptly embarked for Chicago.⁶⁹

The Tabernacle train stopped in St. Louis on September 2nd to perform another well-received concert before continuing on to Chicago and the World's Fair.⁷⁰ But the marvels of the Columbian Exposition offered the LDS First Presidency little reprieve from their financial worries. Wilford Woodruff and George Q. Cannon spent much of their first day discussing money matters with Apostle Heber J. Grant. Woodruff reported in his journal that "Brother Grant obtained some money [but] at a fearful per cent." From the H. B. Claflin Company of New York City, Grant "obtained a loan of \$250,000 for 2 years at 6 per cent and a bonus [payable to John Claflin] of \$50,000. This is to save the [LDS-owned] banks." Just to get the loan, in other words, the church would have to forfeit one-fifth of it on Claflin's commission. But church leaders had little choice but to hold their nose and accept the terrible terms. Cannon mused in his journal: "This is a frightful sacrifice—equal to 20 per cent per annum; but Brother Grant is willing to make desperate efforts to save the banks. Pay day is coming, however, and what then?" The banks were indeed saved, but tough times continued. "We find money needed upon Every hand to Pay debts," Woodruff fretted in late September.⁷¹

The men of the Mormon Tabernacle Choir placed third in the September 5th male choral competition behind two Welch choirs. George Q. Cannon, in attendance, confided in his journal that though the Utah men performed impressively enough to warrant honorable mention, "they showed lack of training as compared with these professional contesting choirs."⁷² In the main competition before 7,000 people on September 8th,

however, the Tabernacle Choir took the \$1000 second-place prize by just half a point behind the Choral Union, a Pennsylvanian-Welsh choir from Scranton.⁷³ Wilford Woodruff and George Q. Cannon, like many Utahns and more than a few non-Utahns in attendance, believed the Tabernacle Choir deserved first place. Woodruff wrote:

I think without Doubt that our Quire was the Best & should have had the first Prize But the Quire that took the first Prize was Welsh and the Welsh furnished the Money And it Could hardly be Expected that they would give it to a Mormon Quire Though one of the Judges said the Salt Lake Quire ought to have it.⁷⁴

Still, there were no hard feelings. Second place was a splendid showing. In the evening the representatives of Utah held a large reception in the Utah Building. “I Stood on my feet & Shook hands I think with several hundred persons from the various Nations of the Earth untill I was tiered out,” Woodruff recorded.⁷⁵ Like nothing else, the talent and success of the Tabernacle Choir made people give the Latter-day Saints—and the supposedly uncultured American West—a second look. “[Even] Stephens and his melodious associates have borne aloft and with distinguished success the banner of the musical culture in the Rocky Mountains, and have evoked an all-conquering enthusiasm over two thousand miles of territory,” the *Deseret News* commented.⁷⁶ Upon returning home, George Q. Cannon offered this assessment: “It has often been remarked since the choir left here that their visit would be productive of greater good than almost any number of missionaries. I am prepared to believe this statement.”⁷⁷

That same day, September 8th, B. H. Roberts arrived in Chicago and delivered his paper in person to John Henry Barrows, chairman of the Parliament of Religions. “He seemed both somewhat surprised and annoyed at seeing me,” Roberts later recollected. Barrows reminded Roberts that he had made no promises to him, that he would do with

the paper as he saw fit. Barrows reiterated that the managing committee feared LDS inclusion would disrupt the harmony of the Parliament, to which Roberts replied that should the Parliament deny the Mormons a seat, “the world at least should know of the narrow, sectarian bigotry which had denied to us that right.” Barrows accepted Roberts’s paper and told him he would determine its fate the following day.⁷⁸

The next day, September 9th, marked the official “Utah Day” of the World’s Fair, commemorating the forty-third anniversary of the organization of the Territory of Utah. The centerpiece of the celebration was a two-hour program at midday in Festival Hall, the Parthenon of White City. Coming off its impressive showing the previous day, the Mormon Tabernacle Choir and its soloists performed several songs throughout the program, including a stirring rendition of “The Star Spangled Banner.” Addresses were offered by Wilford Woodruff, George Q. Cannon, Emily S. Richards, and Governor Caleb W. West. Woodruff invited one and all to visit Utah, and should ministers of the Gospel find no room in the local churches of Salt Lake City, he graciously remarked, “we will give you our Tabernacle.” The munificent sentiment exemplified the mood of the day, but members of the Reorganized Church in attendance could be forgiven for wondering why the offer had seemingly never been extended to them. In the evening, the Tabernacle Choir performed in the Music Hall. Incredibly, they received an invitation to perform a series of concerts at Carnegie Hall in New York City and other East Coast cities. Unfortunately, scheduling conflicts and illness forced the Choir to turn the offer down. Still, the invitation dramatized how far in reputation the Choir had come of late.⁷⁹

Waiting at John Henry Barrows's office the next day, September 9th, B. H. Roberts had an enlightening discussion with Merwin-Marie Snell, a scholar of comparative religion who converted from Congregationalism to Catholicism and served as secretary to Bishop John Joseph Keane, rector of Catholic University and head of the Parliament's Catholic delegation.⁸⁰ Snell confided to Roberts that he was present at some of the "stormy" internal discussions regarding the Latter-day Saints' admission to the Parliament. Snell assured Roberts he had argued for the Utahns' inclusion. Roberts took him at his word, and considering that Snell possessed one of the most inquisitive minds and ecumenical spirits of the Parliament, we too can probably take him at his word.⁸¹ But other principals didn't feel that way. When the idea of an ecumenical religious congress was broached, Snell explained, more than a few prospective participants objected that such a conference would have to include the damnable Utah Mormons, and they refused to share a platform with them. As a result, Snell continued, early on "it had been at least tacitly understood that the Mormon Church would not be admitted." To rationalize the exclusion, it was argued that the LDS Church did not really constitute a religion. Thus it was that LDS leaders never received an invitation to the Parliament.⁸²

Before Roberts could respond to Snell's startling revelations, John Henry Barrows arrived accompanied by several foreign religious figures. Barrows hurriedly admitted he hadn't found time to read Roberts' paper, but people he trusted had examined the text and found nothing objectionable. The paper, Barrows announced, would be read to the Parliament. And not only that: Barrows invited Roberts and the LDS First Presidency to a posh private reception for the foreign delegates on opening night, September 11th.⁸³

Roberts's persistence had apparently paid off. The hostile sentiment Snell had described moments earlier had seemingly been surmounted.

Stewing the conversations around in his mind during the opening session of Parliament, however, it dawned on Roberts that Barrows had used the passive voice when he announced that Roberts's paper "would be read." Barrows didn't specify that *Roberts* would read the paper. Perhaps, Roberts suspected, Barrows intended to have someone else—a non-Mormon—read his text. To find some peace of mind on the matter, Roberts penned a note to Barrows asking for clarification and making it clear that nobody else could read his paper. Three days later, September 14th, Barrows assured Roberts he would read his own paper, though the time remained undetermined.⁸⁴

As the proceedings of the Parliament of Religions entered their fifth day, the *Saints' Herald* announced on September 16th that W. W. Blair had received an invitation to address the august assembly. Lest anyone think the diminutive Reorganization didn't deserve the honor, the RLDS organ editorialized:

While the Reorganized Church is among the smallest of the Christian bodies in its membership, it has been one of the most aggressive against sin and false religions in the world, and it may justly and truly be stated that its ministers rank with the ablest of the land in the pulpit and in debate in defending their doctrines.⁸⁵

Apparently, however, this announcement was based upon a misreading of the September 2nd letter Blair received from John Henry Barrows. A week later, the *Herald* issued a slight retraction, per this clarification from Joseph Smith III, attending the proceedings in Chicago: "It is not yet certain that [Blair] will be given an opportunity to address the Parliament, but President Barrows has promised to get him in if he can."⁸⁶

The conference sessions of the Parliament of Religions, held apart from the World's Fair in Chicago's Memorial Art Palace (the present-day Chicago Art Institute), drew the most unlikely individuals together. B. H. Roberts and Joseph Smith III, two men who otherwise were energetic religious opponents, spent two days together attending sessions and listening to papers.⁸⁷ Amidst the overwhelming crowds, unfamiliar surroundings, urban anonymity, and dizzying ecumenism, Smith and Roberts found something familiar and comfortable in each other. The two men shared a commitment to Jesus Christ and the prophet Joseph Smith, as well as a passionate interest in Restoration history. At this historic and unprecedented occasion of religious diversity, their shared interests and commitments, however differently they carried them out, made them more brothers than opponents.⁸⁸ Most likely, all attending Mormons—W. W. Blair, Joseph Luff, Andrew Jenson, and others—probably shared some time together.

At last, on Wednesday, September 20th, John Henry Barrows asked B. H. Roberts to read his paper in Hall #3 of the Memorial Art Palace on Monday the 25th. Roberts would finally get his chance to present his paper to the Parliament of Religions. Instead of vindication, however, Roberts felt slighted. Hall #3 was an adjunct room (albeit one of the two largest adjunct rooms), and the pugnacious Roberts believed he should read his paper in the Art Palace's Hall of Columbus, the larger space reserved for presentations on major world religions. So the following day, the 21st, Roberts addressed yet another note to Barrows, proposing that he speak in both Hall #3 *and* the Hall of Columbus. But Barrows rebuffed the request, stipulating that there would be only one presentation on Mormonism, and that in Hall #3.⁸⁹ If Barrows ever considered placing Roberts in the

Hall of Columbus, he probably abandoned the idea a day earlier when Mohammed Alexander Russell Webb, a former American ambassador who converted to Islam, defended the purity of Muslims—and Christians!—who practiced polygamy. Webb’s comments provoked howls of protest (and truth be known, some applause as well) in the Hall of Columbus. Barrows, who chaired the session, was so ashamed of Webb’s remarks that he edited them out of the official published transcripts.⁹⁰

Many people in Roberts’s position probably would have swallowed their pride and made the best of the opportunity, limited though it might have been. But Roberts was a proud, stubborn, and combative man who, having risked his life to claim the bodies of two slain Latter-day Saints missionaries in Tennessee nine years earlier, bristled at any hint of anti-Mormon discrimination. So the next day he fired off a letter to Barrows declaring that he could not in good conscience deliver his paper in Hall #3.

I submit that in view of all the facts as here stated—the hesitation about admitting “Mormonism” to the Parliament at all, etc., etc.,—I may be pardoned for saying that to ask me to read my paper there and let that be the only hearing that “Mormonism” has, looks very like an attempt to *side track the Church* I represent while the Parliament preserves a reputation for broad-minded toleration that could not even exclude a “Mormon,” while, as a matter of fact, it hears of him either not at all or else only as in a corner.

Roberts attended the remaining Parliament sessions, hoping that Barrows would relent. But Barrows didn’t relent; he didn’t even reply.⁹¹ As chairman of the Congress, Barrows had to juggle a thousand demands at once. Having responded to the Mormons’ belated entry request with a slot in a sizeable adjunct hall, he probably felt he had done enough.⁹²

On Sunday, September 24th, Merwin-Marie Snell announced to the attendees in Hall #3 that the conference’s only scheduled presentation on Mormonism had been

cancelled. Snell explained the circumstances behind Roberts's decision and, to the surprise of everyone, rebuked the Parliament's organizers for their treatment of the Mormons. As the *Chicago News* reported, Snell disclosed that the organizers "had voted that the Mormon Church should have no representation in the Parliament." The committee later relented when the Mormons petitioned for admission, but even then, Snell reported, they were denied center stage and exiled to Hall #3. "All other religions of every kind and from every country were allowed to make their presentations," the *News* offered in paraphrase of Snell, "but this was denied the Mormons." Snell attributed the terrible treatment of the Mormons to "contemptible ignorance of the religion." At this a minister in the audience blurted out: "Are you a Mormon?" "I'm a Mormon this afternoon," Snell replied. As Snell saw it, Mormons suffered the same ignorance and prejudice that had plagued other religions. "I never saw a Protestant," he said to illustrate his point, "whose mind was not full of lies about the Catholic Church."⁹³

Roberts found his situation intolerable, but at least he had a speaking slot to turn down. W. W. Blair and the Reorganization weren't so fortunate. As the Parliament neared an end with still no confirmation of a speaking slot for Blair, the *Saints' Herald* tried to prepare its readers for the seemingly-inevitable disappointment:

But, the list of representative men is so large, the interests so varied and widespread, the time of the Parliament so limited from the necessity of the case, we do not look confidently for an opportunity for our people to be heard; nor shall we be disappointed if the chance to be heard does not occur; neither should any one of us feel to complain if our views are not presented.⁹⁴

In a postscript in the very same issue, the *Herald* reported that Blair had indeed been passed over—or as the headline read, "SHUT OUT." Blair remained at the premises

until September 25th, the same day of Roberts's scheduled speech. But finding no speaking invitation forthcoming, he left the World's Fair to do some church work in Sandwich, Illinois. Blair asked his colleague Frederick G. Pitt to wire him should a speaking opportunity somehow materialize, unlikely though it seemed.⁹⁵ Blair was philosophical about the outcome, writing "that there were many thousands of ministers and lecturers in attendance, a large number of whom, anxious to be heard, could not find place nor time to present their views, the writer being one of that number."⁹⁶ Blair's expectations were lower and perhaps more realistic than Roberts's.

Largely overlooked in all of this was that a Mormon representative *did* present a paper at the Parliament of Religions. On September 25th, the same day Blair departed the premises and Roberts was to speak, the indefatigable Emily S. Richards delivered an address at the Women's Auxiliary in Hall #6 of the Memorial Art Institute entitled, "Woman's Place in 'Mormonism.'"⁹⁷ Richards shared the session with a pair of women from Turkey and Italy who presented papers on Islam in Turkey and the state of religion in Italy, respectively.⁹⁸ The contrast between Roberts's and Richards's experiences and expectations in Chicago is perhaps telling in terms of the gender dynamics of the era. To be sure, Richards's topic was narrower than Roberts's and under any circumstances probably would not have been as prime a candidate for inclusion in the Hall of Columbus presentation schedule. That being said, Richards was a woman, and the organizers and presenters at the Parliament of Religions were overwhelmingly male. For Richards to have protested the setting of her speech would have been unlikely in the extreme, for by modern standards women were generally marginalized at the convention. As a woman,

Richards had to be content with any slot at the convention, even if only in Hall #6, one of the Art Institute's smallest adjunct rooms; as a man, Roberts expected something more, and agitated for the only venue larger than Hall #3. Ironically, it was Roberts who prepared Richards's paper back in June.⁹⁹ Even more ironic, a few years later Roberts became Utah's chief opponent against Richards's cause of women's suffrage.¹⁰⁰

With the conclusion of the Parliament of Religions, B. H. Roberts and the Reorganization alike exacted some payback for what they considered to be the shoddy treatment they received at the hands of the Congress's directors. Before leaving Chicago, Roberts blasted John Henry Barrows and Charles C. Bonney in a lengthy three-column open letter published in the *Chicago Daily Inter-Ocean*.

I hold the smiling, benevolent mask of toleration and courage, behind which the Parliament has been hiding, in my hands, and the old harridan of sectarian bigotry stands uncovered, and her loathsome visage, distorted by the wrinkles of narrow-mindedness, intolerance and cowardice, is to be seen once more by all the world.¹⁰¹

Choosing a less strident tone, the editors of the *Saints' Herald* praised the Parliament but criticized the vetting process behind the presentations. "Instead of adopting some plan by which all classes of religionists might appear and be represented by men of their own choosing, the privilege to take part was made a matter of invitation," the *Herald* opined.

But when it is discovered that admission to such parliament depends upon the favor of a few who arbitrarily pass upon the availability of the classes to be admitted, and determine by invitation the complexion of the parliament, the question of good to result is narrowed and debatable, and the idea of universal comparison is clouded by doubt and the natural jealousy engendered by the exclusion of some, the admission of others. In the light of this thought can it be properly called a Parliament of the World's Religions? Is it not more correctly a Parliament of *some* of the World's Religions?¹⁰²

The *Herald* commended B. H. Roberts, this “fearless man,” for taking a principled stand against the arbitrary selection process. The Parliament’s fear that Roberts, a man “of good brain and good intention” who understood the value of good publicity, would use his moment on the world stage to defend polygamy, a practice the church had ostensibly abandoned, struck the *Herald* editors as frankly preposterous. And even if he had been foolish enough to do so, the editors reasoned, his audience could have registered their disapproval just as they had with Mohammed Alexander Russell Webb. For this reason, the *Herald* concluded, “to exclude him was unfair and unjust.”¹⁰³ Privately, Joseph III opined several months later that “the Latter-day Saints, of both the Utah polygamists and the anti-polygamous churches were deliberately shut out because of prejudice against them; not out of the committee, but the mass of the so called evangelical churches.”¹⁰⁴ For its part, the LDS First Presidency didn’t seem all that concerned about Roberts’s fortunes at the Parliament of Religions. As historian Davis Bitton concludes, the presidency recognized that the Mormon Tabernacle Choir, the Utah Day festivities, and the mining and agricultural exhibits of the Exposition’s Utah Building had much greater impact on public opinion than a speech at the Parliament of Religions.¹⁰⁵

Andrew Jenson returned to Richmond, Missouri, spending three days, September 25th-27th, making a copy of John Whitmer’s history with the assistance of George Schweich.¹⁰⁶ The following day, the 28th, Jenson took the Burlington train to Lamoni, Iowa, headquarters of the Reorganized Church, and spent the day with Joseph Smith III. “He received me kindly, took me home for supper, and introduced me to his wife who is

a Norwegian woman,” Jenson wrote. (Jenson, a Danish immigrant who served briefly as president of the Scandinavian Mission, took particular delight in the Norwegian origins of Smith’s wife.) Jenson and Smith had a long conversation about, among other things, Joseph Kingsbury’s Temple Lot Case deposition, the origins of plural marriage, and the insulting language RLDS Independence Branch president John A. Robinson used towards the LDS Church in Jenson’s presence weeks earlier. Despite the contentious issues, Jenson and Joseph III apparently got along quite well. Exchanging letters in the aftermath, Smith addressed Jenson as “Sir and Brother.” Afterwards, following their introduction by Smith, Jenson spent the night in the home of Edmund L. Kelley. Jenson and Kelley continued their conversation the following morning before Jenson boarded his train at 1 p.m.¹⁰⁷ After further researches along the Mormon Trail in Iowa, Jenson arrived home in Salt Lake City on October 6th.¹⁰⁸ He opened the October 21st issue of the *Saints’ Herald* to find editor Joseph Smith III publicly reprimanding (but not naming) John A. Robinson for his intolerant treatment of Jenson in Independence.¹⁰⁹

The good will of the Tabernacle Choir visit persisted for some time in Independence. Visiting on October 15th, Edward Stevenson, B. H. Roberts’ aged colleague on the LDS First Council of Seventy, found the worship houses of both the Reorganized Church and the Church of Christ opened up to him. He lectured to the Josephites at 10 a.m. and the Hedrickites at 11 a.m. before returning in the evening for another presentation on the Temple Lot. The reception heartened Stevenson. “I will say that there is a far better and more liberal feeling existing down here than I have found before,” he informed the readers of the *Deseret News*. “There is a decided change and

more charity exhibited towards the Utah Saints than heretofore.”¹¹⁰ Of course, sectarian animosities did not disappear. Brighamites, Josephites, and Hedrickites would continue to attack one another for decades to come. But as Stevenson’s experience indicates, something of a sea change took place in the midst of the Temple Lot Case in 1893. Expressions of good will became more frequent between the different factions of the Restoration. The visit of the Mormon Tabernacle Choir seemed to convince a substantial number of Josephites, Hedrickites, and Missourians that the Brighamites had really changed, had really taken a step towards the American mainstream.

Reflecting back on the last day of the year, Wilford Woodruff reached this astonishing conclusion: “Their has been the Greatest Changes taken place Concerning the Church of Jesus Christ of Latter Day Saints during the year 1893 Ever known since its Organization.” Woodruff offered the following reasons:

A Bill for the Admission of Utah into the Union as A State Passed the House of Representatives with ownly 5 opposing votes. The Mormon Quire took the 2d Prize in the Chicago fair in Contesting against the world. W. Woodruff G Q Cannon & J F Smith as the Presidency of the Church was Received with open Arms at the Chicago fair by the Leading Men of the world. Even the Mayor & Citizens of Jackson County Entertained us in the & made us welcome. And all our opponets in Utah have laid down the weapons of war And Ask for a State Government. Our Temple is Dedicated.¹¹¹

One couldn’t really argue with Woodruff. It had been a remarkable year for the LDS Church. Three years after the Manifesto ending the official practice of plural marriage, the LDS assimilation process had already borne substantial fruit.

Endnotes

¹ Andrew Jenson journal, 31 August 1893, LDS Archives, Salt Lake City; Andrew Jenson, *Autobiography of Andrew Jenson, Assistant Historian of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Deseret News Press, 1938), 207.

² “A Change,” *ZE* 4 (9 September 1893), 1; “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581; Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388.

³ Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388; “Salt Lake Tabernacle Choir,” *WE* 22 (15 September 1893), 37.

⁴ Charles A. Hall diary, 31 August 1893, and Charles A. Hall to John M. Cannon, 3 September 1893, both in LDS Archives.

⁵ Andrew Jenson journal, 30-31 August 1893, LDS Archives; Jenson, *Autobiography*, 207.

⁶ “P” to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387; Jenson, *Autobiography*, 207.

⁷ *KCT*, 1 September 1893. See also “Mormon Concerts To-Morrow,” *KCS*, 31 August 1893, 3; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “The Choir at Independence,” *OS*, 2 September 1893, 1.

⁸ Andrew Jenson journal, 1 September 1893, LDS Archives; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “The Choir at Independence,” *OS*, 2 September 1893, 1.

⁹ “P” to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387.

¹⁰ Andrew Jenson journal, 31 August, 6 October 1893, LDS Archives; Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388; Jenson, *Autobiography*, 207.

¹¹ “A Change,” *ZE* 4 (9 September 1893), 1.

¹² Andrew Jenson journal, 1 September 1893, and Charles A. Hall diary, 1 September 1893, both in LDS Archives; Jenson, *Autobiography*, 207.

¹³ Charles A. Hall to John M. Cannon, 3 September 1893, LDS Archives.

¹⁴ “P” to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387; “A Change,” *ZE* 4 (9 September 1893), 1; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; Wilford Woodruff journal, 1 September 1893, in *WWJ*, 9:259; “The Choir at Independence,” *OS*, 2 September 1893, 1.

¹⁵ “P” to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387; Charles A. Hall diary, 1 September 1893, LDS Archives; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “The Choir at Independence,” *OS*, 2 September 1893, 1.

¹⁶ “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2.

¹⁷ “A Change,” *ZE* 4 (9 September 1893), 1. The time of arrival is mentioned in Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388.

¹⁸ Wilford Woodruff journal, 1 September 1893, in *WWJ*, 9:259; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “A Change,” *ZE* 4 (9 September 1893), 1.

¹⁹ Andrew Jenson journal, 1 September 1893, LDS Archives; “P” to editor and Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387, 388; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “The Choir at Independence,” *OS*, 2 September 1893, 1; “A Change,” *ZE* 4 (9 September 1893), 1; “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581; Jenson, *Autobiography*, 207.

²⁰ “P” to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387.

²¹ “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “The Choir at Independence,” *OS*, 2 September 1893, 1.

²² Thomas G. Alexander, *Things in Heaven and Earth: The Life and Times of Wilford Woodruff, a Mormon Prophet* (Salt Lake City: Signature Books, 1991), 30-34.

²³ Wilford Woodruff journal, 1 September 1893, in *WWJ*, 9:259.

²⁴ “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2.

²⁵ Andrew Jenson journal, 1 September 1893, and Charles A. Hall diary, 1 September 1893, both in LDS Archives; “P” to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387; Wilford Woodruff journal, 1 September 1893, in *WWJ*, 9:259; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “The Choir at Independence,” *OS*, 2 September 1893, 1; “A Change,” *ZE* 4 (9 September 1893), 1; “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581; Jenson, *Autobiography*, 207.

²⁶ Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388.

²⁷ Andrew Jenson journal, 1 September 1893, LDS Archives; “P” to editor and Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387, 388; Wilford Woodruff journal, 1 September 1893, in *WWJ*, 9:259; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “The Choir at Independence,” *OS*, 2 September 1893, 1; “A Change,” *ZE* 4 (9 September 1893), 1; “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581; Jenson, *Autobiography*, 207.

²⁸ “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2.

²⁹ Charles A. Hall to John M. Cannon, 3 September 1893, LDS Archives.

³⁰ “The Choir at Independence,” *OS*, 2 September 1893, 1.

³¹ *KCT*, 4 March 1894, reprinted in “Opinion of Judge Phillips, in Temple Lot Case,” *SH* 41 (14 March 1894), 161.

³² “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581. See also Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388; “The Choir at Independence,” *OS*, 2 September 1893, 1.

³³ “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2.

³⁴ “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “P” to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387; “The Choir at Independence,” *OS*, 2 September 1893, 1; “A Change,” *ZE* 4 (9 September 1893), 1.

³⁵ “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “P” to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387; “The Choir at Independence,” *OS*, 2 September 1893, 1. It might have been expected that First Presidency second counselor Joseph F. Smith, son of Hyrum Smith and cousin of Joseph Smith III, would have addressed the crowd, but he was called aside to tend to a sick daughter. See “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581.

³⁶ “The Choir at Independence,” *OS*, 2 September 1893, 1; Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388.

³⁷ “P” to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387.

³⁸ “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2.

³⁹ “A Change,” *ZE* 4 (9 September 1893), 1.

⁴⁰ Andrew Jenson journal, 1 September 1893, LDS Archives; “P” to editor and Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387, 388; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; “The Choir at Independence,” *OS*, 2 September 1893, 1; “A Change,” *ZE* 4 (9 September 1893), 1; “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581; Jenson, *Autobiography*, 207.

⁴¹ That the event lasted two hours comes from Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388.

⁴² “P” to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 387.

⁴³ Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388.

⁴⁴ “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581-582. Reprinted with additional commentary in “Pertinent Remarks,” *ZE* 4 (23 September 1893), 1.

⁴⁵ “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2.

⁴⁶ Andrew Jenson to editor, 4 September 1893, in LDS Journal History, LDS Archives.

⁴⁷ Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388.

⁴⁸ Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388. The newspaper reports Jenson referred to are the 1 September 1893 issues of the *Kansas City Star* and *Kansas City Times*.

⁴⁹ “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581. For similar observations, see the untitled editorial, *KCS*, 31 August 1893, 4; Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388.

⁵⁰ Andrew Jenson journal, 1 September 1893, LDS Archives; Jenson, *Autobiography*, 208.

⁵¹ Wilford Woodruff journal, 1 September 1893, in *WWJ*, 9:259.

⁵² “Mormon Concerts To-Morrow,” *KCS*, 31 August 1893, 3; “Mormons on Sacred Soil,” *KCS*, 1 September 1893, 2; Wilford Woodruff journal, 1 September 1893, in *WWJ*, 9:259; Andrew Jenson to

editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388; “Mormon Concerts Successful,” *KCS*, 2 September 1893, 5.

⁵³ Andrew Jenson journal, 1 September 1893, and Charles A. Hall diary, 1 September 1893, and Charles A. Hall to John M. Cannon, 3 September 1893, all in the Archives. See also “Our Mountain Cousins,” *SH* 40 (16 September 1893), 581; Jenson, *Autobiography*, 208.

⁵⁴ Andrew Jenson to editor, 1 September 1893, in *Deseret Weekly*, 16 September 1893, 388.

⁵⁵ Andrew Jenson journal, 2 September 1893, and Charles A. Hall diary, 2 September 1893, both in LDS Archives; Jenson, *Autobiography*, 208.

⁵⁶ Andrew Jenson journal, 3 September 1893, and Charles A. Hall diary, 3 September 1893, and Andrew Jenson to editor, 4 September 1893, in LDS Journal History, all in the LDS Archives; Jenson, *Autobiography*, 208.

⁵⁷ Andrew Jenson journal, 3 September 1893, and Charles A. Hall diary, 3 September 1893, both in the LDS Archives; Jenson, *Autobiography*, 208.

⁵⁸ Andrew Jenson journal, 3 September 1893, and Charles A. Hall diary, 3 September 1893. For a partisan but highly detailed account of Robinson’s comments, see Andrew Jenson to editor, 4 September 1893, in LDS Journal History, all in the LDS Archives. For more on the Robinson attack and the private insult, see “Intolerance,” *SH* 40 (21 October 1893), 661-662.

⁵⁹ Andrew Jenson journal, 3 September 1893, and Charles A. Hall diary, 3 September 1893, and Andrew Jenson to editor, 4 September 1893, in LDS Journal History, all in the LDS Archives; Jenson, *Autobiography*, 208.

⁶⁰ Charles A. Hall to John M. Cannon, 3 September 1893. For a reaffirmation of these financial totals, see Hall’s 10 October 1893 letter to Cannon. Both documents in the LDS Archives.

⁶¹ Andrew Jenson to editor, 4 September 1893, in LDS Journal History, LDS Archives.

⁶² Andrew Jenson journal, 4 September 1893, and Charles A. Hall diary, 4 September 1893, both in LDS Archives; Andrew Jenson to editor, 4 September 1893, in “Early Church Scenes,” *Deseret Weekly*, 16 September 1893, 397-398; Jenson, *Autobiography*, 208.

⁶³ Andrew Jenson journal, 5 September 1893, LDS Archives; Andrew Jenson to editor, 5 September 1893, in *Deseret Weekly*, 16 September 1893, 398-399; Jenson, *Autobiography*, 208.

⁶⁴ Andrew Jenson journal, 6-7 September 1893, LDS Archives; Jenson, *Autobiography*, 208. Jenson visited DeWitt and Carrollton, Missouri, on the 6th. See the two letters of Andrew Jenson to editor, 6 September 1893, in *Deseret Weekly*, 16 September 1893, 399-401.

⁶⁵ Andrew Jenson journal, 8-24 September 1893, LDS Archives; Jenson, *Autobiography*, 208-209.

⁶⁶ John Henry Barrows to W. W. Blair, 2 September 1893, in W. W. Blair, “The Parliament of the World’s Religions,” *SH* 40 (14 October 1893), 652. See also the allusions to this letter in “Is It Fear?,” and “The Hindu and the Christian in the World’s Congress of Religions,” *SH* 40 (7 October 1893), 630.

⁶⁷ “The Hindu and the Christian in the World’s Congress of Religions,” *SH* 40 (7 October 1893), 630.

⁶⁸ Charles C. Bonney to B. H. Roberts, 28 August 1893, in B. H. Roberts, “The Church of Jesus Christ of Latter-day Saints at the Parliament of Religions,” *Improvement Era* 2 (July 1899), online without pagination at <http://gospelink.com/library/document/55354>.

⁶⁹ Roberts, “Parliament of Religions” (July 1899); Davis Bitton, “B. H. Roberts at the World Parliament of Religion, 1893 Chicago,” *Sunstone* 7 (January/February 1982), 48.

⁷⁰ Wilford Woodruff journal, 2 September 1893, in *WWJ*, 9:260; “Mormon Singers Reach St. Louis,” *Chicago Herald*, 3 September 1893, 2; *Deseret Weekly*, 9 September 1893.

⁷¹ Wilford Woodruff journal, 4, 20 September 1893, in *WWJ*, 9:260, 264; George Q. Cannon journal, 3-4 September 1893, in Davis Bitton, *George Q. Cannon: A Biography* (Salt Lake City: Deseret Book, 1999), 343, 345; Ronald W. Walker, “Crisis in Zion: Heber J. Grant and the Panic of 1893,” *BYU Studies* 43/1 (2004), 133-135.

⁷² George Q. Cannon journal, 5 September 1893, in Bitton, *George Q. Cannon*, 342.

⁷³ “Attractions,” *Los Angeles Times*, 9 September 1893, 2; “Gets The Second Prize,” *OS*, 9 September 1893, 1; “Hail To The Choir!,” and “The Great Contest,” *Deseret Weekly*, 16 September 1893,

396, 413, respectively; “First Choir Out-of-State Tour,” [LDS] *Church News*, 4 September 1993. Joseph Smith III was one of a large crowd who could not fit inside the building to hear the performance. See Joseph Smith III to Bertha Smith, 9 September 1893, P13, f437, Community of Christ Archives, Independence.

⁷⁴ Wilford Woodruff journal, 8 September 1893, in *WWJ*, 9:260-261. For similar assessments, see the George Q. Cannon journal, 8 September 1893, in Bitton, *George Q. Cannon*, 343; “Success of the Choir,” *SLT*, 10 September 1893, 1.

⁷⁵ Wilford Woodruff journal, 8 September 1893, in *WWJ*, 9:261.

⁷⁶ “Hail To The Choir!,” *Deseret Weekly*, 16 September 1893, 396. See also “Salt Lake Tabernacle Choir,” *WE* 22 (15 September 1893), 36-37.

⁷⁷ George Q. Cannon discourse, 24 September 1893, in Brian H. Stuy, ed., *Collected Discourses Delivered by President Wilford Woodruff, His Two Counselors, The Twelve Apostles, and Others* 5 vols. (Burbank, CA: B. H. S. Publishing, 1987-1992), 3:350.

⁷⁸ Roberts, “Parliament of Religions” (July 1899); Bitton, “B. H. Roberts,” 48.

⁷⁹ “A Great Day,” *SLT*, 10 September 1893, 1; “Utah’s Day At The Fair,” *Deseret Weekly*, 16 September 1893, 412-413; “The Great Contest,” *Deseret Weekly*, 16 September 1893, 413. The Tabernacle Choir was scheduled to perform on Omaha, Nebraska on the way back to Utah. Even more importantly, word had reached Chicago that the infant of one of the Choir’s most noted singers, Bessie Deane Allison, had fallen gravely ill. The child died shortly after the mother’s arrival on September 13th. See “Salt Lake Tabernacle Choir,” *WE* 22 (15 September 1893), 37.

⁸⁰ I’ve gleaned this biographical information from Richard Hughes Seager, ed., *The Dawn of Religious Pluralism: Voices from the World’s Parliament of Religions, 1893* (La Salle, IL: Open Court Publishing Company, 1993), 153-154. Snell also served as John Henry Barrow’s assistant secretary at the Parliament of Religion.

⁸¹ I base this characterization on a perusal of the following Snell works: “Future of Religion,” in Hughes, *Dawn of Religious Pluralism*, 172-174; “Hinduism’s Points of Contact with Christianity,” *The Biblical World* 3 (March 1894), 189-197, 3 (May 1894), 349-359, 4 (August 1894), 98-113; “Modern Theosophy in Its Relation to Hinduism and Buddhism,” *The Biblical World* 5 (March 1895), 200-205, 5 (April 1895), 258-267; “Evangelical Hinduism,” *The Biblical World* 6 (October 1895), 270-277; “Evangelical Buddhism,” *The Biblical World* 7 (March 1896), 182-188. See also Snell’s favorable characterization of Hindu representative Vivekananda in Rajagopal Chattopadhyaya, *Swami Vivekananda in India: A Corrective Biography* (Delhi: Motilal Banarsidass 1999), 158-161. Snell’s even-handed interest in Mormonism is indicated by his observation in “Hinduism’s Points of Contact with Christianity,” *The Biblical World* 4 (August 1894), 112: “The numerous heavens and hells of the Hindu churches have their counterparts, not only in the Gnostic cosmogonies and in those of some modern sects like the New Churchmen and Spiritists and Mormons, but also in the various spheres of punishment and purification and reward to be met with in the Catholic traditions....”

⁸² Roberts, “Parliament of Religions” (July 1899).

⁸³ Roberts, “Parliament of Religions” (July 1899). Roberts attended the reception and had a grand time conversing with religious figures from around the world. Other commitments precluded the LDS First Presidency from attending.

⁸⁴ B. H. Roberts, “The Church of Jesus Christ of Latter-day Saints at the Parliament of Religions,” *Improvement Era* 2 (August 1899), online without pagination at <http://gospelink.com/library/document/55354>.

⁸⁵ “The Reorganization at the Religious Congress,” *SH* 40 (16 September 1893), 582.

⁸⁶ “Editorial Items,” *SH* 40 (23 September 1893), 601.

⁸⁷ Joseph Smith III to Lorenzo Dow Hickey, 28 September 1893, in JSIII Letterbook #1a, CofC Archives.

⁸⁸ Smith had great admiration for Roberts’s intellect, though he felt that Roberts’s involvement in polygamy compromised his intellectual and ethical powers. See Joseph Smith III to R. B. Neal, 22 March

1907, P13, f916, and Joseph Smith III to Warren E. Peak, 21 December 1911, typescript, P13, f1119, both in CofC Archives.

⁸⁹ Roberts, "Parliament of Religions," (August 1899).

⁹⁰ Mohammed (Alexander Russell) Webb, "The Spirit of Islam," in John Henry Barrows, ed., *The World's Parliament of Religions: An Illustrated and Popular Story of the World's First Parliament of Religions, Held in Chicago in Connection with the Columbian Exposition of 1893* 2 vols. (N. p.: The Parliament Publishing Company, 1893); 2:989. Compare with the unedited version in Walter R. Houghton, ed., *Neely's History of the Parliament of Religions and Religious Congresses at the World's Columbian Exposition* 4th ed. (Chicago: Frank Tennyson Neely, 1894), 459-460. For a full treatment of this episode, see Umar F. Abd-Allah, *A Muslim in Victorian America: The Life of Alexander Russell Webb* (New York: Oxford University Press, 2006), ch. 9.

⁹¹ Roberts, "Parliament of Religions," (August 1899). For a copy of the paper Roberts prepared in case an opportunity opened up to speak in the Hall of Columbus, see Roberts, "The Church of Jesus Christ of Latter-day Saints at the Parliament of Religions," *Improvement Era* 2 (September 1899), online without pagination at <http://gospelink.com/library/document/55354>.

⁹² Bitton, "B. H. Roberts," 50.

⁹³ *Chicago News*, 25 September 1893, in Roberts, "Parliament of Religions" (August 1899). For a similar report, see the *Chicago Herald*, 26 September 1893, excerpted in "Spots in the Feast of Charity," *SH* 40 (14 October 1893), 645.

⁹⁴ "The Hindu and the Christian in the World's Congress of Religions," *SH* 40 (7 October 1893), 630.

⁹⁵ "Shut Out," *SH* 40 (7 October 1893), 632.

⁹⁶ W. W. Blair, "The Parliament of the World's Religions," *SH* 40 (14 October 1893), 652.

⁹⁷ For a copy of the Emily S. Richards speech, see B. H. Roberts, "The Church of Jesus Christ of Latter-day Saints at the Parliament of Religions," *Improvement Era* 2 (October 1899), online without pagination at <http://gospelink.com/library/document/55354>.

⁹⁸ "Woman's Branch," *Chicago Inter-Ocean*, 26 September 1893, 3, reported that the session was lightly attended.

⁹⁹ B. H. Roberts diary, June 1893, in John Sillito, ed., *History's Apprentice: The Diaries of B.H. Roberts, 1880-1898* Significant Mormon Diaries Series (Salt Lake City: Signature Books in association with Smith Research Associates, 2004), 307.

¹⁰⁰ Jean Bickmore White, "Woman's Place Is in the Constitution: The Struggle for Equal Rights in Utah in 1895," *UHQ* 42 (Fall 1974), 344-369.

¹⁰¹ "An Open Letter," *Chicago Inter-Ocean*, 28 September 1893, 4; Roberts, "Parliament of Religions" (August 1899).

¹⁰² "Is It Fear?," *SH* 40 (7 October 1893), 630. Italics added for emphasis.

¹⁰³ "Spots in the Feast of Charity," *SH* 40 (14 October 1893), 645.

¹⁰⁴ Joseph Smith III to George Updyke, 18 June 1894, in JSIII Letterbook #5, CofC Archives.

¹⁰⁵ Bitton, "B. H. Roberts," 50-51. George Q. Cannon discussed the Parliament of Religions in his 24 September 1893 Tabernacle discourse, for example, but made no mention of B. H. Roberts, Emily S. Richards, or the possible larger Mormon presence there. See Stuy, *Collected Discourses*, 3:351-352, 355.

¹⁰⁶ Andrew Jenson journal, 25-27 September 1893, LDS Archives; Andrew Jenson to editor, 29 September 1893, in "Of Historical Interest," *Deseret Weekly*, 28 October 1893, 579; Jenson, *Autobiography*, 209. At the request of Franklin D. Richards, Jenson made two copies of the Whitmer history. See the Andrew Jenson journal, 11 October 1893, LDS Archives.

¹⁰⁷ Andrew Jenson journal, 28-29 September 1893, LDS Archives; Andrew Jenson to editor, 29 September 1893, in "Of Historical Interest," *Deseret Weekly*, 28 October 1893, 579; untitled column, *SH* 40 (14 October 1893), 646; Joseph Smith III to Andrew Jenson, 2 October 1893, 3 January 1895, and 4 February 1895, in JSIII Letterbooks #1a, #5, and #6, respectively, CoC Archives; Jenson, *Autobiography*, 209.

¹⁰⁸ Andrew Jenson to editor, 29 September 1893, in “Of Historical Interest,” *Deseret Weekly*, 28 October 1893, 579; Andrew Jenson to editor, 30 September 1893, in “Peaceful Is Their Rest,” *Deseret Weekly*, 28 October 1893, 588-589; Andrew Jenson to editor, 2 October 1893, in “Council Bluffs,” *Deseret Weekly*, 28 October 1893, 589-591; Andrew Jenson to editor, 3 October 1893, in “Winter Quarters,” *Deseret Weekly*, 621-622; Andrew Jenson journal, 6 October 1893, LDS Archives; Jenson, *Autobiography*, 209-210.

¹⁰⁹ “Intolerance,” *SH* 40 (21 October 1893), 661-662.

¹¹⁰ Edward Stevenson to editor, 16 October 1893, in “Missouri Notes,” *Deseret Weekly*, 4 November 1893, 630. See also Edward Stevenson to editor, 14 October 1893, in “Jottings From Independence,” *Deseret Weekly*, 608. For a reciprocal observation from the Reorganization’s point-of-view, see “Pertinent Remarks,” *ZE* 4 (23 September 1893), 1.

¹¹¹ Wilford Woodruff journal, 31 December 1893, in *WWJ*, 9:278.

Chapter Twenty-Seven
The Reorganization Hones Its Arguments
September-October 1893

As the ecumenical encounters and high drama accompanying the World's Fair came to a close in late September 1893, the principals in the Temple Lot Case focused once again on the sectarian divisions and mundane details of the suit. Back in May, you'll recall, the contending attorneys agreed that the defendant Church of Christ would submit its abstract by September 1st, following which the complainant Reorganized Church would have until approximately October 1st to submit its legal brief.¹ As recounted in chapter 20, Charles A. Hall turned in the respondent's abstract on August 31st, one day before the due-date.² By the terms of the May agreement, it was now time for the legal team of the Reorganized Church to complete the plaintiff's brief.

As it turned out, the RLDS legal team produced not one but two briefs for the court. Between September 30th and October 10th, the Reorganization filed a 73-page document entitled *Brief and Argument on Behalf of Complainant* and a 19-page document entitled *Brief and Argument By G. Edmunds*.³ The *Brief and Argument on Behalf of Complainant* was attributed to no particular author; the entire five-person legal team received credit for the text.⁴ By contrast, the *Brief and Argument By G. Edmunds* offered the quasi-independent legal perspective of Illinoisan George Edmunds, friend and mentor of Joseph Smith III and longtime non-Mormon observer of Mormon matters.⁵ These two texts are the subject of this chapter.

The *Brief and Argument on Behalf of Complainant* consisted of two sections—a comprehensive 51-page overview of the plaintiff’s arguments and a 16-page essay entitled *Brief and Argument on the Title to the Land in Question*. The 51-page section contained fourteen subsections: (1) “Statement of Facts,” a nine-page condensation of the plaintiff’s positions; (2) “Argument,” a thumb-nail outline of the plaintiff’s positions; (3) “Law of the Case,” a five-page defense of the judicial right to examine religious doctrine; (4) “Conceded Propositions and Proofs,” a four-page rumination on Granville Hedrick’s alleged membership in the Reorganized Church; (5) “Order and Rule of Succession In Its Presidency,” a three-page defense of Joseph Smith III’s succession rights; (6) an untitled six-page summation of lineal presidential succession; (7) a four-page review entitled “Name of the Church”; (8) a ten-page treatise on the entrusted character of the Temple Lot; (9) a three-page argument for RLDS succession; (10) a three-page argument against Hedrickite succession; (11) a short declaration that the Church of Christ intended to relinquish the Temple Lot to the LDS Church; (12) a brief defense of the plaintiff’s right to hold church property in Missouri; (13) an eight-page rebuttal of the defendants’ polygamy arguments; and (14) a four-page argument against LDS succession. For its part, the 16-page *Brief and Argument on the Title to the Land in Question* consisted of three sections: (1) a two-page defense of the plaintiff’s Partridge-Cowdery deed; (2) a four-page critique of the defendants’ chain-of-title; and (3) a thirteen-page rumination on the Temple Lot trust and assorted flaws in the defendants’ chain-of-title.

As the subdivisions indicate, the organization of the *Brief and Argument* left something to be desired. Arguments were repeated, ideas were inserted where they did

not belong, and the train-of-logic was often interrupted. In a section otherwise dedicated to the succession rights of the Reorganized Church, for instance, the author(s) of the brief opened with a lengthy paragraph denouncing polygamy and the defendants' alleged plan to transfer the Temple Lot to the LDS Church, topics that deserved attention—they received their own in-depth treatment later in the text—but detracted from the immediate subject at hand.⁶ John N. Southern's assessment of the brief was on the mark: "It is difficult to follow the learned solicitors consecutively, because they have not arranged their brief and argument consecutively."⁷ The hodge-podge character of the brief suggests it was the product of multiple contributors working without the benefit of a strong editor. To avoid duplicating the often-redundant quality of the text, in the following pages I will examine the contents of the brief by topic rather than by section.

The RLDS legal team devoted considerable attention in the *Brief and Argument on Behalf of Complainant* to the Joseph Smith period. Therein they challenged the defendants' contention that Smith's church originally went by the formal name of the "Church of Christ," arguing, to the contrary, that the church didn't have a formal name in its formative years, just an assortment of interchangeable appellations:

The very fact that there were so many varied appellations used to designate the church by the officials and laity, during the first three or four years of its existence, shows conclusively that at this time no particular name, in so many words, had been given and agreed upon by which it should be recognized.

Even if the church was originally titled the "Church of Christ," the plaintiffs allowed, the church had the right to change its name by vote as long as the new name did not betray Scripture. For this reason, whereas the defendants considered the adoption of the title "Church of Latter Day Saints" in 1834 a form of apostasy, the brief argued this was the

first time the church adopted a formal title. The *Brief and Argument* acknowledged that the church adopted the title “Church of Jesus Christ of Latter Day Saints” four years later in 1838. Curiously, though, the text also cited, without any attempt at reconciliation, William Smith’s mistaken recollection that the church named itself “Church of Jesus Christ of Latter Day Saints” as early as 1834, right on the heels (presumably) of adopting “Church of Latter Day Saints” as its title. Compounding the error, the text cited William Smith’s erroneous claim that the inscription atop the Kirtland Temple dedicated in 1836 read “Church of Jesus Christ of Latter Day Saints,” when it actually read “Church of the Latter Day Saints.” Despite these stumbles, the plaintiffs ended strong, noting the irony that the proto-Hedrickites who joined Joseph Smith’s movement in the 1840s did so when it was titled “Church of Jesus Christ of Latter Day Saints,” not “Church of Christ.”

It is wholly unreasonable and absurd, then, for [the defendant Church of Christ] to say that this Complainant [Reorganized Church of Jesus Christ of Latter Day Saints] lost any right held by the church organized in 1830, by reason of the adoption or declaration of its specific name [(Reorganized) Church of Jesus Christ of Latter Day Saints] and that this right inured to Respondents [Hedrickites] who were members of this body under this name [Church of Jesus Christ of Latter Day Saints], to the detriment and disfranchisement of the body in its property rights.

The plaintiffs should have dispensed with William Smith’s erroneous observations, as it only muddled an otherwise fairly effective treatment of the church name.⁸

Turning to the founding of the Temple Tract, the *Brief and Argument* cited William Smith, John Taylor, Hiram Rathbun Sr., Emily Dow Partridge, the Partridge-Cowdery deed, and *The Doctrine and Covenants* to demonstrate, first, that Bishop Edward Partridge purchased the Temple Grounds in trust for Joseph Smith’s church with church funds and, secondly, that early Mormons used the property for worship and other

communal purposes.⁹ Mobs and subsequently the state militia, however, drove the Mormons from the county and the state.¹⁰ To safeguard the Temple Tract trust for future generations, Partridge, the brief related, conveyed it to Oliver Cowdery's children in 1839.¹¹ Anti-Mormon sentiment, however, prevented the church from returning to Jackson County and carrying out the terms of the trust for many, many years. Nonetheless, the distinctively religious character of the property, the plaintiffs contended, remained general knowledge. Citing the depositions of Isaac N. Rogers and William McCoy, the brief held that local non-Mormon residents perpetually referred to the property as the "Temple Lot" or the "Temple Property." The plaintiffs even enlisted defendant Richard Hill to their cause, highlighting his admission that he moved to Independence in the 1860s because of the divine promises pertaining to the site.¹²

Moving on, the *Brief and Argument* painted a bifurcated portrait of Mormon history, one of pristine unity under Joseph Smith and chaotic division after his death. According to the text, *The Bible*, *The Book of Mormon*, *The Doctrine and Covenants*, and sundry other revelations adopted from time-to-time constituted the exclusive law and doctrine of the early church.¹³ The church hierarchy under Smith, moreover, consisted of a First Presidency, stake high councils, bishoprics, and quorums of apostles, high priests, seventies, elders, priests, teachers, and deacons.¹⁴ The text also claimed the church suffered no schisms during Smith's lifetime, a startling assertion that belied the dissident movements of Kirtland, Far West, and Nauvoo. The claim seemed only remotely plausible given that none of Smith's dissident rivals enjoyed sustained success.¹⁵ With Joseph Smith out of the way, the brief continued, Brigham Young and his henchmen

propagated strange new doctrines like polygamy. Many church officers and the Prophet's immediate family rejected these innovations, the plaintiffs assured the court, but a "considerable part of the membership," regrettably, followed Young to Utah. The Brighamites' destructive wake catalyzed a wave of factionalism through the church, the brief explained, exemplified by such illegitimate aspirants as James J. Strang, Sidney Rigdon, and Lyman Wight. The plaintiffs categorically condemned these men:

[E]ach and all of said factions and the leaders thereof abandoned the doctrine, teaching, and tenets of the original church; in some instances denounced the teachings of its standard books of authority as heretical, and in lieu thereof substituted largely the laws made by themselves for the government of their own particular factions, but all the time claiming to be the original church.

The plaintiffs didn't even spare William Smith their condemnation.¹⁶

The brief was especially critical here of the LDS Church; the good will of the World's Fair was nowhere to be found in the *Brief and Argument*. The text assured the court the Utahns "have made themselves as offensive, odious, and objectionable to the Complainant [Reorganized] Church herein as they have to the country in general."¹⁷ To illustrate, the final eleven pages of the text countered the succession claims and historical arguments of the LDS Church. Citing the deposition of William Smith, the sermons of Brigham Young and Heber C. Kimball, and above all the historical analysis of W. W. Blair, the brief argued that the LDS Church deviated from the teachings of the early church by subsuming the entire church under the authority of the Quorum of Twelve Apostles, granting the bishopric untoward control over church finances, reducing the practice of common consent to an empty vessel, prohibiting all marriages solemnized outside of priesthood authority, and introducing the doctrines of polygamy, blood

atonement, Adam-God, and “Moses-God.”¹⁸ Regarding polygamy in particular, the brief cited an array of witnesses to the effect that the laws of the church up to 1844 could be found in the Scriptures. Having established that foundation, the plaintiffs proceeded to demonstrate that *The Bible*, *The Book of Mormon* and *The Doctrine and Covenants* restricted marriage to one man and one woman. The text therefore concluded:

So that the question as to whether some one in the church practiced polygamy—or had more wives than one—is immaterial. There is no such law or rule of the church, nor such right given through any of these books. And if it be true, which we deny, that certain parties secretly practiced and inculcated the doctrine of polygamy, they were violators of the law of the church, practicing and inculcating a doctrine not taught in any of the standard books nor warranted by any belief of the church, and therefore such practice and teaching, if any, would be heretical.

To reinforce the point, the plaintiffs quoted Wilford Woodruff’s admission that the church never publicly endorsed polygamy during the Prophet’s lifetime. In this manner, the author(s) of the brief smartly sidestepped all the testimony indicating that Joseph Smith taught and practiced polygamy as a commandment of the Lord. Polygamy was never an official doctrine of the early church, and as far as the plaintiffs were concerned, this was the only datum the court needed to consider.¹⁹

The *Brief and Argument* also critiqued the latent succession rights of the Church of Christ. The defendants hadn’t depicted themselves as the continuation or successor of Joseph Smith’s church in their 1891 pleadings. But the plaintiffs insisted in the *Brief and Argument* that the defendants’ forbearance was a disingenuous dodge:

[T]he Respondent Church, by its answer filed in this cause, does not directly claim to be the original church, or its legal successor; but in its testimony, taken in this case, it does so claim to be the original church in succession, and also claims to be a branch of the original church, founded in 1830, and claims by its sole Bishop, Richard Hill, to hold the land in dispute in this case in trust for the original church and its legal successor.

Rebutting the imputed succession claims of the respondents, the plaintiffs documented that the Hedrickites rejected *The Doctrine and Covenants*, rejected revelations postdating 24 February 1834, and had no prophet, seer, and revelator, no president's and bishop's counselors, and no quorums of apostles, seventies, and priests. Yet, the brief recounted, Granville Hedrick and several of the respondents' own witnesses acknowledged that these quorums and revelations were all features of Joseph Smith's mature church. Thus, it followed, Granville Hedrick's Church of Christ could not possibly be the continuation or successor of Joseph Smith's church.²⁰

Amidst this bleak backdrop of heresy, schism, and bad faith, the *Brief and Argument* declared that the Reorganized Church stood alone as the continuation of the church organized in 1830. Following the Prophet's death, the text related, "many of the original membership" in the branches of the upper Midwest remained faithful to church teachings and rejected the radical innovations of Young, Strang, and their ilk. Eventually these branches reorganized the true church in all its purity. The text gave no indication that Jason W. Briggs and other Reorganization founders affiliated with Strangism, Williamism, and other factions in prior years.²¹ To back the claim of RLDS continuity, the plaintiffs proceeded to compare the respective "Epitome of Faith" (known in the LDS Church as "The Articles of Faith") of the original church and the Reorganized Church. "That the two Epitomes of Faith are alike in all essential particulars, there can be no question," the brief observed.²² And so the plaintiffs boldly asserted:

We claim that what is commonly called the MORMON CHURCH, or *Church of Jesus Christ of Latter Day Saints*, as it is termed by its membership, is, as in this particular case, the *Reorganized Church of Jesus Christ of Latter Day Saints*, and

that it is the true church of that sect of people now so widely and historically known.

Neither Brighamite Mormons nor Hedrickite Mormons were real Mormons, the brief summarized; the real Mormons, the ones who remained faithful to the founding prophet, were the members of the Reorganized Church. The text therefore expressed confidence the court would find whatever changes the Reorganization might have implemented over the years were carried out by legitimate authority and legitimate means:

[W]e are the original church in legal succession, believing in its original beliefs, and teaching its original doctrine and tenets without modification or change; or if there has been any modification or change, the same have been brought about by the constituted and constitutional authorities of the church.

In short, the Reorganization claimed the Mormon tradition as its own.²³

To further substantiate their position, the plaintiffs devoted an entire section of the *Brief and Argument* to the succession rights of Joseph Smith III. Therein they spotlighted James Whitehead's and Joseph III's testimony that Joseph Smith blessed or ordained young Joseph as his successor. They quoted Whitehead and John H. Carter Sr. to the effect that the Prophet publicly introduced Joseph III as his successor, Whitehead specifying that the people sustained the selection by vote. To show that Joseph Smith had the authority to select his successor, the brief quoted the 1831 divine stipulation that "none else shall be appointed unto this gift, except it be through him, for if it be taken from him he shall not have power, except to appoint another in his stead." And to show that all these promises were ultimately fulfilled, the section closed with Joseph III's and W. W. Blair's memories of Joseph III's sustaining and ordination as president of the high priesthood at the April 1860 RLDS conference in Amboy, Illinois.²⁴ To drive the point

home, the next section focused on lineal priesthood, quoting Joseph III, William Smith, and above all W. W. Blair's exegesis of *The Doctrine and Covenants* to show that "the present president of the Complainant [Reorganized] Church is the rightful successor by virtue of being his father's eldest son."²⁵

Aside from such well-trodden ground, the plaintiffs repeatedly ventured onto questionable terrain. In the section "Conceded Propositions and Proofs," the plaintiffs observed that Granville Hedrick and other future Church of Christ members accepted *The Bible*, *The Book of Mormon*, and *The Doctrine and Covenants* upon joining Joseph Smith's church in the early 1840s. From this pedestrian proposition, the plaintiffs leapt to the unlikely conclusion that Hedrick and his proto-Hedrickite colleagues belonged to the Reorganized Church "from about the year 1842 until 1860 or 1863." Whence cometh this conclusion?: By citing James Whitehead, Joseph Smith III, W. W. Blair, William Smith, Edmund C. Briggs, John H. Carter Sr., and Jason W. Briggs to the effect that the doctrines of the original church and the Reorganized Church were identical. If their doctrines were identical, the logic went, then the original church and the complainant church must have been the same body. It followed, then, that if Hedrick and other future members of the Church of Christ joined Joseph Smith's organization, they must have remained members of the composite original/complainant church until they formed the rival Church of Christ in the 1860s. The defendants, of course, would have vociferously disagreed. While they might have granted that Hedrick and his colleagues accepted *The Doctrine and Covenants* as members of Joseph Smith's movement, the defendants flatly denied the Reorganized Church and the original church were one and the same or that

Hedrick and his followers belonged to the Reorganization. “Conceded Propositions and Proofs” was, if anything, a gross misnomer.²⁶ As if the author(s) of the brief recognized this initial foray fell short, the text later quoted from Hedrick’s 1856 treatise *The Spiritual Wife System Proven False, and the True Order of Church Discipline* to show that Hedrick’s views on the canon, the church name, the continued inspiration of Joseph Smith, and the doctrinal soundness of polygamy matched those of the nascent Reorganization to which he allegedly belonged. Again, however, the plaintiffs failed to provide a convincing organizational link. That Hedrick and the Reorganization shared similar perspectives at one time was indisputable; that Hedrick ever belonged to the Reorganization was something even Jason W. Briggs denied.²⁷

Eventually, the *Brief and Argument* brought it all back to the Temple Lot. Because Granville Hedrick and Charles A. Hall belonged at one time to the original church/Reorganized Church, the plaintiffs assured the court that the Church of Christ, notwithstanding their protestations of innocence, knew full well the Temple Lot was no ordinary plot of land to be bought-and-sold on the open market. To the contrary: “Respondents at all times have had full knowledge that this property was held for the use of the [Reorganized] church, and trust property.”²⁸ Not only was the Reorganization entitled by trust to the Temple Lot; it took the extra step of purchasing the actual Temple Lot title from Oliver Cowdery’s daughter in 1887. But what about the defendants’ protestation that an Iowan religious corporation could not hold Missouri property? To this the plaintiffs quoted the U. S. Supreme Court: “Where a corporation is incompetent by its charter to take a title to real estate, a conveyance to it is not void, but only voidable,

and the sovereign alone can object.” In other words, “so long as the State of Missouri, by direct proceedings, does not interfere or seek to oust the Complainant by proper proceedings, all other persons must be content.”²⁹ For these reasons, the *Brief and Argument* affirmed, “the relief asked by the Complainant [Reorganized Church] herein is, that it may be decreed to be the owner of the property in question, entitled to its control, use, and benefit, in carrying out the trust created when the property was first acquired.”³⁰ Lest the court instinctively sympathize with Davids rather than Goliaths, moreover, the plaintiffs warned that should the Temple Lot remain with the defendants, the Church of Christ would ultimately turn it over to the renegade Utahns:

And while we do not contend that the Defendant Church in this case teaches polygamy, we do contend that it is in sympathy with the Salt Lake branch of the church, and that its ultimate purpose, if given control of the property in suit, is to divert it from the original object and turn it over to the organization in Utah, that is in open hostility to the laws and usages of the original church and the laws of the country as well.³¹

The plaintiffs cautioned the court that “while the Utah Church is not a party to the record, it is lending its influence both in men and money to the furtherance of the defence herein for the purpose of breaking down Complainant’s case.”³² In essence, the brief portrayed a ruling for the Reorganization as a blow against Utah’s polygamist theocracy, rather than a blow against a tiny beleaguered church or a blow against Jackson County land owners whose land titles could become clouded with a Reorganization victory.

But what if the court decided an examination of religious history lay beyond its constitutional purview? What if it declined the Reorganization’s invitation to weigh in on the Mormon succession question? What if the court chose to base its verdict instead on secular matters like land titles, tax receipts, and the statute of limitations? To head off

that disagreeable scenario, the author(s) of the *Brief and Argument* included a discussion entitled “Law of the Case.” Therein the plaintiffs cited court cases, legal commentaries, and Supreme Court Chief Justice Melville Fuller to demonstrate that civil courts can examine religious doctrine if necessary to resolve religious property disputes, and that the disputed property should go to the faction faithful to the terms of the property trust and/or the doctrines operative when the church acquired the property. The plaintiffs quoted, for example, from the 1882 Indiana Quaker case *White Lick v. White Lick*:

The title to the property of a divided church is in that part of the organization which is acting in harmony with its own law: and the ecclesiastical laws, usages, customs, principles, and practices which were accepted and adopted by the church before the division took place, constitute the standard for determining which of the contesting parties is in the right.

Likewise they quoted former Supreme Court justice William Strong to the effect that courts must side with the faithful faction “however few in numbers they may be.” The plaintiffs summarized: “Even a majority of the church cannot divert the trust. It is not a question of the numbers of the membership; it is a question of faith, creed, and practices of the two contending factions or creeds that must determine the matter.” The author(s) of the *Brief and Argument* made no mention of the cases and commentators who concluded contrariwise that courts must avoid questions of religious doctrine. As the plaintiffs told it, the courts of the United States spoke with one voice on the matter.³³

So much for the evidence and arguments of the opening 51-page section of the *Brief and Argument on Behalf of Complainant*. Now we turn to the concluding 16-page section of the text, the *Brief and Argument on the Title to the Land in Question*.

The *Brief and Argument on the Title to the Land in Question* began with a surprisingly abbreviated defense of the Reorganization's Temple Lot title. The plaintiffs didn't bother defending the originating link in their chain-of-title, the Flournoy-Partridge deed, correctly noting that the complainants and defendants alike accepted the legitimacy of the 1831 deed. As we saw in earlier chapters, however, the second link in the RLDS chain-of-title, the 1839 Partridge-Cowdery deed, seemed vulnerable on multiple grounds. Yet the plaintiffs offered just a cursory defense of the deed, conceding that even though the document "is not dated except in the acknowledgment" of 25 March 1839, case law held that "in the absence of proof to the contrary, the presumption is that it was delivered on the date of the acknowledgment." The brief offered a similarly curt response to the nettlesome problem of the Church of Christ's adverse occupation of the Temple Lot. Possession of a property, the plaintiffs argued, is inherent in possession of the property title. It followed, then, that if the Reorganization held the more convincing title to the Temple Lot, the Hedrickites' occupation made little difference, as long as they did not occupy the grounds longer than the ten years stipulated by the statute of limitations. "Where the Plaintiff in ejectment has shown a clear chain of title, it is not incumbent on him to go further and show that he had been in possession of the land within ten years next before the commencement of the suit." In other words, the Church of Christ, the plaintiffs contended, could not retain the Temple Lot by means of adverse possession and the statute of limitations; they could only retain the property by showing they held a superior title to it. In this manner, the plaintiffs defended their chain-of-title by assuring the court that two of its apparent problems—the transaction date of the Partridge-

Cowdery deed and the Church of Christ's adverse possession—were legally irrelevant. It was a confident, dismissive, and risky legal strategy.³⁴

In the next section of the *Title to the Land in Question*, the plaintiffs critiqued the 1848 quit claim deed from Edward Partridge's family to James Pool. This was the Ur-text of the Church of Christ's chain-of-title, the counterpart to the Reorganization's Partridge-Cowdery deed insofar as the two documents marked the divergence between the parties' competing chains-of-title. Specifically, the plaintiffs focused on the acknowledgement of the Partridge-Pool deed, highlighting that A. A. Bradford, circuit court clerk of Atchison County, Missouri certified the acknowledgement in 1848 with his own private seal, the circuit court having no seal of its own at the time. In and of itself, a private seal made little difference. As the plaintiff acknowledged, the 1845 *Revised Statutes of Missouri* authorized the use of private seals when courts had no seal of their own. But the statute authorized private seals only for the "record, process, or proceeding" of a circuit court, they emphasized; a quit claim deed did not fit the bill.

It cannot be successfully claimed that a deed for the conveyance of property would be a "record," "process, or proceeding," required by law to be authenticated by the seal of the court within the meaning of said section 20. Said section refers simply and solely to the records of the court and processes and proceedings directed from the court requiring authentication under seal.

This was a decidedly strict reading of the statute. Only time would tell if the judge concurred with the plaintiffs that "The acknowledgement was therefore an absolute nullity and the deed was not entitled to be recorded, and could impart no notice."³⁵

The plaintiffs returned to more familiar grounds for the final fourteen pages of the *Title to the Land in Question*, citing deponents Robert Weston, Isaac N. Rogers, William

McCoy, William R. Wilson, Thomas Maxwell, and John Taylor to certify that Jackson County's non-Mormons recognized the religious character of the Temple Grounds. Based on that consensus, the plaintiffs argued that neither Edward Partridge's family nor James Pool, John Maxwell, nor Samuel Woodson could have bought or sold the property without full knowledge it belonged to the Mormon Church/Reorganized Church. All such transactions occurred in bad faith, the brief charged. Any deed originating from this illegitimate source "would not carry such a title as would defeat the rights of the church vested in it by the deed from said Edward Partridge to John Cowdery." The plaintiffs declared the title of the Church of Christ, in so many words, as null and void.³⁶

Continuing, the brief reasoned that because the Church of Christ did not hold a valid title to the Temple Lot, the defendants would have to sustain their property claim on the basis of adverse possession and the statute of limitations. For this reason, the plaintiffs spent the rest of the brief framing these twin issues to their advantage. The text cast a skeptical eye on the testimonies of defense witnesses William R. Wilson, Thomas Maxwell, and John Taylor, highlighting the contrary recollections of plaintiff's witnesses Thomas Halley and Clarence St. Clair to argue that the defendants had produced no conclusive evidence the Temple Tract, and the Temple Lot in particular, underwent improvement prior to the erection of a fence in 1882. Even if there were a stronger historical record of improvements, the brief contended, to trump the Reorganization's title the Church of Christ would have had to have made the improvements themselves:

If the proof showed that there had, at some time or other been a hundred fences and houses built upon said tract, yet unless it was further shown that the improvements were actually made and maintained by the person or persons in actual possession claiming adversely to the rights of the true owner, for the full

statutory period, it would avail nothing. It is not enough that the improvements were made by someone, but it must be shown that they were made “by the party claiming adversely.”

Moreover, the Church of Christ would have had to have made the improvements with the full knowledge and acquiescence of the Reorganization:

The improvements placed on the land by Respondents [Church of Christ] were not of the character to shorten the statutory period of ten years; such improvements must be valuable and lasting, and have been made with the full knowledge of the true owner [Reorganized Church] who stood by, and without objection saw them made.

The brief discounted the tax receipts of the Church of Christ, commenting in passing that paying taxes “would only be a slight circumstance tending to show the exercise of ownership, and the mere fact that a party has continuously paid taxes on land is not sufficient to show adverse possession.” In sum, the Reorganization found the defendants’ evidence of property ownership utterly unconvincing:

It has not been shown that there has been any possession by anyone adverse to the rights of Complainant [Reorganized Church]. It has not been shown that any part of the land in controversy has ever been in possession of anyone at any time until it was taken by Respondents [Church of Christ] in 1882 or 1883. Nor has it been shown that any part of the sixty-three acre tract was ever in the possession of anyone for any definite length of time whatever.

Despite the hyperbole of the concluding statement, this was one of the most productive portions of the *Brief and Argument*. Multiple witnesses had recounted improvements on the Temple Tract from the 1840s-1870s, but their recollections tended to be tentative and vague, and they almost never touched upon the Temple Lot proper. The plaintiffs had good reason to try to exploit the vulnerability. Whether it would be enough to offset the tax and title records of the Church of Christ remained to be seen.³⁷

Whereas the *Brief and Argument on Behalf of Complainant* tackled every issue of moment in the Temple Lot Case, the accompanying *Brief and Argument By G. Edmunds* boiled all issues down to the religious question: Which claimant is the true successor of the church established by Joseph Smith in 1830? Edmunds dismissed the Church of Christ's attempt to pin the outcome of the case on titles and tax receipts. The Temple Lot is no ordinary piece of property, he insisted; it is consecrated property entrusted to the original Mormon Church and its successor. Restating one of the plaintiff's favorite arguments, Edmunds explained that, with the use of church funds, Bishop Edward Partridge purchased the Temple Grounds in trust for the church. Partridge held the property in his own name, Edmunds acknowledged, but the bishop had to do so, he argued, because the church at the time did not have an organized presence in Missouri. The church held meetings on the property and denominated it the "Temple Grounds" or "Temple Lot," Edmunds related, but mobs drove the Saints from Jackson County in 1833 and the entire state in 1838. In the aftermath, the author affirmed, Partridge transferred the Temple Tract trust from his name to the names of Oliver Cowdery's children. But the church was prevented from returning and asserting their rights to the trust for some forty years. Even so, Edmunds declared, the consecrated character of the property remained known to all. From the 1830s to the present, the Temple Grounds "Was by all, both *Mormon and Gentile*, regarded and known as church property, set apart as a lot on which to erect a temple for the worship of God."³⁸

Given the Temple Lot's entrusted character, Edmunds argued, the court wouldn't identify the rightful owner of the property by examining tax receipts and chains-of-title, but by identifying the factional successor of the original church:

If...the split [in the church] is upon fundamental or doctrinal points, and one party, either majority or minority, adheres to the fundamental doctrine and tenets of the original church to which the charity was given, or which owned the property, and the other depart from it in such a manner that the court can discover a material digression from the original faith and doctrine, the court will unhesitatingly give the property to that faction, branch, or portion of the church that adheres to and supports the doctrine and tenets of the original or mother church, regardless of from what particular person or party the property came, provided always, it belonged to the church or was held for its use and benefit.

In support of this proposition, Edmunds cited several nineteenth-century cases, including *Ferraria v. Vasconcelles* (1863) wherein the Illinois Supreme Court opined:

As a matter of law, as I understand the decisions, the rule is, that where a church is erected for the use of a particular denomination, or religious persuasion, a majority of the members of the church cannot abandon the tenets and doctrines of the denomination and retain the right to the use of the property; but such secessionists forfeit all right to the property, even if but a single member adheres to the original faith and doctrine of the church.

For this reason, Edmunds concluded, the federal court had the right and obligation to examine the history of Mormonism and identify the rightful successor.³⁹

Like the *Brief and Argument on Behalf of Complainant*, the *Brief and Argument By G. Edmunds* offered a static interpretation of Mormon development under Joseph Smith. As Edmunds saw it, the church organized in 1830, codified its tenets in Scripture, and governed through an array of quorums. Whatever changes the church subsequently made were implemented with the approval of the quorums and the church body and duly added to *The Doctrine and Covenants*. The church may have gone by sundry names,

Edmunds assured, but all of them referred to the same organization. Early Mormon development was tidy and orderly, a development process without much development.⁴⁰

When the Prophet died, however, all hell broke loose. Many church members rightfully believed Joseph Smith had by revelation appointed, anointed, and pronounced twelve-year-old Joseph III his successor. But a majority of the Nauvoo Stake, Edmunds acknowledged, voted that the Twelve should lead the church. Edmunds didn't explain why Nauvoo voted for the Twelve, but he insisted that Sidney Rigdon, John E. Page, Lyman Wight, William Smith, and most rank-and-file members rejected the Twelve's usurpation of executive leadership. In the aftermath, the church disintegrated into multiple factions all claiming to be the true church, but none of them, Edmunds insisted, adhered to the original faith. Brighamites propagated polygamy, apostolic supremacy, blood atonement, the Adam-God doctrine, and unlimited seventies quorums. James Strang and Lyman Wight practiced plural marriage and other heresies. The defendant Church of Christ likewise claimed to be the true church in succession, or at least a branch of the original church, though they denied it in their 1891 response to the plaintiff's Bill of Complaint. Yet they too departed from the original faith, Edmunds averred, as the Church of Christ rejected all revelations postdating February 1834 and had no prophet, no presidency, no apostles, no seventies, and no high council. As for the former heresies of plaintiff's deponent William Smith, Edmunds declined to go into detail except to note that the Prophet's brother ultimately embraced the Reorganization and abandoned whatever teachings he advocated contrary to the tenets of the original church.⁴¹

Of all the myriad issues dividing the factions, Edmunds paid particular attention to the charge that Joseph Smith privately promulgated polygamy. Edmunds deemed the evidence unconvincing. Just a few months before the martyrdom, he reminded the court, the Prophet expelled a Michigan church member for preaching polygamy. Smith died a vigorous man, moreover, leaving his wife Emma pregnant at the time of his murder. Yet he didn't produce any demonstrable offspring with his plural wives. "Why," Edmunds queried, "in his vigor of manhood with *fresh material* for wives did he not leave his mark?" Nor did Edmunds believe Smith produced most or all of the lengthy plural marriage revelation published by the LDS Church, as "the witnesses who pretend to have seen it [in manuscript form], say it was written on one to two pages of ordinary paper." Edmunds therefore concluded "there is no truth" in the polygamy accusations against Smith. "The whole thing was an afterthought." Brigham Young and his fellow conspirators implicated the Prophet in polygamy to legitimize their heretical innovation. "After the death of Smith it was a great thing to be recognized as the wife of the *prophet*, in the opinion of the followers of Brigham Young." Even if the Brighamites were correct that Smith practiced polygamy, Edmunds hypothesized, that would only have made him "a transgressor," and as such he "should have been expelled, as he expelled others under the law." Even Brighamites, remember, acknowledged that polygamy did not supplant monogamy as the official doctrine of the Prophet's church. In conclusion, Edmunds alluded to the infamous affair of celebrated evangelist Henry Ward Beecher: "If secretly any members of the church indulged in the [polygamous] exercises of David and Solomon, which the Book of Mormon denounces, as before shown, such practice was in

secret, in violation of the laws and principles of the church, and was the *Beecher-Tilton style*, simple *whoredoms*, and, under the law, subjected the parties to expulsion.”⁴²

Bucking the trend of heresy and schism, Edmunds continued, remnants of the original faith revived the original church in 1852 and waited for the Prophet’s son to assume his rightful place, a hope richly rewarded when Joseph III assumed the presidency in 1860. Since that time, Edmunds summarized, the Reorganized Church has revived all the offices and quorums of the original church. (Edmunds conveniently overlooked the Patriarchate, which the Reorganization had not revived.) To demonstrate that the Reorganization taught the same doctrines as the original church, Edmunds compared their credal statements. For Edmunds, there could be only one conclusion:

Out of the WRECK of the original church, none but the Plaintiff [Reorganized Church] and its members adhere to the original faith, doctrine, tenets, organization, government, and laws of the original church. All others, the Defendants [Church of Christ], the Utah Church as all else, have departed from the faith.

The Reorganized Church alone represented the true church in succession. As Edmunds saw it, the church was therefore the rightful holder of the Temple Lot trust.⁴³

The only route by which the defendants could reasonably claim the Temple Lot, Edmunds figured, was the statute of limitations. Had the Church of Christ occupied the Temple Lot long enough to nullify the Reorganization’s property rights? Edmunds thought not, for two reasons. First, the Church of Christ had not held open, adverse, and continuous possession of the Temple Lot for ten years before the commencement of the suit in August 1891. On the contrary, they had openly occupied the grounds for merely seven or eight years. Second, as Edmunds saw it, the Church of Christ might

inadvertently hold the Temple Lot in trust for the Reorganized Church. Notwithstanding the defendants' denial in their Amended Answer, the Church of Christ generally presented itself as the continuation of primitive Mormonism. Richard Hill himself testified that he held the Temple Lot in trust for the original Mormon church or its successor. "True it is," Edmunds conceded, "that trustee [Hill] says Plaintiff [RLDS Church] is not that successor (that is his conclusion), but if Plaintiff is such successor or is the original church (revamped) the present trustee [Hill] holds the property for it and cannot set up limitation against the principal." It all came down again to the succession question: If the court deemed the Reorganization the rightful successor, the Church of Christ unknowingly held the property in trust for the plaintiff.⁴⁴

Such were the pair of briefs the Reorganization submitted to the court in October 1893. In assessment, I would say that the *Brief and Argument on Behalf of Complainant* and the *Brief and Argument By G. Edmunds* fleshed out but did not significantly improve the Reorganization's arguments in the Temple Lot Case.

As I mentioned at the outset, the larger text, the *Brief and Argument on Behalf of Complainant*, was an unwieldy patchwork product. Not surprisingly perhaps, I would characterize its effectiveness as hit-and-miss. On the property question, the *Brief and Argument* made a strong case that the Temple Tract was founded, and for a long time identified, as religious property. The brief also successfully highlighted the ambiguities of the deposition testimony describing pre- and post-bellum improvements on the Temple Grounds. The authors also levied a shrewd technical challenge to the Partridges' 1848

quit claim deed. Yet the evidence presented in the brief wasn't altogether compelling that the Church of Christ and prior non-Mormon owners of the Temple Grounds acted in bad faith all those decades. The brief gave only cursory notice to the defendants' long record of Temple Lot land titles and tax receipts. Nor did it address concerns that an RLDS victory would cloud all Jackson County land titles traceable to Edward Partridge. On related matters, the text offered a surprisingly half-hearted defense of the right of a foreign church corporation to own property in Missouri. And the author(s) of the document all but ignored the problems of the critical 1839 Partridge-Cowdery deed.

The *Brief and Argument* marshaled effective precedents to argue that courts can examine religious doctrine to determine the proper owner of disputed religious property. But the authors failed to factor the counter-precedents indicating that courts should avoid doctrinal controversies. Be that as it may, the authors waded into the succession question, defending the Reorganization's succession rights and challenging those of their rivals. As with the property issue, however, the brief's effectiveness on this score was mixed. The plaintiff's observation that early Mormons referred to their church by various names was incontrovertible, but to deny that its original official name was the "Church of Christ" ran counter to too much evidence, and William Smith's confused recollections on the matter certainly didn't help the plaintiffs. Employing greater strategic sense, the brief's author(s) eluded the evidence for polygamy's clandestine origins under Joseph Smith and focused on the official monogamous doctrines of Smith's church. They offered a passable defense of Joseph Smith III's presidential rights and demonstrated that the expansive post-martyrdom role of the Twelve conflicted with the limited role

prescribed by Scripture. Unfortunately, their discussion here begged a nettlesome question they shouldn't have left unanswered: Why did Nauvoo vote to follow the Twelve if the Prophet designated his son as his successor? Moving on, the authors highlighted the most controversial ecclesiastical changes of the Brigham Young era, conveniently forgetting to remind readers that the LDS Church had since moderated its policies. With similar effectiveness, the authors showcased discrepancies between the churches of Joseph Smith and Granville Hedrick, but they failed once again, in my judgment, to convincingly establish that Hedrick belonged to and broke away from the Reorganized Church. Lest the judge sympathize with the underdog Church of Christ, finally, the author(s) raised the fearsome prospect that a defendants' victory could result in the acquisition of the Temple Lot by the LDS Church. On the whole, I would say the *Brief and Argument* was stronger on the succession question than the title question.

The *Brief and Argument By G. Edmunds* in many ways improved upon the patchwork and collaborative *Brief and Argument on Behalf of Complainant*. Edmunds presented the most succinct and readable summation of the plaintiff's arguments to date. And he offered the strongest argument yet that courts could examine religious doctrines in an effort to resolve a religious property dispute. Yet the most original feature of Edmunds' brief was what it *did not* emphasize. Edmunds framed the case in such a manner that the Reorganization no longer needed to rely so much upon its questionable chain-of-title. All that mattered in Edmunds' telling was that Partridge purchased the Temple Grounds in trust for Joseph Smith's church; all subsequent deeds were rendered more or less inconsequential. In Edmunds' estimation, the court should simply rule in

favor of the current holder of the Temple Lot trust, the Reorganized Church. Edmunds' take offered the plaintiffs a means around the troublesome Partridge-Cowdery deed.

In other respects, however, Edmunds' brief added little to the plaintiff's case. As something of an outside observer, Edmunds might have fortified vulnerabilities in the plaintiff's arguments that insiders like Edmund L. Kelley overlooked. Instead he basically rephrased the two-year-old arguments of the Complaint and Amended Complaint, even though the evidence heretofore presented in the case did not always support those arguments as unequivocally as the plaintiffs had desired. As with the *Brief and Argument*, Edmunds' static and idealized portrait of early Mormonism gave little hint of the messy dynamism of Joseph Smith's leadership. The great stress Edmunds placed on the entrusted nature of the original Temple Grounds belied how little evidence the plaintiffs had actually produced to that effect. Furthermore, Edmunds asserted that the defendants had only exercised open adverse possession of the Temple Lot for seven or eight years, discounting the evidence that the Church of Christ erected a fence on the Temple Lot in the summer of 1882 and obtained titles to the property several years earlier. And lastly, like the authors of the *Brief and Argument*, Edmunds wrote as if the courts treated religious property disputes uniformly, as if there weren't a body of cases wherein the courts deliberately avoided ruling on religious doctrine. Aside from the quality of his presentation and his promising de-emphasis of the title issue, Edmunds didn't do much to compensate for the shortcomings of the plaintiff's arguments.

Endnotes

¹ Charles A. Hall to John M. Cannon, 29 May 1893. Hall reaffirmed the dates in his 10 June 1893 letter to Cannon. Both documents in the LDS Archives, Salt Lake City.

² Charles A. Hall diary, 31 August 1893, and Charles A. Hall to John M. Cannon, 3 September 1893, both in LDS Archives.

³ My estimate of the dates derives from the following evidence: Charles Hall's 29 May and 10 June 1893 letters to John M. Cannon report that the plaintiffs were scheduled to turn in their brief and argument thirty days after the defendants' filed their abstract. The defendants turned in their abstract on 30 August, which means the plaintiffs were expected to turn in their brief and argument around September 30th. But Hall's October 10th letter to Cannon states that the defendants received the plaintiff's brief and argument that very day. So the plaintiffs must have filed their brief and argument with the court between September 30th and October 10th. All documents in the LDS Archives.

⁴ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument on Behalf of Complainant* (Lamoni: Herald Publishing House and Bindery, 1893).

⁵ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument By G. Edmunds* (Lamoni: Herald Publishing House and Bindery, 1893). That the plaintiffs filed this document simultaneously with the *Brief and Argument on Behalf of Complainant* is clear from the index and page 71 of the latter text.

⁶ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument on Behalf of Complainant*, 16-19.

⁷ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument* (Independence: Sentinel Job Print [1893]), 73.

⁸ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument on Behalf of Complainant*, 4, 26-29.

⁹ *Idem*, 5-6, 9, 29-33.

¹⁰ *Idem*, 9, 16.

¹¹ *Idem*, 5-6, 9, 29-30.

¹² *Idem*, 5, 33.

¹³ *Idem*, 4, 7, 16-19, 39.

¹⁴ *Idem*, 6-7, 40.

¹⁵ *Idem*, 9, 39.

¹⁶ *Idem*, 9-10, 38-39.

¹⁷ *Idem*, 38.

¹⁸ *Idem*, 51-54.

¹⁹ *Idem*, 44-51.

²⁰ *Idem*, 11-12, 40-43.

²¹ *Idem*, 39.

²² *Idem*, 7-8, 10-11, 17-19, 38-40.

²³ *Idem*, 12.

²⁴ *Idem*, 19-21.

²⁵ *Idem*, 21-26.

²⁶ *Idem*, 16-19. See also pages 41-42.

²⁷ *Idem*, 33-38.

²⁸ *Idem*, 5-6, 33-34.

²⁹ *Idem*, 43-44.

³⁰ *Idem*, 12.

³¹ *Idem*, 38. See also page 42-43.

³² *Idem*, 12.

³³ *Idem*, 12-16.

³⁴ *Idem*, 55-56.

³⁵ *Idem*, 56-58. Italics in original. See also page 69.

³⁶ *Idem*, 58-61.

³⁷ *Idem*, 61-71.

³⁸ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument By G. Edmunds*, 3-4, 7, 12, 18.

³⁹ *Idem*, 9, 14-17. I've removed Edmunds' italics from the latter quote.

⁴⁰ *Idem*, 1-2, 9-10-11.

⁴¹ *Idem*, 2-8, 11-13, 18-19.

⁴² *Idem*, 18-19. Italics in original.

⁴³ *Idem*, 4-8, 12-13, 17.

⁴⁴ *Idem*, 17-18.

Chapter Twenty-Eight
The Church of Christ Responds
October-November 1893

The financial problems and personal conflicts the Church of Christ encountered in mid-summer 1893 worsened into the fall. On September 3rd, two days after Wilford Woodruff and the Mormon Tabernacle Choir paid their visit to Independence, Charles A. Hall asked John M. Cannon for financial help. Weeks passed with no reply.¹ Hall became so desperate he addressed a letter to LDS historian Andrew Jenson on September 25th, asking him to visit Cannon on his behalf. As detailed a few chapters ago, Jenson spent considerable time with Hall and the Hedrickites during the Tabernacle Choir visit, so as Hall related to Cannon, Jenson “could tell you better than I could write just how I was situated and the difficulties I am laboring under.”² But Jenson provided no quick relief. When Hall’s letter reached Salt Lake City, Jenson was in Lamoni, Iowa visiting Joseph Smith III and Edmund L. Kelley. Jenson would not see Hall’s letter until returning to Salt Lake City on October 6th.³ Subsequently Jenson apparently spoke with Cannon as Hall had requested, but Cannon responded with neither new funding nor, it seems, even a letter to Hall acknowledging his concerns.⁴

Hall listed the letters he received in his diary. Based on his tally and his extant correspondence, it appears that for more than a five-month period, from late May through early November 1893, Hall didn’t receive a single letter from Cannon, even though he sent at least eight letters to Cannon.⁵ Cannon all but acknowledged as much in a note to Wilford Woodruff in February 1894: “There are a number of letters which we have not answered as yet, and which you have in your possession.” Cannon evidently relied on

Woodruff's cues to determine whether Hall received responses, for Cannon closed his note by assuring the LDS president "in case I can be of any service to you I will be pleased to respond."⁶ It's probably more than coincidental that the silence from Salt Lake City coincided with the economic travails of the LDS Church. Judging by Hall's repeated funding pleas, Cannon never explained to him that his LDS benefactors were in no financial condition to loan more money.⁷ Since the church couldn't loan Hall any money, Woodruff apparently saw no reason to have Cannon issue a response.

Despite the conspicuous silence, Hall still felt considerable affection for John M. Cannon. He ended his October 10th letter with this touching disclosure: "We have a little girl 3 days old and have named it Anna. If it had of be[e]n a boy I expect we would have named it John."⁸ In the summer and fall of 1893, however, the friendship seemed decidedly one-sided. The Cannon-Woodruff note indicates that whatever Cannon felt towards Hall on a personal level, during this period (if not earlier) he saw his role in the relationship as primarily that of a dispassionate emissary for the First Presidency.

Compounding Hall's problems, he could no longer count on the financial contributions of Church of Christ members George Frisbey and James Hedrick. The two men were unalterably opposed to Hall's reliance on LDS money. "Frisbey has al[l]owed that old hostile spirit to get control of him & is not to be depended on and James Hedrick is in the same fix," Hall told Cannon.⁹ On October 6th, the Church of Christ disfellowshipped Frisbey and Hedrick.¹⁰ In the aftermath, Hall groaned that "[Richard] Hill & myself are all that are left to do anything [financially] and we are at the end of the rope at the present time." All the unpaid bills Hall reported five weeks earlier remained

unpaid. “I met the printer today and he wanted some money, but I could not give him any.”¹¹ From there things only worsened, as Hall explained to Cannon on October 22nd:

Since I wrote you the man who printed the [Church of Christ’s] abstract sent me word that the 90 days he promised to give me was to commence from the time he commenced the work & not from the time it was finished & that the ballance \$142.50 was now due. I don[’]t know what I can do as we cannot see any way to get it here now & we have no money to get the [Church of Christ’s] argument printed.... I thought I would let you knew just the fix I was in & then you could let your friends know the exact situation & the necessity of prompt assistance.¹²

The heads of the Reorganized Church were fortunate they didn’t have to undergo such financial and personal turmoil to prosecute the Temple Lot Case.

Criticized by select members of his congregation and all but abandoned by his LDS benefactors, Hall found himself increasingly isolated. Hitherto he had withstood his Hedrickite critics because his alliance with John M. Cannon and the LDS Church produced results. He had checked congregational apprehensions of borrowed Utah money because Utah money enabled the Church of Christ to sustain its legal defense. But now, with the defendants desperately needing money and Hall desperately needing clout, his LDS benefactors fell silent. Hall could no longer produce his trump card—results. As a consequence, his critics within the Church of Christ felt emboldened. “I cannot hold the advantage we have already gained or ma[i]ntain the position I now hold unless I am sustained and get help soon,” Hall told Cannon on October 22nd.¹³

The disfellowshipment of James Hedrick and George Frisbey did not relieve the tension within the Church of Christ. The conflict reached a crisis point at the end of October. “The Hostile element here has become so alarmed about the Temple Lots,” Hall warned John M. Cannon, “that they have concluded to rais[e] money enough to pay back

what you have advanced through me for fear the church in Utah will get a hold on the property.”¹⁴ Hall assured the Hedrickites they owned the Utahns nothing:

I have stated that the church in Utah has never given or loaned the church here at Independence any money and does not hold any claim or obligation against the church here, but that Mr. John M. Cannon had Loaned to C. A. Hall money for certain purposes and that C. A. Hall (not the church here) was expected to account to J. M. Cannon for the money loaned to him as an Individual and not as an agent for the church & that I had not signed any notes or papers of any kind as agent of the church.¹⁵

By the terms of Hall’s agreement with Cannon, Hall would personally pay back the LDS loans “with interest” should the Church of Christ emerge from the suit victorious; should the Church of Christ lose the Temple Lot, nothing would have to be repaid.¹⁶

With these terms, one would wonder why Hall’s critics were so fearful of losing the Temple Lot to the LDS Church. But in his November 6th letter, Hall breezily stated that he informed the Church of Christ their LDS benefactors “expected if we gained the case to receive the money back *or have some of the property.*”¹⁷ Hall didn’t seem to think this provision all that worrisome. Perhaps he felt confident he could pay back the loans. Hall’s critics, however, were understandably alarmed by the provision. Even if the LDS Church demanded no repayments from the Church of Christ, if Hall defaulted on the loans, by his own admission the LDS Church would demand a portion of the Temple Lot! As if that weren’t enough cause for concern, it could not have reassured Hall’s critics that he was so friendly towards John Cannon, Andrew Jenson, and the LDS Church. One wonders if, in this light, the salutary visit of the LDS First Presidency and Mormon Tabernacle Choir on September 1st didn’t aggravate Hedrickite apprehensions of LDS assistance? Now that it was clear Independence could tolerate an LDS presence,

did Frisbey and Hedrick fear the Utahns would use Hall to wrest the Temple Lot from the Church of Christ? It certainly didn't ease their concerns that Hall withheld details of his LDS pact from Church of Christ members. As he explained to Cannon:

The trouble has grown out of certain parties wanting me to tell them all about my dealings with you[.] I was warned that it was not safe & subsequent events have proved I was correct for those same parties (J[ames] A Hedrick one of them) has told all they knew & more. & it is fortunate I did not let them know about some other things they wanted to find out about.¹⁸

Hall's calculated circumspection raised suspicion. Could it be possible, Hall's Hedrickite critics may have wondered, that he would deliberately default on his loan repayments, all but ensuring that the LDS Church acquired all or a portion of the Temple Lot?

To prevent this or some other intolerable scenario from coming to pass, Hall's Hedrickite critics now threatened to preemptively repay the LDS loans themselves and carry on the Temple Lot defense without LDS assistance. Hall felt confident his critics had the financial resources to do all this, but he wasn't sure they had the will. "[I]f these parties rais[e] the money now to car[r]y on the case they will stay with it to the end as they have plenty of means to use," he opined. But Hall added this critical qualification: "...*if* they only had the willingness to use it."¹⁹

Hall reacted to the threat with spiteful relief and resignation. He had worked harder than anyone to defend the Temple Lot from the Reorganization. He had spearheaded the defense, questioned witnesses, accrued debt, travelled thousands of miles, expended countless hours, and combed over depositions, abstracts, and briefs. The ordeal had been exhausting, yet he saw no end in sight. "My Judgment is that this property will be in litigation for years," he confessed to Cannon, an indication that he

expected the courts would initially rule against the Church of Christ, forcing an appeal. Hall thought his critics were foolish to reject the financial aid of the LDS Church. Yet he had grown weary of the Temple Lot Case and, increasingly, the Church of Christ. He seemed to want to wash his hands of it all, especially now that key Hedrickites were questioning his judgment and integrity. Hall appeared to relish the prospect of relinquishing responsibility to his critics: “I have also told them that if they would rais[e] the money to repay what you had advanced to me they could get a draft & send to you direct in my name so it would not be necessary to give me the money.”²⁰

Despite his frustrations, Hall wasn't prepared to simply abandon his responsibilities. He decided to let the people around him—his LDS benefactors, his Hedrickite critics—determine his course. On one hand, if his critics repaid the LDS loans, he would relinquish responsibility for both the suit and the Church of Christ:

I told them if they would rais[e] the money to pay the obligatones I hold I would resign & let them have controol of the church [of Christ] & [Temple Lot] case & that you would be very glad to let them sho[u]lder the burthen [burden] & recieve back the money advanced.

On the other hand, if his critics failed to raise the funds, he would continue on as before, though he needed LDS assistance to do so: “If they do not rais[e] the money I shall try to hold the fort but as I wrote you in my past letter [I] will have to be sustained financial[l]y or I can not hold out much longer.” If, however, the LDS presidency thought “it best to let the hostile element assume the responsibility,” Hall wagered, he urged LDS leaders to “give them every encouragement.”

I wish you would lay the matter before the [LDS First] Presidency & let me know what is best to be done under the existing circumstances I will state that the case is safe now as far as I can do any thing to make it so & that the opposition to the

church in Utah is gaining ground & I stand almost alone & would be willing if thought best to be released from further labor & responsibility here.²¹

Hall was willing to continue his work on the case, but mostly he just wanted to move on.

Against this backdrop, on October 30th Hall told Cannon to anticipate an inquiry from his Hedrickite critics into his financial relationship with Cannon.²² Sure enough, that same day, George P. Frisbey addressed the following note to Cannon:

As there has some trouble arisen among us we thought it best in council to drop you a few lines. the purpose is to obtain from you the fact[:] who you hold responsible for the Money you furnished to carry on the Temple lot suit and a statement of the Several amounts.²³

Hall advised Cannon to “answer there letter & state the facts.”²⁴ Specifically, he recommended that Cannon provide Frisbey and company a list of Hall’s LDS loans and assure them that Hall had not obligated the Church of Christ to the Utahns. Hall expressed the hope that, should it be “agreeable to higher counsel” (the LDS First Presidency), Cannon would “give every encouragement to Mr Frisbey & his as[s]ociates to rais[e] the money and assume the responsibility of car[r]ying on this case.”²⁵

On November 5th, for the first time in over five months, Charles Hall received a letter from John M. Cannon.²⁶ Cannon hadn’t yet received Hall’s October 30th letter, so he wasn’t responding to Hall’s description of the critics’ plan to repay the LDS loans. Nor did Cannon send Hall any additional funding. Hall usually thanked Cannon for his financial assistance, but Hall’s November 6th response contained no such sentiment. Perhaps Cannon simply responded to Hall’s gracious October 10th birth announcement.

Assuming Cannon replied to George Frisbey’s information request, it would seem that Cannon’s response did not exacerbate the conflict within the Church of Christ and, at

best, may have eased tensions. On November 19th, Hall informed Cannon that since his last letter two weeks earlier “troubles have quieted down & there is some prospect of things going on peacably until the trial of the case is over.”²⁷ The Church of Christ readmitted several individuals into fellowship, George Frisbey and James Hedrick likely included.²⁸ After the Sturm and Drang of the preceding weeks, little if anything had actually changed. Hall continued his preaching and pastoral duties for the church through the winter.²⁹ And his critics didn’t carry out their threat to repay the LDS loans:

[T]he parties who have the money & could pay expenses do not seem to feel disposed to shew there faith by there works & there is no prospect of there taking any chances or risking any money in defence of the property but they may do something to pay back the money loaned if the suit is decided in our favor.³⁰

The LDS First Presidency, if they considered it at all, did not sanction Hall’s request to be done with the Temple Lot Case.³¹ Hall continued his work on the suit and continued to pester Cannon for funding. For the moment at least, the crisis had abated.

In a postscript to his November 6th letter, Hall informed Cannon that Richard Hill, George P. Frisbey, and he had momentarily overlooked their differences and pooled enough money together to cover the outstanding printing expenses of the respondent’s abstract. Despite Frisbey’s reservations about Hall’s LDS partnership, he evidently recognized that allowing bills to go unpaid would only harm the Church of Christ and its Temple Lot defense.³² By mid-November, the defendants had paid all but \$40 of their printing bills. Looming on the horizon, however, was John M. Orr’s frightening \$500 deposition bill, due December 6th. Hall told Cannon on November 19th that he wasn’t sure how the defendants would pay the sum, though he had faith the Lord would provide somehow. Hall assured Cannon any financial assistance would be welcome.³³

While the Church of Christ grappled with its financial and personal problems, the Church of Christ's legal team worked on the respondent's brief. The process started when the defendants received a copy of the plaintiff's *Brief and Argument* on 10 October 1893.³⁴ Hall sent copies of the text to James O. Broadhead and John M. Cannon.³⁵ He asked Cannon for suggestions in the preparation of the defendants' brief, now due on November 15th.³⁶ In time John N. Southern completed the respondent's brief, and by early November, the text was at the printer's. But then the defendants received an essay on incorporation from Minister Broadhead in Berlin, and subsequently a second and possibly a third essay from Broadhead, written after he had examined the plaintiff's brief. The defendants added the Broadhead essays to their brief and resumed the printing process.³⁷ The defendants printed the text by November 19th. Hall sent nine copies of the text to John Cannon, to be distributed among his LDS associates.³⁸

The 80-page *Respondent's Statement and Argument* consisted of one general section and four specialized sections: (1) a 42-page overview entitled "Statement and Authorities on Behalf of Respondents"; (2) a six-page "Argument on Incorporation of Plaintiff"; (3) a three-page essay on "The Right of a Foreign Religious Corporation to Hold Property in Missouri"; (4) a twelve-page critique of the Reorganization's alleged 1839 Temple Tract deed between Edward Partridge and Oliver Cowdery's children; (5) and finally a fifteen-page "Review of the Brief and Argument of Complainant." Unfortunately for the Church of Christ, what John N. Southern said about the *Brief and Argument on Behalf of Complainant* applied equally well to the *Respondent's Statement*

and Argument: “It is difficult to follow the learned solicitors consecutively, because they have not arranged their brief and argument consecutively.”³⁹ Southern authored the bulk of the *Respondent’s Statement and Argument*, specifically the first and last sections, but James O. Broadhead contributed two and probably three of the interim sections, namely, the “Argument on Incorporation of Plaintiff,” “The Right of a Foreign Religious Corporation to Hold Property in Missouri,” and probably the unwieldy-titled, “There was no Trust Created in the Property in Question for the Use or Benefit of Complainant, or for the Reorganized Church of Jesus Christ of Latter Day Saints under the Deed from Edward Partridge to the Cowdery Children, of the date of March 25, 1839.”

The opening general section of the document, John N. Southern’s “Statement and Authorities on Behalf of Respondents,” consisted of twenty-six vignettes on sundry topics.⁴⁰ Southern had little to say therein about the succession rights of the Church of Christ, asserting merely “that Respondent’s church holds to the doctrines and practice of the original church as propounded and accepted between the years 1830 [and], accurately speaking, February 24th, 1834.”⁴¹ Southern devoted much more time to the succession claims of the Reorganized Church, and not surprisingly, he found them groundless. The Reorganized Church, he charged, was but an organizational “after-thought.”⁴²

From 1846 to 1852, Complainant [Reorganized Church] confesses to a hiatus, a death of six years’ duration when, not from the operation of the principle of successorship, but from a revelation of one Deems [H. H. Deam], or some one of “the highest authority,” according to [the Reorganization’s] Amended Bill, “it was believed to be neces[s]ary to reorganize.”

The years that followed, in Southern’s estimation, were little more impressive:

After that, as Complainant’s testimony shows, what its witnesses are fond of calling the body, whether seven, or fifty, or a hundred, with no definite name or

designation, struggled on until at Amboy in 1860, the “King,” the “High Priest,” the “Anointed One” [Joseph Smith III] came to claim his own, and was hailed as the great Reorganizer.⁴³

Yet Joseph III’s presidential coronation, Southern protested, gave the Reorganization no greater legitimacy; Joseph III’s succession claims—lineal priesthood, prophetic blessing, divine revelation—were but “inventions.”⁴⁴ Besides, Southern reasoned, how could 300 Josephites at the 1860 Amboy conference speak authoritatively for the Mormon tradition when the LDS Church at the time had some 300,000 members?⁴⁵ (Southern’s LDS estimate was grossly inflated. In 1860, LDS membership came to little over 61,000.⁴⁶) Southern found RLDS pretensions of organizational continuity laughable:

It claims, from the beginning to the end of this cause, *to be* The Church of Christ from 1830 to February 28th, 1834; The Church of God about the same time; The Church of Latter Day Saints from 1835 to 1838; The Church of Jesus Christ of Latter Day Saints from 1838 to 1846; to have vanished as an organization from 1846 to 1852; to have received a revelation to reorganize in 1852; to have manifested a slight vitality from that date to 1860, when it counted three hundred adherents, and then when Joseph [III], the son of Joseph [Jr.] and the grandson of Joseph [Sr.] came out of Egypt as the lineal descendant in the line of the royal Priesthood of the Martyr of Carthage, in the State of Illinois, to have crowned itself The Reorganized Church of Jesus Christ of Latter Day Saints—which, after the expiration of thirty years of revelations and development and increase of numbers to 25,000, was exalted by incorporation under and by virtue of the laws of the State of Iowa [in 1891]....⁴⁷

In Southern’s estimation, the Reorganized Church was a break-off from the mainstream Mormon tradition. And as the Supreme Court ruled in *Watson v. Jones* (1871), Southern concluded, religious break-offs have no right to the property of their mother church.⁴⁸

Southern similarly dispensed with RLDS claims of doctrinal continuity. While the Reorganization’s depositions and briefs had emphasized RLDS continuity with the Mormon Church up to Joseph Smith’s death on 27 June 1844, Southern noted, their 1891

Amended Bill of Complaint “does not draw any such distinction,” but concentrates instead on the doctrinal divisions that arose in 1846. For this reason, Southern insisted, the plaintiff “must be held to the doctrines in 1846 when the alleged splits and divisions occurred.” In other words, the Reorganization had to be deemed deficient for failing to uphold such features of post-martyrdom Nauvoo as apostolic supremacy, temple rites, plural marriage, and the multiplication of seventies quorums.⁴⁹ But Southern charged the Reorganization with not only doctrinal omissions but also doctrinal innovations. The plaintiffs, he argued, deviated from Joseph Smith’s church by introducing new revelations, new rules, a new name, a new *Bible*, and a newly incorporated status.⁵⁰

This after-thought [the Reorganized Church] assumed to be the true church, copying such of the old church doctrines as suited the fancy or the superstition of its [sic] adherents; then supplementing the same by revelations through its new Elijah [Joseph Smith III], on whom it claimed the mantle of the old had fallen; then discovering the manuscript of a new bible, never used in the old church and differing from the old materially; printing it by order of its conference, and making a standard under the appellation “The Holy Scriptures”; then inventing a new book of Rules of Order and Law, and adopting it for the use of the Reorganized Church, and by the time of the alleged [1891] incorporation piling *Ossa upon Pelion*, until twenty-five new revelations had been placed in its standard book of “Doctrine and Covenants,” through Joseph [III], now President, Prophet, Priest and King thus accumulating articles of faith, rules of order and law ecclesiastical for the Reorganized few and faithful.⁵¹

To underscore the dread ramifications of such doctrinal deviancy, Southern cited several court precedents to the effect that disputed religious property rightly belongs to the faction adhering to the original tenets of the faith.⁵²

To further spotlight the shaky foundations of the Reorganization, Southern provided extended (and, with the exception of one passage, unabridged) excerpts from the depositions of Joseph Smith III and Edmund C. Briggs, the latter recounting his

unlikely adolescent vision on presidential succession and the former acknowledging, first, that church presidents can err on the authenticity of their revelations, and second, that none of the revelations he personally received were church laws under his father.⁵³

Turning to the LDS Church, Southern favorably quoted George Edmunds's warning that the Church of Christ "may show an outstanding title in another," namely, the LDS Church. Citing sundry testimonies in the *Respondent's Abstract* and, when possible, the *Complainant's Abstract*, Southern argued the "Nauvoo church and Salt Lake church [are] the same." Utah Mormonism was the continuation of Nauvoo Mormonism:

[I]n 1846 the organization of the Nauvoo church...with its quorums, its officials, its records and its members, with unimportant exceptions, and the name not vexed with the word "Reorganized," the principle of succession in full blast as a furnace, and the principle of progression ready for all emergencies, started on its destination to Salt Lake Valley, where it was rapidly reinforced, until it comprised all that was organized of the old church, attaining such proportions as to become of National note and importance.

The churches of Utah and Nauvoo shared the same name, same records, same baptism, same polygamous practices, and same principle of continuous revelation. Adding nuance, Southern discerned that "Polygamy and the Endowments, as afterwards practiced at Salt Lake, were in vogue as principles in the church at Nauvoo in 1845 and 1846, and prior to those dates was developing as the Priesthood developed in Joseph Smith."⁵⁴

Moving from the succession issue, Southern challenged the Reorganization's interpretation of the establishment of the Temple Tract. The plaintiffs claimed that Edward Partridge held the Temple Tract in trust for Joseph Smith's church, even though, Southern protested, the 1831 Flournoy-Partridge deed "on its face" was "a general warranty vesting the title in said Partridge" exclusively—the document said nothing

about an ecclesiastical trust or a trustee-in-trust. Nor was Southern impressed by the deposition testimony indicating Partridge paid for the property with church funds. He considered the witnesses' recollections "scraps from the testimony of three or four old people who repeat rumors that they claim to have heard sixty years ago." In this manner, Southern dismissed the Reorganization's pretense of this "alleged silent trust."⁵⁵

Southern offered a lengthy critique of the Partridge-Cowdery deed at the heart of the Reorganization's chain-of-title. To begin with, the document was undated. The plaintiffs assumed the transaction took place in Caldwell County, Missouri on 25 March 1839, the day Judge Elias Higbee purportedly acknowledged the document. Yet plaintiffs' witness John Taylor testified that Higbee and Edward Partridge left Missouri in 1838, Southern pointed out. Additionally, the plaintiffs, in whose name Partridge supposedly transferred the property, never possessed the original document. The plaintiffs couldn't produce a single witness who saw the original document. Southern also found it suspicious the deed was "kept off the records in the recorder's office in Jackson county, Missouri, for more than thirty years, while the property it purported to convey was changing hands in the course of trade, from one purchaser to another successively." Apparently neither the Cowderys nor the Reorganized Church saw fit to have the deed recorded. The plaintiffs also offered no proof the Cowdery minors ever actually accepted or received the deed. Charles Johnson, who lived with Oliver Cowdery's widow and daughter for three decades, "never saw or heard of a deed to anybody from Edward Partridge for any property in Jackson county." Driving his points home, Southern cited cases from across the country wherein courts variously declared

that deeds must be received by the grantee (in this case, the Cowdery youths) to remain valid and that a quit claim deed from the heir (the 1848 Partridge-Pool deed) trumps a prior unrecorded deed (the 1839 Partridge-Cowdery deed). For these reasons, Southern characterized the plaintiff's Partridge-Cowdery deed as a "pretended deed."⁵⁶

Even if the Partridge-Cowdery-Johnson deed were valid, Southern hypothesized, the Reorganization failed to properly acquire the title. In June 1887, he recounted, when RLDS bishop George Blakeslee purchased the Temple Lot quit claim deed from Marie Louise Cowdery Johnson and Charles Johnson, the Reorganization wasn't incorporated. (Actually, while the Reorganization didn't incorporate in Iowa until 1891, it had already incorporated in Illinois in 1873.) Southern therefore reached a damning conclusion: "Said Blakeslee died on the 20th day of September, 1890, prior to the said incorporation without ever having attempted to transfer the alleged title, which, so far as the record discloses, never passed to Complainant [Reorganized Church]."⁵⁷ The Reorganization never acquired the title from Bishop Blakeslee.

As ever, Southern defended the Church of Christ's Temple Lot rights on two grounds—chain-of-title and adverse possession. In terms of the former, Southern asserted that the 1848 Partridge-Pool quit claim deed "had been acknowledged and proved as required by the statutes in force at the time." And even if it had not been acknowledged at the time, he conjectured, it still "was admissible in evidence without proof of execution...because it had been recorded more than thirty years when offered" in evidence in the case, a threshold the plaintiff's Partridge-Cowdery deed (recorded in 1870) did not meet.⁵⁸ Continuing, Southern insisted that "by good and sufficient deeds"

the Hedrickites obtained portions of the Temple Lot by 1867 and the whole of it by 1878. Indeed, “it is shown by Respondent’s deeds produced in evidence,” he asserted, “that they have a complete chain of title from said Partridge through successive parties from Pool.”⁵⁹ The Church of Christ, he assured, had not needed to go to the trouble of determining if the Reorganization or any other party had some byzantine claim to the grounds: “A person purchasing land from one who appears by a recorded deed to be the owner in fee, is not required to search the records, or elsewhere to ascertain whether there are equitable rights which could be asserted against the title of the apparent owner.”⁶⁰ The Church of Christ purchased the property in good faith.

Southern spent comparatively more time on the subject of adverse possession. He summarized the long public and private history of the grounds, specifying that the sheriff of Jackson County sold the Temple Tract at the courthouse in 1848, that John Maxwell purchased the Tract at a public sale in 1851, that Maxwell and Samuel Woodson platted the grounds that same year, that the land was openly partitioned in 1858, that William Chrisman subsequently purchased a portion of the grounds, and that St. John’s Addition, St. John & Dawson’s Addition, and Prospect Place arose from the Temple Tract “all improved by houses and inclosures [sic].” Of the Temple Lot specifically, Southern reminded the court that the defendants had produced tax assessments stretching from 1891 all the way back to 1860, that the Church of Christ had presented tax receipts from 1866 to 1891, and furthermore that they improved the property in 1882. In light of all this sustained activity, Southern found it preposterous the Reorganized Church, the self-proclaimed rightful owner of the property, sat on its hands until 1891:

When a purchaser of land thirty years before filing his bill for a specific performance, not having made any payments for the same, stands by and sees others, who have bought and paid for the land, make valuable and costly improvements thereon, *and allows others to purchase, making no objections* and interposing no claim to the property, during all which time he pays no taxes, or assessment on the same, and takes no legal steps to assert his supposed rights, and does not call on those occupying the same and assert his ownership, or call for an account of the rents and profits, and in his bill gives no sufficient excuse for his delay and conduct, he will not be entitled to equitable relief, and his bill will be properly dismissed.

If the Reorganization held the title to the Temple Lot, Southern declared, it should have made that clear to all parties: “There must be some act, some declaration from an authenticated source which a person would be careless if he disregarded, which is necessary to put a party on enquiry, and call for the exercise of reasonable diligence.” Instead the Reorganization did nothing: “During all this time, from 1860 to 1888, when the fox found the so-called heirs of the Cowdery children, no attempt to take from the owners the so-called temple lots had been projected.” Smartly, Southern cited court cases ruling that ten years of adverse possession by a defendant bars recovery by the plaintiff. He therefore dismissed the plaintiffs’ protest that the Church of Christ should have known or at least inquired about the Temple Lot trust Edward Partridge established for Joseph Smith’s church and its successor, the Reorganized Church. “A general rumor of a conveyance is not enough to make it the duty of the purchaser to go search the record. Notice of such a rumor is not actual or implied notice.”⁶¹

Southern, naturally, took strong exception to the plaintiff’s counter-intuitive claim that the Church of Christ held the Temple Lot in trust for the Reorganized Church. The plaintiff’s *Brief and Argument*, he commented, “garbles testimony in contravention of all acknowledged rules of pleading” to pursue the misguided allegation that Granville

Hedrick belonged to the Reorganized Church up to 1863 or thereabouts. Southern countered that the Church of Christ came into existence as early as 1857 “from the remnants left after the higerá [sic].” The deposition of Richard Hill, he added, made it clear that the Church of Christ operated independently from the Reorganized Church and that Hedrick held the Temple Lot in trust for the former alone.⁶²

Southern also questioned the Reorganization’s 1891 incorporation in Iowa. He suspected that the church incorporated to improve its chances in the Temple Lot Case:

Notwithstanding the high pretenses of the Complainant Incorporation [the Reorganized Church] it is logically inferable that the intention of the [RLDS] incorporators was primarily, if not exclusively, to manufacture a party for a Complainant in this action. The articles of association date from the 6th day of June, 1891, and the certified copy of the action brought by it in this court, served upon Respondent [Church of Christ], bears date August 21st, 1891.

Southern saw nefarious intent behind the incorporation process:

[T]he Iowa inco[r]poration had been conceived as an artifice to avoid the inhibitions of the laws of Missouri, and to palm off on the United States Circuit Court a corporation originated by a few ecclesiastical pretenders under a local law of the State of Iowa, as a legal person representing valuable property interests in many States and Territories, in Canada, Europe and the Islands of the Seas.

Southern contended that the Reorganization did not obtain sufficient ecclesiastical and governmental authority to incorporate: “No certificate of any clerk or other state officer is produced to show that it has any official recognition in the state of Iowa or anywhere else; nor does it purport to have been effected by the general church or by its authority.” Focusing on the latter point, Southern acknowledged that the Reorganized Church sanctioned the incorporation process in general conference in April 1891, yet he tried nonetheless—without much of an argument—to characterize the sanction as insufficient. In a nutshell, Southern simply couldn’t believe that thirty-one church members in Lamoni

could incorporate on behalf of all Lamoni members, let alone the entire membership of the Reorganized Church. He also charged—again, with little argument or evidence—that the board of directors of the newly-incorporated Iowa-based church never authorized a suit to obtain property in Missouri. Thus he concluded: “Complainant’s so-called organization being local [to Lamoni, Iowa] did not confer upon it the right to own or control the property of the Reorganized Church of Jesus Christ of Latter Day Saints wherever it might be located.” Lacking better substantiation, however, Southern’s protestations came across as more desperate than convincing.⁶³

Southern offered a more convincing rebuttal to the plaintiff’s thesis that, by the law of comity between the states, a religious body incorporated in Iowa could hold property in Missouri, a state that generally did not allow religious bodies to incorporate. “Foreign corporations,” Southern argued, “have no right by the law of comity to do acts within a state which are prohibited by the laws of that state to its own citizens or corporations engaged in similar business.” Southern cited several rulings to that effect, including a Supreme Court ruling. “The law of comity,” Southern clarified, “merely enables a body of corporators, chartered by one state to aid in a corporate capacity in another state subject to all the laws and regulations of the latter.” The Reorganization’s articles of incorporation, he concluded, would not pass muster in Missouri.⁶⁴

Lastly, Southern disputed what he thought was an apparent effort of late by the Reorganization to claim the Temple Lot by virtue of law (which hinged on technical questions of land titles) as well as of equity (which hinged on the more subjective determination of the proper Mormon trustee of the alleged Temple Lot trust). From the

outset of the case onwards, the RLDS legal team had defined the suit as one of equity. The August 1891 RLDS Bill of Complaint spelled it out: “Your orator herein is wholly without remedy of law, and presents this, its bill to this court sitting in equity, for full, adequate and complete relief.”⁶⁵ The plaintiffs hadn’t ignored land title matters, but they always framed them within the equitable context of the purported Temple Tract/Temple Lot trust. In the plaintiffs’ recently-submitted essay, *Brief and Argument on the Title to the Land in Question*, however, Southern sensed the plaintiffs were arguing law, not equity. In protest, Southern insisted the plaintiffs could not have it both ways. “When there is a complete remedy at law,” he argued, “a bill in equity must be dismissed.” He furthermore declaimed that the statute of limitations undermined the Reorganization’s equitable claims: “A suit in equity brought for the determination of title and the possession of real estate after the period prescribed by statute as a bar to an action of ejectment, will not be entertained, as it is founded on a stale claim.” For these and other reasons, Southern urged the court to dismiss the plaintiff’s equitable complaint.⁶⁶ Like some of Southern’s other arguments, though, this too seemed strained, as the plaintiff’s *Brief and Argument on the Title to the Land in Question* had spoken of land titles within the context of the ecclesiastical trust the plaintiffs ascribed to the Temple Lot.

As I mentioned earlier, James Broadhead contributed at least two essays to the *Respondent’s Brief and Argument*, namely, an “Argument on Incorporation of Plaintiff” and “The Right of a Foreign Religious Corporation to Hold Property in Missouri.”⁶⁷ The contrast between Broadhead’s and Southern’s contributions to the *Respondent’s Brief and*

Argument were marked. Southern touched on a range of issues; Broadhead focused on one. Southern's thoughts tended to run scattered; Broadhead argued with pinpoint precision. Southern often relied on assertion rather than evidence; Broadhead presented evidence to back up all his claims. Even if we take into consideration the different scope of their respective essays, Broadhead was clearly the superior of the two attorneys in organization, expression, and persuasiveness. Then again, a comparison between Broadhead's and the plaintiff's briefs would yield the same conclusion. Simply put, Broadhead's contributions to the *Respondent's Brief and Argument* show a legal mind at work without parallel in the Temple Lot Case, which shouldn't be surprising considering he argued cases before the Supreme Court. As the St. Louis Bar Association commented after his death: "The character of his mind was such, that it seemed to be able to select the salient points of a controversy or a reported case, to eliminate the immaterial and to concentrate upon the main issue."⁶⁸ The Church of Christ suffered a real loss when Broadhead accepted his diplomatic post and had to limit his work on the case.

Broadhead wrote his first essay, "Argument on Incorporation of Plaintiff," without the benefit of the *Complainant's Brief and Argument*.⁶⁹ Venturing forth nonetheless, he declared "It has always been the policy of our State to prevent the accumulation of large bodies of real estate in the hands of religious corporations." Article 2, Section 8 of the 1875 Missouri Constitution stipulated the following: "That no religious corporation can be established in this State except such as may be created under a general law, for the purpose only of holding the title to such real estate as may be

prescribed by law for church edifices, parsonages and cemeteries.”⁷⁰ This provision, Broadhead argued, undermined the Reorganization’s claims to the Temple Lot:

[T]o permit a religious corporation created by the laws of another State to hold an unlimited amount of real estate in Missouri, is in fact to establish, or permit the establishment of a religious corporation in this State with powers and privileges which are prohibited by the [Missouri] Constitution; for the [Missouri] Constitution says that no such corporation shall hold real estate except for churches, parsonages and cemeteries; and limits the quantity that may be held for such purposes to the amount prescribed by the Legislature in a general law.⁷¹

Broadhead found the Reorganization’s effort most presumptuous:

And yet this fugitive corporation, claiming a double birth, first in Illinois and then in Iowa, assumes the right to trample on the Constitution of Missouri and defy its policy. It is only by sufferance that any corporation created in another state can exercise its powers as such in this state, but in this case not only has no assent been given to exercise its powers here, but it is clearly forbidden to do so by the fundamental law of the state.⁷²

Broadhead compared the Reorganization’s presumption to the Kansas Legislature authorizing a Kansas resident to sell liquor in Missouri contrary to Missouri law. “The proposition is absurd,” the attorney charged. “Such a doctrine would admit the power of any State in the Union to override and supercede [sic] the provisions of our [Missouri] Constitution and the well-settled policy of the State.”⁷³

Broadhead acknowledged that the Missouri Legislature passed a general law on the incorporation of religious bodies in 1887, but he didn’t think the Reorganization could take comfort in its provisions. The law didn’t specify or limit how much property an incorporated religious body could hold for edifices, parsonages and cemeteries, but the incorporation process it outlined had to take place *within Missouri itself*, specifically, before the local circuit court of the religious body and before the office of the secretary of state. The Reorganization, Broadhead reminded the court, incorporated in Iowa and

Illinois—it never went through the steps prescribed by the Missouri general law.⁷⁴ To demonstrate that the state meant business on the matter, Broadhead pointed to three cases wherein the courts of Missouri ruled that religious organizations could not hold property in the state without conforming to state incorporation regulations.⁷⁵

Broadhead, it seems, intended to contribute just this one essay, “Argument on Incorporation of Plaintiff,” to the *Respondent’s Statement and Argument*. But then the *Complainant’s Brief and Argument* reached his European desk. He might have let it pass in silence, but he found one passage particularly irksome. Appealing to the 1878 Supreme Court ruling in *National Bank v. Matthews*, the RLDS legal team asserted that only the State of Missouri could object to an Iowan religious corporation owning Missouri property; the defendant Church of Christ could not object. “Whether Complainant [Reorganized Church] holds the property legally under the Missouri statute or not is not a matter of concern to the Respondents or any of them [the Hedrickites], it is enough to know that the title is in Complainant [Reorganized Church], and that the Complainant claims it for church uses.”⁷⁶ With this passage in mind, Broadhead found it enlightening that the *Complainant’s Abstract* omitted a portion of the defendants’ arguments on the matter. In one text, the RLDS legal team deleted the defendants’ objections; in another text, they told the defendants to lay off the issue. Broadhead sensed vulnerability in the Reorganization’s evasions. “The Complainant,” he suspected, “evidently seeks to avoid this issue.”⁷⁷ So Broadhead carved time out from his diplomatic duties, took pen to paper, and wrote a response for the defendants entitled “The Right of a Foreign Religious Corporation to Hold Property in Missouri.”⁷⁸

At the outset of his essay, Broadhead acknowledged he did not have the Supreme Court text of *National Bank v. Matthews* on hand at his foreign outpost. He would, in other words, be working from memory alone. Proceeding with confidence, Broadhead offered two objections to the Reorganization's thesis. First, the property in *National Bank* was bequeathed to a corporation, whereas the Reorganized Church obtained its (purported) Temple Lot title before the church incorporated in 1891.⁷⁹ (Broadhead brushed aside the 1873 RLDS incorporation in Illinois, insisting that the plaintiffs had not introduced enough evidence to prove their corporate status in Illinois.⁸⁰) Second, Broadhead insisted a more instructive parallel to the Reorganization's situation would be *Catholic Church v. Tobein*, wherein the Missouri Supreme Court ruled that the previously unincorporated Catholic church forfeited a property donation by incorporating. The donor entrusted the property to the Catholic *church*, the court ruled, not the Catholic *corporation*. Broadhead recommended a similar verdict in the Temple Lot Case.⁸¹

Broadhead also took exception to the plaintiff's assurance "it is enough to know that the [Temple Lot] title is in Complainant [Reorganized Church]." If it were so self-evident the Reorganized Church held the legal title to the Temple Lot, Broadhead queried, why did the Reorganized Church file a bill in equity in a court of equity? Why didn't they seek instead, as he termed it, "a complete remedy at law by an action of ejectment"? Why not focus the case on legal title alone, in other words, rather than the court's determination of an ecclesiastical trust? The equitable character of the plaintiff's Bill of Complaint, Broadhead charged, gave the lie to their pretension that they possessed a clear legal title to the Temple Lot. "The statement of counsel is not only not true,"

Broadhead concluded, “but is contradicted by the evidence in the case, and by the fact that a bill in equity is filed for the purpose of obtaining a complete title to the property.”⁸²

A third essay in the *Respondent’s Statement and Argument* appears also to have been written by James Broadhead, or at least it bears a stronger resemblance to Broadhead’s work than Southern’s work. The title of the essay is as straightforward as it comes: “There was no Trust Created in the Property in Question for the Use or Benefit of Complainant, or for the Reorganized Church of Jesus Christ of Latter Day Saints under the Deed from Edward Partridge to the Cowdery Children, of the date of March 25, 1839.”⁸³ Broadhead apparently mailed the essay from Berne, Switzerland.⁸⁴

In his essay, Broadhead noted that, with one exception, neither the 1831 Flournoy-Partridge deed nor any other deed offered in evidence expressly stated that Edward Partridge purchased the Temple Tract in trust for Joseph Smith’s church.⁸⁵ The one exception, of course, was the Reorganization’s 1839 Partridge-Cowdery deed. Offering an unusually close reading of the 1839 deed, Broadhead observed that according to the terms of the transaction described in the text, Oliver Cowdery paid Edward Partridge \$1,000 for all the lands entered in Partridge’s name in Jackson County “being intended for the use of the Church of Latter-Day Saints *or otherwise*.” Italicizing the last two words for emphasis, Broadhead expounded on their significance:

[“]or otherwise[”] is equivalent to a declaration that [Edward Partridge] holds other lands not intended for the use of the Church of Latter Day Saints, and there being no specific description of the lands intended for the use of the church; nor of the lands held in his own right, it is impossible to determine whether the land in controversy was held by him in trust, or in his own right.

Although the deed declared that Partridge held certain properties in trust for Joseph Smith's church, in other words, the deed never actually specified that the Temple Tract was one of them. Despite the text's express reference to the sixty-three-acre Temple Tract, Broadhead added, "there is nothing to show that this property in Independence was purchased with money of the church, or that it was held in trust for the church."⁸⁶

Broadhead also scrutinized the three Cowdery children named in the Partridge-Cowdery deed—John, Jane, and Joseph. But rather than argue that the three children, as some suspected, never existed, Broadhead chose a quixotic but potentially equally effective route, contending that the sole surviving child, Marie Louise Cowdery Johnson, may not have had authority to transfer the deed in 1887 to George Blakeslee of the Reorganized Church. Laying the groundwork, Broadhead acknowledged that if the three Cowdery children to whom Bishop Partridge allegedly conveyed the Temple Tract died without offspring or legal wills, the property rightfully devolved to their parents or, in the case of the parents' death, their sibling Marie Louise, from whom the Reorganization purchased the title. Broadhead contended, quite unexpectedly I would imagine, that the plaintiffs had not proved that John, Jane, and Joseph Cowdery died without will or offspring. True it was, he noted, that Charles Johnson, who married Marie Cowdery in 1856, knew of no other Cowdery children besides Marie. Yet Johnson's ignorance of John, Jane, and Joseph, Broadhead surmised, was not proof the three had died; Mormons had scattered about the country, and having reached adulthood by 1856, the trio might very well have scattered as well. Broadhead stated his case thusly:

If the witness [Charles Johnson] has said that he heard from the mother [Elizabeth Cowdery] and sister [Marie Louise Cowdery] that these children [John, Jane, and

Joseph Cowdery] were dead, that, perhaps, would have been sufficient, but it seems that he heard nothing about them. And unless they [John, Jane, and Joseph Cowdery] are dead and died without issue, the outstanding title to the [Temple Tract] property, if the [1839 Partridge-Cowdery] deed was not a forgery, is in them [John, Jane, and Joseph Cowdery] or their descendants.

It followed, Broadhead concluded, that if the title remained in John, Jane, and Joseph Cowdery or their descendants, Charles Johnson and Marie Louise Cowdery Johnson had no authority to transfer the title to Bishop George A. Blakeslee in 1887. The RLDS legal team might have expected an argument about the existence of the three Cowdery children; I doubt they expected an argument about their deaths. But Broadhead sensed the latter approach might prove as, if not more, effective as the former.⁸⁷

Continuing with the Partridge-Cowdery deed, Broadhead observed that, according to the terms of the deed, Edward Partridge sold the Temple Tract trust to Oliver Cowdery's children for \$1,000, the bishop presumably holding the money in trust for the church. But now, after a lapse of some five decades, the supposed contemporary embodiment of Partridge's church—the Reorganized Church—claimed the property once again. Broadhead therefore pointedly asked: “Is the church entitled to the money *and* the property both?”⁸⁸ He apparently overlooked that the plaintiffs did not obtain the Partridge-Cowdery title for free: Bishop Blakeslee paid \$100 for the quit claim deed from Cowdery's daughter and son-in-law.⁸⁹ Still, \$100 in 1887 was a bargain compared to the \$1,000 Cowdery supposedly paid for the property in 1839.

Shifting gears, Broadhead defended the 1848 Partridge-Pool deed that lay at the root of the Church of Christ's chain-of-title. The plaintiffs, you'll recall, accused James Pool and Bishop Partridge's family of acting in bad faith in 1848. Everyone at mid-

century knew the Temple Tract belonged to the Mormon church, the plaintiffs contended. Yet Pool and the Partridges bought-and-sold the property in complete disregard of the trust.⁹⁰ Broadhead countered, however, that the only public record of the Temple Tract at the time, the 1831 Flournoy-Partridge deed, made no mention of a trust. Yes, the plaintiff's 1839 Partridge-Cowdery deed mentioned a trust (though it didn't specify that the Temple Tract fell under its rubric), but Broadhead reminded the court that the Partridge-Cowdery deed wasn't recorded until 1870. As far as mid-century public records were concerned, in other words, the Temple Tract trust didn't exist.⁹¹ Broadhead also opined that Emily Partridge's memory of the transaction didn't inspire confidence. She frankly admitted: "I don't remember whether anything was said, or, if anything was said, what it was about." All the plaintiffs offered, Broadhead protested, was her *understanding* of Pool's *understanding*. Broadhead wasn't impressed: "Is it possible that counsel can claim that this is evidence of knowledge or notice of any thing?"⁹² As for witnesses who described the property as "Temple" property, Broadhead retorted that their comments were too ambiguous to prove a trust existed. None of the witnesses provided that critical piece of information: whose temple property was it?

They may have heard that it was called "Temple property;" but whether it has been purchased by any particular church or for any particular church does not appear by the testimony of these witnesses; or whether it was merely designed or intended to be acquired by any church or for any church does not appear.⁹³

The Temple Tract was partitioned and transferred several times after 1848, Broadhead recounted, but aside from the Church of Christ, not one Mormon faction, not even the Reorganized Church, "pretended to interfere with these proceedings or to set up any title to the property until after a lapse of forty years." Did fear of persecution keep the

Reorganization away? Broadhead thought that excuse only went so far, considering how many Josephites eventually settled in Independence. “They may not have been there in 1848,” he commented, “but they were evidently there long before the institution of this suit.”⁹⁴ The material facts, then, were clear: At mid-century no church claimed the property, no temple stood on the property, and no trust was identified in the public record. If not on the grounds and in the public records, where were James Pool, John Maxwell, and Samuel Woodson to find evidence of an ecclesiastical trust?⁹⁵

Finally, Broadhead defended the technical soundness of the Partridge-Pool deed. The plaintiffs, you’ll recall, had argued in an earlier brief that the deed was improperly acknowledged.⁹⁶ In response, Broadhead cited the 1845 *Revised Statutes of Missouri* to show that circuit court clerks could use their own private seals if the court didn’t provide one of its own.⁹⁷ Broadhead sort of missed the mark here though. The plaintiffs didn’t dispute that circuit court clerks could use their own private seals; they argued, based on a severely strict reading of the statute, that private seals couldn’t be used on quit claim deeds. Broadhead didn’t really respond to the specifics of this objection. Perhaps he simply didn’t take it seriously. At one point he assured the court “there is no disputing the fact that the clerk of the circuit court had the right to take the acknowledgment of a deed for the conveyance of real estate.”⁹⁸

Having followed the opening John Southern essay with two and probably three pieces by James Broadhead, the *Respondent’s Statement and Argument* concluded with a second John Southern essay entitled “Review of the Brief and Argument of

Complainant.”⁹⁹ This section, more so than the sections preceding it, responded directly to the arguments of the *Brief and Argument on Behalf of Complainant*. With the exception of Broadhead’s quite specific “Right of a Foreign Religious Corporation to Hold Property in Missouri,” the preceding sections had offered general responses to the plaintiff’s arguments. Southern’s concluding “Review,” however, cited chapter and verse of the Reorganization’s brief and offered something of a point-by-point refutation.

Southern responded to the succession arguments of the complainant’s *Brief and Argument* in the expected manner. He cogently summarized the defendants’ critique of the Reorganization’s doctrinal and organizational continuity:

Complainant has adopted new rules for the guidance of the Reorganized Church, twenty-five new revelations and a New Bible for its doctrines, a new doctrine of Quorums, substituting Eleven for Twelve, and a smaller number than seventy for Seventy, and that it has practically abandoned baptism for the dead, has adopted a principle of Incorporation and numerous other changes from the practices and doctrines of the old church....¹⁰⁰

The very name of the Reorganized Church undermined its claims of continuity with the original Mormon Church:

We do not care to go into the mazes of the bodies that have claimed Mormon descent. It is enough to remark that the Complainant’s name is unique among them all. It is the only one that negatives successorship. All the others have implied descent. The Complainant alone admits reorganization.¹⁰¹

The plaintiffs, Southern charged, had failed to prove that they maintained the doctrines and practices of the church up to June 1844, and their failure was even more dramatic if the baseline were stretched out to the Mormon departure from Nauvoo in 1846.¹⁰²

At the risk of understatement, Southern didn’t take Joseph Smith III’s succession claims all that seriously. He disparaged James Whitehead’s, John H. Carter’s, and Joseph

III's recollections that the Prophet designated Joseph III his successor. In Southern's estimation these reports were so much "credulity."¹⁰³ He similarly characterized the remarks of Joseph III, William Smith, and W. W. Blair on the doctrine of lineal succession as "samples of ecclesiastical casuistry that would have complimented Bishop [Thomas] Cranmer, when he quieted the conscience of Henry the Eighth." But sarcasm didn't constitute an argument, and Southern offered only three substantive points on this important matter. First, he reminded the court that the defendants had objected to the plaintiff's succession testimony during the deposition process. Second, he noted that the Prophet was the fourth son of his father, in apparent contradiction to Blair's testimony that lineal priesthood passed down to the eldest son. Finally, and most substantively, he informed the court that during Joseph Smith's lifetime the *Times and Seasons* offered a different version of the January 1841 revelation Blair confidently quoted from the RLDS *Doctrine and Covenants* in defense of Joseph III's succession:

<u>RLDS <i>Doctrine and Covenants</i> (1880)</u>	<u><i>Times and Seasons</i> (1841)</u>
...for this anointing have I put upon his [the Prophet Joseph Smith Jr.'s] head, that his blessing shall also be put upon the <i>head</i> of his posterity after him; ¹⁰⁴	...for this anointing have I put upon his [the Prophet Joseph Smith Jr.'s] head, that his blessing shall also be put upon the <i>heads</i> of his posterity after him; ¹⁰⁵

Blair saw the 1880 passage as a divine allusion to the Prophet's succession blessing of Joseph III. He interpreted the singular "head" found in the RLDS *D&C* as a reference to Joseph III, eldest son of the Prophet. But as Southern pointed out, the plural "heads" of the 1841 *Times and Seasons* altered the meaning of the passage. Southern didn't bother to speculate on what the plural passage might mean, nor did he need to. The textual variant sufficed to raise doubts about one of the Reorganization's prime prooftexts.¹⁰⁶

As he had in the brief's first essay, Southern once again championed the succession rights of the LDS Church. The plaintiffs claimed the Lord's true church was rejected in 1844-1846 and reorganized in 1851-1860, but Southern retorted that Mormonism's "original organization has never been broken or defunct for a day. It lives in Utah and the other territories and is what has been historically known as the Mormon church."¹⁰⁷ By the plaintiff's own admission, he noted, polygamy and other Brighamite doctrines entered the church before the hegira from Nauvoo. "As to polygamy," for example, "there is abundant proof that it became a practice in the church at Nauvoo and proof that it arose through the sanction of Joseph, the founder."¹⁰⁸ The evidence in the case, Southern gathered, "tend quite conclusively to prove that the Utah Church is the same as the old organization, both in continuity of organization and doctrine."

Southern generally painted with broad brushstrokes on the succession question. But at one point he added an impressively nuanced wrinkle to the discussion. Even if it were admitted that the LDS Church had changed doctrines over the years, he reasoned, the body's organizational continuity trumped all other considerations. The LDS Church and the Reorganized Church had arguably both changed doctrinally, and both could justify those changes on the basis of progressive revelation. But the Reorganized Church, as its very name indicated, had disorganized and reorganized; the LDS Church, by contrast, could alone claim organizational continuity. "The Utah church has the continuous organization with its changes and the Reorganized Church has its changes without the continuous organization." Southern's shrewd formulation offered the defendants a promising means of grappling with the evidence for LDS change.¹⁰⁹

Southern didn't concern himself so much with the doctrinal and organizational integrity of the Church of Christ. "It is not important whether Respondent's organization and belief is the same as the original church, because Respondent relies on its record title to the property and its possession thereunder."¹¹⁰ Southern nonetheless assured the court that the Church of Christ maintained the doctrines of the original church in its earliest incarnation: "If the doctrine of the old church up to February 28, 1834, is to determine the ownership of the property in question then, by the admissions of the bill, it belongs to Respondents and Complainants cannot recover."¹¹¹ And in perhaps the smartest insight of his entire essay, Southern suggested that if, as the plaintiffs claimed, Edward Partridge purchased the Temple Lot in trust for the early Mormon church, the Church of Christ could make a better claim of being that body than the Reorganization. "Respondent's church, in preferring such a claim would not, like Complainant [Reorganized Church], have to resort to the fictitious [sic] of primo-geniture, of continued revelation and development, of succession, of store-room ordinations, and mass meeting approvals."¹¹²

In a curious aside, Southern contrasted the rationality of the defendants' legal counsel with the visionary credulity of James Whitehead, Edmund C. Briggs, and Joseph Smith III. In legal affairs, Southern boasted, he and Broadhead "have been accustomed to find its precepts in statutes and books of jurisprudence." In stark contrast, the plaintiff's witnesses "testify without misgivings and with great boldness that they have communicated with the Almighty and know the mind of God[,] and their solicitors brief their testimony, without even an introductory apology to the court." Southern had little patience with modern claims of revelation, at least not those of his adversaries:

Can the so-called revelations on which Complainant [Reorganized Church] relies be regarded by this court as other than the vagaries of disordered minds, the imaginings of superstition, or the devices of crafty and unscrupulous speculators, to control the credulous and win the favor of the vicious and depraved that they may fatten on their substance?¹¹³

Southern clearly hoped or expected that the judge assigned to the suit would look upon supernatural experiences as negatively as he, and that by highlighting the visions and revelations of the plaintiffs Southern could win the court's favor. The parameters of Southern's comparison were, of course, quite unfair. He wasn't comparing the Josephites to the Hedrickites; he was comparing the Josephites to the Hedrickites' *attorneys*. Then again, a fair comparison would have defeated the purposes of his diatribe, as Church of Christ figures Granville Hedrick and Charles A. Hall claimed revelations as well.

Moving on, Southern justifiably blasted the misleadingly-titled "Conceded Propositions and Proofs" of the plaintiff's *Brief and Argument*. To begin with, the section erroneously portrayed *The Doctrine and Covenants* (first printed in 1835) as one of the original texts of the church in 1830, falsely enhancing the Reorganization's scriptural continuity but minimizing the primitivist authenticity of the Church of Christ. The section also alleged that Granville Hedrick and his early followers were members of the original church/Reorganized Church from 1842 up to 1863. Southern rightly characterized this argument as "a *suggestio falsi*." Southern also found it curious that a section on alleged concessions contained snippets of highly contestable testimony from James Whitehead, Joseph Smith III, William Smith, and Edmund C. Briggs declaring the Reorganization maintained the same doctrines as the original church. Southern baldly discounted the lucidity and trustworthiness of these witnesses, characterizing them as

“revelation receivers.” The testimony of such questionable figures, he advised, “ought not to have been seriously offered by the learned Solicitors.” Southern deemed this section of the plaintiff’s *Brief and Argument* “as nebulous as the alleged revelations.”¹¹⁴

But Southern gave a bit of ground on the Reorganization’s characterization of the Temple Lot as an ecclesiastical trust. “The proposition might be admitted by the Respondents without detriment to their cause,” Southern wrote, “but it contains so much of latent ambiguity and is supported so entirely by incompetent testimony that we withhold an admission, even for the purpose or argument.” Southern conceded that the original sixty-three-acre tract “became recognized as the Mormon tract, or Mormon lot, and held on to the designation, though sold by the Partridge heirs to [James] Pool, and afterwards by thousands of grantors.” In time, he acknowledged, the appellation became associated almost exclusively with the 2.5-acre Temple Lot. Southern also conceded that “city improvements were made mainly subsequent to the War and did not extend over the lots in question.” But Southern denied that any of these facts diminished the ownership claim of the Church of Christ. The very reason the Temple Lot did not receive postbellum improvements was “because as early as 1866...the Hedrickite branch of Mormons began the [sic] purchase lot by lot as rapidly as they could obtain them and have held them for the use of Respondents for church purposes.” The defendants’ title, moreover, differed none at all from the titles of the many other property owners now living on the original sixty-three acres. The Hedrickites “paid their money for the lots and took deeds for them just like the thousands of other citizens did for their lots.” Before 1887, the Hedrickites, like other current residents of the sixty-three acres, knew

nothing of any RLDS claims to the property or any supposedly dormant ecclesiastical trust. Southern found the plaintiff's protestations on this matter frankly ridiculous:

That not only Respondents, but all whose titles have come through the deeds from Partridge heirs to [James] Pool and [James] Pool to [John] Maxwell, should be charged with knowledge of the alleged sums of money placed in [Edward] Partridge's hands sixty years ago at Kirtland, Ohio, to buy land in Missouri, or with knowledge of the contents of an alleged deed of [Edward] Partridge to the Cowdery children, not recorded before 1870 is, with all due respect to the able solicitors of Complainant [Reorganized Church], absurd.

By making concessions on the most indefensible elements of the defendants' arguments, Southern's treatment of the trust issue strengthened the defendants' case considerably.¹¹⁵

Moving to the legal context of the case, Southern utterly discounted the plaintiff's thesis that courts in religious property suits must side with the faction adhering to the religion's original tenets. He didn't dispute the legal theory except to note that should the court delve deeply into creedal matters it "would introduce an interminable controversy into which the Respondents ought not to be required to enter." Instead, Southern depicted the legal arguments for judicial intervention as immaterial, given that the Reorganized Church didn't exist until 1852, didn't have a president until 1860, and departed in a number of ways from the original Mormon faith. "If Complainant can extract any honey from comb in these bee-gums it is welcome," Southern smirked.¹¹⁶ Southern's strategy here was definitely risky. The court could very well find the evidence for the Reorganization's continuity with the original church more convincing than Southern suggested, and if that were the case, Southern left the defendants with no secondary defense on the matter. To prevent that possibility, Southern probably should have challenged the Reorganization's legal interpretation of religious property suits.

In his final pages, Southern argued that, if nothing else, the statute of limitations should prevent the plaintiffs from obtaining the Temple Lot. All things being equal, the Reorganized Church waited too long to recover its supposed property:

[W]e submit that Complainant [Reorganized Church], even if it should surmount the scores of difficulties in its way; if it were a genuine party; if as such it were authorized to maintain the action; if its succession were proved; if it were in the right tribunal and had selected the right action; if its claim of title had ever possessed vitality; if all these essentials to recovery were marshaled in its favor, the staleness of the claim it champions would inexorably require the dismissal of the Amended Bill.¹¹⁷

Southern closed by thanking James Broadhead and Charles A. Hall for their assistance.¹¹⁸

A synoptic view of the five sections comprising the *Respondent's Statement and Argument* reveals a number of aesthetic and argumentative weaknesses. John N. Southern didn't always back up his assertions with evidence. His diatribes against supernatural religion could just as well have applied to the Church of Christ and the LDS Church as the Reorganized Church. His effort to hold the plaintiff to their original 1846 dating of the Mormon apostasy (the plaintiff subsequently dated the onset of the apostasy to Joseph Smith's 1844 martyrdom) seemed a bit desperate. His critique of RLDS incorporation grasped at straws. His allegation that the plaintiffs were now pursuing a case at law as opposed to equity flew in the face of the plaintiff's persistent effort to prove the entrusted character of the Temple Grounds. His failure to contest the plaintiff's arguments on the original official name of the Mormon Church and the limited role of the Twelve Apostles under Joseph Smith were significant omissions. Most critically, Southern didn't deal with the polygamy denials under Joseph Smith and didn't offer

sufficient substantiation for his dismissal of Joseph III's succession claims. In addition, Southern ignored and James Broadhead didn't ably defend the technical soundness of the acknowledgment of the defendants' 1848 Partridge-Pool deed. And Southern lightly touched upon and Broadhead flat out ignored the body of judicial rulings determining that courts should avoid examinations of religious doctrine and practice.

All in all, however, the strengths of the *Respondent's Statement and Argument* outweighed its weaknesses. Southern hammered away at the organizational continuity of the Reorganized Church. He ably highlighted—overstated, really—scriptural and doctrinal discrepancies between the Reorganization and the church of Joseph Smith. And while he didn't provide much evidence to substantiate his dismissive treatment of Joseph Smith III's succession rights, his critical reading of the plaintiff's 1841 proof-text was most impressive. Southern affirmed the standard continuities between the Nauvoo church and the LDS Church, but added the shrewd and novel concession that while the LDS and RLDS churches had both changed over time, the LDS Church alone enjoyed organizational continuity. Turning to the Church of Christ, Southern capably reiterated that it was always independent of the Reorganized Church. And he reminded the court, moreover, that the party bearing the strongest resemblance to Mormonism circa the 1831 Temple Tract founding was the current holder of the Temple Lot, the Church of Christ.

The *Respondent's Statement and Argument* was particularly strong on issues related to the Temple Grounds. Southern competently defended the Church of Christ's chain-of-title, and he cut off disposable deadwood of the defendants' arguments by conceding that the Temple Tract was long recognized as Mormon property and that most

of the property's improvements took place over the previous quarter-century. Southern and Broadhead ably defended the good faith of the Temple Grounds land-owners listed on the defendants' chain-of-title. As for the plaintiff's property claims, the two attorneys laid bare gaps in the evidence that Edward Partridge purchased the Temple Tract in trust for Joseph Smith's church. Furthermore, they effectively scrutinized the 1839 Partridge-Cowdery deed. Southern also questioned whether Bishop George A. Blakeslee successfully transferred the Cowdery-Johnson deed to the Reorganization before his 1890 death. Southern and Broadhead alike challenged the right of a church incorporated in Iowa to hold Missouri property. And Southern made a strong case that the statute of limitations had passed and the Reorganized Church waited too long to file suit.

In sum, whereas the *Brief and Argument on Behalf of Complainant* and the *Brief and Argument By G. Edmunds* didn't appreciably improve the Reorganization's chances in my estimation, the *Respondent's Statement and Argument*, in my opinion, significantly bettered the judicial prospects for the defendant Church of Christ in the Temple Lot Case.

Endnotes

¹ Charles A. Hall to John M. Cannon, 3 September and 10 October 1893, and Charles A. Hall diary, 3 September-5 November 1893, all in the LDS Archives, Salt Lake City.

² Charles A. Hall diary, 25 September 1893, and Charles A. Hall to John M. Cannon, 10 October 1893, LDS Archives.

³ Andrew Jenson journal, 28-29 September, 6 October 1893, LDS Archives.

⁴ That Jenson spoke with Cannon is indicated by Charles A. Hall to John M. Cannon, 6 November 1893. That Cannon did not respond to several Hall letters is indicated by Charles A. Hall to John M. Cannon, 13 February 1894. Both documents in the LDS Archives.

⁵ Charles A. Hall diary, 26 May-5 November 1893, and Charles A. Hall to John M. Cannon, 29 May, 10 June, 2, 13 July, 3 September, 10, 22, 30 October 1893, all in LDS Archives.

⁶ John M. Cannon to Wilford Woodruff, 13 February 1894, in John M. Cannon correspondence, LDS Archives.

⁷ Hall requested funding in his 13 July, 3 September, and 10, 22, 30 October 1893 letters to John Cannon, all in LDS Archives.

⁸ Charles A. Hall to John M. Cannon, 10 October 1893, LDS Archives.

⁹ Ibid.

- ¹⁰ Charles A. Hall diary, 6 October 1893, LDS Archives.
- ¹¹ Charles A. Hall to John M. Cannon, 10 October 1893, LDS Archives.
- ¹² Charles A. Hall to John M. Cannon, 22 October 1893, LDS Archives.
- ¹³ Ibid.
- ¹⁴ Charles A. Hall to John M. Cannon, 30 October 1893, LDS Archives.
- ¹⁵ Charles A. Hall to John M. Cannon, 6 November 1893, LDS Archives.
- ¹⁶ Charles A. Hall to John M. Cannon, 30 October (quote) and 6 November 1893, LDS Archives.
- ¹⁷ Charles A. Hall to John M. Cannon, 6 November 1893, LDS Archives. Italics added.
- ¹⁸ Ibid.
- ¹⁹ Charles A. Hall to John M. Cannon, 30 October 1893, LDS Archives. Italics added.
- ²⁰ Charles A. Hall to John M. Cannon, 6 November 1893, LDS Archives.
- ²¹ Charles A. Hall to John M. Cannon, 30 October 1893, LDS Archives.
- ²² Ibid.
- ²³ George P. Frisbey to John M. Cannon, 30 October 1893, in John M. Cannon correspondence, LDS Archives. Richard Hill's name is also affixed to the letter, but it looks like it may have been added later in time by someone else. Unlike the rest of the letter, Hill's name is written in pencil, nor does it look like a signature.
- ²⁴ Charles A. Hall to John M. Cannon, 30 October 1893, LDS Archives.
- ²⁵ Charles A. Hall to John M. Cannon, 6 November 1893, LDS Archives.
- ²⁶ Charles A. Hall diary, 5 November 1893, LDS Archives.
- ²⁷ Charles A. Hall to John M. Cannon, 19 November 1893, LDS Archives.
- ²⁸ Charles A. Hall diary, 19 November 1893. For the disfellowshipment of Frisbey and Hedrick, see Hall's diary entry of 6 October 1893. Both documents in LDS Archives.
- ²⁹ Charles A. Hall diary, October 1893-18 February 1894, LDS Archives, Salt Lake City.
- ³⁰ Charles A. Hall diary, 19 November 1893, LDS Archives.
- ³¹ Charles Hall's diary discloses that he received two letters from John M. Cannon in the month of November 1893, one on the 5th and another on the 30th. As I discussed in the main text, Cannon wrote the first letter before receiving Hall's October 30th request for release. Considering Cannon didn't write Hall again until the final week of November, my sense is that Hall's LDS contacts didn't feel any urgency about Hall's request. They probably just chalked up Hall's fate as an internal matter of the Church of Christ. Documents in LDS Archives.
- ³² Charles A. Hall to John M. Cannon, 6 November 1893, LDS Archives.
- ³³ Ibid.
- ³⁴ Charles A. Hall to John M. Cannon, 10 October 1893, and Charles A. Hall diary, 10 October 1893, both in LDS Archives.
- ³⁵ Ibid.
- ³⁶ Charles A. Hall to John M. Cannon, 10 October 1893, LDS Archives.
- ³⁷ Charles A. Hall diary, 7 November 1893, LDS Archives; *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument* (Independence: Sentinel Job Print [1893]), 45, 51.
- ³⁸ Charles A. Hall to John M. Cannon, 19 November 1893, LDS Archives.
- ³⁹ John N. Southern, "Review of the Brief and Argument of Complainant," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 73.
- ⁴⁰ John N. Southern, "Statement and Authorities on Behalf of Respondents," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 3-44.
- ⁴¹ Idem, 21.
- ⁴² Idem, 36.
- ⁴³ Idem, 27.
- ⁴⁴ Idem, 22.

⁴⁵ *Idem*, 20, 28, 36.

⁴⁶ *Deseret News 1997-98 Church Almanac* (Salt Lake City: Deseret News, 1996), 529.

⁴⁷ Southern, "Statement and Authorities on Behalf of Respondents," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 20.

⁴⁸ *Idem*, 27-28.

⁴⁹ *Idem*, 23, 25-26.

⁵⁰ *Idem*, 27-28.

⁵¹ *Idem*, 36-37.

⁵² *Idem*, 28-29.

⁵³ *Idem*, 38-44.

⁵⁴ *Idem*, 23-26, 36.

⁵⁵ *Idem*, 6-7, 22-23.

⁵⁶ *Idem*, 8-13, 30-36.

⁵⁷ *Idem*, 11.

⁵⁸ *Idem*, 4-5.

⁵⁹ *Idem*, 29-30.

⁶⁰ *Idem*, 4.

⁶¹ *Idem*, 7-8, 32-37. Italics in original.

⁶² *Idem*, 29-30.

⁶³ *Idem*, 16-21, 37-38.

⁶⁴ *Idem*, 13-19.

⁶⁵ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Bill in Equity*, 6 August 1891, Civil #1720, National Archives, Midwestern Division, Kansas City, [7]. See also page [8]. The plaintiffs reaffirmed the equitable character of the case in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Amended Bill*, 30 November 1891, National Archives, 7, 8; *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant's Abstract of Pleading and Evidence* (Lamoni: Herald Publishing House and Bindery, 1893), 1, 5, 10, 11; *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument on Behalf of Complainant* (Lamoni: Herald Publishing House and Bindery, 1893), 1, 3; *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument of G. Edmunds* (Lamoni: Herald Publishing House and Bindery, 1893), 1.

⁶⁶ Southern, "Statement and Authorities on Behalf of Respondents," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 5-7.

⁶⁷ James O. Broadhead, "Argument on Incorporation of Plaintiff," and "The Right of a Foreign Religious Corporation to Hold Property in Missouri," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 45-51 and 51-54, respectively.

⁶⁸ William Hyde and Howard L. Conard, eds., *Encyclopedia of the History of St. Louis* 4 vols. (St. Louis: Southern History Company, 1899), 1:240.

⁶⁹ Broadhead indicated as much in his second essay, "The Right of a Foreign Religious Corporation to Hold Property in Missouri," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 51.

⁷⁰ Broadhead, "Argument on Incorporation of Plaintiff," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 45-46.

⁷¹ *Idem*, 47.

⁷² *Idem*, 49.

⁷³ *Idem*, 47.

⁷⁴ *Idem*, 47-48.

⁷⁵ *Idem*, 49.

⁷⁶ Broadhead, “Right of a Foreign Religious Corporation to Hold Property in Missouri,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument*, 51.

⁷⁷ *Idem*, 54.

⁷⁸ *Idem*, 51-54.

⁷⁹ *Idem*, 51-52.

⁸⁰ Broadhead, “Argument on Incorporation of Plaintiff,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument*, 50.

⁸¹ Broadhead, “Right of a Foreign Religious Corporation to Hold Property in Missouri,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument*, 52-53.

⁸² *Idem*, 53.

⁸³ [James O. Broadhead?,] “There was no Trust Created in the Property in Question for the Use or Benefit of Complainant, or for the Reorganized Church of Jesus Christ of Latter Day Saints under the Deed from Edward Partridge to the Cowdery Children, of the date of March 25, 1839,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument*, 54-65.

⁸⁴ Southern, “Review of the Brief and Argument of Complainant,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument*, 77-78.

⁸⁵ [Broadhead?,] “There was no Trust Created,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument*, 54-55.

⁸⁶ *Idem*, 55-56.

⁸⁷ *Idem*, 58-59.

⁸⁸ *Idem*, 56-57. Italics added.

⁸⁹ Marie Louise Johnson and Charles Johnson to George A. Blakeslee, quit claim deed, 9 June 1887, in P51, f1, Community of Christ Archives, Independence, and published in *CA*, 243-244; Arthur M. Smith, *Temple Lot Deed: A Complete Record of All Legal Transfers of That Interesting Spot of Ground Known as The Temple Lot* 2d ed. (Independence: Church of Christ, 1954), 17. Clarence L. Wheaton, *Historical Facts Concerning the Temple Lot: “That Interesting Spot Of Land West Of The Court House” At Independence, Missouri* 2d ed. (Independence: Church of Christ, 1972), 28, claims that for an additional \$100 Blakeslee also purchased the 1886 quit claim deed from Elizabeth Cowdery to Marie Louise Johnson.

⁹⁰ For the charge of bad faith, see, for example, *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument on Behalf of Complainant* (Lamoni: Herald Publishing House and Bindery, 1893), 58-61.

⁹¹ [Broadhead?,] “There was no Trust Created,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ: Respondent’s Statement and Argument*, 57, 59-60.

⁹² *Idem*, 61.

⁹³ *Idem*, 61-62.

⁹⁴ *Idem*, 60-61.

⁹⁵ *Idem*, 62.

⁹⁶ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument on Behalf of Complainant*, 56-58.

⁹⁷ [Broadhead?,] “There was no Trust Created,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ: Respondent’s Statement and Argument*, 63-65.

⁹⁸ *Idem*, 64.

⁹⁹ Southern, “Review of the Brief and Argument of Complainant,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ: Respondent’s Statement and Argument*, 65-80.

¹⁰⁰ *Idem*, 66.

¹⁰¹ *Idem*, 71.

¹⁰² *Idem*, 66, 67-68.

¹⁰³ *Idem*, 68-69.

¹⁰⁴ Italics added. This revelation was printed as section 107 in nineteenth-century editions of the RLDS *Doctrine and Covenants*. In 1970 the RLDS World Conference re-designated it as Appendix A.

¹⁰⁵ "Extracts," *T&S* 2 (1 June 1841), 424-429. Italics added.

¹⁰⁶ Southern, "Review of the Brief and Argument of Complainant," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ: Respondent's Statement and Argument*, 69-71. The earliest extant manuscript of the January 1841 revelation, recorded by George Walker on 1 June 1843, has the plural "heads." A notation on the back of the manuscript states that it was compared with the original holograph in Nauvoo and found correct. Another Nauvoo-era manuscript in Walker's hand also has "heads." Thus the "heads" of the 1841 *Times and Seasons* might very well be the original wording. The 1844 *Doctrine and Covenants*, the first complete published text of the revelation, has the singular "head." The Reorganized Church based its version of the text on the 1844 *Doctrine and Covenants*. See Robert J. Woodford, "The Historical Development of the Doctrine and Covenants" 3 vols. (Ph.D. dissertation: Brigham Young University, 1974), 3:1620-1655; Richard P. Howard, *Restoration Scriptures: A Study of Their Textual Development* 2d ed. (Independence: Herald Publishing House, 1995), ch. 10.

¹⁰⁷ Southern, "Review of the Brief and Argument of Complainant," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ: Respondent's Statement and Argument*, 73-74.

¹⁰⁸ *Idem*, 75.

¹⁰⁹ *Idem*, 73-74.

¹¹⁰ *Idem*, 74.

¹¹¹ *Idem*, 66.

¹¹² *Idem*, 74-75.

¹¹³ *Idem*, 76-77.

¹¹⁴ *Idem*, 68.

¹¹⁵ *Idem*, 71-73.

¹¹⁶ *Idem*, 67-68.

¹¹⁷ *Idem*, 78.

¹¹⁸ *Idem*, 79-80.

Chapter Twenty-Nine
The Reorganization's Reply
December 1893

In December 1893, counsel for the Reorganized Church responded to the arguments of John Southern and James Broadhead in a document aptly titled the *Complainant's Reply to Respondents' Statement and Argument*. The thirty-two page brief consisted of three sections: (1) A wide-ranging twenty-page commentary bearing the document's title; (2) a four-page essay on the competing chains-of-title to the Temple Lot entitled "Reply of Complainant to Brief of Respondents on the Question of Record Title"; and finally, (3) a seven-page rumination on the succession question entitled "Respondents' 'Review' Examined."¹ Let us begin, then, with the main section, "Complainant's Reply to Respondents' Statement and Argument."²

In the *Respondent's Statement and Argument*, you'll recall, John Southern tried to discredit the Reorganization by highlighting the supernatural experiences Southern culled in cross-examination from Joseph Smith III and RLDS apostle Edmund C. Briggs.³ In the first section of *Complainant's Reply*, however, plaintiff's counsel reminded the court that they had objected to Southern's questions during the cross-examinations and asked to have the responses of Smith and Briggs excluded from the record:

All the questions propounded as shown on the pages of Respondents' argument noted above were not from a legitimate cross-examination, were not propounded in cross-examination upon any interrogatories propounded by Complainant [Reorganized Church] to the same witnesses, but are questions wholly and distinctly foreign to the issues in this case.

Southern included this immaterial material, the plaintiffs charged, “simply for the purpose of creating prejudice and buncombe to the delight of his clients.”⁴ The truth or falsity of religious experiences should be immaterial in the secular courts of the land:

[W]hether or not the policy and doctrine claimed is true, is immaterial, the sole question being, What was the law of the church with reference to the question of succession prior and at the time of disruption? Whether it was true or false as a matter of fact, cuts no figure.⁵

Ironically, after taking the high road with these dispassionate and effective responses, the plaintiffs resorted to an unfortunate personal swipe of their own:

[W]e have no inclination to ask the court to strike the same from the record, for the reason that the answers to the questions propounded may in the future be the means of so enlightening the minds and the consciences of Respondents’ counsel [John Southern] that in after years, when counsel come to leave off the practice of the legal profession and enter the vale of the great beyond, the matters learned by the illegitimate cross-examination in this case may have lead [sic] to such reformation in character and habits of counsel that will have gained a free and better passport to the happy hunting ground.⁶

Religious polemics were par for the course in the Temple Lot Case.

Moving on, and despite considerable evidence to the contrary, the plaintiffs used the first section of *Complainant’s Reply* to contend once again that Granville Hedrick belonged to the original church/Reorganized Church into the 1860s. Appealing to the deposition testimony of W. W. Blair, *Complainant’s Reply* insisted that Hedrick “was an elder in Complainant [Reorganized] Church, attending and taking part in the conference of Complainant Church in 1856 and 1857 in Wisconsin, and who up to the day of his death claimed to be a member and elder in the Original Church.” By this reasoning, then, Hedrick didn’t organize the Church of Christ in 1857 or thereabouts as John Southern contended, but rather in 1863 or so.⁷ The plaintiffs also disputed the defendants’ claim

that the Church of Christ retained the doctrines and practices of the original church up to 24 February 1834. The plaintiffs wisely retorted that Richard Hill himself acknowledged the Church of Christ rejected certain portions of even primitive Mormonism.⁸

Complainant's Reply also took stock of John Southern's pronouncement that the polygamous practices and temple ordinances of the LDS Church existed in the later Nauvoo period and originated with Joseph Smith. On one hand, the plaintiffs readily conceded the character of the post-martyrdom Nauvoo church:

That polygamy and endowments were taught in Nauvoo in 1845 and 1846, and have constantly been taught since by the Utah Church up to a late date, the Complainant [Reorganized Church] in this cause has no reason to deny, because the facts of history as well as the testimony in this case on the part of Complainant show that after the death of Joseph Smith in June, 1844, perhaps as early as the spring of 1845—certainly during the fall and winter of 1845 and 1846—said doctrines were not only taught but secretly practiced in Nauvoo.

But the plaintiffs remained adamant that polygamy and the Nauvoo endowment were not church practice under Joseph Smith, arguing that “the authority for the practice of either polygamy or the endowments cannot be found in any of the standard works of the church published and adopted by the church prior to 1844.” The plaintiffs, unsurprisingly, concluded “the Utah Church discarded the original doctrine of the church in part and substituted in lieu of the same doctrines that were heretical and inconsistent with the established faith of the Original Church.” *Complainant's Reply* said nothing about Smith's private behavior or instructions, which remained highly contested and controversial; the author(s) smartly limited their comments to the official public church.⁹

John Southern, you'll recall, tried to hold the Reorganization up to the standards of the entire Nauvoo era, including post-martyrdom 1844-1846.¹⁰ But *Complainant's*

Reply assured the court the Reorganized Church had always presented itself as the continuation of the church up to 27 June 1844, the day the Prophet died. The Reorganization adhered to *The Bible*, *The Book of Mormon*, the 1835 *Doctrine and Covenants*, and other revelations and documents acclaimed by the church up to that date; it claimed no connection to the remainder of the Nauvoo era. The plaintiffs remained confident the court would find them the rightful successor of Joseph Smith's church:

Counsel for Complainant [Reorganized Church] have always understood and do now, that an association or church that is governed by a certain set of rules, regulations, and doctrines, where such rules and regulations have been reduced to writing, and promulgated and accepted by the organization as the tenets and belief of such church or association, and where such tenets and belief declare the way and manner in which the successor of the association shall be made, that the persons that believe and follow in the doctrine and belief of the Original Church, and obey the rules and regulations adopted as the law governing such church, are the legal successors of said church.

Southern had stressed the membership disparity between the LDS Church and the RLDS Church, but the plaintiffs chalked it up to the disorientation of the post-martyrdom membership, as “the substitution of these policies and doctrines caused the drifting away from the original doctrines of the church by a very large part of its membership.”¹¹

Turning from the succession question to property title matters, the first section of *Complainant's Reply* defended the authenticity of the plaintiff's 1839 Partridge-Cowdery deed. In the *Respondent's Statement and Argument*, James Broadhead had argued that the deed didn't delineate if the Temple Tract was one of the properties Partridge held in trust for Joseph Smith's church or held for his own use.¹² In response, the plaintiffs ignored the nuances of the troublesome passage and simply reaffirmed that the deed “itself recites on its face” that Partridge purchased properties for church use using church

donations. The plaintiffs also characterized the lack of a date on the deed as immaterial; that it was properly acknowledged on 25 March 1839 they deemed sufficient.¹³

Complainant's Reply also defended the provenance of the plaintiff's Temple Lot title. John Southern contended in the *Respondent's Statement and Argument* that trustee George Blakeslee didn't convey the property to the Reorganization.¹⁴ In response, *Complainant's Reply* assured the court that the 1891 RLDS Articles of Incorporation required Blakeslee and all other trustees holding property on behalf of the church to transfer their holdings to the RLDS corporation; if they didn't, the RLDS corporation reserved the right to sue for the properties. In this light, the plaintiffs concluded, "the question of whether the deed [from Blakeslee to the Reorganization] was made or not, is immaterial." But this was a feeble defense, as Blakeslee died in 1890, *before* the church incorporated in Iowa. It should have been an easy thing to prove if Blakeslee conveyed the property to the Reorganization—the introduction of the conveyance deed would have sufficed. That the plaintiffs didn't introduce such a document seemed telling; so too did their immediate reminder that they filed their suit for the Temple Lot in a court of equity, not a court of law, that they depended, in other words, more on the determination of a trust than on property titles. Southern may have identified a vulnerability here.¹⁵

As for the incorporation process itself, *Complainant's Reply* successfully pushed backed against Southern's unfounded belief that the thirty-one individuals who signed the Reorganization's 1891 incorporation papers couldn't act authoritatively for the entire church. The plaintiffs assured the court that the individuals who signed the document

gathered with proper advance notice for that express purpose. Iowa statute, the brief reported, required only thirty signatories to incorporate an entire church.¹⁶

The strongest arguments of the *Complainant's Reply* concerned the right of a foreign religious corporation to hold Missouri real estate. Broadhead's commanding treatment of the issue in the *Respondent's Statement and Argument* didn't intimidate the RLDS legal team; if anything, it spurred them on to some of their best work. Broadhead had argued that the Reorganized Church, an Iowa corporation, sought to exercise rights in Missouri that the state generally withheld from its own citizens. Article 2, Section 8 of the Missouri Constitution stated: "No religious corporation can be established in this State except such as may be created under a general Law for the purpose only of holding the title to such real estate as may be prescribed by law for Church edifices, parsonages, and cemeteries." Broadhead conceded that the Missouri Legislature passed a general law on the incorporation of religious bodies in 1887, but he quickly noted that the incorporation process had to take place within Missouri itself and that by neglecting to specify how much property an incorporated religion could hold for structures, parsonages, and cemeteries the legislature failed to give life to the constitutional exception. As Broadhead saw it, neither the Missouri Constitution nor the Missouri statute permitted a foreign religious corporation to own lands in the state.¹⁷

The plaintiffs must have considered Broadhead's exposition a serious threat, for they responded with exceptional care and nuance. Their exchange with Broadhead revealed that the two sides at this point weren't all that far apart on the Missouri incorporation question. Unlike many other issues, the two sides concurred on most of the

relevant evidence; they just interpreted it differently. The plaintiffs conceded “it may be true that it is the policy of the State of Missouri to prevent the accumulation of large tracts of land in the hands of religious corporations.” They furthermore concurred that the Missouri Legislature failed to specify in the recent statute how much property a religious corporation could hold in the state. And they also agreed that an Iowan corporation could not enjoy rights in Missouri withheld from Missouri citizens. Otherwise the two sides diverged. Broadhead emphasized the state’s constitutional prohibition against religious corporations; the Reorganization emphasized the constitutional exceptions for religious societies bearing titles to structures, parsonages, and cemeteries. Broadhead suggested the legislature’s failure to specify property limits undermined the statutory authorization for religious corporation property ownership; the Reorganization argued that the failure to specify property limits did not undermine the statute. To substantiate their point, the plaintiffs pointed out that Section 2825 of Missouri’s 1889 Revised Statutes listed religious societies among societies that could incorporate in Missouri. As the plaintiffs saw it, the *amount* of property remained a question, but that incorporated religions could now hold property in Missouri seemed beyond dispute. In the absence of legislative property restrictions, the plaintiffs contended that only the State of Missouri, not an individual defendant, could object to a foreign corporation holding the diminutive Temple Lot. And in the absence of Missouri legislation limiting the applicability of foreign laws, the plaintiffs insisted that by the law of comity between the states the federal courts must presume the State of Missouri would recognize the legitimacy of a foreign religious corporation. The plaintiffs concluded that

“instead of there being a prohibition against foreign church corporations holding real estate in the State of Missouri, the exact reverse is true.” Broadhead had elevated the debate, but the attorneys for the plaintiffs matched and perhaps bested him.¹⁸

The plaintiffs wisely used the Broadhead debate to reframe their corporate residency in Missouri. The defendants, you’ll recall, accused the Reorganized Church of incorporating in Iowa as an evasive maneuver to sidestep Missouri’s hostility to religious corporations.¹⁹ *Complainant’s Reply*, however, recounted the Mormon expulsion from Missouri and concluded that “the Complainant [Reorganized] Church was never permitted to incorporate under the laws of Missouri, had it so desired.” The Reorganization, it followed, incorporated outside of Missouri not so much out of choice but out of necessity. The Reorganization “would necessarily have to be a corporation foreign to Missouri for the very reason that the order of the Governor of Missouri expelling the Complainant Church from said State remains in force.” The *Respondent’s Statement and Argument* had condemned the Reorganization as a “fugitive” organization, but the plaintiffs shrewdly embraced the label and turned it to their advantage.²⁰

Having defended the ownership rights of the Reorganized Church, *Complainant’s Reply* challenged the ownership claims of the Church of Christ. As ever, the plaintiffs insisted that James Pool and the Partridge family exchanged the Temple Tract in bad faith in 1848, knowing full well the property belonged to the church established in 1830.

The testimony in this case shows, both by the witnesses for the Respondents [Church of Christ] and Complainant [Reorganized Church], that the general public in and about Independence at the time of the execution of the deed from the Partridge heirs to Poole [sic], knew that the land in controversy in this case was recognized and known as church property; that it was claimed by a certain denomination of people; that it was the general talk and understanding of the

people in the community that at some time the same church would return to Independence and build a temple on the very property in controversy; and knowing the general understanding of the people, of the character of the property, Poole, then a resident of Independence, was bound to take notice of the character of the property.²¹

The plaintiffs reaffirmed, moreover, that the Atchison County clerk who signed the acknowledgement did not have the authority to do so.²²

The plaintiffs cited a host of court cases to make the following salient points. First, contrary to the defendants' assertion, prospective land purchasers must search out and determine if other parties hold an equitable claim to the land. Second, a party who purchases a property from someone who did not hold the legal title is not protected against the true title holder.²³ *Complainant's Reply* didn't spell out the implications, but clearly the plaintiffs intended to make the point that the Church of Christ should have determined if the Reorganized Church held an equitable claim to the property before purchasing the Temple Lot. Even if the Church of Christ purchased a bad title in good faith (which the plaintiffs most assuredly did not admit), the Hedrickites did not acquire immunity from the legal protestations of the rightful owner, the Reorganized Church.

Remarkably, the plaintiffs once again affirmed their counterintuitive claim that the Church of Christ held the Temple Lot in trust for the Reorganized Church. Richard Hill, it was explained, described the Church of Christ as a branch of the original church. He also testified that the Church of Christ held the property in trust for the original church. The plaintiffs therefore concluded that if the Reorganized Church was the same body as the original church, the Church of Christ could not possibly hold the Temple Lot adversely to the Reorganization, as "a trustee of property cannot hold adversely to the

beneficiary of the trust.”²⁴ Hill, of course, would condone neither the characterization nor the conclusion. In his deposition, Hill insisted that he held the Temple Lot in trust for the defendant Church of Christ, which he characterized as a “part and parcel” of the original church, not merely a branch of the original church. Hill made it clear, moreover, that the Church of Christ held the property adversely to the Reorganized Church.²⁵

The plaintiffs returned to firmer ground on the judicial venue of the case. In the defendants’ brief, John Southern urged the federal court to dismiss the Temple Lot Case, arguing that even though the RLDS legal team filed the suit in a court of equity, the plaintiff’s *Brief and Argument* framed the land title issue in a manner suitable for a court of law, not a court of equity.²⁶ As I showed in the previous chapter, however, the Reorganized Church consistently presented its suit as an equitable suit. Accordingly, *Complainant’s Reply* dismissed Southern’s objection, observing that defendants’ counsel “have labored diligently, and perhaps successfully, to erect a man of straw, simply for the purpose of expending their energies in knocking him down.” The plaintiffs accused Southern of distorting their prayer for relief and concluded “we need not, therefore, enter into a discussion of the question of whether the Respondents are right or wrong.”²⁷

“Reply of Complainant to Brief of Respondents on the Question of Record Title,” the second section of *Complainant’s Reply*, dealt primarily with the 1848 Partridge-Pool quit claim deed so critical to the chain-of-title of the Church of Christ.²⁸ In the *Respondent’s Statement and Argument*, you’ll recall, James Broadhead defended the acknowledgement of the deed, observing that in the absence of an official court seal,

section 19 of the 1845 Missouri Statutes authorized clerks to acknowledge documents with their own private seals.²⁹ In *Complainant's Reply*, the plaintiffs countered by quoting section 17 of the Revised Statutes, which stated that acknowledgements were legitimate if performed “by some court having a seal, or some judge, justice, or clerk thereof, or some justice of the peace of the county in which the real estate conveyed is situated.” Section 18, the plaintiffs continued, mandated that each court of the state “shall procure and keep a seal.” In light of these passages, the plaintiffs concluded, only clerks of seal-bearing courts could acknowledge documents. “We are at a loss to know how in the face of this section it can seriously be contended that the clerk of a court not having a seal could take an acknowledgment.” If the Atchison County court did not have a seal, in other words, the court clerk could not acknowledge documents.³⁰ It was a strained argument, however, given that elsewhere the 1845 Revised Statutes authorized acknowledgments without seals.³¹ Besides, it seemed unlikely the legislature intended to discount the acknowledgements of entire counties simply because a county may have been so new (Atchison County was founded in 1845, three years before the Partridge-Pool deed) it still hadn't procured an official seal. Ironically, the plaintiffs may have overlooked a more defensible objection—based on the section 17 clause—declaring that the official performing the acknowledgement had to come from the county “in which the real estate conveyed is situated.” The Partridge-Pool deed was acknowledged by the clerk of Atchison County, not the clerk of Jackson County.³²

Turning to their own chain-of-title, the plaintiffs brashly brushed aside the problems with the Partridge-Cowdery deed. “No valid objection,” *Complainant's Reply*

assured, “has been urged by Respondents to the deed from said Partridge to John Cowdery so far as its execution, acknowledgment, and record are concerned.” In so stating, the plaintiffs ignored the evidence indicating that Edward Partridge had left the State of Missouri and Oliver Cowdery the Mormon Church by the time of their purported transaction. The plaintiffs also defended the deed’s 25 March 1839 acknowledgment, even though evidence indicated Caldwell County judge Elias Higbee, a Mormon, had left Missouri by the time he purportedly performed the task. Leaving aside the considerable evidence that John, Jane, and Joseph Cowdery never existed in the first place, moreover, the plaintiffs confidently proclaimed: “There is nothing in the testimony to show that none of the grantees in the deed from Partridge to Cowdery were not living when the deed was recorded.” As for the deed not being formally entered into county records until three decades later, the plaintiffs retorted that since the deed had been duly acknowledged and recorded, “no formal delivery is necessary as the law presumes a delivery under such circumstances.” The plaintiffs responded to the problems of the Partridge-Cowdery deed with more bravado than serious consideration.³³

The plaintiffs similarly dismissed the questions John Southern raised about the Temple Lot quit claim deed RLDS bishop George Blakeslee purchased in 1887. Southern had observed that Blakeslee died before the Reorganization incorporated in 1891, seemingly without conveying the title to the church.³⁴ *Complainant’s Reply* all but conceded the point, opining that it was immaterial if Blakeslee transferred the Temple Lot to the Reorganization, being as how “the testimony shows that it was purchased with money belonging to the church and was held by Partridge in trust for the church.”³⁵ In

other words, even if the plaintiff's legal title couldn't withstand scrutiny, the Reorganization held the equitable title by virtue of being the successor to the church for whom Edward Partridge purchased the property in 1831. The plaintiffs' disinterest or inability to muster a more capable defense of its chain-of-title was rather striking.

As the title indicates, "Respondents' 'Review' Examined," the third and final section of *Complainant's Reply*, was the plaintiff's rejoinder to John Southern's "Review of the Brief and Argument of Complainant."³⁶ At the outset, the plaintiffs highlighted the contradiction between the Church of Christ's belief in Joseph Smith's early revelations and Southern's criticisms of early Smith revelations cited in the Reorganization's succession claims. Assuming that Southern spoke for his client, the RLDS legal team sardonically remarked, "the incidental expression of their misgiving [about Smith's early revelations] comes a little late." It was an incidental point, but it spotlighted a real tension between the defendants and their chief attorney. Southern's secular skepticism did not mesh well with the devout perspectives of the Church of Christ. For their part, the plaintiffs insisted that Southern's skepticism should have no impact on the court:

[I]n determining the issues of this case it is no more made the duty of the court to find *ex cathedra* upon the absolute correctness of the principles believed in, than it would be to pass upon the question of the truth or falsity of the Catholic or Presbyterian faiths, were there a question of congregational or church schism of either of said societies before it for adjudication.

The Reorganization asked the court to walk a fine line—to somehow examine Mormon doctrine and determine the rightful successor but avoid passing judgment on the truth or

falsity of the faith. Small wonder some courts found the tightrope so treacherous they decided to avoid doctrinal matters altogether.

The defendants similarly contradicted themselves, the plaintiffs noted, on the identity of the rightful successor. In their depositions, Richard Hill and Alma Owen more or less identified their church, the Church of Christ, as the church Joseph Smith organized in 1830. Yet John Southern, in *Respondent's Statement and Argument*, described the LDS Church as the continuation of the original church. In light of Hill's and Owen's remarks, the plaintiffs reasoned, Southern's statement must be considered "absurd," unless, that is, the Hedrickites sought "to divert the property in suit to the Utah Church." As with Southern's secularism and the defendants' embrace of (some) revelations, the Reorganization found tension between the Hedrickites' identity and legal strategy.³⁷

Later in the text, the plaintiffs revisited polygamy and LDS succession. "It is surprising," the author(s) expressed, "that counsel for Respondents should make the claim that polygamy was a part of the doctrine and faith of the church at Nauvoo." After all, the plaintiffs recounted, LDS deponents Wilford Woodruff and Lorenzo Snow testified that revelations had to be approved in the early church to be considered doctrine. Snow, Woodruff, Lyman O. Littlefield, and Jason W. Briggs testified that the canonical 1835 *Doctrine and Covenants* prescribed monogamy, not polygamy. Snow, Woodruff, Mercy Rachel Thompson and Bathsheba W. Smith conceded that Brigham Young didn't present the revelation on plural marriage to the church until 1852, eight years after Joseph Smith's death. And finally, James Whitehead, William Smith, and Joseph Smith III—the secretary, brother, and son of Joseph Smith—testified that neither the Prophet nor his

church practiced polygamy. In sum, the plaintiffs concluded, the most that could be said with certainty of polygamy in Joseph Smith's lifetime was that "some of the witnesses for the Respondents say it was practiced by a few in secret." This simply would not do:

Whatever may have been carried on *clandestinely* by persons in the church in Nauvoo or elsewhere could not effect or change the principles or doctrine of the church, any more than if members of the Methodist or Baptist Churches in any congregation or place should in a secret and clandestine way teach and practice principles at variance with the church doctrine; for such acts would not make the principles thus secretly and clandestinely taught a part of the faith of said church or churches.

Further substantiating the gulf between the LDS Church and official early Mormon teaching, the plaintiffs cited Alma Owen and Lorenzo Snow, respectively, to the effect that the church disorganized following the Prophet's death but that Brigham Young reorganized a First Presidency in Iowa in 1847. On the whole, *Complainant's Reply* ably countered Southern's claims of LDS succession. To be sure, the author(s) ignored sundry nuances and counter-testimony of the witnesses cited. But the cumulative effect of the presentation, the citation of so much defense testimony, was impressive.

Complainant's Reply only briefly touched upon John Southern's arguments against RLDS succession. Contra Southern's allegation that the Reorganization used a different bible than the original Mormon Church, the plaintiffs retorted that the Reorganization accepted both the King James Translation and Joseph Smith's inspired translation, that authorization for the inspired translation could be found in Smith's early revelations, and that different translations of the same text don't constitute different texts:

[*The Holy Scriptures*, or Joseph Smith's inspired translation] is no more a new Bible than the *Revised Version* is to the Episcopalian and Presbyterian Churches, and the Bible Union translation to the Baptists. Can it be said that any one of

these churches named abandoned their former faith by showing a preference for some other translation than the *King James'*? The idea is absurd in any case.³⁸

Edmund L. Kelley had similarly defended the plaintiff's position on the witness stand.³⁹

But the analogy didn't really work, as Joseph Smith's inspired translation differed radically in certain areas from the King James Translation, the Bible Union Translation, and every other known translation of *The Bible*. Unfortunately for the Church of Christ, Southern hadn't introduced the most dramatic variances into evidence.⁴⁰ Without better counter-examples, Kelley's inadequate analogy could very well carry the day.

Southern's other objections to RLDS claims of doctrinal fidelity received similarly curt responses. Against the charge the Reorganization had insufficient numbers of apostles and seventies, *Complainant's Reply* noted that there were only eleven early Christian apostles for a time and that the 1891 Articles of Association stipulated the Reorganization was governed by, amongst others, a "Quorum of the Twelve" and "One or more quorums of Seventy, not exceeding seven." Against the charge the Reorganization had all but abandoned baptism for the dead, the text somewhat lamely replied: "Is it a question incident to this case as to how much ministerial work the Complainant is doing in any particular part of its work?" Against the charge the Reorganization departed from the early church by incorporating, the text quoted from an 1831 Joseph Smith revelation: "Organize yourselves according to the laws of man."⁴¹

The plaintiffs concluded *Complainant's Reply* by emphasizing their equitable claims to the Temple Lot as successor of the original church organized in 1830:

Between the Complainant and Respondents there can be but little doubt, it seems to counsel, that the equities are with Complainant, if this court shall find that they have adhered to and followed the doctrines of the Original Church in

contradistinction to other elements, and there is nothing in the testimony certainly that can be said to show that others have done so. Respondents certainly have not shown their organization to be such.

The RLDS legal team had little respect for the succession claims of the Church of Christ. Thus they were apoplectic the Hedrickites had the audacity to usurp the sacred Temple Lot knowing full well it rightfully belonged to the Reorganized Church. Plaintiff's counsel therefore asked the court for "a restoration of the rights of which Complainant has been grossly and unjustly deprived." So closed the *Complainant's Reply*.⁴²

Given the middling quality of their earlier briefs, *Complainant's Reply to Respondents' Statement and Argument* represented, on balance, the Reorganization's strongest brief. *Complainant's Reply* swatted down John Southern's desperate attempt to measure the doctrinal continuity of the Reorganized Church by the baseline of post-martyrdom Nauvoo Mormonism. Aside from baptism for the dead, the text offered an adequate, if unexceptional, response to Southern's critique of RLDS succession. The brief justifiably took Southern to task for his gratuitous blasts against RLDS supernaturalism. Smartly sticking to their strong suit, moreover, the plaintiffs capably reiterated the clandestine and unofficial origins of Nauvoo polygamy and the temple rites. On the defendants' claims of continuity with primitive Mormonism, furthermore, the text strategically highlighted Richard Hill's admission that the Church of Christ did not necessarily accept all of Joseph Smith's revelations predating 24 February 1834. And the plaintiffs shrewdly emphasized the tension in the defendants' strategy between John Southern portraying the LDS Church as the rightful Mormon successor and Richard Hill

and Alma Owen stressing the succession rights of the Church of Christ. Beyond the succession issue, *Complainant's Reply* ably defended the Reorganization's 1891 incorporation process. It provided the best defense yet of the Reorganization's right to own property in Missouri. And it even turned the Reorganization's unincorporated status in Missouri into an argument for RLDS succession.

Complainant's Reply had few pronounced weaknesses. The plaintiffs failed again to prove that Granville Hedrick belonged to the Reorganized Church, or that the Church of Christ held the Temple Lot in trust for the complainant. The text didn't provide much of a response against John Southern's denunciation of the equitable venue of the case, but then again Southern's argument was so weak it didn't really demand much of a rebuttal. The weakest portions of the text were bundled in one area of debate, namely, the competing property titles. The plaintiffs mustered a feeble defense of the Partridge-Cowdery deed. They more or less side-stepped, for example, James Broadhead's observation that the deed did not specify that Edward Partridge reserved the Temple Lot for the use of the early Mormon Church. And they offered a less-than-satisfying response to Southern's charge that Bishop George Blakeslee didn't transfer the Temple Lot to the Reorganized Church before his death. On the defendants' chain-of-title, the plaintiffs offered a hyper-legalistic critique of the 1848 Partridge-Pool quit claim deed. Notwithstanding the other strengths of *Complainant's Reply*, the author(s) should have devoted greater care to the chain-of-title issue.

Complainant's Reply represented the last of the fall 1893 briefs. As we've seen, the parties in the Temple Lot Case produced four briefs in all during this period—two by the plaintiff in September-October, one by the defendants in November, and one by the plaintiff in December. The briefs of the Reorganized Church totaled 124 pages in length, and the brief of the Church of Christ some 80 pages. Having examined these documents individually, I'd like to close with some general observations about the texts.

The fall 1893 briefs did not realign the debates of the Temple Lot Case. The plaintiff continued to stress the public documents of the Joseph Smith era; the defendants continued to stress the Prophet's private teachings. The plaintiff continued to depict itself as the successor of Smith's church; the defendants continued to stress the fidelity of the LDS Church to Nauvoo Mormonism and the fidelity of the Church of Christ to early Mormonism. The plaintiff continued to proclaim its equitable rights to the Temple Lot; the defendants continued to defend their legal title. The briefs offered unprecedented documentation for these arguments, but they did not reconfigure the arguments.

That being said, the briefs alternately strengthened and weakened several of the case's standard arguments. On technical legal matters, the Reorganization fared slightly better than the Church of Christ. John Southern criticized the plaintiffs for incorporating, but the plaintiffs' response proved more compelling. In multiple briefs the plaintiffs presented precedents for the right of courts to settle succession questions as a means of quieting religious property disputes. The plaintiffs' arguments on this score might have been stronger had they grappled with contrary rulings determining that courts should avoid religious doctrine, but since the defendants themselves didn't contest the issue the

point was probably moot. Finally, in the most sophisticated exchange of all the briefs, James Broadhead and the RLDS legal team skillfully narrowed their differences over the right of a foreign religious corporation to hold property in Missouri. Broadhead raised the level of discourse, but the plaintiffs to their credit raised theirs' in turn.

On the whole, the briefs seemed to weaken the succession arguments of all parties. Let's begin with the Reorganized Church. The plaintiffs capably restated the case for Joseph Smith III. They offered a sufficient response to John Southern's critique of *The Holy Scriptures*. Southern's attempt, moreover, to judge the Reorganization by the standard of post-martyrdom 1844-1846 Nauvoo Mormonism came across as legalistic desperation. Yet the plaintiffs didn't plausibly explain why Nauvoo Mormons followed the Twelve in 1844 if Joseph Smith ordained his son as his successor. They ignored John Southern's acknowledgement that both the LDS Church and RLDS Church changed over time, but that only the former enjoyed organizational continuity. They failed to counter Southern's powerful textual challenge to the Reorganization's 1841 succession prooftext. They sidestepped evidence indicating that RLDS founders affiliated beforehand with James Strang, William Smith, and other discredited factional leaders. And they didn't explain why the Reorganization had all but abandoned the doctrine of baptism for the dead. The succession issue remained a strong suit for the plaintiffs, but by choosing to elude rather than confront these troublesome issues the plaintiffs weakened their case.

The succession claims of the Church of Christ and LDS Church also emerged from the briefs a bit weakened. RLDS counsel deftly noted that the defendants seemed conflicted insofar as solicitor John Southern emphasized the succession rights of the LDS

Church but witnesses Richard Hill and Alma Owen emphasized the succession rights of the Church of Christ. As ever, the Reorganization ably documented that the secret polygamous and temple practices of Nauvoo that became central to the LDS Church conflicted with the official public teachings of Joseph Smith's church. The plaintiffs likewise charged, moreover, that Brigham Young and the Twelve violated Scripture by assuming control of the church, a charge John Southern failed to address. Then again, the plaintiffs' critique begged the question of why Nauvoo Mormons considered the Twelve presidential material at all, a question that could lead inquirers to discover the Prophet's expanding reliance on the Twelve from 1841 onward. Turning to the Hedrickites, the plaintiffs cited Richard Hill to demonstrate that the Church of Christ, despite their primitivist pretensions, did not sanction all of Smith's pre-Zion's Camp revelations. But Southern was on the mark in retorting that the body most similar to the Mormon Church at the time of the Temple Tract's founding in 1831 was still the defendant Church of Christ. Southern also effectively argued that the Church of Christ, contrary to the plaintiffs' assertions, never belonged to the Reorganized Church. For some reason, however, he neglected to demonstrate that the Reorganized Church erred in its assertion that Joseph Smith's church never officially went by the title "Church of Christ."

On the Temple Lot issue, the Reorganization won a major concession from the defendants but otherwise suffered potentially debilitating setbacks. John Southern at last conceded that Jackson County residents referred to the property through the decades as "Temple" or "Mormon" grounds. The plaintiffs had little cause for celebration, however, as James Broadhead noticed elsewhere that the plaintiffs' 1839 Partridge-Cowdery deed

did not specify that Partridge held the Temple Grounds for the Mormon Church. Yet to this and myriad other criticisms of the Partridge-Cowdery deed the RLDS legal team mustered only tepid responses. The plaintiffs' briefs fell silent, for example, on popular concerns an RLDS victory would cloud the titles of all the properties Partridge purchased in Jackson County. When they needed it most, the plaintiffs' attorneys found it difficult to defend this critically-important document. To make matters worse, Southern charged that the plaintiffs provided insufficient evidence to prove Bishop George Blakeslee transferred the 1887 Cowdery-Johnson deed to the Reorganization. The RLDS legal team could only hope that the fearsome prospect they evoked of a victorious Church of Christ turning over Jackson County's sacred Temple Lot to the dreadful Utah Mormons would perhaps offset some of the weaknesses of their chain-of-title.

The Church of Christ fared much better on the property issue. Quite simply, the plaintiffs offered feeble objections to the tax receipts, chain-of-title, and adverse possession of the Hedrickites. To be sure, plaintiffs' counsel found a potential problem with the acknowledgement of the defendants' 1848 Partridge-Pool deed, a problem Southern didn't adequately counter. And the plaintiffs highlighted ambiguities in the testimony pertaining to improvements on the Temple Grounds. In response perhaps, Southern conceded that most improvements took place not at mid-century but over the last quarter-century. In other respects, however, the Church of Christ's property claims held up well. The allegation that the Church of Christ held the Temple Lot in trust for the Reorganization once again failed to hit the mark. Southern and Broadhead ably defended the good faith of the Temple Grounds' sundry owners from 1848 to the present.

As the Temple Lot Case neared its day in court, the briefs filed in the fall of 1893 indicated, in sum, that the defendant Church of Christ held the upper hand on the property title issue. If the Reorganized Church was going to win the case, it would have to win by means of the succession question, which, of course, is why the Reorganization filed suit in a court of equity rather than a court of law in the first place.

Endnotes

¹ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant's Reply to Respondents' Statement and Argument* (Lamoni: Herald Publishing House and Bindery, 1893).

² *Idem*, 3-22.

³ John N. Southern, "Statement and Authorities on Behalf of Respondents," and "Review of the Brief and Argument of Complainant," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument* (Independence: Sentinel Job Print [1893]), 38-44 and 69-70, 76-77, respectively.

⁴ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant's Reply to Respondents' Statement and Argument*, 16-17.

⁵ *Idem*, 14-15.

⁶ *Idem*, 17.

⁷ *Idem*, 14-16.

⁸ *Idem*, 12.

⁹ *Idem*, 12-15.

¹⁰ Southern, "Statement and Authorities on Behalf of Respondents," and "Review of the Brief and Argument of Complainant," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 23-26, 36, and 66, 67-68, respectively.

¹¹ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant's Reply to Respondents' Statement and Argument*, 11-14.

¹² [James O. Broadhead?], "There was no Trust Created in the Property in Question for the Use or Benefit of Complainant, or for the Reorganized Church of Jesus Christ of Latter Day Saints under the Deed from Edward Partridge to the Cowdery Children, of the date of March 25, 1839," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 55-56.

¹³ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant's Reply to Respondents' Statement and Argument*, 6-7.

¹⁴ Southern, "Statement and Authorities on Behalf of Respondents," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 11.

¹⁵ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant's Reply to Respondents' Statement and Argument*, 7-8. See also page 6.

¹⁶ *Idem*, 11.

¹⁷ James O. Broadhead, "Argument on Incorporation of Plaintiff," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 45-49.

¹⁸ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant's Reply to Respondents' Statement and Argument*, 8-11, 17-22.

¹⁹ Southern, “Statement and Authorities on Behalf of Respondents,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument*, 37.

²⁰ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant’s Reply to Respondents’ Statement and Argument*, 21.

²¹ *Idem*, 6.

²² *Idem*, 5-6.

²³ *Idem*, 4-6.

²⁴ *Idem*, 3-4.

²⁵ Richard Hill deposition, 11 July 1892, in TLC-R, 3:740-743 (Q38-95).

²⁶ Southern, “Statement and Authorities on Behalf of Respondents,” and Broadhead, “Right of a Foreign Religious Corporation to Hold Property in Missouri,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument*, 5-7 and 53, respectively.

²⁷ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant’s Reply to Respondents’ Statement and Argument*, 6.

²⁸ “Reply of Complainant to Brief of Respondents on the Question of Record Title,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant’s Reply to Respondents’ Statement and Argument*, 22-25.

²⁹ “There was no Trust Created in the Property in Question for the Use or Benefit of Complainant, or for the Reorganized Church of Jesus Christ of Latter Day Saints under the Deed from Edward Partridge to the Cowdery Children, of the date of March 25, 1839,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument*, 63-65.

³⁰ “Reply of Complainant to Brief of Respondents on the Question of Record Title,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant’s Reply to Respondents’ Statement and Argument*, 22-23.

³¹ See section 19, chapter 32 of the Revised 1845 Statutes of Missouri, 222, as noted in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument on Behalf of Complainant* (Lamoni: Herald Publishing House and Bindery, 1893), 57, and “There was no Trust Created,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument*, 63-65.

³² “Reply of Complainant to Brief of Respondents on the Question of Record Title,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant’s Reply to Respondents’ Statement and Argument*, 22-23.

³³ *Idem*, 25.

³⁴ Southern, “Statement and Authorities on Behalf of Respondents,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument*, 11.

³⁵ “Reply of Complainant to Brief of Respondents on the Question of Record Title,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant’s Reply to Respondents’ Statement and Argument*, 25.

³⁶ “Respondents’ ‘Review’ Examined,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant’s Reply to Respondents’ Statement and Argument*, 26-32.

³⁷ *Idem*, 26-27.

³⁸ *Idem*, 27-31.

³⁹ Edmund L. Kelley deposition, 7 July 1892, in TLC-R, 3:695-698 (Q1-20).

⁴⁰ TLC-R, 7 July 1892, 3:694-695.

⁴¹ “Respondents’ ‘Review’ Examined,” in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant’s Reply to Respondents’ Statement and Argument*, 31.

⁴² *Idem*, 31-32.

Chapter Thirty
Oral Arguments
January-February 1894

For the parties in the Temple Lot Case, the new year promised an overdue resolution of the suit. The resolution would probably be temporary, of course, as the losing party was likely to appeal the verdict. But after two-and-a-half years of legal maneuvering, witness questioning, and evidence framing, the Eighth Federal Circuit Court of Western Missouri would at last render a verdict.

The opposing parties had known for several weeks the Eighth Circuit would try the case during the court term that began on 3 January 1894.¹ In November, the defendants learned that John F. Philips, the judge assigned to the case, would be absent in January, so the suit was reassigned to a federal judge from Denver.² The trial was scheduled to begin in Kansas City on January 10th.³ Joseph Smith III and Edmund L. Kelley journeyed to Jackson County on January 6th.⁴ When they arrived, however, they learned the court had rescheduled the case for February 6th.⁵ So Kelley turned around and returned to Lamoni; Joseph III eventually followed suit.⁶ Charles Hall lived just miles from the courthouse, but he too didn't learn about the postponement until the last minute. He busily prepared for trial on January 8th and 9th, and only when he showed up at the courthouse on the 10th did he learn the proceedings had been postponed.⁷

The postponement did not dampen the sectarian energies of the antagonists. Preaching before the Church of Christ on January 14th, Charles Hall declared the Hedrickites “could not compromise” in the Temple Lot Case, presumably meaning they would exhaust all legal options to safeguard the property from the Reorganized Church.⁸

Out in Utah, RLDS missionary R. J. Anthony had a friendly but spirited conversation with Andrew Jenson, with whom Hall corresponded immediately after the postponement. Jenson teased Anthony that “he was getting up something for us to meet,” some evidence or argument that would convert RLDS members to the LDS Church. Anthony good-naturedly replied that the Josephites “would try to meet fairly whatever might come” but that he anticipated the conversions would flow in the opposite direction.⁹

After four weeks of additional waiting, the trial of *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.* began in the federal courthouse in Kansas City on 10:00 a.m., Tuesday, 6 February 1894. Present were Edmund L. Kelley, Parley P. Kelley, George Edmunds, and Lafayette Traber for the plaintiffs and John N. Southern and Charles A. Hall for the defendants. Due to his diplomatic duties, defense attorney James O. Broadhead was unable to attend. Joseph Smith III and Joseph Luff sat in attendance. Judge John Finis Philips presided.¹⁰

Judge Philips had already had a full morning. Shortly after the federal courthouse opened, Philips spoke at the retirement ceremony of district attorney George A. Neal.¹¹ Then he issued a lengthy opinion in a case between the City of Kansas City and the family of a deceased man who willed substantial property to the city for a park. Philips ruled against the family, upheld the deceased’s wishes, and sided with the city.¹² Then there was his disgruntled marshal. The commission of U. S. Marshal John P. Tracey had ended two days earlier, on Sunday, February 4th. Philips extended Tracey’s service with a temporary commission, but Tracey refused to serve another day in Judge Philips’s court

as he was eager to enter the Springfield mayoral race. As of Monday, the beginning of Philips's court term, the judge and the marshal were at an impasse.¹³

So who was Judge Philips?¹⁴ John Finis Philips, fifty-nine years old, was born on 31 December 1834 in Boone County, Missouri. His parents came from Kentucky, so after attending the University of Missouri for two years, Philips transferred to Centre College, a Presbyterian college in Kentucky, and graduated in 1855. He moved to Fayette, Missouri, read law under attorney-politician John B. Clark, and joined the Missouri bar in 1857. He married Fleecie Batterton of Kentucky, fathered two children, and opened a lucrative law practice in Georgetown, Missouri, about eighty miles southeast of Independence. But Philips yearned for more.

In the critical 1860 election, Philips, a former Whig, stumped for the Bell-Everett Constitutional Union ticket. Despite his youth and inexperience, Philips distinguished himself as a superb orator, drawing large audiences wherever he spoke. When the Missouri Legislature convened a state convention in April 1861 to decide its sectional allegiance in the burgeoning civil war, Pettis County voters elected Philips as a delegate. In spite of his Kentuckian roots, Philips, like fellow delegate James O. Broadhead, defied the secessionist spirit of state leaders and at great risk proved an indefatigable supporter of the Union. In the spring of 1862, Philips and a former classmate, Thomas T. Crittenden, founded the Seventh Regiment of the Missouri Volunteer Cavalry, Philips serving as colonel and Crittenden as lieutenant-colonel. Philips fought for three years with distinction in the bloody internecine warzones of Missouri and Arkansas. His regiment lost 60 men in battle and 156 to disease. Philips fought so valiantly in the

October 1864 Battle of Westport near Kansas City that he became known as the “Hero of Byram’s Ford.” Union general William Rosecrans nominated Philips for commander of the Central District of Missouri, but Radical Republicans in the state senate rejected Rosecrans’s nomination because of differing political views.

When the war was over, Philips returned to law and politics. He moved to Sedalia, Missouri in 1865 and became mayor of the town one year later. In 1867, he became a law partner of George Graham Vest, a former member of the Confederate Congress. Attracting former Confederates and former Unionists alike, Vest-Philips became one of the most successful law firms in the state. Meanwhile, like many former Whigs who opposed the Radical Republicans, Philips joined the Democratic Party. Running for Congress in 1868, he won many supporters with his strident attacks on the federal disenfranchisement of former Confederates, but lost the election in no small part because so many of his supporters were disenfranchised. Nonetheless, later that year Philips served as a delegate to the National Democratic Convention in New York City.

Philips came into his own a decade after the war. He won election to Congress in 1874. As a freshman legislator, he attracted attention by opposing House Speaker James Blaine’s anti-Catholic constitutional amendment prohibiting government funding of religious educational institutions. In 1877 he served as a delegate for the Synod of Missouri at the Pan-Presbyterian convention in Edinburgh, Scotland. In 1878 he won reelection to Congress. As a member of the House subcommittee investigating the 1876 presidential election results in South Carolina, he concluded that Republican Rutherford B. Hayes defeated Democrat Samuel J. Tilden by means of fraud and perjury.

Philips became known as one of Missouri's "Big Four," being that he was one of four attorneys from the firms of Vest-Philips (in Sedalia) and Cockrell-Crittenden (in Warrensburg) who revived the fortunes of the Democratic Party in Missouri. Philips's law partner, George Graham Vest, served in the Senate from 1879-1902. Philips' former classmate and lieutenant-colonel, Thomas T. Crittenden, served in the House of Representatives from 1873-1875 and 1877-1879 and as Missouri Governor from 1881-1885. Crittenden's law partner, former Confederate brigadier-general Frank M. Cockrell, served in the Senate from 1875-1905.¹⁵ Interestingly, Senator Vest was a vocal critic (on constitutional grounds) of the punitive anti-polygamy legislation sponsored by Senator George Edmunds of Vermont in 1882 and 1887.¹⁶ One wonders if the RLDS legal team feared that Vest's defense of LDS liberties might taint Judge Philips's judgment.

Representative Philips lost his reelection bid in 1880. With his political career stalled and his law partner serving in the nation's capital, Philips moved to Kansas City. In 1882 he was appointed to a two-year term as Missouri Supreme Court commissioner, giving him experience drafting opinions for the court. Philips briefly recused himself in 1883, however, to serve as chief defense attorney in the nationally-celebrated murder trial of Frank James, brother of Jesse James. It seemed almost perverse that a Union colonel would defend a Confederate bushwhacker; nonetheless, Philips destroyed the credibility of the prosecution's main witness and won James an acquittal.¹⁷ When Philips completed his commissionership in 1884, his friend, Governor Thomas T. Crittenden, appointed him to the Kansas City Court of Appeals. In 1887 Philips served as president of the Missouri Bar Association. And in 1888, after three years of service with the appeals court,

Democratic President Grover Cleveland, acting on the suggestion of Philips's other friends, Senators George Graham Vest and Francis M. Cockrell, appointed Philips to the federal U. S. Circuit Court for the Western District of Missouri.

Philips worked hard at his new post.¹⁸ He traveled widely, hearing cases throughout the dispersed divisions of his large district. He even picked up appellate cases from Kansas and Colorado on occasion. In his twenty-two years on the federal bench, Philips produced 437 district and 121 appellate opinions, roughly twenty per year. Philips was a student of history, peppering his opinions with classical references and writing articles in retirement for the *Missouri Historical Review*. But on the bench, Philips was not given to ponderous reflection; he liked to cut to the chase. He chastised long-winded attorneys, berated uncooperative witnesses, and decried excessive briefs. Philips was, simply put, a courtroom presence that could not be ignored. Even when he worked behind the scenes years earlier drafting opinions for the Missouri Supreme Court, his forceful personality was unmistakable in his writing. One critic at the time wrote:

But it does seem that Mr. Commissioner Philips belongs to that class of able and honest men who enjoy a strong rush of blood to the head, and that it would be as easy to hold a tiger by the tail as to prevent him from speaking his mind upon any question that may happen to come before him.¹⁹

In law, politics, and war, Philips was supremely confident, a man who charged right in. Delegate Philips did not shrink before Missouri's secessionist state leader. Colonel Philips did not shrink before marauding Confederate guerrillas. And Judge Philips, as the Temple Lot Case would amply demonstrate, did not shrink from controversial cases.

Most of the cases on Judge Philips's docket revolved around businesses, railroads, interstate commerce, municipal bonds, title disputes, and criminal infractions. He

invariably sided with business over labor, acquiring a well-deserved reputation as a friend of railroad corporations.²⁰ A decade after the Temple Lot Case, he almost courted charges of impropriety by taking trips with fellow judges (among them Smith McPherson of the RLDS legal team) to destinations like Mexico and Yellowstone Park, reportedly at the railroads' expense.²¹ Most assessments of Philips echo the evaluation of *The Dictionary of American Biography*: "As a judge, Philips was essentially conservative in his economic and social point of view."²² But Lawrence H. Larsen offers a more damning conclusion in his history of the Eighth Federal Circuit's Western Division:

From [Philips's] own accounts, he would have liked to be remembered as a patriot who worked hard to put aside the bitter divisions of the Civil War....But on the basis of his decisions, Philips comes across as a partisan of the vested interests, a black hat in the judicial history of the Western District, a stern autocrat lacking in compassion for the common people.²³

However one assesses Philips's record, one fact is clear: In the scope of his career, the Temple Lot Case stands as an anomaly. Philips heard many title suits in the course of his career, but none of them revolved so completely around religious texts, doctrines, and practices as the Temple Lot Case. This was not a case for which he had a lot of judicial experience. Yet it would become one of the most famous suits of his career. Larsen devotes an entire section to the Temple Lot Case in his overview of Philips's career.²⁴

If Philips's domineering courtroom demeanor could be off-putting, he compensated whenever he saw fit with sardonic wit, winning charm, eloquent speech, and masterful storytelling. His gifts as an orator were in constant demand. He could enlighten audiences with classical references and disarm them with humor and stories.

When federal judge David P. Dyer, a former law clerk of James O. Broadhead, was feted on his eightieth birthday in 1918, Philips joked to the audience:

The only things in [Dyer’s] public life, known to me, that detract from his respectability, are the facts that he was a member of the State Legislature and of Congress. But he has lived so long, after these acts, that the episodes have been almost forgotten by the public, and it may be ungracious to recall these incidents on an occasion like this.²⁵

Philips’ mischievous humor sometimes crept into the courtroom. On one occasion, Philips criticized an attorney for addressing his uneducated Ozark witnesses by their given names. But one witness was so backwards that Philips interjected: “Well, as far as this witness is concerned, we shall waive the rule. You may call him Rube.”²⁶ One colleague aptly summarized of Philips: “He knew how to be agreeable when off the bench, and how to be disagreeable on the bench.”²⁷

This was the man before whom the plaintiffs and defendants now stood.

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For his first order of business, Judge Philips had the plaintiff’s Complaint and the respondents’ Answer read aloud.²⁸ He considered a motion from the RLDS legal team requesting that the court allow them to change the wording of their Amended Bill of Complaint.²⁹ The proposed changes were as follows [italics added for emphasis]:

Amended RLDS Bill of Complaint 30 November 1891	Supplement to the Amended RLDS Bill of Complaint 6 February 1894
The Reorganized Church “is the owner in fee simple, by title absolute” of the Temple Lot.	The Reorganized Church “is the <i>equitable owner</i> ” of the Temple Lot.
“Which said re-organization was believed to be necessary by reason of the fact that about the year 1846 there were splits and differences in said Church at Nauvoo.”	“Which said re-organization was believed to be necessary by reason of the fact that <i>between the years 1844 and 1846</i> there were splits and differences in said Church

The Reorganized Church is the owner of the Temple Lot, consisting of “Lots 15, 16, 17, 18, 19, 20, and 21 and the triangular strip North of and adjoining said Lot 15.” ³⁰	at Nauvoo.” The Reorganized Church is the owner of the Temple Lot, consisting of “Lots 15, 16, 17, 18, 19, 20, and 21 and <i>Lot 22</i> .” ³¹
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The defendants readily consented to the third change, as it reflected the geographic reality of the Temple Lot.³² In the 1890s, the Temple Lot included Lot #22; it did not include the triangular strip north of Lot #15. The Church of Christ obtained Lot #22 in 1873; it did not obtain the triangular strip until 1906.³³ But the defendants apparently objected to the first two changes. Extant records don’t specify the nature of their objections, but the objectionable aspects of the proposed changes seem clear.

Let’s begin with the first proposed change. The 1891 Amended Bill of Complaint identified the Reorganized Church as the owner of the Temple Lot by virtue of both law and equity—law, insofar as the Reorganization purchased the property title from the Cowdery-Johnson family; equity, insofar as the Reorganization was the successor of the church for which Edward Partridge entrusted the property. At this late hour, however, the Reorganization wished to deemphasize its shaky title claim and highlight its comparatively stronger succession claim; thus it replaced the words “owner in fee simple, by title absolute” with “equitable owner.” Parley P. Kelley assured Judge Philips the original wording was put into the Amended Bill of Complaint by “inadvertence and not by desire to mislead.”³⁴ In response, I would imagine John Southern characterized the original wording as thoroughly intentional, that the plaintiffs wished to change the wording because the defendants had revealed critical flaws in the Reorganization’s title.

Similar dynamics obtained with the second proposed change. The Amended Bill of Complaint justified the mid-century reorganization of the church with the rationale that the original church suffered schisms “about the year 1846.” Now, however, the plaintiffs wished to widen the time-frame to “between the years 1844 and 1846.” Again, Parley Kelley assured Judge Philips the overly narrow dating of the original wording resulted from simple “inadvertence.”³⁵ Again, however, Southern probably protested that the plaintiffs wished to expand the dating because the defendants, particularly in the *Respondent’s Statement and Argument*, had demonstrated that the RLDS Church differed from the Nauvoo church of 1845 and 1846.³⁶ If the plaintiffs could backdate the schisms to “between the years 1844 and 1846,” the defendants couldn’t hold the plaintiffs accountable for the practices of the 1845-1846 post-martyrdom church.

To the defendants’ undoubted consternation, Judge Philips overruled their (supposed) objections and allowed the plaintiff’s motion to stand. Thus the Reorganized Church successfully amended their Amended Bill of Complaint.³⁷ With these changes duly implemented, the plaintiffs could better avoid some of the more damaging evidence of the defendants. This was a mighty good beginning for the Reorganization. For John Southern, Charles Hall, and the defendants, it was an ominous portent.

After lunch, Judge Philips had the two sides present their arguments.³⁸ For their first speaker, the complainants selected George Edmunds, Joseph Smith III’s longtime friend and mentor. Smith had urged Edmunds the previous June to “sharpen your weapons” and “make an argument” in the Temple Lot Case.³⁹ Edmunds had partly fulfilled the charge by authoring the *Brief and Argument By G. Edmunds* the previous

fall.⁴⁰ Now he completed the task by presenting the plaintiff's first oral argument. Edmunds evidently prepared his oral argument months earlier.⁴¹ Unfortunately, I haven't been able to find a text of his presentation, and none of the contemporary newspapers satisfactorily summarized it. The best we have is the *Saints' Herald*, which generically reported that Edmunds, "in a clear and forcible statement, presented the claim of the Reorganized Church to the property in question, and detailed the line of proof in evidence to support the claim."⁴² Edmunds's oral argument more than likely ran along the lines of his *Brief and Argument*. The most original feature of the Edmunds brief, you'll recall, was what it *did not* emphasize. Edmunds framed the case in such a manner that the Church of Christ's impressive tax documentation and the Reorganization's vulnerable chain-of-title became virtually irrelevant. Instead, Edmunds boiled the case down to three (disputed) facts: first, Edward Partridge purchased the Temple Lot in trust for Joseph Smith's church; second, the Reorganized Church is the continuation of that church; third, the courts of the land always award contested religious property to the faction upholding the traditional teachings of the faith.⁴³ These were probably the foci of Edmunds's oral argument. Edmunds's perspective dovetailed nicely with the plaintiff's current effort to highlight its equitable claim and downplay its legal claim. I wouldn't be surprised if it was during Edmunds' presentation that a local reporter made the following observation of a satisfied Joseph Smith III: "During the argument he leaned with his elbows resting upon a table and his chin in his hands, and apparently never lost a word."⁴⁴

Lafayette Traber presented the plaintiff's second oral argument.⁴⁵ Unfortunately, we know even less of Traber's presentation than Edmunds's. None of the contemporary coverage offered so much as a cursory synopsis of Traber's remarks. And whereas we can confidently surmise that Edmunds echoed his *Brief and Argument*, we have no similarly independent writing sample from Traber. Traber is listed as one of the authors of the *Brief and Argument of Behalf of Complainant* and the *Complainant's Reply to Respondents' Statement and Argument*, but since these were collaborative efforts we have no means of pinpointing Traber's exact contributions.⁴⁶ During the discovery phase of the case, Traber played a backseat role to the plaintiff's chief interrogators, Parley Kelley and Edmund Kelley. Nonetheless, Traber conducted enough examinations to demonstrate that he felt at ease discussing all facets of the case, be it the evolution of Restoration doctrine, anti-Mormonism in Missouri, the succession controversy, the history of the Temple Lot, and the chain-of-titles of the opposing party.⁴⁷ He may have spoken on any number of these subjects before Judge Philips.

Parley P. Kelley delivered the third and final oral argument for the plaintiffs.⁴⁸ As with his predecessors George Edmunds and Judge Traber, however, we have no transcript of Kelley's oral argument. Nor did Parley Kelley produce an independent brief from which we can extrapolate what he might have said to the court. As the plaintiff's chief examiner during the discovery phase, of course, Kelley could have capably spoken on any subject in the suit. Like Traber, then, we can only conjecture what Parley Kelley said before Judge Philips. If we assume that Edmunds's oral argument, like his *Brief and Argument*, focused on the succession question, it seems likely that Traber and Kelley

focused on other critical matters like the expulsion from Missouri, the defendants' title, and RLDS incorporation. Considering the import of the succession issue, however, I would not be surprised if Traber or Kelley supplemented Edmunds with their own critique of the LDS Church and Church of Christ. Finally, I have little doubt that one or all of the attorneys underscored that the LDS Church provided financial and legal assistance to the Church of Christ and warned Philips that should he rule for the defendants the Temple Lot could very well end up with the Brighamites.

According to Charles Hall, the plaintiff's arguments consumed roughly four hours of time.⁴⁹ The *Kansas City Times* reported that the plaintiffs concluded their arguments shortly before 4:00 p.m.⁵⁰ Afterwards, John N. Southern presented the oral argument of the Church of Christ.⁵¹ Whereas the plaintiffs had three attorneys argue their case, the defendants were forced to rely upon Southern exclusively. Charles Hall had no legal training, and despite his invaluable service to the defense, could not be expected to argue before the formidable figure of Judge Philips. The other member of the defendants' legal team, James O. Broadhead, could not attend the proceedings; his diplomatic duties required him elsewhere.⁵² Broadhead had authored two and probably three of the essays in the *Respondent's Brief and Argument*.⁵³ With his absence, Judge Philips could not hear the distinguished lawyer weigh in on such critical questions as RLDS incorporation, the rights of foreign religious corporations in Missouri, and possibly the plaintiff's 1839 Partridge-Cowdery deed. As the only lawyer on either side to have argued before the Supreme Court of the United States, the Church of Christ acutely missed Broadhead. One wonders what impact his presence might have had on the proceedings.

As with the plaintiff's oral arguments, we have no transcript of John Southern's oral argument before Judge Philips. All things being equal, however, we may assume as we did with George Edmunds that Southern's oral presentation echoed his earlier written briefs. If so, then Southern told Judge Philips that Utah Mormonism was the continuation of Nauvoo Mormonism, that the Reorganized Church was an illegitimate break-off from the tradition, that Edward Partridge did not purchase the Temple Tract in trust for Joseph Smith's church, that the Reorganization's Partridge-Cowdery deed was probably fraudulent, that RLDS bishop George Blakeslee never transferred the Partridge-Cowdery-Johnson title to the Reorganization, that the Reorganization did not properly incorporate in 1891, and that just by chain-of-title and adverse possession alone the Church of Christ ought to retain ownership of the Temple Lot.⁵⁴

Yet all things were not equal for John Southern. Judge Philips's morning time decision to allow the Reorganization to amend its Bill of Complaint complicated Southern's task.⁵⁵ Southern had focused much of his briefs on the Reorganization's chain-of-title to the Temple Lot. But with Philips allowing the plaintiffs to deemphasize their chain-of-title and focus on their equitable rights as the true successor, many of Southern's most effective arguments were suddenly no longer all that relevant. Similarly, Southern's briefs had highlighted continuities between the LDS Church and the post-martyrdom Nauvoo church (1844-1846) and, conversely, discontinuities between the post-martyrdom Nauvoo church and the RLDS Church. But with Philips permitting the plaintiffs to backdate the apostasy of the Nauvoo church from 1846 to 1844, many of Southern's most effective doctrinal arguments were suddenly no longer so easy to

sustain. Philips's morning decision left Southern with four hours—the duration of the plaintiff's oral arguments—to rethink a strategy he had settled upon months earlier.

We can only imagine how Southern adjusted to all this. Did he brush aside the changes to the Bill of Complaint and cling to the arguments of his written briefs? Did he take stock of the changed dynamics and deviate when necessary from the arguments of his written briefs? Did he deemphasize the Reorganization's chain-of-title, knowing that the plaintiff's newly-amended Bill of Complaint no longer placed such weight on it? Did he try harder to prove that the temple rites and polygamous practices of the post-martyrdom church originated with Joseph Smith, knowing that the plaintiff's newly-amended Bill of Complaint no longer posited an affinity between the Reorganized Church and the post-martyrdom church? We don't have any conclusive answers to these questions. But one piece of evidence, the evening edition of the *Kansas City Star*, reported that Southern paid inordinate attention to the religious aspects of the case:

One of the attorneys for the defense proposed to read all the testimony in the case to the court, but as this includes innumerable depositions, copies of the Mormon bible and book of doctrines and covenants and many other documents, which together would fill a trunk, Judge Philips declined to undergo the ordeal of sitting for a week and listening to the complete history of the Mormon church.⁵⁶

Southern's attention to religious matters may be an indication that he adjusted to the morning changes in the Bill of Complaint, that he went after the succession claims of the Reorganization more so than its purported chain-of-title. Whatever the case, Southern spoke for roughly an hour before the court adjourned for the day at 5:00 p.m.⁵⁷

Southern picked up where he left off the following morning, speaking for two hours and concluding his argument at the noon hour.⁵⁸ Had Southern had his druthers, he

would have continued in the afternoon. According to Charles Hall, however, Philips found Southern tiresome. The plaintiff's oral arguments had lasted four hours, but as Hall disclosed to John Cannon, "when Mr. Southern used 2 1/2 hours the court was impatient & indicated that he was taking too much time."⁵⁹ Perhaps the *Kansas City Star* report quoted above helps explain Philips's reaction. Did Southern spend too much time reading and not enough time arguing? Did Philips get lost in a thicket of scriptural quotations and longwinded witness testimony? As the *Star* describes, Philips was forced to tell Southern he would go through the evidence on his own and at his own pace:

He said he would read the testimony at his leisure and announced that since the case hinged on a few pivotal questions and was certain to go to the court of appeals he preferred that both sides would submit their great mass of testimony and accept a reasonable time for argument this afternoon.⁶⁰

Hall left the courtroom that day feeling disheartened. He found Philips's treatment of Southern disconcerting.⁶¹ More worrisome, however, was the fact that Southern simply did not do a good job. In Hall's estimation, Southern's oral argument was a "mess."⁶²

In the afternoon, Edmund L. Kelley offered the plaintiff's response to Southern's arguments. Kelley spoke for two hours, the *Saints' Herald* reported, and "in a most comprehensive and masterly way, summed up, refuting with remarkable facility the deductions and objections presented by Colonel Southern."⁶³ Even Charles Hall thought Kelley effective, so much so that it seemed to him that Kelley spoke an interminable five hours. It wasn't that Hall found Kelley so persuasive, but rather that Judge Philips let him proceed uncontested. Philips "let Mr. Kelley have 5 hours in closing the argument without any objection in fact," Hall steamed to John M. Cannon. "The case was argued

in Kell[e]y[']s speech & we had no opportunity to answer.”⁶⁴ Kelley probably focused on the succession question, his passion and expertise.

Kelley’s rebuttal marked the conclusion of the oral arguments. In closing, Judge Philips warned the opposing parties that because of the complexity and importance of the case, he did not know when he would deliver a verdict.⁶⁵ To reporters on the scene, the voluminous testimonies, briefs, and exhibits Philips had to plod through precluded a quick decision. “The mass of papers already accumulated in the case is simply enormous,” the *Houston Daily Post* marveled.⁶⁶ Philips faced “a whole trunk full of information upon the early history and doctrine of the various branches of the church,” another writer groaned.⁶⁷ The *Kansas City Star* comically ventured that the end of days would come before Philips waded through the thick documentation:

Just when a decision will be rendered is not known, but if Judge Philips is expected to read the enormous mass of documentary testimony submitted in the case the day for the ascension to heaven of all the faithful followers of Joseph Smith from the magnificent temple which it is proposed to erect on the site of the tree which bore the forbidden fruit, will have come and passed.⁶⁸

Charles Hall told John M. Cannon: “I do not think the case will be decided for some time.”⁶⁹ The *Kansas City Journal* declared it “not likely that a decision will be reached for several months,” an assessment that sounded about right to the editors of the *Saints’ Herald*.⁷⁰ Not long enough for the dawn of the millennium perhaps, but long enough.

Newspapers covering the oral arguments were largely agnostic on the likely outcome of the case. Like Judge Philips himself, the *Washington Post* and *St. Louis Republic* assumed that, whatever Philips’s verdict, the contest would continue up to the federal court of appeals, for “although the costs of litigation to both sides have far

exceeded the actual value of the property, they are determined to fight on for its possession through the courts of last resort.”⁷¹ On the other hand, the *Kansas City Star* smirked that a defeat for the Reorganized Church might spell the end of the contest:

Should a decision be made before that eventful [millennial] day in favor of the Hedrickite church which is now in possession of the sacred piece of soil then the Reorganized church will have to receive another revelation and hustle round for a new location for the Garden of Eden.

The *Star* obviously did not side with the Reorganized Church in this contest. The paper characterized the Temple Lot Case as “The suit to dispossess the Hedrickites.”⁷²

RLDS church members came away from the trial feeling confident about their prospects for victory. Some members stood up in church meetings, full of the spirit, testifying that the Reorganization would win, a phenomenon that grated on the dispirited Hedrickites.⁷³ Striking a more temperate tone, Joseph Smith III told the Stone Church congregation on February 11th that he expected a favorable verdict but would accept an unfavorable verdict as the inscrutable work of God.⁷⁴ In print the editor of the *Saints’ Herald* struck an even more gracious tone: “For, however much we may feel the justness of our cause, we are aware that other men are equally as certain of their rights and assured of their claim to win justly as we may be.” The editor expressed confidence in the fairness of the process: “Judge Phillips seemed to wish to obtain a full knowledge of the case on both sides, and to be fair and impartial in securing it.”⁷⁵

Charles Hall held out little hope for either a fair hearing or a Church of Christ victory. On February 8th, the day after the oral arguments, Hall updated John M. Cannon on the progress of the case. “[F]rom present impressions,” Hall opined, “I have not

much hope of a favorable decision.” Judge Philips seemed biased, Hall reported, for “during the whole progress of the trial the court seemed inclined to favor the plaintiff & disposed to be liberal to them while he tried to pick some flaw in our side of the case.” Recounting the disparate time allotted the two sides, Hall concluded that “in the presentation of the case we were badly & unfairely defeated.”⁷⁶

Anticipating an unfavorable outcome, Hall asked Cannon whether the Church of Christ should appeal the case all the way to the Supreme Court. Not that Hall expected the LDS Church to continue financial assistance to the Church of Christ. “I have given as my opinion that you would not give any more assistance & that we would have to depend on ourselves,” Hall accurately observed. Fortunately, he added, the Hedrickites had raised some money to go towards John M. Orr’s bill and, even better, the court reporter had extended the deadline for the outstanding balance to April 1st. In the unlikely event that Philips should rule for the Church of Christ, Hall promised to “have some definate arrangements made in regard to money advanced immediately.” Hall still intended to repay the LDS Church in the event of a favorable verdict.⁷⁷

Continuing his letter, Hall broached his own conflicted position relative to the LDS Church and the Church of Christ. Now that the concluding arguments had been presented, now that there were no more witnesses to interrogate, no more briefs to file, and no more arguments to formulate, Hall saw no reason why he should remain in the service of the Church of Christ. “I do not see that I can be of any further use here,” he bluntly wrote. There were some practical financial matters he needed to attend to at the moment, but once that was cleared up “[I] would be glad to be released from duty here.”

Hall wanted to join the LDS Church. “I also feel anxious to come into the church under proper authority & my family is with me.” He yearned to “get my family located in Utah,” to enroll his children in LDS schools. Hall was tired of living a charade, tired of pretending he still believed what he once believed. He had found a new faith, and he wished to embrace it now without reservation. In effect, Hall was asking for permission. He didn’t want to summarily abandon his post at the Church of Christ without proper approval; he wanted authorization to do so from the LDS First Presidency. “I am not disposed to leave the field until I can do so honorably & with the approval of those whom I richignise [recognize] as the spiritual Authorities of the church.” Hall asked Cannon to direct his letter to the First Presidency.⁷⁸

Receiving Hall’s letter a few days later, Cannon immediately recognized its importance. He was accustomed to automatically forwarding Hall’s letters to Wilford Woodruff, usually (at least during the economically-depressed last several months) without responding to Hall. This time, however, Cannon thought Hall’s letter merited a response. He appended the following note to Woodruff:

Salt Lake City, Feb.13th 1894.
Prest. Wilford Woodruff,
Dear Brother:

The enclosed letter, which I have just received, explains itself, and, as I consider it needs immediate attention I enclose the same to you.

There are a number of letters which we have not answered as yet, and which you have in your possession. This one, however, is the only one which I consider of great importance, and in case I can be of any service to you I will be pleased to respond.

Respectfully,
John M Cannon

Hall didn't receive a response from Cannon, so Woodruff apparently didn't see a need for one.⁷⁹ There was little LDS leaders could do at this point to affect the fate of Hall or the Temple Lot Case. The first round of the suit had now run its course. All depositions had been collected, all briefs submitted, all arguments presented. Nothing the LDS Church could do would affect Judge Philips's imminent verdict. Should the Church of Christ appeal an unfavorable verdict, the LDS Church could proffer additional financial assistance, but given the Utahns' financial situation, this was unlikely in the extreme—the LDS Church hadn't funded Hall for several months now. As for Hall's personal situation, again there was little the Latter-day Saints could or even wanted to do. Hall clearly wanted out of the Church of Christ, and judging by his letters, it seemed some Hedrickites may have wanted him out of the presidential post. What could the LDS Church possibly do to change those dynamics? There was no reason to change them anyway: With the first round of the case completed and LDS financiers unlikely to help the Church of Christ in a possible second round, there was no reason for Hall to stick around as a point-man for the LDS Church. The one thing Woodruff and Cannon could do for Hall should the Church of Christ retain the Temple Lot would be to forgive him of his debts, but considering the financial circumstances of the Utahns, that was unlikely.

As Charles Hall awaited a response from Utah, he continued to assess his situation. On February 9th he addressed letters to several individuals, including Andrew Jenson and Lorenzo Dow Hickey. Therein he probably offered the same impressions of the closing arguments he shared the day before with John M. Cannon. It seems likely, moreover, he shared his conflicted feelings on his church membership with Jenson, if not

Hickey.⁸⁰ On the 11th and 12th, Hall visited with George D. Cole and other members of the Church of Christ.⁸¹ But these visits did not assuage his anxieties; if anything, they seemed to exacerbate the pressure he felt from his Hedrickite critics. Perhaps it had something to do with this passage from his February 26th letter to John Cannon:

The opposition element is so strong in the church here that there is little prospect of any a[d]justment of the claim I hold unless I force a settlement. Would you advise me to sue on the note & get a judgment[?] I do not want to take a step of that kind without your advice.⁸²

Did Hall try to renegotiate the financial terms of his mediation between the LDS Church and the Church of Christ? Did he try to get the Church of Christ or some of its individual members to assume some or all of the personal debt he incurred on its behalf in the course of the Temple Lot Case? As he inched towards a break with the Church of Christ, the realization that he could be paying for years to come for the legal defense of a church he would no longer belong to may have become acute.⁸³ Whatever claim Hall was alluding to, his Hedrickite brethren apparently were not receptive to his proposal.

Having taken stock of his situation in the ten days following the oral arguments, Charles Hall had had enough. He couldn't wait any longer for word from Utah; he had to act on his own. On Sunday, 18 February 1894, Hall nonchalantly wrote the following entry in his diary: "Went to the church on the Temple lot and preached my farewell sermon resigned as president & with the family withdrew from the church. Weather pleasant read some sent a letter to C O Brien."⁸⁴ Hall added a little more information in a letter to John M. Cannon one week later: "I thought best to resign & withdraw from the church here & did so on the 18th. I would like to have secured word from you before taking the step but the pressure was such I concluded to act at once."⁸⁵

Word of the defection spread quickly. Roderick May of the RLDS Independence Branch hurried a letter off to Edmund L. Kelley in Lamoni, informing him that Hall had not only quit the Church of Christ but denounced it, claiming it possessed “neither authority nor organization.”⁸⁶ The local RLDS organ, *Zion’s Ensign*, provided the fullest account of Hall’s defection in its February 24th issue:

The [Church of Christ] meeting had convened at the usual hour and Elder Hall took his regular place, as was supposed, to conduct the service. Instead, however, of following the preliminaries with a sermon, characteristic of such occasions, he volunteered an unequivocal denunciation of the entire Hedrickite organization and movement, declaring that it was without any priesthood authority, and in no sense a succession of the church organized in 1830. In evidence of his sincerity, he and his family (five in all) withdrew their membership.⁸⁷

Hall showed a flair for the dramatic that belied the bare description in his diary entry.

Hall’s defection caught the Church of Christ completely off-guard. “The assembled members of the Hedrickite church were thrown into a state of surprise, bordering on consternation,” *Zion’s Ensign* reported. Hall had passionate differences with various Church of Christ members, but nobody expected him to utterly and completely remove himself, as the *Ensign* aptly put it, “out of the institution of which he has been the leading spirit for some five or six years.”⁸⁸ Hall’s Hedrickite critics took issue with his financial reliance on the LDS Church, but there was no disputing the fact, as a Church of Christ newspaper acknowledged five years later, that Hall was “the man who had been chieftest in the first struggle for the lots.”⁸⁹ In sheer numbers alone, the defection of the Hall family was a considerable blow. Aside from George P. Frisby, Hall probably had the largest family of the small congregation.⁹⁰ Given Hall’s centrality to the Church of Christ and the Temple Lot Case, the Hedrickites, the *Ensign* reported,

“were so bewildered as to be unable to readily decide upon what course to pursue.”⁹¹

The outlook for the Church of Christ in the Temple Lot Case did not look good; now, to compound the difficulty, the church president, the leader of the legal battle, parted company with biting, bitter words. This was a dark day indeed for the Church of Christ.

“Speculations as to Elder Hall’s motive and course was and is indulged,” *Zion’s Ensign* observed. After disclaiming any right to speculate, the newspaper speculated:

Perhaps the revelations of the court room during the progress of the recent Temple Lot suit were such as to convince him that Hedrickite ground was untenable in the light of the law contained in the three standard books. Certain it is that Bishop E. L. Kelley’s argument was a masterly effort and convincing to an overwhelming degree, if we may be allowed to judge of the matter.⁹²

That Hall lost his confidence in the Church of Christ in the course of the Temple Lot Case was true enough. But it wasn’t Edmund Kelley’s oral argument that sealed his defection, nor was it the Reorganization’s interpretation of the standard works. Simply put, Hall had become convinced the LDS Church was the true branch of Mormonism. Joseph Smith III may have had an inkling of Hall’s sentiments. Whereas *Zion’s Ensign* all but announced that Hall left the Church of Christ to join the Reorganized Church, the editor of the *Saints’ Herald* wisely avoided speculation. Using Kelley’s letter from Roderick May as his source, editor Smith discretely posted the basic information of Hall’s defection in the February 28th issue; otherwise the *Herald* kept quiet on the matter.⁹³ Joseph III knew the former Josephite had no love for the Reorganization. He knew that Hall believed Joseph Smith practiced polygamy. For these reasons, Smith had such a low opinion of Hall he probably didn’t want him in the Reorganization anyway.⁹⁴

As Charles Hall pondered his future in mid-February 1894, George Q. Cannon's Deseret News Publishing Company published a small book, little remembered now, entitled *Succession in the Presidency of the Church of Jesus Christ of Latter-Day Saints*. The book was written by B. H. Roberts, the LDS Church's would-be representative at the Parliament of Religions.⁹⁵ It was probably more than happenstance that both the genesis and the publication of *Succession in the Presidency* coincided with key moments in the Temple Lot Case. If you'll recall, Roberts delivered a discourse on the succession controversy in Temple Square's Assembly Hall on 23 February 1892, shortly before the Utah phase of the Temple Lot Case depositions.⁹⁶ Now, two years later, Roberts's thoughts were released in expanded book form as the public awaited Judge Philips's verdict. On both occasions, Roberts supplied the LDS response to impending brouhahas over succession. One wonders: Did Roberts plan a book on the subject all along? Or did he choose to do so after conversing with Joseph Smith III and other RLDS figures at the Parliament of Religions? Whatever the answer may be, *Succession* was most likely the work Andrew Jenson spoke of when he warned RLDS missionary R. J. Anthony weeks earlier that "he was getting up something for us to meet."⁹⁷ Jenson was likely one of the individuals who helped Roberts produce the work.⁹⁸

Succession in the Presidency represented the most sophisticated LDS treatment of the subject in the nineteenth-century. LDS writers had produced far fewer tracts on succession than their RLDS counterparts, but Roberts's crisp 116 pages compared favorably with the best succession literature of the RLDS tradition. The organization of the work bespoke its clarity of thought. In the first third of the text (pages 1-34), Roberts

critiqued the succession claims and schismatic efforts of Sidney Rigdon, William Smith, Lyman Wight, George Miller, and James J. Strang. (Roberts didn't say a word, critical or otherwise, about the Church of Christ.) In the middle half of the text (pages 35-92), he targeted the Reorganized Church. In the final section of the text (pages 93-116), he defended the succession rights of the LDS Church. The book closed (pages 117-123) with Wilford Woodruff's comments on the succession of the Twelve as delivered following Roberts's 1892 Assembly Hall discourse.⁹⁹ By modern standards of scholarship, *Succession in the Presidency* left much to be desired. Roberts read RLDS sources more critically than LDS sources. He cited only published sources, most of them featured in LDS publications after the Prophet's death. He didn't grapple with the perennial RLDS objection that polygamy and the Nauvoo endowment weren't formally approved by the church in Joseph Smith's time. That being said, however, Roberts provided a thorough, if not exhaustive, examination of the key prooftexts and arguments for RLDS succession, and he did so with grace, lucidity, and occasional nuance.

As expected, LDS sources lauded *Succession in the Presidency*. The *Deseret Weekly*, for example, gave high praise to Roberts on 17 February 1894. "He treats the subject exhaustively and establishes his conclusions with irrefutable arguments, presented in clear and vigorous language," the paper editorialized. "Its tone is free from bitterness and the points are made with accuracy and impartiality."¹⁰⁰ Angus M. Cannon thought enough of the work to send someone a copy on February 25th.¹⁰¹

Due, perhaps, to Roberts's burgeoning intellectual reputation, RLDS sources initially received the work with caution. In their February 28th notice of the book, the

editors of the *Saints' Herald* stated that, not having read it yet, they hadn't formed an opinion of the work, but "from the consideration that the writer is a man of ability, we should think that the book would be readable, and interesting, though its deduction may be erroneous and its arguments specious." The *Herald* urged church elders to scrutinize the work.¹⁰² After making his way through the text, Joseph Smith III wasn't terribly impressed. "[Roberts's] book is not a strong work, only in its assumptions," Smith opined to Lorenzo Dow Hickey.¹⁰³ The RLDS president had this to say, for example, of Roberts's contention that none of the early arguments for Joseph III's succession mentioned a father's blessing from the Prophet: "[U]p to 1860, or the time when the claim was made by me there was neither occasion nor necessity to present or urge such blessing, or ordination. When the occasion arose, the evidence was urged."¹⁰⁴

Coinciding with *Succession's* publication, B. H. Roberts spent much of February lecturing in the RLDS chapel in San Bernardino, California. San Bernardino had a rich history of Mormon factionalism. Apostles Amasa Lyman and Charles C. Rich established San Bernardino as an LDS outpost in 1851. But by the end of the decade, the town had become a magnet for Mormons who chafed at the authoritarianism of theocratic Utah.¹⁰⁵ When RLDS missionaries arrived in the 1860s, they found a population ready for their message of moderate Mormonism. As a result, San Bernardino became an RLDS stronghold.¹⁰⁶ This was the cauldron into which B. H. Roberts ventured in 1894. Roberts's first four lectures, on the principles of the gospel and the authenticity of *The Book of Mormon*, were well-received. But his next two lectures, a defense of the LDS Great Basin gathering and a critique of Joseph Smith III's succession claims, proved

understandably controversial. Roberts' appearance drew such attention that R. R. Dana, William Gibson, and D. L. Harris, the RLDS missionaries on the scene, opined that a prospective LDS-RLDS debate between Roberts and Harris would have to be held in the county pavilion. Roberts, they regretfully reported, convinced a "good many."¹⁰⁷

If the report of another RLDS missionary was accurate, the LDS Church didn't need *Succession* to shore up the convictions of its members. In February, Rudolph Etzenhouser glumly reported that recent developments had strengthened, not weakened, LDS loyalties. The completion of the Salt Lake Temple, the success of the Mormon Tabernacle Choir, and the use of Utah wheat and sugar at the World's Fair had fostered intense local pride and "cemented the Utah Mormon Church anew." Christian ministers in Utah, moreover, were less willing to lend their pulpits to RLDS missionaries now that the LDS Church had abandoned polygamy. Etzenhouser sadly reflected: "I scanned till my gaze became a vacant stare to see what I have heard and read for years about growing sentiment in our favor among the Utah Church."¹⁰⁸

Succession in the Presidency enjoyed considerable success in the years that followed. Four years after its release, Heman C. Smith, the official historian of the Reorganized Church, observed that "the representatives of the church in Utah, both in Europe and America, have made it their chief weapon of attack and defense."¹⁰⁹ RLDS church leaders knew they needed a response, but it took time for one to materialize. "There is no work in hand or contemplated specially to reply to Roberts of Utah as yet," Joseph III reported in July 1894. "I presume there will be, but is not yet."¹¹⁰ Joseph III's excruciating facial neuralgia prevented him from undertaking such a sustained work.¹¹¹

At last, in 1898, Heman Smith published a series of rebuttal essays in the *Saints' Herald*. The essays were published later that year as a book-length collection—longer than Roberts's original work!—entitled, *True Succession in Church Presidency of the Church of Jesus Christ of Latter Day Saints*.¹¹² In 1900, Roberts published a revised edition of *Succession in the Presidency* containing factual corrections, additional material on Joseph Smith's Rocky Mountain prophecy, quotations from the Temple Lot Case testimony, and footnoted responses to Heman Smith's critique.¹¹³ Heman Smith would produce three other editions of his rebuttal (1900, 1908, 1912), indicating the persistent apologetic value of Roberts's and Smith's dueling treatises. But Roberts himself rested content with two editions of *Succession*. In time, Joseph Fielding Smith's *Blood Atonement and the Origin of Plural Marriage* (1905) and *Origin of the "Reorganized" Church and the Question of Succession* (1907) would supplant Roberts's title as the most popular LDS responses to the Reorganized Church.¹¹⁴ By the mid-twentieth-century, *Succession in the Presidency* had become one of Roberts's lesser known works.

Endnotes

¹ "The Temple Lot Case is Drawing to a Close," *KCT*, 17 November 1893, 5; Charles A. Hall to John M. Cannon, 19 November 1893, John M. Cannon Correspondence, LDS Archives, Salt Lake City; Joseph Smith III to George Edmunds, 1 December 1893, typescript, P13, f443, Community of Christ Archives, Independence; Joseph Smith III to W. W. Blair, 20 December 1893, JSIII Letterbook #5, CofC Archives.

² Charles A. Hall to John M. Cannon, 19 November 1893, LDS Archives. The plaintiffs, by comparison, didn't seem quite as informed on the prospective judges in the case. As far as Edmund L. Kelley was aware, Philips might at best simply assist in the case. See Joseph Smith III to George Edmunds, 28 November 1893, typescript, P13, f442, CofC Archives.

³ Joseph Smith III to George Edmunds, 1 December 1893, typescript, P13, f443, CofC Archives.

⁴ "Editorial Items," *SH* 41 (10 January 1894), 20. That this trip was made on behalf of the case is indicated by the annual report of the Bishopric in "The General Conference," *SH* 41 (11 April 1894), 233.

⁵ "Editorial Items," *SH* 41 (17 January 1894), 37.

⁶ "Editorial Items," *SH* 41 (17 January 1894), 37.

⁷ Charles A. Hall diary, 8-10 January 1894, LDS Archives.

⁸ Charles A. Hall diary, 14 January 1894, LDS Archives.

⁹ R. J. Anthony to editors, 23 January 1894, in “Letter Department,” *SH* 41 (14 February 1894), 104. That Hall and Jenson corresponded at this time is indicated by the Charles A. Hall diary, 13, 27 January 1894, LDS Archives.

¹⁰ “Church Factions at War,” *KCS*, 6 February 1894, 2; “Mormons At War,” *Houston Daily Post*, 6 February 1894, 3; Charles A. Hall diary, 6 February 1894, LDS Archives; “The Mormon Litigation,” *St. Louis Republic*, 7 February 1894, 7; “Mormons in Litigation,” *Baltimore Sun*, 7 February 1894, 2; “Telegraphic Brevities,” *Omaha World Herald*, 8 February 1894, 3; “A Noted Equity Case,” *Salt Lake Herald*, 11 February 1894, 1; “Temple Lot Suit” and “Editorial Items,” *SH* 41 (14 February 1894), 99, 101; “The Temple Suit,” *SH* 41 (21 February 1894), 113.

¹¹ “Attorney Neal Retires,” *KCS*, 6 February 1894, 2.

¹² “Budd Heirs Are Defeated,” *KCS*, 6 February 1894, 1.

¹³ “Will Be Without A Marshal,” *St. Louis Republic*, 5 February 1894, 6.

¹⁴ The following profile is based upon Lawrence O. Christensen, William E. Foley, Gary R. Kremer, and Kenneth H. Winn, eds., *Dictionary of Missouri Biography* (Columbia: University of Missouri Press, 1999), 615-616; Lawrence H. Larsen, *Federal Justice in Western Missouri: The Judges, the Cases, the Times* (Columbia: University of Missouri Press, 1994), 79-80; *Judges of the United States* 2d ed. (Washington: U. S. Government Printing Office, 1983), 390-391; Floyd C. Shoemaker, ed., *Missouri Day by Day* 2 vols. (Jefferson City, MO: State Historical Society of Missouri, 1942-1943), 2:461; H. H. Crittenden, comp., *The Crittenden Memoirs* (New York: G. P. Putnam’s Sons, 1936), ix, 19, 30-32, 38-39, 51, 65, 110, 112-119, 271, 283-301, 434, 472-473, 490-491; William Rufus Jackson, *Missouri Democracy: A History of the Party and Its Representative Members—Past and Present* 3 vols. (St. Louis: S. J. Clarke Publishing Company, 1935), 1:158-159n1; Allen Johnson and Dumas Malone, eds., *Dictionary of American Biography* 20 vols. (New York: Charles Scribner’s Sons, 1929-1936), 7:536-537; David Dyer, *Autobiography and Reminiscences* (St. Louis: William Harvey Minor Company, Inc., 1922), 87, 96, 113, 243-244; Floyd C. Shoemaker, “In Memoriam: Judge John F. Philips,” *MHR* 13 (April 1919), 282-286; W. L. Webb, *Battles and Biographies of Missourians or the Civil War Period of Our State* (Kansas City: Hudson-Kimberly Publishing Company, 1900), ch. 22; *The United States Biographical Dictionary and Portrait Gallery of Eminent and Self-Made Men: Missouri Volume* (St. Louis and Chicago: United States Biographical Publishing Company, 1878), 864-865; C. R. Barns, ed., *The Commonwealth of Missouri: A Centennial Record* (St. Louis: Bryan, Brand & Company, 1877), 815-816; Walter Bickford Davis and Daniel S. Durrie, *An Illustrated History of Missouri* (St. Louis: A. J. Hall and Company, 1876), 561-562.

¹⁵ For a contemporary report on the Big Four, see “For Senate Approval,” *New York Times*, 6 April 1893, 5.

¹⁶ M. Paul Holsinger, “Senator George Graham Vest and The ‘Menace’ of Mormonism, 1882-1887,” *MHR* 65 (October 1970), 23-36.

¹⁷ J. Michael Cronan, “Trial of the Century!: The Acquittal of Frank James,” *MHR* 91 (January 1997), 133-153.

¹⁸ The best analysis of Philips’ judicial career is Larsen, *Federal Justice in Western Missouri*, ch. 4.

¹⁹ *Idem*, 82.

²⁰ *Idem*, 84-86, 88-90, 94.

²¹ *Idem*, 89; Dyer, *Autobiography and Reminiscences*, 216-220.

²² Johnson and Malone, *Dictionary of American Biography*, 7:537.

²³ Larsen, *Federal Justice in Western Missouri*, 94.

²⁴ *Idem*, 86-88.

²⁵ Dyer, *Autobiography and Reminiscences*, 311-312.

²⁶ Larsen, *Federal Justice in Western Missouri*, 84-85.

²⁷ *Idem*, 86.

²⁸ “The Mormon Litigation,” *St. Louis Republic*, 7 February 1894, 7.

²⁹ “A Noted Equity Case,” *Salt Lake Herald*, 11 February 1894, 1.

³⁰ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Amended Bill of Complaint*, 30 November 1891, Civil #1720, National Archives, Midwestern Division, Kansas City. I've corrected some misspellings and typographical errors in the text.

³¹ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Amended and Supplemented Bill of Complaint*, 6 February 1894, and *Motion for Leave to File Amended and Supplemented Bills*, 6 February 1894, National Archives.

³² *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Motion for Leave to File Amended and Supplemented Bills*, 6 February 1894, National Archives.

³³ R. Jean Addams, "Reclaiming the Temple Lot in the Centerplace of Zion," *MHS* 7 (Spring/Fall 2006), 14-15.

³⁴ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Motion for Leave to File Amended and Supplemented Bills*, 6 February 1894, National Archives.

³⁵ *Ibid.*

³⁶ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument* (Independence: Sentinel Job Print [1893]), 23, 25-26.

³⁷ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Motion for Leave to File Amended and Supplemented Bills*, 6 February 1894, National Archives. The plaintiff's motion took up most of the morning. See "The Mormon Litigation," *St. Louis Republic*, 7 February 1894, 7; "Original Garden of Eden," *Washington Post*, 7 February 1894, 1; "A Noted Equity Case," *Salt Lake Herald*, 11 February 1894, 1.

³⁸ "Original Garden of Eden," *Washington Post*, 7 February 1894, 1; *Kansas City Journal*, 7 February 1894, quoted in "Temple Lot Suit," *SH* 41 (14 February 1894), 99, and "Temple Lot Suit," *DN Weekly*, 24 February 1894, 290; "A Noted Equity Case," *Salt Lake Herald*, 11 February 1894, 1.

³⁹ Joseph Smith III to George Edmunds, 5 June 1893, JSIII Letterbook #4, CofC Archives.

⁴⁰ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument By G. Edmunds* (Lamoni: Herald Publishing House and Bindery, 1893).

⁴¹ Joseph Smith III to George Edmunds, 28 November 1893, P13, f442, CofC Archives.

⁴² "The Temple Suit," *SH* 41 (21 February 1894), 113.

⁴³ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument By G. Edmunds*.

⁴⁴ "A Noted Equity Case," *Salt Lake Herald*, 11 February 1894, 1.

⁴⁵ In their summary reports, "Original Garden of Eden," *Washington Post*, 7 February 1894, 1, and "The Mormon Litigation," *St. Louis Republic*, 7 February 1894, 7, indicate that only one plaintiff's attorney—George Edmunds—presented an oral argument before Judge Philips. But Charles A. Hall to John M. Cannon, 8 February 1894, LDS Archives, and "The Temple Suit," *SH* 41 (21 February 1894), 113, report that three plaintiff's attorneys delivered oral arguments before Judge Philips.

⁴⁶ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument on Behalf of Complainant* (Lamoni: Herald Publishing House and Bindery, 1893), 71; *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Complainant's Reply to Respondents' Statement and Argument* (Lamoni: Herald Publishing House and Bindery, 1893), 32.

⁴⁷ For Traber's contributions during the discovery phase, see the William Smith deposition, 29 January 1892, in TLC-C, 1:166-173 (Q1-147); John W. Brackenbury deposition, 20 April 1892, in TLC-C, 2:548-552 (Q1-42); Edmund L. Kelley deposition, 20 April 1892, in TLC-C, 2:552-555 (Q1-26), 556, 563 (Q115); W. R. Hall deposition, 20 April 1892, in TLC-C, 2:555-556 (Q1-10); Robert Weston deposition, 21 and 22 April 1892, in TLC-C, 2:577-586 (Q1-132) and 2:608 (Q236-244); John H. Thomas deposition, 21 April 1892, in TLC-C, 2:593-600 (Q1-89); complainant's evidence, 26 April 1892, in TLC-C, 2:609-617; Mary Page Eaton deposition, 27 April 1892, in TLC-C, 2:629-632 (Q1-57); John T. Crisp deposition, 27 April 1892, in TLC-C, 2:647-653 (Q1-29); Charles R. Ross deposition, 28 April 1892, in TLC-C, 2:617-622 (Q1-105), 626-629 (Q175-210); respondent's evidence, 9 July 1892, in TLC-R, 3:703-704; Alma Owen and Richard Hill deposition, 9 July 1892, in TLC-R, 3:721 (Q60); Richard Hill deposition, 11 July

1892, in TLC-R, 3:792-793 (Q992-1028); William R. Wilson deposition, 11 July 1892, in TLC-R, 3:802-803 (Q171-175); John H. Taylor deposition, 11 July 1892, in TLC-R, 3:805-806 (Q37-54); Respondent's evidence, 15 July 1892, in TLC-R, 3:811.

⁴⁸ As I mentioned a moment ago, "Original Garden of Eden," *Washington Post*, 7 February 1894, 1, and "The Mormon Litigation," *St. Louis Republic*, 7 February 1894, 7, indicate that only George Edmunds delivered an oral argument for the plaintiffs. But Charles A. Hall to John M. Cannon, 8 February 1894, LDS Archives, and "The Temple Suit," *SH* 41 (21 February 1894), 113, report that three plaintiff's attorneys delivered oral arguments before Judge Philips.

⁴⁹ Charles A. Hall to John M. Cannon, 8 February 1894, LDS Archives.

⁵⁰ "A Noted Equity Case," *Salt Lake Herald*, 11 February 1894, 1.

⁵¹ "The Mormon Litigation," *St. Louis Republic*, 7 February 1894, 7; "Church Factions at War," *KCS*, 6 February 1894, 2; "Original Garden of Eden," *Washington Post*, 7 February 1894, 1; "The Temple Suit," *SH* 41 (21 February 1894), 113.

⁵² The preceding June, Hall didn't think it necessary for Broadhead to attend the trial. Hall wrote at that time that "the case will be submitted without any oral argument so it is not necessary for him to be here when the case is tried altho he may be here at that time." See Charles A. Hall to John M. Cannon, 10 June 1893, LDS Archives. As it turned out, the case was submitted with oral arguments, but Broadhead was not present at the time.

⁵³ Broadhead authored the "Argument on Incorporation of Plaintiff," "The Right of a Foreign Religious Corporation to Hold Property in Missouri," and possibly "There was no Trust Created in the Property in Question for the Use or Benefit of Complainant, or for the Reorganized Church of Jesus Christ of Latter Day Saints under the Deed from Edward Partridge to the Cowdery Children, of the date of March 25, 1839," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 45-51, 51-54, and 54-65, respectively.

⁵⁴ Southern authored the "Statement and Authorities on Behalf of Respondents" and "Review of the Brief and Argument of Complainant," in *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent's Statement and Argument*, 3-44 and 65-80, respectively.

⁵⁵ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Amended and Supplemented Bill of Complaint*, 6 February 1894, and *Motion for Leave to File Amended and Supplemented Bills*, 6 February 1894, National Archives.

⁵⁶ "Church Factions at War," *KCS*, 6 February 1894, 2.

⁵⁷ "The Mormon Litigation," *St. Louis Republic*, 7 February 1894, 7; "Church Factions at War," *KCS*, 6 February 1894, 2; "Original Garden of Eden," *Washington Post*, 7 February 1894, 1; "The Temple Suit," *SH* 41 (21 February 1894), 113.

⁵⁸ For coverage of the second day's proceedings, see "In Judge Philips's Hands," *KCS*, 7 February 1894, 1; "Original Garden of Eden," *Washington Post*, 7 February 1894, 1; Charles A. Hall diary, 7 February 1894, LDS Archives; Charles A. Hall to John M. Cannon, 8 February 1894, LDS Archives; "A Noted Equity Case," *Salt Lake Herald*, 11 February 1894, 1; "The Temple Suit," *SH* 41 (21 February 1894), 113.

⁵⁹ Charles A. Hall to John M. Cannon, 8 February 1894, LDS Archives.

⁶⁰ "Church Factions at War," *KCS*, 6 February 1894, 2.

⁶¹ Charles A. Hall to John M. Cannon, 8 February 1894, LDS Archives.

⁶² Charles A. Hall to John M. Cannon, 26 February 1894, LDS Archives.

⁶³ "The Temple Suit," *SH* 41 (21 February 1894), 113.

⁶⁴ Charles A. Hall to John M. Cannon, 8 February 1894, LDS Archives.

⁶⁵ "The Temple Suit," *SH* 41 (21 February 1894), 113.

⁶⁶ "Mormons At War," *Houston Daily Post*, 6 February 1894, 3.

⁶⁷ "A Noted Equity Case," *Salt Lake Herald*, 11 February 1894, 1.

⁶⁸ "In Judge Philips's Hands," *KCS*, 7 February 1894, 1.

⁶⁹ Charles A. Hall to John M. Cannon, 8 February 1894, LDS Archives. Hall here echoed "Church Factions at War," *KCS*, 6 February 1894, 2.

⁷⁰ *Kansas City Journal*, 7 February 1894, quoted in “Temple Lot Suit,” *SH* 41 (14 February 1894), 99, and “Temple Lot Suit,” *DN Weekly*, 24 February 1894, 290.

⁷¹ “Original Garden of Eden,” *Washington Post*, 7 February 1894, 1; “The Mormon Litigation,” *St. Louis Republic*, 7 February 1894, 7. A similarly agnostic stance can be found in the *Kansas City Journal*, 7 February 1894, quoted in “Temple Lot Suit,” *SH* 41 (14 February 1894), 99, and “Temple Lot Suit,” *DN Weekly*, 24 February 1894, 290.

⁷² “In Judge Philips’s Hands,” *KCS*, 7 February 1894, 1.

⁷³ “By Their Fruits Ye Shall Know Them,” *The Searchlight* 1 (1 January 1897), 96.

⁷⁴ “President, Priest and Prophet,” *KCS*, 12 February 1894, 6.

⁷⁵ “The Temple Suit,” *SH* 41 (21 February 1894), 113.

⁷⁶ Charles A. Hall to John M. Cannon, 8 February 1894, LDS Archives.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ Charles A. Hall’s 26 February 1894 letter to John M. Cannon mentions that he hadn’t yet received a response to his February 8th letter. Hall’s 1894 diary, moreover, doesn’t mention a response. Both documents are in the LDS Archives.

⁸⁰ Charles A. Hall diary, 9 February 1894, LDS Archives. Hall probably also shared his impressions of the oral arguments in a 1 March 1894 letter to Strangite high priest Wingfield Watson. See Hall’s diary under that date.

⁸¹ Charles A. Hall diary, 11-12 February 1894, LDS Archives.

⁸² Charles A. Hall to John M. Cannon, 26 February 1894, LDS Archives.

⁸³ I do not think my interpretation exhausts the possibilities, but based on this passage alone (I have not found any other evidence that might shed light on this passage) I think my interpretation is the likeliest insofar as it accounts for the following data: Hall held a financial note or claim; anti-LDS forces within the Church of Christ opposed an adjustment of the claim; Hall could have sued someone over the claim; Hall didn’t want to file a lawsuit over the claim without John Cannon’s advice. I think it doubtful Hall was speaking of a claim the LDS Church held against the Church of Christ, or a claim the Church of Christ held against Hall, or a claim the Church of Christ held against the LDS Church.

⁸⁴ Charles A. Hall diary, 18 February 1894, LDS Archives. For a similarly curt synopsis, see the Church of Christ minutes, 18 February 1894, in R. Jean Addams, “The Church of Christ (Temple Lot), Its Emergence, Struggles and Early Schisms,” in Newell G. Bringhurst and John C. Hamer, eds., *Scattering of the Saints: Schism within Mormonism* (Independence: John Whitmer Books, 2007), 216.

⁸⁵ Charles A. Hall to John M. Cannon, 26 February 1894, LDS Archives.

⁸⁶ “Editorial Items,” *SH* 41 (28 February 1894), 133.

⁸⁷ “Next!,” *ZE* 5 (24 February 1894).

⁸⁸ *Ibid.*

⁸⁹ “Memories,” *Searchlight* 4 (February 1899), 1.

⁹⁰ Richard Hill deposition, 11 July 1892, TLC-R, 3:749 (Q204-220).

⁹¹ “Next!,” *ZE* 5 (24 February 1894).

⁹² *Ibid.*

⁹³ “Editorial Items,” *SH* 41 (28 February 1894), 133.

⁹⁴ In a 23 April 1896 letter to John R. Haldeman of the Church of Christ, Joseph Smith III denied that he ever ridiculed the Hedrickites. That being said, he acknowledged “Charles A. Hall provoked my contempt in the manner and method of his personal procedure.” See Joseph Smith III to John R. Haldeman, 23 April 1896, JSIII Letterbook #5, CoC Archives.

⁹⁵ B. H. Roberts, *Succession in the Presidency of the Church of Jesus Christ of Latter-Day Saints* (Salt Lake City: Deseret News Publishing Company, 1894). Scholarly analyses of Roberts’s writings tend to overlook this title. See Davis Bitton, “B. H. Roberts as Historian,” *Dialogue* 3 (Winter 1968), 25-44; Sterling M. McMurrin, “Brigham H. Roberts: A Biographical Essay,” in B. H. Roberts, *Studies of the Book of Mormon*, ed. by Brigham D. Madsen (Urbana: University of Illinois Press, 1985), xiii-xxxi.

⁹⁶ “The Right of Succession,” *DN*, 24 February 1892, 8.

104. ⁹⁷ R. J. Anthony to editors, 23 January 1894, in “Letter Department,” *SH* 41 (14 February 1894), 104.
- ⁹⁸ Roberts, *Succession in the Presidency*, iv.
- ⁹⁹ “Priesthood, and the Right of Succession,” *DN Weekly*, 19 March 1892, 406-408.
- ¹⁰⁰ “Succession in the Presidency,” *DN Weekly*, 17 February 1894, 262.
- ¹⁰¹ Angus M. Cannon journal, 25 February 1894, LDS Archives.
- ¹⁰² Untitled editorial, *SH* 41 (28 February 1894), 132.
- ¹⁰³ Joseph Smith III to Lorenzo Dow Hickey, 20 April 1894, JSIII Letterbook #5, CoC Archives.
- ¹⁰⁴ Joseph Smith III to H. O. Smith, 1 November 1894, JSIII Letterbook #5, CoC Archives.
- ¹⁰⁵ Edward Leo Lyman, *San Bernardino: The Rise and Fall of a California Community* (Salt Lake City: Signature Books, 1996); Richard O. Cowan and William E. Homer, *California Saints: A 150-Year Legacy in the Golden State* (Provo: BYU Religious Studies Center, 1996), chs. 10 and 207-216.
- ¹⁰⁶ Ronald E. Romig, “The RLDS Church on the Pacific Slope,” *JMH* 35 (Spring 2009), passim.
- ¹⁰⁷ D. L. Harris and R. R. Dana to M. Lyman and B. H. Roberts, “A Challenge,” in *San Bernardino Times-Index*, 24 February 1894, reprinted with R. R. Dana, William M. Gibson, and D. L. Harris to editors in “In Discussion,” *SH* 41 (14 March 1894), 163. For more on this LDS-RLDS standoff, see Joseph Smith III to R. R. Dana, 6 and 21 March and 24 May 1894, and Joseph Smith III to Lorenzo Dow Hickey, 20 April 1894, and Joseph Smith III to W. W. Blair, 23 May 1894, all in JSIII Letterbook #5, CoC Archives.
- ¹⁰⁸ R. Etzenhouser to editors, 10 February 1894, in “Letter Department,” *SH* 41 (28 February 1894), 136-137.
- ¹⁰⁹ Heman C. Smith, *True Succession in Church Presidency of the Church of Jesus Christ of Latter Day Saints: Being a Reply to Elder B. H. Roberts on “Succession in the Presidency of the Church”* 4th ed. (Lamoni: The Reorganized Church of Jesus Christ of Latter Day Saints, 1912), preface. This remark was apparently also in the first (1898) edition of the work.
- ¹¹⁰ Joseph Smith III to William Crick, 18 July 1894, JSIII Letterbook #5, CoC Archives. H. O. Smith, an RLDS member in Malad, Idaho, critiqued two of Roberts’ arguments in a 5 March 1894 letter to the editors published in “Letter Department,” *SH* 41 (21 March 1894), 181-182.
- ¹¹¹ Joseph Smith III to W. W. Blair, 9 January 1896, JSIII Letterbook #6, in Charles Millard Turner, “Joseph Smith III and the Mormons of Utah” (Ph.D. dissertation: Graduate Theological Union, 1985), 429.
- ¹¹² Turner describes the production of the text in “Joseph Smith III,” 614n246.
- ¹¹³ B. H. Roberts, *Succession in the Presidency of the Church of Jesus Christ of Latter-Day Saints* 2d ed. (Salt Lake City: George Q. Cannon & Sons Publishing Company, 1900).
- ¹¹⁴ Joseph Fielding Smith, *Blood Atonement and the Origin of Plural Marriage* (Salt Lake City: Deseret News Press, 1905) and *Origin of the “Reorganized” Church and the Question of Succession* (Salt Lake City: Skelton Publishing Co., 1907) and the more popular subsequent edition, *Origin of the “Reorganized” Church and the Question of Succession* 2d ed. (Salt Lake City: Deseret News, 1909).

Chapter Thirty-One
The Verdict
March 1894

On March 2nd, the contestants in the Temple Lot Case were notified that Judge Philips would deliver his verdict at 10:00 a.m. the following morning.¹ A ruling hadn't been expected for months, but it took Philips less than four weeks to make up his mind. Duly notified, Edmund L. Kelley, Parley P. Kelley, and Charles A. Hall convened at the United States Courthouse in Kansas City on Saturday, 3 March 1894.² (Hall remained a party to the suit despite his defection from the Church of Christ.) Possibly attorneys Lafayette Traber, Smith McPherson, John N. Southern, and leading Church of Christ figures Richard Hill, Alma Owen, and George P. Frisbie attended as well.

Judge Philips began the proceedings by summarizing the basic facts of the case—the founding of the Temple Lot, the competing chains-of-title, the genesis of the suit. If Hall and the Hedrickites entered the courthouse with any hopes of retaining the Temple Lot, their spirits must have quickly deflated, for Philips's summary revealed that he embraced the Reorganization's interpretation of the case. Specifically, Philips declared that Edward Partridge, bishop of the original Mormon Church, purchased the Temple Tract “with funds furnished by said church.” He stated that the property trust was “so deeded by said Partridge to Oliver Cowdery” in 1839. He disclosed that the Cowdery children to whom Partridge deeded the property “died during their minority.” He asserted that the Temple Lot “remained vacant and unoccupied until 1882, when the respondent church took possession of it.” He recounted that the Reorganized Church filed suit for the Temple Lot “within 10 years after respondent took possession of the

property.” And he assured that the Reorganized Church “duly incorporated under the laws of the state of Iowa.” Each of these statements was highly contestable, yet Philips uttered them as if they were incontrovertible facts upon which all could agree. If the opening summary was any indication, this was going to be a bad day for the defendants.³

Having outlined the “facts” of the case, Philips proceeded to read his opinion. The opinion consisted of twelve sections totaling thirty-six double-spaced pages. Section one examined the impact of the Reorganization’s 1891 incorporation on the Temple Lot deed held by (the late) RLDS bishop George Blakeslee. Section two established whether a religious body incorporated in another state could hold property in Missouri. Section three determined whether Edward Partridge purchased the Temple Lot in trust for Joseph Smith’s church. Sections four and five assessed the validity of the plaintiff’s 1839 Partridge-Cowdery deed. Section six scrutinized the defendants’ chain-of-title. Section seven didn’t actually exist, the result, evidently, of a numbering error. Section eight questioned whether the defendants purchased the Temple Lot in good faith. Sections nine, ten, and eleven appraised the succession claims of the LDS Church, RLDS Church, and Church of Christ respectively. Section twelve tackled the problem of laches. Section thirteen, finally, announced the verdict.⁴

In the first section, Judge Philips quoted the incorporation statute of the State of Iowa, and with nary a word of commentary, summarily pronounced the Reorganization’s 1891 incorporation sound. He apparently thought so little of John Southern’s critique of the RLDS incorporation process that he didn’t even acknowledge it, let alone explain why he found its conclusions erroneous.⁵ Philips then turned to the question of whether

the act of incorporating inadvertently divested the Reorganization of its Temple Tract deed. In 1887, you'll recall, Bishop George Blakeslee purchased the Cowdery family's Temple Tract deed in trust for the Reorganized Church. The defendants, you'll further recall, contended that with the incorporation of the Reorganization in 1891, Bishop Blakeslee should have transferred the title to the RLDS corporation proper. Having died in 1890, however, the good bishop did not do so. Citing legal precedents in *Frank v. Drenkham* and *Catholic Church v. Tobein*, the defendants thereby concluded that, having changed its legal status by the act of incorporation, the Reorganization forfeited its rights to Blakeslee's Temple Lot trust. Judge Philips, however, deemed the precedents "essentially different" insofar as the 1891 RLDS Articles of Incorporation specified that all property held by individuals on its behalf would thereafter vest in the RLDS corporate body. Philips found this blanket conveyance sufficient; he saw no need for a specific conveyance of the specific property.⁶ All together, then, section one of the Opinion established that the plaintiffs had the legal standing and right to sue for the property.

In the second section, Philips tackled the problem of foreign religious corporations in Missouri. At the outset, the judge established that, all things being equal, by the law of comity between the states a body incorporated in one state can exercise its powers in another state. But Philips recognized that things were not always equal, that states can place restrictions on corporations. As the defendants pointed out, the Missouri Constitution stipulated that no religious corporation could be established in the state except under a "general law" for the purpose of holding title to parsonages, cemeteries, and church structures. But Philips didn't consider this provision all that restrictive. "This

is not inhibitory of the existence of religious corporations in the State, nor is it a denial of their right to hold real estate. Its purpose was and is to prevent the incorporation of such bodies for the purpose of acquiring real estate for other purposes or use than the reasonable requirements for the prescribed purposes.” James Broadhead had argued that the failure of the Missouri Legislature to prescribe a limit to the amount of property a religious corporation could hold indicated that the state refused to recognize religious corporations. But Philips found this argument unconvincing. Article 10 of the 1889 Missouri statutes, Philips delineated, “authorizes the incorporation of such religious bodies or associations, and in a spirit of marked public liberality,” expressly sanctioning their right to hold property and execute trusts. If the Temple Lot exceeded the state’s (presently-undefined) property limits for incorporated churches, Philips argued, that was for the state to decide, not the federal court.⁷ Section two, then, established that the Reorganized Church could sue for and rightfully hold the Temple Lot. On preliminary matters, Judge Philips had sided with the Reorganized Church.

Philips next turned to one of the central questions of the case: Did Edward Partridge purchase the Temple Tract as personal property or entrusted property? At the outset, Philips acknowledged that “on its face” Partridge’s 1831 title said nothing about a trust. Philips implicitly concurred with the defendants, moreover, that the plaintiff’s firsthand evidence for the alleged trust came up short: “After such a lapse of time it may be difficult to find this and that witness to testify to placing so much money in [Partridge’s] hands.” On the other hand, Philips recounted, there was considerable circumstantial evidence for a trust: Joseph Smith dedicated the site. The church was

commanded by revelation to acquire the property. Partridge had charge of the church's finances. Partridge moved to Independence to acquire the property. Witnesses recalled a church fund-raising effort towards that end. Throughout the 1830s, furthermore, the property was known as the "Temple Lot." For Philips, the circumstantial evidence could only lead to one conclusion: "That [Partridge] bought this property with funds contributed by the members of the church, and held the title in recognition of the trust, is too clear to my mind to admit of debate."⁸ The Reorganized Church, in sum, was correct: The Temple Lot was established as a trust. This was a major victory for the plaintiffs, as their entire case rested on the presumption of an ecclesiastical trust.

Before the plaintiffs could savor the moment, however, Philips turned to the worrisome 1839 Partridge-Cowdery deed. Of late, we've seen, the plaintiffs downplayed the deed in apparent recognition that the flawed document could substantially weaken their case. As it turned out, the plaintiffs need not have worried: Judge Philips deemed the deed fundamentally sound. The defendants had objected that the deed didn't adequately demarcate the land in question, but Philips retorted that the appellation "Temple Lot" included on the deed was clear enough. The defendants had protested that the deed bore no date, but Philips argued that the Missouri Supreme Court presumed undated deeds were transacted on the day of their acknowledgement (in this case, 25 March 1839). The defendants had contended that the (alleged) Temple Tract trust dissolved when Cowdery—as the 1839 deed expressly declared—gave Partridge \$1000 for the property, but Philips countered that the language here referred to funds Cowdery raised for Partridge's original 1831 purchase, not the 1839 transaction. The defendants

had complained that the deed wasn't recorded until 1870, but Philips responded that Missouri statute holds that belatedly-recorded deeds remain of force if evidence confirms the grantor (in this case, Partridge) executed the transaction. Philips reasoned that the county official who recorded the deed in 1870 must have concluded that the Partridge-Cowdery transaction actually took place, and he saw no reason to second-guess that official's assessment. "The law always presumes that a public officer does his duty. It is, therefore, to be presumed that the Recorder of Jackson County in admitting the deed to record inspected it, and was satisfied of its original character."⁹

Judge Philips, for one, was certainly convinced of its original character. It made perfect sense to him that Bishop Partridge would convey the trust to Oliver Cowdery's young children during the tumult of the Mormon expulsion from Missouri:

Filled with apprehension and uncertainty, and anxious for the execution of his sacred trust respecting this property, [Partridge] fell upon the plan of declaring the trust in this deed, and of making the children of Oliver Cowdery, his tried friend and an elder in the church, the depositaries of the title, believing no doubt that on account of their tender years they would be less exposed to violence and harm, and that on account of their training in the church they would be worthy and faithful trustees. It is, therefore, reasonable to conclude that he delivered the deed to some one of them, or to some one for them, before fleeing the State.

The fact that so little was known about the Cowdery children didn't bother Philips. "It is quite inferable, from all the facts and circumstances in evidence, that these children died in their minority," he explained. Philips was unapologetic about allowing such inferences into his judgment. "Presumptions in equity should be more liberally indulged after such a long lapse of time, where the loss of witnesses by death and removals and disappearance often render direct proof impossible." For all these reasons, Philips thought the Partridge-Cowdery deed legitimate. "This deed clearly enough declares a

specific trust for the church. The criticisms made by counsel, in this connection, are strained. They do violence to the declared honest purpose of the grantor.”¹⁰

John Southern and his clients must have been reeling at this point. The Partridge-Cowdery deed was the weakest link of the plaintiff’s case. Oliver Cowdery didn’t even belong to the Mormon Church in March 1839; excommunicated in April 1838, he fled Mormon headquarters for fear of physical retribution in June 1838. Bishop Partridge and Elias Higbee (the Mormon county judge who purportedly signed the acknowledgement) weren’t even in Caldwell County, Missouri in March 1839; they had already fled for Illinois. The three children named on the deed never even existed; in 1839 the Cowderys had but one living child, Marie Louise. To be sure, the defendants hadn’t brought these facts to light as forcefully as they might have, but nevertheless they had raised enough suspicions about the deed to cause the plaintiffs to amend their Bill of Complaint at the last hour. Despite all the warning signs, however, Philips declared the deed eminently sound. The defendants must have been aghast. If they couldn’t convince Philips of the dubious quality of the Partridge-Cowdery deed, of what could they convince him?

Whereas Philips treated the plaintiff’s Partridge-Cowdery deed with remarkable leniency, he was acutely critical of the defendants’ chain-of-title. Philips had heretofore cited few statutory and judicial precedents in his opinion, but once he turned to the defendants’ title he appealed to a host of precedents. Philips concurred with the plaintiffs that the defendants’ May 1848 Partridge-Poole deed, despite its timely recording in Jackson County records, was improperly acknowledged, as the clerk had used his own personal seal rather than the seal of the circuit court.¹¹ Philips also criticized the deed on

the grounds that the defendants had offered no independent evidence substantiating “that Poole paid a valuable consideration for this deed, or that any subsequent purchaser paid any valuable consideration.” It wasn’t enough that the Partridge-Poole deed and other deeds in the defendants’ chain-of-title stated on their face that certain sums were paid for the property; to prevail against the Cowdery trustees, Philips argued, Poole and all other aspiring holders of the Temple Grounds would have had to have provided independent proof that they paid for the property before the recording of the Partridge-Cowdery deed in 1870.¹² Judge Philips thusly disposed of the defendants’ chain-of-title.

Philips now turned to the Hedrickites’ supplemental claim that they and the owners who preceded them owned the Temple Grounds by virtue of adverse possession. Philips acknowledged that there were improvements on the Temple Tract at mid-century, that John Maxwell and Samuel Woodson subdivided the sixty-three acres, laid out streets, fenced off portions of the property, and perhaps even sold some of the lots. But Philips was unconvinced that any improvements took place on the 2.5-acre Temple Lot proper. “The platting of the land into lots and streets was an act of ownership, but as the streets lay outside of the Temple Lot little importance can be attached to that.” There were “some witnesses who testify to mere impressions about a fence being somewhere about this lot in 1847,” he conceded, but he found their recollections “entirely too indefinite and conjectural to predicate an adverse holding thereon.” Before the Hedrickites came on the scene, Philips concluded, “there is nothing shown, to satisfy the mind of the Court, of a single act of ownership over a foot of the Temple lot.” The improvements and taxes paid on the surrounding lots of the Temple Tract were irrelevant: “The segregation of the land

into parcels and distinct lots with dividing streets, broke the continuity of the tract of 63 acres, and necessitated some open visible acts of ownership over each parcel.”¹³

Philips acknowledged that the Hedrickites started purchasing the lots comprising the Temple Lot in 1867. But as far as he could tell, the defendants didn’t improve the property until fifteen years later. “It is too clear for debate that this Temple Lot, in controversy, was never fenced nor occupied until these respondents entered in 1882 and began to put a wire fence around it.” By then, Philips noted, the Partridge-Cowdery title had entered the public record. Thus the defendants “did not take actual possession thereof until 12 years after the trust deed from Partridge was put upon record, and without taking any steps to remove said cloud on the title.”¹⁴

What Philips had heretofore hinted at he now explicitly stated: Poole, Maxwell, Woodson, and the Hedrickites had acted in bad faith when they occupied the Temple Grounds. Philips found it “impossible to reasonably escape the conclusion that [Poole] and all the parties claiming under him had notice of the trust character of the Temple Lot.” Everybody in the region, he observed, was familiar with the Mormon conflict of the 1830s. “The appearance and location of the Mormons, so called, at Independence, Missouri, and the selection of the Temple Lot was as notorious in Western Missouri as the famous “Order No. XI” of the late Civil War,” Union general Thomas Ewing’s infamous order mandating that the fractious citizens of Jackson and three other counties vacate rural areas and divide by sectional loyalties. Even after violence had dispossessed the Mormons of their holy land, Philips remarked, the Mormons longed for return. “To them it has been as the New Jerusalem to the Israelite and as Mecca to the Moslem.”

Residents of Jackson County understood the indubitably religious character of the site. “The name ‘Temple Lot’ has adhered to this piece of property, on one of the principal thoroughfares of the City of Independence, through all these years,” Philips noted. Maxwell and Woodson, in fact, named one of the streets adjoining the property “Temple Street.” Philips could only conclude that Woodson and Maxwell “must have known they were trying to reduce to a speculative interest a spot sacred to this church. They assumed, doubtless, that those people violently expelled from the State and under popular odium, would not have the temerity to claim their own, and to carry out the purpose of the dedication of this lot.”¹⁵

Philips followed with a disjointed string of half-truths, speculations, and faulty reasoning that all but sealed the defendants’ fate. To begin with, he embraced the plaintiff’s far-fetched argument that Granville Hedrick belonged to the original-turned-RLDS-church up to 1857. It followed, Philips reasoned, that Hedrick understood the entrusted character of the Temple Lot and must have obtained the property to safeguard the trust. (Philips didn’t specify for which faction Hedrick was safeguarding the trust.) To substantiate his speculation, the judge appealed to Richard Hill’s 1892 testimony that he held the Temple Lot in trust for the original-turned-Hedrickite-church. (Philips apparently assumed that Hill and Hedrick shared the same view on the matter.) But if Hedrick obtained the Temple Lot to safeguard the trust, and Hill held the property for the original church/defendant church, one would think Philips might conclude the Church of Christ held the Temple Lot in good faith, misguided though it might be. On the contrary,

Philips concluded that the Church of Christ held the Temple Lot in bad faith, and that the Hedrickites sought to divert the trust from its intended purpose:

There is perhaps not a Mormon on the American continent, possessed of any intelligence, who has not known, from his connection with the church, the history of the Temple Lot at Independence. And it would be about as reasonable to suppose than an Israelite could become the purchaser of a lot in Jerusalem, and claim that he was an innocent purchaser against the design of his people to re-establish there the New Jerusalem as to say these respondents are innocent purchasers.¹⁶

Philips's train-of-logic is difficult to follow in this section, but it seems he considered the defendants bad faith purchasers because their title rested on the illegitimate Poole-Maxwell-Woodson title and because they, like the secular owners who preceded them, now disingenuously denied that the Temple Lot was ever entrusted at all.

Now that Judge Philips had established that the Temple Lot was founded—and remained—an ecclesiastical trust, he turned to the critical question: Who was the beneficiary of the trust? Before examining the alternatives, Philips dispensed with the defendants' simplistic argument that one could determine the rightful successor on the basis of the church name, the Church of Christ and the Church of Jesus Christ of Latter Day Saints obviously having a better succession claim in this regard than the Reorganized Church of Jesus Christ of Latter Day Saints. "It is a mere play on words, a clutching after shadows, for respondents to quibble about the precise name by which the Mormon church was known in its early history," Philips opined. Joseph Smith's church went by a number of different names, he demurred, echoing the argument of the plaintiff. The name of the rightful successor made no difference to the succession question.

For Philips, the key to identifying the proper successor was “identity of doctrine.” Which of the existing churches preserved the doctrines of the original church? To lay the groundwork for this inquiry, Philips briefly described the church of Joseph Smith. Philips was brief, in part, because he saw little, if any, doctrinal development or differentiation in Smith’s era. For Philips, the defining characteristics of the early church were unity and continuity. From 1830-1844, he summarized, the church had three books of authoritative law and doctrine. From 1830-1844, the church “had the same federal head, governing bodies and faith.” From 1830-1844, the church suffered no serious dissent. “During this period there was no schism, no secession, no ‘parting of the ways,’ in any matter fundamental, or affecting its oneness.” In sum, “this church was one in doctrine, government and purpose from 1830 to June 1844.” This was a profoundly static interpretation of the Prophet’s era, much like the one championed by the RLDS legal defense in the *Brief and Argument By G. Edmunds*. Philips thought the historical record on this matter was so plain as to preclude disagreement. “The identity, unity and sameness from 1830 to 1844 of the Mormon church are too clear for debate.”¹⁷

Against this doctrinal backdrop, Philips found the succession claims of Brigham Young utterly groundless: “There can be no question of the fact that Brigham Young’s assumed Presidency was a bold and bald usurpation.” Joseph Smith’s January 1841 revelation stipulated that Young would serve as president of the Quorum of the Twelve Apostles, Philips explained; the text said nothing about Young serving as church president. Moreover, an 1831 revelation expressly declared that Smith would choose his own successor; Smith, however, never appointed Young his successor. (Philips didn’t

even take Smith's "Last Charge" seriously enough to consider.) As if all this weren't damning enough, Philips continued, "Brigham Young's assumption of this office (under the claim of something like a transfiguration) was itself a departure from the law of the Church." In Philips' estimation, Young came to power not by revelatory or constitutional prescription but by the power of a forceful personality in uncertain times. Young was "a man of intellectual force, shrewd and aggressive, if not audacious," the judge determined. "Naturally enough such a man gathered around him the greater numbers, and it was an easy matter for him to seize the fallen reins of the Presidency."¹⁸

Brigham Young's illegitimate presidency, Philips charged, produced illegitimate doctrines, the most notorious being polygamy. *The Book of Mormon, The Doctrine and Covenants*, and affidavits signed by John Taylor and Wilford Woodruff themselves all condemned the practice, Philips recounted, yet the LDS Church introduced the doctrine to the world in 1852 and canonized the purported authorizing revelation in the 1876 LDS *Doctrine and Covenants*. Philips saw nothing but contradiction here:

How it can be that the Lamanites please God in sticking to one wife, and the Nephites displease Him by imitating David and Solomon in multiplying wives, and yet Polygamy is to be a crown of righteousness in the teachings of the Angel Mormon [sic], challenges my power of comprehension. It requires transfiguration to do so.

LDS witnesses insisted that Smith introduced the practice in 1841 and sanctioned it by revelation in 1843, but Philips found these rationales unconstitutional and unconvincing. "Joseph Smith was in the full vigor of young manhood, and his wife, Emma, was giving birth to healthy children in regular order," yet, tellingly, Joseph fathered no children with his alleged plural wives. But Philips couldn't completely discount the testimonies of

Emily Partridge, Melissa Lott, Lucy Kimball, and Mercy Thompson. He figured they probably did share intimacies with Joseph or Hyrum Smith, but that private liaisons of this sort had no bearing on the doctrines and practices of the church at large:

It perhaps would be uncharitable to say of these women that they have borne false testimony as to their connection with Joseph Smith; but, in view of all the evidence and circumstances surrounding the alleged intercourse, it is difficult to escape the conclusion that at most they were but sports in “nest hiding.”...But if it were conceded that Joseph Smith, and Hiram, his brother, did secretly practice concubinage, is the church to be charged with those liaisons, and the doctrine of polygamy to be predicated thereon of the church? If so, I suspect the doctrine of polygamy might be imputed to many of the Gentile churches.

Mormon church law mandated that revelations had to be sanctioned by the church body to become law, Philips continued, yet Joseph Smith never presented any such polygamy revelation to the church. To Philips, it seemed beyond belief that the audacious Brigham Young circumspectly kept the revelation under lock-and-key from its purported reception in 1843 to the public announcement in 1852. Philips quoted Granville Hedrick’s *Spiritual Wife System Proven False* to highlight the ridiculousness of this scenario.¹⁹

Polygamy wasn’t the only discrepancy Philips found between Young’s church and the Prophet’s church. According to Joseph Smith’s “Articles of Faith,” the early church believed “in God, the Eternal Father, and in his Son, Jesus Christ, and in the Holy Ghost.” But as church president, Brigham Young announced that God the Father was Adam, the first human being, and that Eve was one of his celestial wives. Alluding to the ceremonies of the temple, Philips added that the LDS Church “has introduced societies of a secret order, and established secret oaths and covenants, contrary to the Book and teachings of the old church.” He thought it had also changed the organization of the seventies and the duties of the church president and apostles. Lastly, the LDS Church,

unlike the original church, placed a premium on obedience to priesthood counsel.²⁰ In all of these findings, Judge Philips seconded the arguments of the plaintiff.

At this point in his discussion, Philips paused to outline his judicial philosophy on religious property disputes. It was his understanding, he explained, that courts must side with the faction retaining the doctrines, practices, and organization of the church as they existed before the emergence of the schism and/or the establishment of the property trust. It didn't matter how few sided with the faithful faction or how many sided with the deviant faction; what mattered was continuity and fidelity. What did this mean for the Temple Lot Case? Philips explained with a deft use of biblical imagery:

No matter, therefore, if the church at Nauvoo became a prey to schisms, after the death of Joseph Smith, and presented as many frightful heads as did the dragon which the Apostle John saw in his vision on the Isle of Patmos, if there was one righteous left in Sodom, the promise of the covenant and of the law of the land is to him.

Philips cited an array of precedents and commentary to substantiate his judicial approach. Tellingly, almost all his references had been cited by the plaintiffs in the *Complainant's Brief and Argument*. Plaintiff's counsel must have been overjoyed: Judge Philips shared or at least adopted their philosophy on religious property disputes.²¹

Philips now turned to the Reorganized Church. Earlier, in a passing reference to *The Doctrine and Covenants*, the judge indicated that he found the succession rights of Joseph Smith III persuasive, so much so that he accepted James Whitehead's contested claim that the Prophet publicly introduced young Joseph as his successor:

The Book clearly taught that the succession should descend lineally and go to the first born. Joseph Smith so taught, and, before his taking off, publicly proclaimed his son Joseph, the present head of complainant church, his successor, and he was so annointed [sic].²²

Now Philips confirmed that he felt similarly disposed towards the Reorganized Church. The defendants had portrayed the founders of the Reorganization as castoffs from Strangism and Williamism, as ecclesiastical nondescripts lacking priesthood authority. But Philips saw the RLDS founders in a fundamentally positive light, one that did not include the shadows of James Strang and William Smith:

A considerable number of the officers and members of the church at Nauvoo did not ally themselves with any of the factions, and wherever they were they held on to the faith, refused to follow Brigham Young to Utah, and ever repudiated the doctrine of polygamy, which was the great rock of offense on which the Church split after the death of Joseph Smith.

In 1852, he chronicled, the scattered remnants of the original church “gathered together sufficiently for a nucleus of organization.” They vowed allegiance to the tenets of the original church and produced an “Epitome of Faith” that “while containing differences in phraseology[,] in its essentials is but a reproduction of that of the church as it existed from 1830 to 1844.” Philips was convinced: Joseph III’s Reorganized Church was the true successor to Joseph Smith Jr.’s church.²³

Philips found the defendants’ criticisms of the Reorganized Church groundless. Yes, the Reorganization added Joseph III’s revelations to the canon of the original church, but since the Prophet himself declared continuous revelation a fundamental tenet of the faith, Philips thought this was to be expected. John Southern insisted that Joseph III’s revelations contained innovations not found in the early church, but Philips wasn’t persuaded: “No specification is made by learned counsel as to wherein the alleged new revelations declare any doctrine at variance with that taught in antecedent revelations.” As for the accusation that the Reorganization had departed from the original faith by

adopting *The Holy Scriptures* as a biblical text, Philips was satisfied that the text came from the Prophet himself, that his own family preserved and published the manuscript, that it complimented but did not replace the King James translation in the RLDS community, and that it did not include any doctrine contrary to the teachings of the original church. Philips added as a parenthetical: “In this day of multifarious and free translations of the Bible it should hardly be imputed a heresy in this church to take some liberties with the virgin Greek and Hebrew.” Philips likewise dismissed the criticism that the Reorganized Church currently had only eleven apostles in the Quorum of Twelve. Nothing prevented the church from filling the vacancy at any time, he demurred. Closing out this section, Philips acknowledged that the defendants had raised other objections to the Reorganization, but he opined that the answers were too obvious to state.²⁴

While Philips lauded the Reorganization and offered some intermittent faint-hearted praise of the LDS Church, he treated the Church of Christ as a contemptible annoyance. “Who are the respondents and what do they believe?” he asked. “Looking at their answer in this case, and their evidence,” he replied, “the idea occurs that in theory they are Ecclesiastical nondescripts, and in practice ‘Squatter Sovereigns.’” The Church of Christ rejected the bulk of *The Doctrine and Covenants*, the offices of the First Presidency, Twelve, and Seventy, and the practices of tithes, offerings, and baptism for the dead. Contradictorily, the defendants denied in their Answer that the Temple Lot was ever held in trust for the original church, yet their current trustee, Richard Hill, testified that the Church of Christ was a part and parcel of the original church, and that he held the

Temple Lot in trust for that church. Similarly, Philips continued, the defendants reject polygamy, yet they rely upon the LDS Church for assistance:

While the respondents are wary of claiming alliance with this Salt Lake church, it is evidently “the power behind the throne” in the defense of this suit; and claim is made by respondents’ counsel that it in fact absorbed the Mormon church, and is the real succession to the ancient church.

Fortunately, Philips could correct the Hedrickite imposition. “They are but a small band, and their seizure of the Temple Lot, and attempt thus to divert the trust, invoke the interposition of a Court of equity to establish the trust and prevent its perversion.”²⁵

Clearly, Judge Philips believed the Reorganized Church was entitled to the Temple Lot. But had the Reorganization waited too long to file suit? Were the plaintiffs, in a word, guilty of laches? Philips didn’t think so. The 1839 Partridge-Cowdery deed, he explained, expressly declared that the Temple Lot trust was an express trust, not an implied trust, and as such it was not subject to the statute of limitations. Besides, there were good reasons the plaintiffs took so long to file suit. First of all, the Mormons were expelled from Jackson County and the State of Missouri:

The beneficiaries of the trust were driven from the State in 1838-9 by military force, and were not permitted to return to the State. A public hostile feeling and sentiment were excited against them, which would have blazed up from the slumbering fires at any time thereafter prior to the Civil war, had they returned here and attempted to occupy this property.

Philips thought it preposterous, and frankly unjust, that a people could be dispossessed of their land in law and in fact because of the violent actions of others. In an analogy that could only have pleased the plaintiffs, Philips saw the rights of the (Reorganized) Latter Day Saints as analogous to those of the ancient Jews in Babylonian captivity:

It is neither good law nor Bible history to say that because the Saints became scattered and without an organism, the faithful lost the benefit of the church property. Forsooth the children of Israel were carried captive to Babylon—"the mother of harlots and the abomination of the earth"—they did not cease to be children of the covenant, nor lose their interest in Jerusalem.

Second, Philips added, it was only recently that the plaintiffs had reason to believe that someone had encroached upon their sacred property:

No improvements were made on, and no visible possession taken of, the Temple Lot, until 1882, within ten years of the institution of this suit, and when the trust deed [the 1839 Partridge-Cowdery deed] had been on record 12 years. Up to this hostile action of respondents the complainants had a right to assume that the trust character of this property was intact, and that the lot was open for their entry at any time when the auspicious hour came to build on it.

For these reasons, Philips denied the charge of laches. The Reorganized Church did not wait too long to file suit for their property.²⁶

In closing, Judge Philips assured his listeners that his court of equity had proper jurisdiction over the case. "It is peculiarly its province in a case like this to vindicate the trust, to determine the real beneficiaries of the trust estate, and to prevent its diversion." And then he delivered his verdict: "Decree will go in favor of complainant, establishing the trust in its favor against respondents, removing the cloud from the title, enjoining respondents from asserting title to the property, and awarding the possession to the complainant."²⁷ Thus ended Judge Philips' opinion in the Temple Lot Case.²⁸ Thirty-one months after filing suit, the Reorganized Church had emerged victorious.

The proceedings apparently came to an end at that point, for at noontime Edmund L. Kelley was able to get away and send the following telegram to the *Saints' Herald* office in Lamoni: "Judge Phillips in United States Circuit Court this morning decided in

favor of Reorganized Church; complete vindication on every proposition; decision sound in law and fact.”²⁹ Counsel for the plaintiff were no doubt elated; conversely, the defendants must have left the courtroom in abject dejection. Charles A. Hall telegraphed John M. Cannon in Salt Lake City: “Case lost send word about ap[p]eal at once.”³⁰

Plaintiff’s counsel evidently didn’t leave the courthouse just yet, for Philips asked Parley Kelley to write the decree of the court in his stead. No doubt honored by the request, Kelley huddled with brother Edmund and Lafayette Traber and wrote Philips’ text.³¹ The four-page double-spaced document “ordered, adjudged and decreed” the findings of Philips’ opinion. On the succession question, the decree stipulated:

- The Reorganized Church is the legal successor to the church led by Joseph Smith from 1830-1844.
- The Church of Christ departed from the teachings of the church led by Joseph Smith from 1830-1844.
- The LDS Church departed from the teachings of the church led by Joseph Smith from 1830-1844 by introducing such doctrines as polygamy, the Adam-God doctrine, and absolute obedience to priesthood authority.

On the Reorganization’s right to the Temple Lot, the decree stipulated:

- From 1832 [sic] to 25 March 1839, Bishop Edward Partridge held the legal title to the Temple Lot in trust for the church led by Joseph Smith.
- Forced to leave the State of Missouri with the rest of his church, on 25 March 1839 Bishop Partridge conveyed the Temple Lot to John Cowdery, Jane Cowdery, and Joseph Smith Cowdery for the use and benefit of the church led by Joseph Smith.
- The Reorganized Church, as the rightful successor of Joseph Smith’s church, is the absolute and equitable owner of the Temple Lot and its trust.

On the Church of Christ’s right to the Temple Lot, the decree stipulated:

- The 1848 Partridge-Poole deed, the foundation of the defendants' chain-of-title, was improperly acknowledged.
- Neither the Church of Christ nor any individual through whom it claims the Temple Lot title had actual and constructive possession of the property until approximately September 1882, less than ten years before the Reorganized Church filed suit for the property.
- The Church of Christ has had sufficient notice of the entrusted character of the Temple Lot and the Reorganization's rights to the property.
- With neither valid title nor adverse possession, the Church of Christ is neither the legal nor equitable owner of the Temple Lot.

On the current legal status of the Reorganized Church, the decree stipulated:

- The Reorganized Church is a corporation under the laws of the State of Iowa, and in its corporate capacity it includes the entire membership of the church and was within its rights to file suit against the Church of Christ.

On the resolution of the Temple Lot Case, the decree stipulated:

- The Church of Christ must cover the legal expenses of the Reorganized Church, including taxes and attorneys' fees.

On the immediate future of the Temple Lot, the decree stipulated:

- The Reorganized Church is entitled to immediate possession of the Temple Lot, "free and clear of all rights, claims or interests of the respondents."
- If the Church of Christ refuses to relinquish the Temple Lot, and the Reorganized Church produces an affidavit to that effect, the Reorganized Church shall be entitled to a writ of assistance from the circuit court clerk commanding the marshal of the court to eject the Church of Christ from the property and place the Reorganized Church in possession thereof.³²

Not for nothing did Joseph Smith III pronounce the decree "fairly full and complete."³³

Thus did the Temple Lot Case come to an apparent end. In no uncertain terms, the Eighth Federal Circuit Court of the United States declared the Reorganized Church the rightful successor of the church established in 1830 and the rightful owner of the

Temple Lot. Short of a successful appeal by the defendants, the Temple Lot would no longer belong to the Church of Christ; it would belong to the Reorganized Church.

Endnotes

¹ “The Temple Lot Suit,” *SH* 41 (7 March 1894), 148.

² Charles A. Hall diary, 3 March 1894, LDS Archives, Salt Lake City; “The Temple Lot Suit” and “Editorial Items,” *SH* 41 (7 March 1894), 148; Joseph Smith III to George Edmunds, 7 March 1894, JSIII Letterbook #5, Community of Christ Archives, Independence.

³ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Statement of Case*, published in the *Federal Reporter*, 60:938-939, and *In the Circuit Court of the United States for the Western Division of the Western District of Missouri: Decision of John F. Philips, Judge, in Temple Lot Case, The Reorganized Church of Jesus Christ of Latter Day Saints versus The Church of Christ, Et. Al.* (Lamoni: Reorganized Church of Jesus Christ of Latter Day Saints, 1894), 6-9.

⁴ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Opinion*, 3 March 1894, Civil #1720, National Archives, Midwestern Division, Kansas City.

⁵ *Idem*, 1-2.

⁶ *Idem*, 2-4.

⁷ *Idem*, 5-8.

⁸ *Idem*, 8-9, 13.

⁹ *Idem*, 9-13.

¹⁰ *Idem*, 10, 12.

¹¹ *Idem*, 13-16.

¹² *Idem*, 17.

¹³ *Idem*, 17-19.

¹⁴ *Idem*, 18-20.

¹⁵ *Idem*, 7, 20-23.

¹⁶ *Idem*, 21-23, 34. For more on Hedrick’s relationship to the Reorganization, see page 34.

¹⁷ *Idem*, 23-24.

¹⁸ *Idem*, 25.

¹⁹ *Idem*, 26-27, 31-32.

²⁰ *Idem*, 27-28.

²¹ *Idem*, 28-30.

²² *Idem*, 25.

²³ *Idem*, 30-31.

²⁴ *Idem*, 32-33.

²⁵ *Idem*, 25, 33-34.

²⁶ *Idem*, 30, 34-35.

²⁷ *Idem*, 35-36.

²⁸ Philips’s opinion was subsequently published in the *Federal Reporter*, 60:939-957. For another analysis of the text, see Buffeyanne E. Gillespie, “Who Owns This Sacred Land Called The Temple Lot?: The Decision of Judge Philips” (Senior Seminar paper, Graceland College, 1992, available in Special Collections, Frederick Madison Smith Library, Graceland University, Lamoni, IA).

²⁹ Edmund L. Kelley to editors, 3 March 1894, in “The Temple Lot Suit,” *SH* 41 (7 March 1894), 148.

³⁰ Charles A. Hall to John M. Cannon, 3 March 1894, LDS Archives.

³¹ Joseph Smith III to George Edmunds, 7 May 1894, JSIII Letterbook #5, CoC Archives.

³² *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Decree*, 3 March 1894, National Archives.

³³ Joseph Smith III to George Edmunds, 7 May 1894, JSIII Letterbook #5, CoC Archives.

Chapter Thirty-Two
The Verdict in Legal Context
1813-1914

Anyone who looks at the unedited transcripts of the Temple Lot Case is immediately struck by their size and density—five volumes of single-spaced text printed on 1,509 exceptionally long pages. Recorded therein are aged voices from Mormonism’s founding generation, survivors and witnesses of the Missouri persecutions, and leaders of the tradition’s divided second generation.¹ Scholars have found the Temple Lot Case transcripts an important documentary source on Mormon development.² As we shall see, moreover, Judge Philips’s opinion in the Temple Lot Case would be cited in Mormon apologetic controversies for decades to come.

But let’s reconsider this wealth of material. Why did an American secular court pay so much attention to religious history, doctrine, and practice? What legal precedents did the court have to immerse itself into such matters? By what authority did Judge Philips deem religious factions legitimate or illegitimate? Was this, in the end, an intrusion of the state into religious affairs? To answer these questions, this chapter looks at the legal context of the Temple Lot Case, specifically how nineteenth-century British, American, and Missourian courts grappled with disputes over religious property.

The Temple Lot Case represented an age-old phenomenon. Rival religions have fought over sacred sites from time immemorial.³ But despite its ancient antecedents, the suit could have only occurred in a society that upheld the property rights of heterodox religions, a largely modern phenomenon. Take England for example. After Queen

Elizabeth disestablished the Catholic Church as the official church in 1559, Catholic properties were systematically destroyed.⁴ Subsequently, under the 1601 Statute on Charitable Uses, properties bequeathed for “superstitious uses”—i.e. to religious bodies other than the official church—were diverted over to the care of the poor instead.⁵ A suit like the Temple Lot Case could not have occurred in such a society. Heterodox religions simply did not enjoy the requisite legal standing.

The preconditions for the Temple Lot Case were established in the 1700s and early 1800s. Scotland’s experience is particularly instructive here. The 1712 Toleration Act forced Scottish courts to recognize the Episcopal Church in addition to Scotland’s state-supported Presbyterian Church. But in 1733 and 1752 two break-off groups named the “Secession Church” and the “Relief Church” respectively broke away from Scotland’s established Presbyterianism. In the decades that followed, Scottish courts weren’t sure what to do with the property disputes that resulted from all the factionalism. At first they generally ignored the dissident churches. In time they became more willing to grant them a hearing, despite the dissidents’ formal, legal invisibility. Jurists were usually restrained in their judgments, deferring to the decisions of congregational majorities or, on some occasions, denominational authorities. All in all, though, the courts didn’t expend much energy formulating a judicial philosophy on the matter.⁶

Similar processes occurred throughout Anglo-America. Evangelicalism and rationalism fragmented Christianity on both sides of the Atlantic, producing Deists, Methodists, and myriad other sects.⁷ As wealth, population, and pluralism increased in Britain and its colonies, so did religious toleration and, paradoxically, the number of

church buildings that factions could fight over.⁸ In the decades following independence, America's federal and state governments disestablished their official churches, placing all white Protestant churches on roughly equal legal footing.⁹ By the early nineteenth-century, conditions were conducive in the United Kingdom and even more so in the United States for a proliferation of religious property cases. And proliferate they would.

The nineteenth-century's dominant approach to these cases came from the conservative mind of John Scott, "Lord Eldon," who served as Britain's Lord Chancellor almost continuously from 1801-1827, the longest tenure in history.¹⁰ Reviewing the Scottish case of *Craigdallie v. Aikman* in 1813, Lord Eldon recommended the courts grant a disputed chapel to whichever faction, whatever its size, followed the congregation's original teachings.¹¹ Elaborating in the 1817 case of *Attorney-General ex rel. Mander v. Pearson*, Lord Eldon argued that religious property is entrusted to advance the teachings of its donors or founders, so courts must award disputed property to the faithful faction. Acknowledging that some ecclesiastical trusts don't mention particular teachings, he urged jurists to consult the historical record to determine "what may, by fair inference be presumed to have been the intention of the founders." If there wasn't an explicit trust, in other words, the courts were to search for an *implied* trust.¹²

Across the Atlantic, the Supreme Judicial Court of Massachusetts formulated another approach in the 1813 case of *Rector of King's Chapel v. Pelham*. The majority of an Episcopalian congregation had voted to become Unitarian, while the minority wished to remain Episcopalian. Had the court followed Lord Eldon, it would have favored the Episcopalian minority. Reflecting the Puritan tradition of congregational self-rule,

however, the court ruled for the now-Unitarian majority. Since churches can elect their own ministers, the reasoning went, why couldn't they elect to switch denominations?¹³

Thus began two influential but conflicting judicial precedents—Lord Eldon's implied trust standard and Massachusetts' majoritarian standard. Variations of the Massachusetts method were subsequently adopted throughout New England and other scattered states.¹⁴ But Lord Eldon's approach became customary in British and most American courts.¹⁵ Meanwhile, a few U. S. courts and state legislatures ordered rival religious factions to either divide, sell, or time-share contested properties.¹⁶

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What were the strengths of the dominant approaches? The implied trust standard offered continuity with both religious and judicial practice. It preserved the unchanging timelessness that many considered essential to religion.¹⁷ And courts routinely dealt with implied trusts of all sorts—inheritations, educational stipends, etc.—and for many jurists it made no difference if an implied trust had a religious character.¹⁸ Massachusetts' majoritarian approach, by contrast, offered simplicity and practicality. It was usually much easier to identify the majority of a divided congregation than to settle divisive doctrinal controversies. New England's approach also accommodated religious change, an important consideration in the dynamic religious marketplace of the United States.¹⁹

In time, however, it became clear that both methods left much to be desired. The majoritarian approach treated independent and denominationally-affiliated congregations as if they were the same, effectively undermining denominational control over local congregations. In 1854, for example, Massachusetts permitted a Presbyterian

congregation to retain its meeting place even as it transferred its allegiance to Unitarianism, essentially stripping the Presbyterian denomination of its local property.²⁰

Lord Eldon's method had more severe problems. It encouraged jurists to identify trust conditions that sometimes were probably never implied at all.²¹ It also required courts to immerse themselves into and pronounce judgment upon religious controversies they sometimes could barely grasp. When Lord Elton actually examined the doctrinal issues in the *Craigdallie* case, he lamented "after racking my mind again and again upon the subject, I really do not know what more to make of it."²² The length of the transcripts and opinions that implied trust investigations could produce render the Temple Lot Case documents puny by comparison. The court opinion in one 1868 case ran 268 pages.²³ One unusual 1976 Supreme Court case produced a transcript over 12,000 pages long!²⁴

The implied trust standard also bound religions into a straightjacket wherein any modifications to their faith and practice could result in forfeited property.²⁵ In one infamous 1904 case, the House of Lords ruled against the general authorities of the Free Church and awarded all of the denomination's property—over 800 buildings and three universities—to a tiny faction that supposedly remained truer to the original policies of the faith.²⁶ Outrage forced Parliament to reverse the decision a year later, but such rulings remained possible so long as courts valued *statis* above all else. To avoid similar results, some American courts distinguished fundamental changes that violated trusts from secondary changes that did not. But this only shifted the difficulty, as the courts could never agree how to differentiate fundamental from secondary changes.²⁷

Indeed, judicial standards for determining acceptable and unacceptable ecclesiastical changes were quite arbitrary. Some courts deemed doctrinal changes of greatest importance. Most considered changes in nomenclature or denominational identity paramount. Some prioritized the faith and practice of a congregation at its founding. Others looked further back in time to the foundational texts and figures of the religious tradition generally. Most courts prioritized the faith and practice of a community as it existed just before the schism occurred, rather than the wooden portraits painted in dusty documents.²⁸ Litigants couldn't be sure what type of investigation a given court would apply, for as one scholar concluded, jurists forced to wrestle with questions of religious change often found themselves "completely at sea."²⁹

American churches splintered with the coming of the Civil War, producing a plethora of religious property cases, particularly in border states.³⁰ Presbyterianism produced a disproportionate number of noteworthy cases, as pro-Confederate congregations dissented from the pro-Union policies of the denomination.³¹ Two of these influential cases came from none other than the bitterly divided border state of Missouri. We are reminded once again that the Mormon-Gentile war of the 1830s served as a precursor to the internal civil war Missouri experienced during the Civil War.³²

In the 1862 case of *McGinnis v. Watson*, the Pennsylvania Supreme Court condemned the implied trust method as antithetical to "intellectual and spiritual growth" and ruled that courts instead should uphold the decision of the proper ecclesiastical authority—in an independent congregation, the majority of members; in a

denominational congregation, the denominational authorities.³³ In the 1869 case of *Watson v. Farris*, the Missouri Supreme Court decided the trustees of a Presbyterian college could not pull the school out of the church, for it belonged to the denomination.³⁴ In both cases, the courts avoided the intrusiveness of Lord Eldon's method and the unqualified majoritarianism of New England. They simply upheld the decision of whom they deemed to be the proper ecclesiastical authorities.

An 1867 Kentucky court, by contrast, declared the antislavery resolution of the Presbyterian General Assembly a violation of church bylaws, and therefore awarded a disputed Louisville meeting house to the fifth of the congregation that defied the denomination.³⁵ Given that three appellants lived across the Ohio River in Indiana, the appeal went to the federal courts as a diversity case. Eventually the Supreme Court weighed in on the suit to provide some guidance on these nettlesome, proliferating suits.

The Supreme Court outlined an American approach to religious property cases in their 1871 decision, *Watson v. Jones*. Writing for a 6-2 majority, Justice Samuel F. Miller condemned judicial investigations into religious matters. What may have been appropriate for the state-supported religions of Lord Eldon's Britain, he reasoned, was not appropriate for the disestablished religions of the United States: "The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect." American courts, he argued, should treat religious property conflicts as they would the property conflicts of any private charitable association. If a trust has explicit conditions, the courts should uphold them. But if there are no explicit conditions, the courts shouldn't make assumptions about conditions that may or may not have been implied.

On the contrary, they should simply defer to the decision of the proper authorities—the majority of an independent congregation or the general authorities of a denomination.³⁶

This was a rather remarkable opinion. In a confusing, capricious corner of the law that left many jurists and litigants dissatisfied, Justice Miller wisely rejected Lord Eldon’s approach, embraced the strength and discarded the weakness of the Massachusetts method, and followed the promising judicial leads of Pennsylvania and Missouri, not to mention the tentative steps of Scotland’s eighteenth-century courts. The Supreme Court’s *Watson* decision offered religious institutions and the courts alike a stable legal framework, using a fairly elegant, pragmatic approach implicitly grounded in First Amendment principles.³⁷ (Because I’ve mentioned more than one case involving a litigant named Watson, I should clarify that from this point forward, whenever I refer to the *Watson* case, I’m referring to this particular 1871 Supreme Court decision.)

It was no accident that Justice Miller served as the Supreme Court’s intellectual leader for much of his twenty-eight-year tenure (1862-1890).³⁸ He heard more than 5,000 cases on the high court and wrote the opinion for nearly one hundred constitutional cases, more than any of his predecessors. (One website compares the Lincoln-appointed justice to Cy Young, the pitcher with the most wins in baseball history.) A devout Unitarian who served as president of the National Conference of the Unitarian Church, Justice Miller was an inveterate freethinker who preferred “reason over precedent” and “clarity over profundity.”³⁹ Those qualities were plainly evident in his *Watson* opinion.

But despite the considerable strengths of the decision, *Watson* contained a serious flaw. In defending the autonomy of religious organizations, Justice Miller implied that

courts should simply rubber-stamp the decisions of religious authorities. But no other voluntary association enjoyed such uncritical deference. American courts usually sustained the internal decisions of voluntary associations, but not if those decisions resulted from misleading the association's own members.⁴⁰ To correct this oversight, the Supreme Court qualified *Watson* several months later in *Bouldin v. Alexander* (1872). Writing for a unanimous court, Justice William Strong argued that courts could examine the bylaws and inner workings of independent congregations *just enough* to identify its legitimate authorities and determine if they used irregular tactics in rendering decisions pertinent to the case. *Bouldin*, in effect, ensured that *Watson* wouldn't be used to support ecclesiastical chicanery; the courts would only sustain the *properly*-rendered decisions of the *proper* authorities.⁴¹ Justice Strong didn't say if *Bouldin* applied to denominations as well, but the Supreme Court itself, and other courts, subsequently acted as if it did.⁴²

Strengthened by the valuable *Bouldin* qualification, *Watson v. Jones* has proved an unusually durable ruling.⁴³ In 1952 the Supreme Court elevated *Watson* to the status of constitutional law.⁴⁴ In more recent decades the Supreme Court has modified (many commentators would say "fouled up") its Watsonian approach to religious property cases.⁴⁵ But *Watson* nonetheless remains the most important American ruling on the subject and the basis for most cases involving questions of religious property. Justice Miller's opinion has by now provided the precedent for over one thousand rulings.⁴⁶

Watson's initial impact derived more from its persuasiveness, however, than from any obligation to follow its precepts. Justice Miller's recommendations on express trusts

and independent congregations were of no binding authority whatsoever, given that they were “dicta” i.e. extraneous remarks unrelated to the denominational controversy at the heart of the case. Conversely, his comments on denominational bodies carried more weight, but not much more. The United States has many bodies of laws, three of the most basic being constitutional laws based upon the Constitution, statute laws created by Congress and state legislatures, and the common law based upon the customs and precedents of the courts. Had *Watson* involved a federal statute or (at the time) been considered a constitutional case, the Supremacy Clause of the U. S. Constitution would have made it binding on all state and federal courts.⁴⁷ But no federal statutes were involved in *Watson*, and despite Justice Miller’s allusions to the First Amendment, *Watson* was not considered a constitutional case until well into the twentieth-century.

Instead *Watson* was a federal common law case. I’ll need to backtrack a little to explain the significance of this point. Federal common law began in 1842. Before that time, whenever federal courts tried diversity cases involving litigants from different states, they would apply the statute and common laws of the relevant state. In the 1842 case of *Swift v. Tyson*, however, the Supreme Court ruled that while federal courts must still apply state statutes (when applicable) to diversity cases, they would no longer have to apply the common laws of the pertinent state—they could formulate their own *federal* common law instead.⁴⁸ Justice Joseph Story issued the ruling in the hope that state courts would ultimately harmonize their discordant common laws with federal common law. But since federal common law wasn’t outlined in the Constitution (unlike constitutional

law and statute law), it didn't wield the binding authority of the Supremacy Clause. State courts could follow its recommendations, but they weren't obliged to do so.⁴⁹

I have had difficulty determining the extent to which late-nineteenth-century federal circuit courts were obligated to follow federal common law precedents like *Watson*. My sense is that they may have been expected to do so, but given the relative infancy of that body of law, the federal circuit courts exercised considerable discretion in selecting which federal common law precedents to follow and which to downplay or ignore. An ironic case in point: Justice William Strong, as a member of the U. S. Supreme Court (1870-1880) and, earlier, the Pennsylvania Supreme Court (1857-1868), voted in favor of both the *Watson* (1871) and *McGinnis* (1862) decisions, both of which recommended that courts stay out of the internal affairs of religious societies.⁵⁰ Speaking to the Union Theological Seminary in the winter of 1874-75, however, Justice Strong criticized the non-interventionist policy of the *McGinnis* decision without ever mentioning that he had actually sided with the majority as a member of the Pennsylvania court! And he didn't bother to mention *Watson* at all. Instead, he favorably presented Lord Eldon's interventionist method as the standard judicial approach.⁵¹ Even one of the Supreme Court justices who voted for *Watson* felt free to disregard the ruling.⁵²

Despite *Watson*'s limited authority, by 1908 the *Columbia Law Review* depicted the Watsonian principle of judicial non-intervention as the bedrock of American law in religious property cases.⁵³ *Watson*'s strongest practical impact came in denominational cases, the most binding aspect of Justice Miller's opinion. The number of cases in which

seceding congregations retained denominational properties fell dramatically.⁵⁴ *Watson* also reinforced the courts' long-standing determination to enforce *explicit* provisions of religious property trusts.⁵⁵ But *Watson's* impact on independent congregations was limited. While many courts sided with congregational majorities as Justice Miller recommended, many others continued applying intrusive doctrinal tests when they encountered local majorities pushing dramatic changes or what were perceived as such.⁵⁶

To be sure, *Watson* had its own problems. First, the line between the judicial non-interference prescribed in *Watson* and the minimal interference permitted under *Bouldin* was not clear. Some courts, as a result, used *Bouldin* as a pretext for intensive ecclesiastical investigations.⁵⁷ Second, since *Watson* revolved around a divided local congregation, Justice Miller didn't address the even thornier problem of divided denominational hierarchies. As a result, the rulings in this vein varied for years to come. Most courts treated divided denominational hierarchies as they would divided independent congregations—they ruled for the larger faction. Many courts, however, sided with the faction retaining the hierarchy's pre-rupture beliefs and practices.⁵⁸

Watson's most serious flaw derived from the difficulty of distinguishing independent from denominational congregations. Some congregations—Baptist, Roman Catholic, etc.—were easy to classify. But some were notoriously difficult to categorize, the dastardly Lutherans being the most common troublemakers. Ironically, some *Watson*-oriented courts conducted extensive investigations to determine the independence or dependence of ambiguous congregations, the sort of intrusion Justice Miller sought to prevent.⁵⁹ Courts likewise struggled with congregations that began independently, joined

a denomination, but subsequently sought renewed independence. Judgments here were quite mixed.⁶⁰ All in all, as one reviewer concluded, “The courts have formally accepted the *Watson* approach, but not without exception and difficulty.”⁶¹

As I mentioned earlier, Missouri’s courts delivered two of the nation’s most influential decisions in religious property cases. In the first, the Missouri Supreme Court helped lay the groundwork for *Watson* with its 1869 *Farris* decision. With the second, ironically, Missouri became perhaps the state *most* resistant to the *Watson* approach. Following a compositional shift in its members, the Missouri Supreme Court in *Watson v. Garvin* (1873)—yet another case involving a *Watson*!—took direct aim at Justice Miller’s opinion. While Justice Miller restricted the reach of the courts and expanded the autonomy of religious institutions, Missouri’s *Garvin* decision restricted the autonomy of religious institutions and expanded the reach of the courts.⁶² *Garvin* would shape Missouri law for two generations and enjoy wide influence in other states as well.⁶³ Citing some of the cases that “cavalierly refused to apply the rules of *Watson*,” one scholar places Missouri’s *Garvin* ruling at the forefront.⁶⁴

In *Garvin*’s wake, Missouri courts hesitated little to proclaim religious factions doctrinally deviant. In 1909, for example, the state high court praised the widely-derided Scottish case I mentioned earlier that awarded the assets of an entire denomination to a tiny faction.⁶⁵ Once the personnel on the Missouri Supreme Court changed again shortly thereafter, however, they quickly revived *Watson*. In the 1914 case of *Hayes v. Manning*, the state high court endorsed *Farris* and *Watson* and argued that a religious body’s own

tribunals, not the secular courts, are best equipped to interpret its laws and practices. Missouri courts subsequently became more likely to follow *Watson* than *Garvin*.⁶⁶

We've looked at state and federal precedents for religious property cases. But what about precedents in the Eighth Federal Circuit Court of Western Missouri, the specific setting of the Temple Lot Case? From what I can tell, the Temple Lot Case was the first religious property suit to hit the Eighth Circuit. I haven't gone through the earlier records of the Eighth Circuit, so I may be wrong—there might have been some. But Judge Philips didn't cite any in his 1894 opinion, nor did the plaintiffs and defendants in their various legal briefs. And in the scholarly literature I've read about religious property disputes, I have found multiple references to the Temple Lot Case but none that preceded it in the Eighth Circuit. The federal courts simply didn't hear religious property cases all that often. Religious property battles tended to be local affairs contained within one state, not diversity cases tried in the federal courts. If there was a judicial precedent in the Eighth Circuit, it did not leave a lasting impression.

The legal context of the Temple Lot Case, then, was somewhat ambiguous. On the one hand, this was a federal case, and the highest federal court recommended a policy of deferring to the properly-rendered decisions of the proper ecclesiastical authorities in order to minimize the intrusiveness of the secular courts. As we've seen, however, *Watson* initially served more as an example than as a binding precedent. On the other hand, while the federal courts were not obligated to follow the common laws of the states, they could take them into consideration. And as we've seen, Missouri's highest

court encouraged jurists to determine and uphold the implied conditions of religious property trusts by whatever means necessary, regardless of the judicial intrusiveness.

In hindsight, we see the courts were in the early stages of a long transition from one policy to the other. Jurists in the early 1890s adopted the Watsonian perspective in growing numbers, but most courts still relied upon some variation of Lord Eldon's approach. Precedents for judicial intervention still vastly outnumbered those for non-intervention. *Watson's* day would not come until the second quarter of the next century.

RLDS leaders, for their part, didn't want judicial restraint. Confident they could present the most convincing succession claim of Mormondom's various factions, they *encouraged* the federal court to examine the history, doctrine, and practice of the religion. They framed the Temple Lot Case towards that end, citing numerous interventionist precedents, including the lectures of Justice Strong, with no acknowledgement of the alternative.⁶⁷ The LDS Church and Church of Christ, by contrast, instinctively recoiled at judicial interference in ecclesiastical matters. In October 1891, the organ of the LDS Church called the Reorganization's legal theory "absurd," arguing that, should it carry the day, "then no new tenet, or doctrine, or rule or commandment could be received by the Church without placing it in danger of losing its identity, and title and muniments, and property." If such were the case, editor Charles W. Penrose asked, didn't Mormon sects who rejected such early Joseph Smith innovations as high priests, for example, have a better claim to church property than the Reorganized Church?⁶⁸ For its part, the Church of Christ pleaded with the Reorganization to drop the suit, arguing that the gospel enjoins the faithful to settle disputes amongst themselves rather than drag each other into court.⁶⁹

Once it began clear the plaintiffs would not drop the suit, Charles A. Hall and John N. Southern, the president and attorney of the Church of Christ, cited Justice Miller enthusiastically.⁷⁰ But they had no illusions the judge in their case would necessarily follow the *Watson* precedent. Pragmatically, the defendants adopted their opponent's implied trust framework for their own purposes, portraying the LDS Church, rather than the Reorganized Church, as the continuation of Joseph Smith's movement.⁷¹

Judge Philips was almost certainly personally acquainted with Justice Miller. Before the creation of the federal appeals court system in 1891, Supreme Court justices periodically went out on circuit to supervise the federal circuit courts in their respective jurisdictions.⁷² From 1869 until his death in 1890, Justice Miller had charge of the Eighth Federal Circuit, so he got to know the prominent judges and attorneys of Missouri.⁷³ During one such visit, for instance, Broadhead's former law clerk, future circuit court judge David P. Dyer, hosted Miller, Broadhead, and the judges of Missouri's eastern circuit at his St. Louis home. Dyer recounted the evening in his memoirs:

[James Broadhead] advised me as to the particular kind of liquor to serve as Justice Miller never drank but one kind and that was whiskey, while Judge [Samuel H.] Treat [of the federal circuit court of eastern Missouri] never drank anything but brandy. Of course these were served at dinner. After dinner Justice Miller, Colonel Broadhead, General Noble and Judge Thayer engaged in a game of whist in the back parlor, while the rest of the party indulged in a game for small stakes in the front parlor. I was in this game and became so deeply interested that I forgot to "pass the drinks." Finally Justice Miller called to me and said, "Dyer, have you forgotten what the Governor of South Carolina said to the Governor of North Carolina?" This was sufficient and his favorite brand was passed to him.⁷⁴

Justice Miller visited the circuit court in Kansas City on several occasions, even late in life.⁷⁵ I think it highly likely Judge Philips shared a drink or two with him.

In the Temple Lot Case, however, it seems that Judge Philips never really considered the Watsonian route of the Supreme Court. In his 1894 opinion, Philips adopted the interventionist citations of the RLDS legal briefs almost wholesale, with no mention of an alternative approach.⁷⁶ And thus the Presbyterian jurist who specialized in railroad cases weighed in on complex religious controversies that had divided Mormons for decades.⁷⁷ He pronounced the largest division of the religion illegitimate. He took the religion's most sacred site from one body and awarded it to another. By the Watsonian standards of twentieth-century courts, Judge Philips's approach represented an unwarranted intrusion of the state into religious affairs. But by the ambiguous standards of the 1890s, he only did what innumerable jurists before him had done, and what many would continue to do for some time to come: Cross-examine the things of God.

The subsequent reversal of Judge Philips's decision by the Federal Court of Appeals did not dampen the RLDS conviction that courts of law in religious property disputes must side with the party that maintains orthodoxy and orthopraxis. In 2004, Kim L. Loving, an RLDS attorney, noted its persistence into modern times:

The legend that property ownership by a church turns upon its doctrinal purity, a myth largely perpetuated by the Church's retelling of the events of the Kirtland Temple litigation [and the Independence Temple Lot Case, he might have added], has died hard among the people of the Reorganization. As recently as 1988, those who split from the Reorganization over the ordination of women apparently believed that disputes over ownership of congregational property would be judicially resolved through proof that the practice was an unwarranted innovation. Their hopes were disappointed.⁷⁸

By contrast, when the Temple Lot Case had concluded, John R. Haldeman, editor of the Church of Christ's newspaper, published a scathing attack on judicial interventionism:

If Judge Phillips could not decide correctly on the laws of the land with which he was supposed to be familiar, how could he be expected to decide righteously on the laws of God with which he has had comparatively nothing to do?...We have contended time and again that the courts of the land is not the place in which to determine what is the true doctrine of Jesus Christ. We have come to a pretty pass indeed if we have to rely upon the decisions of a Gentile court in order to know which are the pure principles of Christ. If some of the greatest minds within the Mormon faith differ on these points and differ honestly, what may be expected of a court of the land who despise us and our doctrines[?]

Haldeman saw clearly the constitutional implications of the interventionist approach:

Bro. Joseph Smith [III] in extolling the decision of the laws of the land concerning the correctness and orthodoxy of his teachings is setting a dangerous example and precedent for American born citizens that is no less than the doctrine of the union of church and state. If the state must be called upon through the courts to determine what is orthodox, and what is heretical, then you place yourself in a position of servitude to the state...[to] teach you that which God has said should be construed and taught in the church and not by the state.⁷⁹

Justice Miller could not have said it better.

I'd like to close by noting that Justice Miller wasn't just an intellectual foil for the Temple Lot Case. His life intersected with Mormons, Missouri, and the Temple Lot in a number of surprising and unlikely ways.

A native Kentuckian, Miller first practiced law in the Cumberland Mountain enclave of Barbourville, Kentucky, from 1846-1850.⁸⁰ Like John N. Southern, who left Kentucky and found his fortune in Missouri, Miller's law partner, Silas Woodson, moved to Missouri and went on to serve in the seat of Lilburn Boggs as state governor from 1873-1875. Even more surprising, Woodson's first cousin once-removed was fellow Kentuckian-turned-Missourian Samuel H. Woodson, one of the midcentury owners of the Independence Temple Tract!⁸¹ Like his law partner, Samuel Miller left Barbourville

behind for more promising climes. In 1850, Miller settled in Keokuk, Lee County, Iowa, twelve miles downriver from Nauvoo, which had served until four years earlier as the Mormon headquarters.⁸² Keokuk's proximity to Mormons didn't just lay in the past. In 1853, three years after Miller's arrival, Keokuk served as a way-station for 2,500 LDS immigrants, temporarily doubling the town population.⁸³ As Samuel Miller became one of Iowa's most respected attorneys, Joseph Smith III grew into adulthood upriver in Nauvoo.⁸⁴ In 1862, as Joseph III presided over the Reorganized Church from his Nauvoo home, President Abraham Lincoln appointed Miller to the U. S. Supreme Court.⁸⁵ Miller didn't pay inordinate attention to Mormons, but as we can see, his life inadvertently intersected with the Saints in a number of surprising ways.

Miller died on 13 October 1890, less than a year before the onset of the Temple Lot Case. He was buried in Keokuk's Oakland Cemetery.⁸⁶ Amidst over-sized sepulchers lies the modest tombstone of the town's most influential resident. Engraved upon his otherwise ordinary marker is a replica of the Constitution, a fitting tribute. Justice Miller delivered some questionable judgments in the course of his long career.⁸⁷ But the *Watson* opinion advanced the cause of religious freedom, even if its initial impact was too limited to affect the outcome of the Temple Lot Case. For that reason alone, irrespective of his rulings against the LDS Church in *Reynolds v. United States* (1879) and *Late Corporation of the Church of Jesus Christ of Latter-day Saints v. United States* (1890), Mormons of all stripes should take pleasure in considering him a neighbor.⁸⁸

Endnotes

¹ The original transcripts are housed in the Library-Archives of The Community of Christ (formerly The Reorganized Church of Jesus Christ of Latter Day Saints) at Independence, Missouri, and a copy is also available at the Church History Library of The Church of Jesus Christ of Latter-day Saints in

Salt Lake City, Utah. In the course of the Temple Lot Case, the Reorganized Church published an edited, and sometimes misleading, version of the transcripts: *The Reorganized Church of Jesus Christ of Latter Day Saints, Complainant, vs. The Church of Christ...: Complainant's Abstract of Pleading and Evidence* (Lamoni, Iowa: Herald Publishing House and Bindery, 1893).

² See, for example, Gary James Bergera's use of Temple Lot Case testimony in "Identifying the Earliest Mormon Polygamists, 1841-1844," *Dialogue* 38 (Fall 2005), 16-17, 19, 27, 34-36.

³ For pertinent studies of contested holy sites, see Robert L. Wilken, *The Land Called Holy: Palestine in Christian History & Thought* (New Haven: Yale University Press, 1992); David B. Galbraith, D. Kelly Ogden, and Andrew C. Skinner, *Jerusalem: The Eternal City* (Salt Lake City: Deseret Book Company, 1996); David Chidester and Edward T. Linenthal, eds., *American Sacred Space* (Bloomington: Indiana University Press, 1995).

⁴ Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England, c.1400-c.1580* (New Haven: Yale University Press, 1992), ch. 17.

⁵ Richard Whalley Bridgman, *The Law of Charitable Uses, as Laid Down and Digested by George Duke, Esq. in 1676...* (London: W. Clarke and Sons, 1805), 466-483; William Strong, *Two Lectures Upon the Relations of Civil Law to Church Polity, Discipline, and Property* (New York: Dodd & Mead, 1875), 95-97. The diversion of trusts for purposes other than the donor intended is known as the doctrine of "cy pres" (French for "as near as"). The U. S. Congress and Supreme Court would actually apply this doctrine to the Church of Jesus Christ of Latter-day Saints in the late nineteenth-century, dissolving the corporation of the church and diverting its assets to public education. See Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2002), 214-219. American courts were much more reticent to apply this doctrine than English courts of the Early Modern period.

⁶ Alexander Taylor Innes, *The Law of Creeds in Scotland: A Treatise on the Legal Relation of Churches in Scotland Established and Not Established, to Their Doctrinal Confessions* (Edinburgh: William Blackwood and Sons, 1867), 243-252, 323-332, 377-378, 382. As Innes points out on pages 325-326, the dissident churches, coming from the already somewhat decentralized presbyterian ecclesiology of the Church of Scotland, were almost invariably independent congregations with local trustees. As a result, the large bulk of property cases involved independent congregations.

⁷ David Bebbington, "Revival and Enlightenment in Eighteenth-Century England," in Edith L. Blumhofer and Randall Balmer, eds., *Modern Christian Revivals* (Urbana and Chicago: University of Illinois Press, 1993), 17-41.

⁸ Jack P. Greene, *Pursuits of Happiness: The Social Development of Early Modern British Colonies and the Formation of American Culture* (Chapel Hill: University of North Carolina Press, 1988); Wendy Hinde, *Catholic Emancipation: A Shake to Men's Minds* (Cambridge, Mass.: Blackwell, 1992); Patricia U. Bonomi, *Under the Cope of Heaven: Religion, Society, and Politics in Colonial America* (New York: Oxford University Press, 1986); Jon Butler, *Awash in a Sea of Faith: Christianizing the American People* (Cambridge: Harvard University Press, 1990).

⁹ Stephen Botein, "Religious Dimensions of the Early American State," in Richard Beeman, et. al., eds., *Beyond Confederation: Origins of the Constitution and American National Identity* (Chapel Hill: University of North Carolina Press, 1987), 315-330.

¹⁰ Rose Melikan, *John Scott, Lord Eldon, 1751-1838: The Duty of Loyalty* (Cambridge Studies in English Legal History) (New York: Cambridge University Press, 1999). The U. S. government has no equivalent to the office of Lord Chancellor. In Lord Eldon's time, the office simultaneously exercised judicial, executive, legislative, ecclesiastical, and symbolic powers—bearing the Great Seal, appointing Anglican clergy, sitting in the Cabinet and Privy Council, presiding over the judiciary and the House of Lords. In the long history of this important office, Lord Eldon stands as one of the most politically reactionary. Determined to prevent the liberalism of the French Revolution from jumping the English Channel, he stifled reform efforts for decades. His departure from office in 1827 opened the door for one of the great periods of reform in English history. Lord Eldon's judicial record is considerably stronger, as he helped bring stability to the law of equity.

¹¹ *Craigdallie v. Aikman*, 1 Dow. 1, 3 Eng. Rep. 601 (H. L. 1813).

¹² *Attorney-General ex rel. Mander v. Pearson*, 3 Mer. 353, 36 Eng. Rep. 135 (Ch. 1817). The quote comes from page 154.

¹³ *Rector of King's Chapel v. Pelham*, 9 Massachusetts 501 (1813).

¹⁴ "Judicial Intervention in Disputes over the Use of Church Property," *Harvard Law Review* 75 (1962), 1151-1154; Timothy B. Thornton, "Church Property Disputes—Freedom of Religion—First Amendment Denies the Power of Civil Courts to Determine Whether a Religious Organization Has Departed From Its Original Doctrine and Practice," *Albany Law Review* 33 (1969), 390, 392n28; Carl Zollman, *American Church Law* (St. Paul: West Publishing Co., 1933), 241. At one time or another, courts in Iowa, Ohio, New York, North Carolina, and Pennsylvania echoed New England's majoritarian solution.

¹⁵ R. H. Tyler, *American Ecclesiastical Law: The Law of Religious Societies, Church Government and Creeds, Disturbing Religious Meetings, and the Law of Burial Grounds in the United States* (Albany: William Gould, 1866), 346-347; Strong, *Relations of Civil Law to Church Polity, Discipline, and Property*, 51-59, 75-76; Zollman, *American Church Law*, ch. 7; Innes, *Law of Creeds in Scotland*, 323-324, 327, 362-363, 385, 405-417; Donald R. Sampen, "Civil Courts, Church Property, and Neutral Principles: A Dissenting View," *University of Illinois Law Forum* 1975 (1975), 548-551.

¹⁶ Richard W. Duesenberg, "Jurisdiction of Civil Courts over Religious Issues," *Ohio State Law Journal* 20 (1959), 544; Zollman, *American Church Law*, 255-256; "Judicial Intervention in Disputes over the Use of Church Property," 1152. Courts and/or legislatures in Ohio, Illinois, Virginia, Kentucky and at the federal level at one time or another tried some of these alternative approaches.

¹⁷ Zollman, *American Church Law*, 233.

¹⁸ For an overview of the wide range of nineteenth-century implied trust cases, see Jairus Ware Perry, *A Treatise on the Law of Trusts and Trustees* (Boston: Little, Brown, and Company, 1872), ch. 4.

¹⁹ Much has been written about the dynamism of American religion, but a particularly insightful perspective is that of Catherine L. Albanese, "Exchanging Selves, Exchanging Souls: Contact, Combination, and American Religious History," in Thomas A. Tweed, ed., *Retelling U. S. Religious History* (Berkeley: University of California Press, 1997), 200-226.

²⁰ Thornton, "Church Property Disputes," 390, and "Judicial Intervention in Disputes over the Use of Church Property," 1150-1151, both citing *Attorney-General v. Proprietors of the Meeting House*, 69 Massachusetts (3 Gray) 1 (1854).

²¹ "Judicial Intervention in Church Property Disputes—Some Constitutional Considerations," *Yale Law Journal* 74 (1965), 1134; "Judicial Intervention in Disputes over the Use of Church Property," 1146-1147, 1156, 1168; Zollman, *American Church Law*, 228-229, 237; Thornton, "Church Property Disputes," 390.

²² Innes, *Law of Creeds in Scotland*, 342-343; "Judicial Intervention in Disputes over the Use of Church Property," 1170-1173; Sampen, "Civil Courts, Church Property, and Neutral Principles," 550-551.

²³ *Hale v. Everett*, 53 New Hampshire 9 (1868), in "Judicial Intervention in Disputes over the Use of Church Property," 1172n158.

²⁴ *Serbian Eastern Orthodox Diocese v. Milivojevich*, 426 United States 696 (1976), in William H. Maycock, "'And of your law, look ye to it': The State's Role in Ecclesiastical Property Disputes," *Utah Law Review* (1977), 144n47, respectively.

²⁵ Innes, *Law of Creeds in Scotland*, 360-361; Zollman, *American Church Law*, 238-239, 246, 277-278; "Judicial Intervention in Disputes over the Use of Church Property," 1148, 1152, 1161-1162, 1170-1171, 1174-1175, 1184.

²⁶ *General Assembly of Free Church of Scotland v. Lord Overtoun*, A. C. 515 (1904).

²⁷ Innes, *Law of Creeds in Scotland*, 348-355; "Judicial Intervention in Disputes over the Use of Church Property," 1148, 1152, 1171-1173; "Judicial Intervention in Church Property Disputes," 1134.

²⁸ Zollman, *American Church Law*, 231, 234-235, 246-248, ch. 8; "Judicial Intervention in Disputes over the Use of Church Property," 1151-1152, 1162-1163, 1169-1175; Thornton, "Church Property Disputes," 391.

²⁹ Zollman, *American Church Law*, 221-222.

³⁰ A number of works have been written on the ecclesiastical divisions of the Civil War, one of the best being Mitchell Snay, *Gospel of Disunion: Religion and Separatism in the Antebellum South* (Chapel Hill: University of North Carolina Press, 1993).

³¹ Presbyterianism has a long history of property suits. See John H. Adams, "Presbyterian Church has been at center of property disputes before Supreme Court," *The Layman Online*, accessed March 2006 at <http://www.layman.org/layman/news/2005-news/presbyterian-church-has-been-at-center.htm>.

³² Donald W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History*. Volume 3: *Transcontinental America, 1850-1915* (New Haven: Yale University Press, 1998), 91, sees the Mormon expulsion of the 1830s as "a particularly ugly prelude to 'Bleeding Kansas.'"

³³ *McGinnis v. Watson*, 41 Pennsylvania 9 (1862).

³⁴ *Watson v. Farris*, 45 Missouri 183 (1869).

³⁵ *Watson v. Avery*, 65 Kentucky (2 Bush) 332 (1867).

³⁶ *Watson v. Jones*, 80 United States (13 Wall.) 679 (1871). Justice Nathan Clifford, with Justice David Davis III concurring, dissented on jurisdictional grounds, arguing that the federal circuit court should never have tried the case. Meanwhile, Chief Justice Salmon Chase did not hear or vote on the case.

³⁷ Without citing the Constitution outright, Justice Miller unmistakably tried to balance the competing imperatives of the Establishment and Free Exercise Clauses of the First Amendment. "Alone of all the possible tests for resolving church property disputes, [*Watson*] maximizes freedom of exercise for both the church as a whole and its members, and impinges marginally, if at all, on traditional establishment concepts." Quoted from "Judicial Intervention in Church Property Disputes," 1136-1139.

³⁸ Bernard Schwartz, *A History of the Supreme Court* (New York: Oxford University Press, 1993), 150-151, 162. Justice Stephen J. Field served as Justice Miller's chief intellectual rival on the Court.

³⁹ Michael A. Ross, *Justice of Shattered Dreams: Samuel Freeman Miller and the Supreme Court during the Civil War Era* Conflicting Worlds: New Dimensions of the American Civil War (Baton Rouge: Louisiana State University Press, 2003), 20, 238-239. The Cy Young comparison can be found via the Oyez Baseball hyperlink located in the profile of Justice Miller at http://www.oyez.org/oyez/resource/legal_entity/36/ (accessed March 2006).

⁴⁰ "Judicial Intervention in Church Property Disputes," 1118, 1136; Thomas W. Cunningham, "Constitutional Law—First Amendment—The Role of Civil Courts in Church Disputes," *Wisconsin Law Review* 1977 (1977), 911-913, 924-925. For the salient legal context, see Zechariah Chafee Jr., "The Internal Affairs of Associations Not For Profit," *Harvard Law Review* 43 (May 1930), 993-1029.

⁴¹ *Bouldin v. Alexander*, 82 United States (15 Wall.) 131 (1872).

⁴² See, for example, *Brundage v. Deardroff*, 55 F. 839 (N.D. Ohio 1893), *aff'd*, 92 F. 214 (6th Cir. 1899); *Gonzales v. Roman Catholic Archbishop*, 280 United States 1 (1929); and *Presbyterian Church v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 United States 440 (1969). Pertinent here is "*Serbian Eastern Orthodox Diocese v. Milivojevich*: The Continuing Crusade for Separation of Church and State," *William and Mary Law Review* 18 (1977), 673-674.

⁴³ For a monograph on the case, see Ronald Eades, *Watson v. Jones: The Walnut Street Presbyterian Church and the First Amendment* (Lynnville, Tenn.: Archer Editions Press, 1982). Unfortunately, I have not been able to obtain a copy of this book, the only monograph on the subject.

⁴⁴ The Supreme Court never explicitly bestowed constitutional status on *Watson* in *Kedroff v. St. Nicholas Cathedral* (1952), but most scholars find its elevation implied. The Court affirmed its constitutional status in *Presbyterian Church v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*. (1969). See Cunningham, "Constitutional Law," 906-907; Maycock, "'And of your law, look ye to it,'" 140-141.

⁴⁵ The Supreme Court has repeatedly upheld *Watson*, but since 1969 it has also recommended a parallel "neutral principles" approach to religious property disputes that would focus on formal property titles, reverter clauses, incorporation laws, and corporate bylaws rather than ecclesiastical polity. Commentators have been quite critical of the Court's dual-pronged recommendation, as the two approaches tend to lead to mutually exclusive outcomes. See George W. McKeag, "The Problem of Resolving Property Disputes in Hierarchical Churches," *Pennsylvania Bar Association Quarterly* 48 (April 1977), 281-298; "The Supreme Court, 1968 Term," *Harvard Law Review* 83 (1969), 126-133; Kent H. Roberts,

“Constitutional Guidelines for Civil Court Resolution of Property Disputes Arising From Religious Schism,” *Missouri Law Review* 45 (1980), 526-527.

⁴⁶ L. Martin Nussbaum, “*Watson v. Jones* 80 U.S. (13 Wall.) 679 (1871) and the Doctrine of Church Autonomy,” (Rothgerber Johnson & Lyons Religious Liberty Archive, 2003), accessed online May 2006 at <http://churchstatelaw.com/commentaries/watsonvjones.asp>.

⁴⁷ United States Constitution, Article VI, § 2: “This Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be Supreme Law of the land; and the Judges in every state shall be bound thereby, any thing in the Constitution or Laws of any state to the contrary notwithstanding.”

⁴⁸ *Swift v. Tyson*, 41 United States (16 Pet.) 1 (1842).

⁴⁹ “Judicial Intervention in Disputes over the Use of Church Property,” 1157; “Continuing Crusade for Separation of Church and State,” 657n14, 660n31; Maycock, ““And of your law, look ye to it,”” 140. After it became abundantly clear that states didn’t harmonize their common laws with federal common law, the Supreme Court reversed *Swift v. Tyson* with *Erie Railroad Co. v. Tompkins*, 304 United States 64 (1938), ruling that federal courts in diversity cases had to apply the common law of the host state. For the rise and fall of the federal common law, see Edward A. Purcell Jr., “Brandeis, Erie, and the New Deal ‘Constitutional Revolution,’” *Journal of Supreme Court History* 26 (November 2001), 257-278.

⁵⁰ *McGinnis v. Watson*, 41 Pennsylvania 9 (1862); *Watson v. Jones*, 80 United States (13 Wall.) 679 (1871).

⁵¹ Strong, *Relations of Civil Law to Church Polity, Discipline, and Property*, 44-59. Justice Strong expressed some reservations about judicial investigations in religious matters on pages 42-44, but such were the exception. He quoted and criticized the *McGinnis* decision on pages 56-58, being careful not to mention the actual name of the case or his role in its passage.

⁵² If Samuel Miller was the Cy Young of the Supreme Court, William Strong was its Billy Sunday, the ballplayer-turned-evangelist. A devout Presbyterian, Justice Strong advocated a constitutional amendment recognizing the sovereignty of Jesus Christ. During his short decade-long tenure on the Supreme Court, he served as president of the National Reform Association, an organization dedicated to the Christianization of American society. Although Strong sought constitutional recognition of Jesus Christ, he didn’t advocate an established church. Largely forgotten, he has received little scholarly attention. For a biographical overview, see “Strong, William” at <http://www.answers.com/topic/william-strong-4> (accessed May 2006). For the comparison to Billy Sunday, see the Oyez Baseball hyperlink located in the profile of Justice Strong at http://www.oyez.org/oyez/resource/legal_entity/40/ (accessed March 2006).

⁵³ “Determination of Rights in Church Property,” *Columbia Law Review* 8 (June 1908), 492-494.

⁵⁴ “Judicial Intervention in Disputes over the Use of Church Property,” 1157-1158, 1167-1169, 1184; Duesenberg, “Jurisdiction of Civil Courts over Religious Issues,” 545-547; Sampen, “Civil Courts, Church Property, and Neutral Principles,” 553.

⁵⁵ “Judicial Intervention in Disputes over the Use of Church Property,” 1156-1157.

⁵⁶ Sampen, “Civil Courts, Church Property, and Neutral Principles,” 548, 551-554. Zollman, *American Church Law*, 226, 241, 249, 269-270.

⁵⁷ “Continuing Crusade for Separation of Church and State,” 674. The Supreme Court would later struggle with this dilemma. In 1929, the Court strengthened the *Bouldin* qualification by ruling in *Gonzalez v. Archbishop* that jurists could disregard ecclesiastical decisions resulting from “fraud, collusion, or arbitrariness.” But perhaps in response to the sometimes intrusive judicial investigations that *Bouldin-Gonzalez* provoked, in *Serbian Eastern Orthodox Diocese v. Milivojevich* (1976), the Court ruled such investigations unconstitutional, thereby calling into question all qualifications whatsoever to a strict interpretation of *Watson*’s non-intervention principle.

⁵⁸ Zollman, *American Church Law*, 264-266, 268, 276, 279-280; “Judicial Intervention in Disputes over the Use of Church Property,” 1164-1167.

⁵⁹ James T. Heimbuch, et. al., “Church-State—Religious Institutions and Values: A Legal Survey—1963-64,” *Notre Dame Lawyer* 39 (1964), 431-432; “Judicial Intervention in Disputes over the Use of Church Property,” 1158-1164; Thornton, “Church Property Disputes,” 393, 395; Duesenberg, “Jurisdiction of Civil Courts over Religious Issues,” 546-547; Zollman, *American Church Law*, 257-258;

“Constitutional Law—Church Property Disputes—First Amendment Prohibits Judicial Examination of Ecclesiastical Matters,” *Iowa Law Review* 54 (1969), 905-906.

⁶⁰ Earl Q. Smith, “Religious Societies—Schism in Congregation—Control of Property,” *Saint Louis University Law Journal* 3 (Spring 1955), 313-314; Maycock, ““And of your law, look ye to it,”” 144-146; Zollman, *American Church Law*, 258-263, 267; Sampen, “Civil Courts, Church Property, and Neutral Principles,” 573.

⁶¹ Heimbuch, et. al., “Church-State,” 435.

⁶² Joseph O. Losos, “Courts and the Churches in Missouri: A Survey of Missouri Law on Intra-Church Disputes with Reference to the Political Theory of the Pluralists,” *Washington University Law Quarterly* (February 1956), 68-71; Kimberly Hughes, “The Role of Courts in Church Property Disputes,” *Missouri Law Review* 38 (1973), 632.

⁶³ *Watson v. Garvin*, 54 Missouri 353 (1873).

⁶⁴ Duesenberg, “Jurisdiction of Civil Courts over Religious Issues,” 525n53. For a similar assessment, see Sampen, “Civil Courts, Church Property, and Neutral Principles,” 553.

⁶⁵ *Boyles v. Roberts*, 222 Mo. 613, 121 S. W. 805 (En Banc 1909). See also Losos, “Courts and the Churches in Missouri,” 73-75; Hughes, “Role of Courts in Church Property Disputes,” 633-634.

⁶⁶ *Hayes v. Manning*, 263 Mo. 1, 172 S. W. 897 (En Banc 1914). See also Losos, “Courts and the Churches in Missouri,” 76-77, 79, 98; Hughes, “Role of Courts in Church Property Disputes,” 634.

⁶⁷ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument on Behalf of Complainant* (Lamoni: Herald Publishing House and Bindery, 1893), 12-16; *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Brief and Argument by G. Edmunds* (Lamoni: Herald Publishing House and Bindery, 1893), 9, 14-17; “Sensational Mormonism,” *SH* 38 (5 September 1891), 566-567; Joseph Smith III, *Plural Marriage in America: A Critical Examination* (Lamoni: Herald Publishing House, 1903), 4-5, 8. The excerpts from Justice Strong can be found on pages 12-13 of the first work. The Reorganization had taken a similar approach in the 1880 Kirtland Temple Case. See Kim L. Loving, “Ownership of the Kirtland Temple: Legends, Lies, and Misunderstandings,” *JMH* 30 (Fall 2004), 46-48. See also “Deseret News Reviewed,” *SH* 30 (23 June 1883), 393-396.

⁶⁸ “‘Reorganized’ Absurdities Resumed,” *DN*, 24 October 1891, 4.

⁶⁹ Charles A. Hall to Joseph Smith III, 11 August 1891, in “Lifting the Standard of Peace,” *The Searchlight* 1 (1 October 1896), 72; Untitled editorial, *The Searchlight* 1 (1 April 1896), 18; Joseph Smith III to Stephen Maloney, 12 July 1893, in JSIII Letterbook #1a, CoC Archives.

⁷⁰ Charles A. Hall to John M. Cannon, 12 August 1892, John M. Cannon correspondence, LDS Archives.

⁷¹ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Respondent’s Statement and Argument* (Independence: Sentinel Job Print [1893]), 24-29, 67, passim. The Church of Christ cited the *Watson* case, but only on a tangential matter; they didn’t mention the non-interventionist thrust of the decision.

⁷² Schwartz, *History of the Supreme Court*, 177.

⁷³ Jeffrey Brandon Morris, *Establishing Justice in Middle America: A History of the United States Court of Appeals for the Eighth Circuit* (Minneapolis: University of Minnesota Press, 2007), 20-23.

⁷⁴ David P. Dyer, *Autobiography and Reminiscences* (St. Louis: William Harvey Miner Company, 1922), 200-201. According to the nineteenth-century anecdote, the governor said, “it’s a long time between drinks.” See “What the Governor Said,” *New York Times*, 8 July 1897, 6.

⁷⁵ Howard L. Conard, ed., *Encyclopedia of the History of Missouri* 6 vols. (St. Louis: Southern History Company, 1901), 2:172.

⁷⁶ *The Reorganized Church of Jesus Christ of Latter Day Saints v. The Church of Christ, et. al.: Opinion*, 3 March 1894, 28-30.

⁷⁷ Lawrence H. Larsen, *Federal Justice in Western Missouri: The Judges, the Cases, the Times* (Columbia: University of Missouri Press, 1994), ch. 4. Larsen characterizes Judge Philips’ approach to the Temple Lot Case on page 87: “Plunging—charging might be a better word—into the history of the Mormon religion....”

⁷⁸ Loving, "Ownership of the Kirtland Temple," 48n128.

⁷⁹ Untitled editorial, *The Searchlight* 1 (1 April 1896), 18-20.

⁸⁰ Michael A. Ross, "Hill-Country Doctor: The Early Life and Career of Supreme Court Justice Samuel F. Miller in Kentucky, 1816-1849," *Filson Club History Quarterly* 71 (October 1997), 430-462, and *Justice of Shattered Dreams*, ch. 1.

⁸¹ "Woodson family of Kentucky," online at <http://politicalgraveyard.com/families/10088.html> (accessed 14 May 2010).

⁸² Michael A. Ross, "Cases of Shattered Dreams: Justice Samuel Freeman Miller and the Rise and Fall of a Mississippi River Town," *Annals of Iowa* 57 (Summer 1998), 201-239, and *Justice of Shattered Dreams*, ch. 2.

⁸³ Fred E. Woods and Douglas Atterberg, "The 1853 Mormon Migration through Keokuk," *Annals of Iowa* 61 (Winter 2002), 1-23; Carrie A. Moore, "Iowa Town Aims To Be LDS Draw," *DN*, 29 June 2002; R. Scott Lloyd, "150 Years Ago Converts Camped at Keokuk," [LDS] *Church News*, 7 June 2003.

⁸⁴ Roger D. Launius, *Joseph Smith III: Pragmatic Prophet* (Urbana: University of Illinois Press, 1988), ch. 3; Ross, *Justice of Shattered Dreams*, ch. 3.

⁸⁵ Launius, *Joseph Smith III*, chs. 6-7; Michael A. Ross, "Justice for Iowa: Samuel Freeman Miller's Appointment to the United States Supreme Court during the Civil War," *Annals of Iowa* 60 (Spring 2001), 111-138, and *Justice of Shattered Dreams*, 4.

⁸⁶ Ross, *Justice of Shattered Dreams*, 255-256.

⁸⁷ Miller is best remembered (infamously) for his narrow interpretation of the Fourteenth Amendment in the 1873 *Slaughterhouse Cases*. His ruling inadvertently provided a legal foundation for the white supremacist 'redemption' of the South. For a critical evaluation, see Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* The New American Nation Series (New York: Harper & Row, Publishers, 1988), 529-530. Miller's ruling has been more positively reevaluated of late in Ross, *Justice of Shattered Dreams*, ch. 8, and Ronald M. Labbé and Jonathan Lurie, *The Slaughterhouse Cases: Regulation, Reconstruction, and the Fourteenth Amendment* (Lawrence: University Press of Kansas, 2003).

⁸⁸ *Reynolds v. United States*, 98 U. S. 145 (1879); *Late Corporation of the Church of Jesus Christ of Latter-day Saints v. United States*, 136 U. S. 1 (1890).

Chapter Thirty-Three
Reaction
March 1894

Judge Philips's stunning decision in the Temple Lot Case occasioned considerable comment in March 1894. Newspapers across the country posted notices of his decision. The vast majority of Americans who took note of the verdict acquired their information from a single source: A condensed version of an Associated Press report. In parallel fashion, the most widely-circulated text of Philips' opinion, at least before the Reorganized Church published its own edition later in the month, was an abridgement offered by the *Kansas City Times*. The Associated Press dispatch and *Kansas City Times* abridgement served, in effect, as the initial Urtexts of popular understanding. As for the rival factions of the Restoration, their reactions ran a predictable gamut of emotions: The Josephites were jubilant and vindicated, the Hedrickites dispirited and uncertain, and the Brighamites alternately defiant and perplexed.

Word of the outcome spread quickly. Just hours after Philips' verdict, in the late afternoon of March 4th, newspapers across the country received an Associated Press wire report announcing the outcome. In the Salt Lake City office of the *Deseret News*, John Q. Cannon, the paper's editor, must have read the report with intense interest, not only because of his LDS convictions but also because John M. Cannon and Angus M. Cannon were his cousin and uncle, respectively. Brushing back his certain disappointment, Cannon hurriedly prepared the story for the evening edition of the paper. He didn't have time to feature the entire Associated Press dispatch, so he settled for the opening

paragraph alone. Nor did he have time to add commentary, other than to note that Latter-day Saints everywhere would read the news announcement with “great interest.” Cannon ran the story under this pedestrian headline:

THE “TEMPLE LOT” CASE.

A Decision Rendered in Favor of the “Josephites.”

By Judge Phillips in Kansas City
this Afternoon—An Associated
Press Dispatch on the Subject.

And thus it was that only hours after Philips’ verdict, LDS and RLDS readers in Utah learned the outcome of the case in the *Deseret Evening News*. As far as I have been able to determine, no other paper moved so quickly on the story. The *Deseret News* was the only paper to report the Temple Lot Case verdict the same day it was announced.¹

Judge Philips’ decision received nationwide newspaper coverage the following day, Sunday March 4th, and intermittent coverage thereafter. Never before and never again would the Temple Lot Case receive such widespread coverage. Newspapers ranging from the *New York Times* to the *Anaconda Standard* covered the story.² According to an 1896 Church of Christ newspaper article, the verdict was mentioned in thousands of newspapers across the country, and even overseas: “Some of our great journals (eventually) called it the most famous church case known to history.”³ While we need not engage in similar hyperbole, there is no question that the Temple Lot Case received unusual attention for a religious property suit. The American public had always had a fascination for Mormonism. And this story of clashing factions competing for an

obscure temple property and challenging public perceptions of Mormons as polygamists piqued public curiosity. That a federal judge boldly pronounced Utah Mormonism an illegitimate faction heightened the intrigue. A public accustomed to stories of Mormon polygamy and Mormon temples readily took interest in the Temple Lot Case.

Press coverage of Judge Philips' decision was certainly broad, but outside of Lamoni, Independence, Kansas City, and Salt Lake City it was not particularly deep. Most newspapers simply offered some variation of the aforementioned Associated Press dispatch. They received the wire report and tailored the text and headline to their liking. In its original unabridged form the Associated Press dispatch was quite long. But most newspaper editors were content to run an abridged form of four or five paragraphs.⁴ As the *Saints' Herald* editors gleefully reminded their *Deseret News* rivals: "That little dispatch will go in the United States wherever the daily and weekly press can carry it."⁵

Since the American public generally received their understanding of the Temple Lot Case from the abridged form of the Associated Press report, it is worth quoting at length. Here is a representative sample from *The Los Angeles Times* of 4 March 1894:

KANSAS CITY, March 3.—The "Temple Lot," a sacred place of Mormon soil in Independence, for which the Reorganized Church of Jesus Christ of Latter Day Saints and the Independence faction of the Mormon church have been fighting in the courts for four years, was today decided by Judge Philips of the District Court to be the property of the Reorganized Church. The Independence faction of the Mormons is, by the opinion, enjoined from asserting its title to the property. The cloud is removed, and full possession is allotted to the plaintiffs. The successful organization has its headquarters at Lamoni, Iowa. Its following numbers 25,000 souls, and its president is Joseph Smith, Jr., a son of Prophet Joseph Smith, founder of Mormonism.

The much-prized temple lot, which is known among the Mormons as the Garden of Eden, comprises a block of property 300 feet square, located on one of the highest eminences in Independence. In Judge Phillips's decision, deeds, receipts and other papers are quoted to show that the church of which John [sic]

Smith was prophet, was the true church, and owner of the temple lot. After the killing of Smith, at Carthage, Ill., in June, 1844, disintegration set in, and the church split into factions. The true church, under Joseph Smith, was established at Lamoni, Iowa; another branch went with Brigham Young, and a third, the Hedrickites, remained at Independence.

Incidentally to the decision, Judge Phillips unmercifully scores the Utah polygamist church. He says:

“Among a quorum of twelve, representing the apostles, was Brigham Young, a man of intellectual power and aggressive, if not audacious. He led a greater portion of the Mormons to Salt Lake, Utah. From this settlement sprang a powerful body, known as the Salt Lake, or Utah Church. There can be no question that Brigham Young’s assumed presidency was a bold and bald usurpation. The book of doctrine gave Joseph Smith to be the president of the church. The book taught clearly that the succession should descend lineally, and go to the first-born. Joseph Smith so taught and, before his taking off, publicly proclaimed his son as his successor, and he was so announced.”

The court adds that “Young’s assumption of the office was itself a departure from the law of the church, and that the Book of Mormon pronounced the severest anathema against the crime of polygamy.”⁶

Local editors tinkered with the grammar and some minor wording of the text, but by and large this is the report that filled most American newspapers after Judge Philips’ decision.

A few features of the Associated Press report bear highlighting. First, the report initially refers to the Church of Christ as the “Independence faction of the Mormon church,” thereby offering the impression, at least potentially, that the Hedrickites belonged to the LDS Church and, by implication, that the LDS Church lost the case. Only later does the report make it clear that the Brighamites and the Hedrickites were completely separate entities. Second, the report makes it seem as if the sacredness of the Temple Lot derived from its antediluvian past rather than its millennial future. The report alluded to the uncanonized but widespread Restorationist belief that Jackson County marked the location of the Garden of Eden; it failed to mention (though the unabridged form alluded to it) that the primary impetus behind the founding and

continued relevance of the Temple Lot was the conviction that it would be the temple site of the New Jerusalem. Finally, the report said little about the Hedrickites and focused instead on the Brighamite-Josephite rivalry. The author of the report found it most intriguing that a federal judge concluded the rightful successor *wasn't* the largest and most (in)famous branch of Mormonism but rather the little-known Reorganized Church.

If headlines are any indication, many newspaper editors concurred with the Associated Press that the primary significance of Judge Philips' decision lay not so much in the ownership of the Temple Lot, but in what the verdict meant for the legitimacy of the LDS and RLDS churches. Here, for instance, is the headline the editor of *The Los Angeles Times* placed atop his rendition of the wire report:

THE MORMONS.

Brigham's Was Not the
True Faith.

The Church in Utah is an
Apostate Body.

An Interesting Decision in a
Missouri Court.

The So-called "Garden of Eden" Awarded to
the House of Smith—An Anathema
Against Polygamy by
The Latter.⁷

The editor of Montana's *Anaconda Standard* ran this similar headline:

TRUE MORMON CHURCH

A Missouri Court Holds It to Be the
One at Lamoni, Iowa.

BRIGHAM YOUNG ROASTED

Judge Phillips Goes into the His-
tory of the Original Organiza-
tion and the Three Fac-
tions or Offshoots.⁸

To be sure, the Associated Press dispatch characterized Philips' remarks on the LDS Church as not only incidental to the decision but unmerciful.⁹ But disclaimers notwithstanding, Philips' damning indictment, trumpeted far and wide, did not provide good publicity for the LDS Church. As the *Saints' Herald* opined: "It will be read by many in the world with surprise, and will affect them favorably to the truth."

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As they learned of Judge Phillips' verdict the evening of March 3rd or the morning of March 4th, RLDS church members were overcome with joy. After wrestling for several days with the arguments and evidence of B. H. Roberts' *Succession in the Presidency*, an RLDS elder in Malad, Idaho, wrote of Judge Phillips' decision, "you cannot tell how the news cheered my heart."¹⁰ RLDS attendees at the St. Louis district conference learned the news Sunday morning, and "never such a day of rejoicing was spent," the official report summarized, "not only because of the suit being decided in favor of the Saints, but as one brother voiced the revelation in the afternoon meeting, 'The birthright had been restored to Joseph.'"¹¹ At the Sunday afternoon service in Lamoni, First Presidency counselor W. W. Blair spoke of the victory in the context of Psalm 97, depicting it as a spiritual as well as legal triumph:

The LORD reigneth; let the earth rejoice....The heavens declare his righteousness, and all the people see his glory. Confounded be all they that serve graven images, that boast themselves of idols: worship him, all ye gods. Zion heard, and was glad; and the daughters of Judah rejoiced because of thy judgments, O Lord....Ye that love the Lord, hate evil: he preserveth the souls of his saints; he delivereth them out of the hand of the wicked....¹²

A member in Pleasant Grove, Utah, simply wrote of his local branch: “We rejoice over the decision in the Temple Lot suit.”¹³

Many individuals within and without the Reorganized Church considered the outcome a historic vindication for Joseph Smith III and his father, Joseph Smith Jr. The son of the Prophet received commendations from far and wide. J. D. Miller, a Nauvoo native and former probate judge in Hancock County, Illinois, heard the news on the day of the verdict and immediately congratulated the Reorganization president.¹⁴ A mechanical engineer in Pennsylvania congratulated Joseph III as follows on March 5th:

Impartial history can accord to Brigham Young no condoning circumstances to justify his arbitrary and revolutionary course after the murder of your father on June 27th, 1844. For nearly a half century the course and doings of this man have thrown a dark shadow on the memory of your father, in the view of the world in general, and though I differ from you most radically, I rejoice to see the truth vindicated, in accomplishing which, you have evidently borne the brunt of the battle.¹⁵

Smith McPherson, one of the members of the plaintiff’s own legal team, sent a congratulatory note to Smith on March 6th: “It is a triumph for you, and your church, and will be so regarded by the public all over the country.”¹⁶

Judge Philips’s decision was indeed a sweet victory for Joseph Smith III. For decades, Smith had worked to clear the name of his father, to pin responsibility for polygamy on the Brighamites, and to get the Reorganized Church recognized as the true successor of the original church. In one fell swoop, Judge Philips’s Temple Lot Case

decision substantiated Joseph III's life work and the identity of the Reorganized Church. "Our vindication in this court was almost complete," he wrote one inquirer on May 25th.¹⁷ "We have twice now won the succession in the courts," he told another on May 6th.¹⁸ "We have shown to the Courts of the land why the Utah Church is not the true church; and the Courts have said we were the true church in succession," he wrote a third on May 3rd.¹⁹ Joseph III was not one to gloat, but his satisfaction was unmistakable.

Judge Philips' decision gave the Reorganization a considerable boost of confidence. According to an RLDS member in Butte, Montana, the Associated Press dispatch in the *Anaconda Standard* "has given the Reorganized Church some prestige in Butte" that the author thought could improve missionary efforts.²⁰ The victory gave additional impetus to efforts of the Independence district to secure a meeting-house in Kansas City. Roderick May told the Independence district conference on March 10th that "now was the best time to open the work on account of the recent decision of the Temple Lot suit."²¹ Indeed, the Josephites started, if only tentatively, to think of the Temple Lot as their own. In the spring, *Zion's Ensign* commissioned a photograph of the Temple Lot with the Stone Church in the background for new and renewed subscribers. "We have no hesitancy in saying that this is the very best picture ever taken of the Temple Lot, and one that all will be pleased with," the advertisement stated.²² RLDS members and leaders knew very well that the Church of Christ could appeal the decision at any moment. But they also knew that Hedrickites, being extremely vulnerable at the moment, might not file an appeal, or be able to sustain an appeal. In the gap between those two realizations RLDS members expressed a hopeful but cautious sense of possibility for the Temple Lot.

In the aftermath of Philips' decision, the emotional contrast between the Josephites and Hedrickites could not have been starker. Dark clouds encircled the Church of Christ. John R. Haldeman, editor of the church newspaper, succinctly evoked the atmosphere in an 1899 retrospective:

There has been hours in the history of our little people, when the clouds were so dark and the storm so fierce, that hardly a ray of hope was visible. Such an hour followed the first decision in the Temple Lot suit; by the mandate of a Federal judge, the little piece of hallowed ground, doubly dear to our hearts because of the past, and because of the hopes of the future, seemingly was about to be wrested from us.

As Haldeman recounted, Philips' verdict could not have come at a worse time for the Church of Christ:

Just previous to the decision, internal troubles had racked and torn the church until only fourteen members were left at Independence to fight the battles of the church. To add to our dismay, the man who had been chiefest [sic] in the first struggle for the lots, withdrew his support and membership from the church. Our attorneys informed us that over \$5,000 would be required for court costs alone. In addition to the sum more than a thousand dollars was required for attorney's fees, printing, etc.

Debt, attrition, conflict, legal assault—one can scarcely imagine a more dire situation for a tiny church. To any impartial observer, it seemed all but certain that the Reorganized Church would retain the Temple Lot and that the Church of Christ would eventually wither away. In the spring of 1894, there was little reason to expect the Church of Christ would even survive, let alone muster a successful appeal.²³

Of the three churches involved in the Temple Lot Suit, the case meant the least to members of the LDS Church. The LDS Church wasn't a party to the suit, and the excitement surrounding the completion of the Salt Lake Temple and the impending statehood of Utah seemed to curb eschatological speculations about an imminent return to

Jackson County. Moreover, LDS church members were generally less interested in the succession controversy than their counterparts in the other churches. It was not surprising, then, that neither Angus M. Cannon nor any other speaker said a word about Judge Philips' verdict at the semi-annual conference of the Salt Lake Stake on March 4th. Indeed, they might not have said anything even had the Church of Christ emerged victorious. The only scenario I can imagine the subject might have come up in stake conference would have been if Philips had lauded the LDS Church.²⁴ On a popular level, of course, many LDS church members certainly took notice of Philips' judgment, particularly when local members of the Reorganization pressed them on the matter. An RLDS elder in Malad, Idaho, provided some of the flavor of the popular LDS reaction:

When asked what they will do if the Temple Lot is placed in our hands, "Oh," they say, "that's all right; God is simply letting you go ahead and build the Temple, and then we will be permitted to drive you out and take possession. You know the Israelites found the promised land overrun with Canaanites."²⁵

This was, no doubt, just one of many LDS takes on the matter. According to LDS apostle Heber J. Grant's *Salt Lake Herald*, Philips' decision "occasioned much comment among the majority of the people here."²⁶

Following the dissemination of the initial news reports, newspapers in Salt Lake City, Independence, Kansas City, and Lamoni analyzed Philips' decision in greater depth, filtering the opinion through their respective ideological lenses. As far as I've been able to determine, only one non-Mormon organ ventured to editorialize on the outcome: The *Kansas City Star*. "Judge Philips," the *Star*'s editor assessed on March 5th, "had a question quite as much theological as legal in the settlement of the 'Temple Lot' title."

In the editor's opinion, the judge more than met the challenge. Philips "grappled with all the aspects of the case," the paper reported, and determined that polygamy was not an original tenet of the Mormon faith, that Brigham Young's LDS Church was an illegitimate offshoot of the faith. Philips "decided that the authority of the Mormon Prophet descended to his eldest son not merely as his natural heir, but the inheritor of his doctrines in their original form." For this cause, the *Star* concluded, the judge "gave the followers of JOSEPH SMITH, jr. [III]., a clear title, legal and religious." Philips's verdict, the editor opined, would win the approbation of the public:

The great body of outsiders will rejoice at JUDGE PHILIPS's decision because the Reorganized Church of Jesus Christ of Latter Day Saints, as led by the present JOSEPH SMITH, has attached to it none of the odium which clings to the memory of BRIGHAM YOUNG and the great community which he led so long; and, moreover, the successful claimants have in effect continued to maintain their rights, building a fine church in the immediate vicinity and, so to speak, "improving" their homestead.²⁷

Despite the widespread coverage of the case, no other non-Mormon editors saw fit to comment on the case, at least in such an explicit manner.

LDS and RLDS newspapers, by contrast, had much to say on the outcome. The first to move was the LDS *Salt Lake Herald*, the combative younger sibling of the *Deseret News*. On March 4th, the *Herald* published an editorial entitled "A Remarkable Decision," written, most likely, by editor Charles W. Penrose, friend of the Hedrickites and second counselor to stake president Angus M. Cannon. The editorial characterized Judge Philips' decision as "a striking illustration of the saying that courts are not infallible." The author criticized the ruling on the grounds that, first, Philips shouldn't have pronounced judgment on religious controversies and, second, that he had a poor

understanding of Mormonism. These were certainly worthwhile questions for debate, but if LDS readers were looking for substantive answers the editorial didn't provide any. The editorial didn't provide any contrary evidence; it merely asked questions and raised doubts. On the proper scope of the law, for instance, the author merely had this to say:

Whether it is the province of a court of law to decide questions of theology and church organization, in a suit as to the ownership of land, and to rule against a religious body that was not heard in the case and was not a party to the suit, we will not stop now to discuss.

Similarly with Philips' understanding of Mormonism, the editorial offered assertions rather than examples or evidence:

It is evident that the Judge does not understand the subject on which he discourses, and has not studied the book of Doctrine and Covenants to which he refers. He has probably read such extracts as have been presented in the plea of the "Josephites," with the peculiar coloring which they give to them in argument.

The editorial evaded Philips' critical finding that polygamy, the Adam-God doctrine, and the Nauvoo temple endowment weren't official church doctrines under Joseph Smith. Instead it offered up this straw man: "But the idea that there was any break in its continuity as an organized religious body because of the death of its first presiding officer, is an absurdity that was hardly expected to be advocated by a Judge on the bench. Yet that is the turning point of the whole case." Without, apparently, even realizing that it was one of the plaintiff's key arguments, moreover, the editorial affirmed that Edward Partridge held the Temple Lot in trust for the early church. The *Herald* editorial, in short, was not an effective response. Its concluding point was probably its strongest:

But the decision of the court as to its position ecclesiastically will have no effect upon [the LDS Church] one way or another, because the members will hold just the same opinions as before concerning its position as the church organized April

6th, 1830, while the Reorganized church will contend for its claim and will probably cite the opinion of the court as one of the proofs in its support.

The latter point, in particular, could not have been more accurate.²⁸

The following day, Monday, March 5th, the *Deseret News* weighed in on the decision. At the outset, the paper presented the final paragraphs of the abridged Associated Press dispatch, the paragraphs *News* editor John Q. Cannon had been unable to include in the March 3rd issue. Cannon followed by observing that LDS church members were surprised by the decision “because the bulk of the evidence of legal possession seemed to be on the other side.” Nonetheless, had Judge Philips limited his opinion to matters of real estate, Cannon estimated, it wouldn’t have merited comment. “But the judge has gone out of his way to decide a question not understood to be at issue, and clearly not within his jurisdiction,” Cannon complained. “What relevancy to the case at bar have the declarations against Brigham Young and the Saints in Utah!” In light of Philips’ attacks, Cannon thereupon took it upon himself to defend Young’s succession rights. Young was sustained by both God and the church in Nauvoo, Cannon explained:

He was called of God, through Joseph himself, being the president of the Twelve....The mantle of the first Prophet fell upon him as surely as the mantle of Elijah enwrapped his faithful servant Elisha; and he was accepted by the great majority of the people.

By contrast, Joseph Smith III called neither by revelation nor the voice of the people:

The question of succession in an office like that of Joseph Smith does not rest with any one man, not even with the incumbent himself, as the Missouri judge seems to think....the statement that Joseph had appointed a successor, unknown to the people, partakes of the element of absurdity....Besides, the claim itself was not put forth until some fifteen or sixteen years after the martyrdom. How would Judge Phillips explain the hiatus?

Moving on, Cannon thought it absurd that the Reorganized Church sought ecclesiastical legitimacy through the ruling of a secular court:

And we need hardly say that the Saints here are not in the habit of running around seeking the opinion of courts—least of all, Missouri courts—as to the divinity of our organization and its connection with and perpetuation of the Church founded in 1830 by the martyred Prophet.

As a result, the LDS Church would not contest the ruling, distasteful though it was:

There is no likelihood that the Church will enter into any legal controversy on the subject with the “Josephites” or anyone else. It has kept out of it thus far, and probably will continue to do so. But when the time comes for the building of Zion and the Temple in Jackson County, the Latter-day Saints will be ready to perform the glorious work and the Lord will open the way.

John Q. Cannon’s *Deseret News* editorial was as close to an official LDS reaction to Judge Philips’ decision as readers could find.²⁹

In the days that followed, the *Salt Lake Herald* office received a copy of the March 4th *Kansas City Times*, which printed the bulk—not a complete text—of Philips’ opinion. After reading the text, the *Herald*’s editor, Charles W. Penrose, decided to print the *Times*’ excerpt of the opinion in the March 7th issue of his own paper, along with a second editorial on the decision. The *Herald*’s publication of the Philips opinion represented the only publication of the Philips text in contemporary Utah newspapers.³⁰

The March 4th and March 7th *Herald* editorials were similar in sentiment and probably written by the same author (whom I presume was Penrose). But the second editorial was more substantive than the first, with better arguments and actual evidence. The second editorial cogently noticed that Philips all but ignored the Church of Christ’s substantial body of real estate and tax records: “It is singular, too, that the Judge makes no reference to the property rights of the Hedrickites in the land, seeing that they had

bought and paid for it and had held possession for over ten years.” Alluding to Joseph Smith’s 1835 priesthood revelation, the author also flatly denied Philips’ conclusion that *The Doctrine and Covenants* contained the doctrine of lineal succession to the church presidency. As the author saw it, Philips seemed ignorant of basic facts:

[I]gnorant of the potent fact that the very book he cites—the Doctrine and Covenants—provides for the succession of the body called the Council of the Twelve Apostles, and equally ignorant of the historical fact that it was that body, as provided, that took charge of the Church and not Brigham Young individually, when its first President died. Brigham Young was appointed about three years after by vote of the body as provided for in the book referred to.

Finally, the editorialist found Philips’ preoccupation with the LDS Church most peculiar. The judge “has gone a long way out of the straight line of the case, and has virtually made his decision relate more to the Mormon Church in Utah, which was not in the litigation, than to the Hedrickite body, which was the party defendant.” The author found this most unjust, as the LDS Church “has not been in any way a party to the suit and has had no opportunity to present its claims which Judge Phillips has taken occasion to attack and decide upon.” This was a gross exaggeration, to be sure, as the LDS Church influenced the composition of the defendants’ arguments, witnesses, legal counsel, and financial state. Still, the author had a valid point: The LDS Church did not go to nearly the lengths it would had it been a party to the suit.³¹

RLDS newspapers did not respond as quickly to Philips’ decision as LDS newspapers, given their weekly (as opposed to daily) publication schedules. The only word the March 7th issue of the *Saints’ Herald* could offer readers was the victory announcement Edmund L. Kelley telegraphed to the *Herald* office on March 3rd. The

editors cautiously withheld comment, only an assurance that they would publish the opinion as soon as they obtained a copy.³² The Independence RLDS branch beat them to it, however, publishing the bulk of Philips' opinion in the March 10th issue of the *Zion's Ensign*. Like editor Charles W. Penrose of the *Salt Lake Herald*, William Crick, the *Ensign's* editor, didn't have a complete, independent copy of the opinion on hand, so he too reprinted the abridged version found in the March 4th *Kansas City Times*. Crick assured his readers "arrangements have been made by which we expect to furnish each of our subscribers a verbatim report in pamphlet form in the near future."³³

As promised, the *Saints' Herald* featured the bulk of Philips' opinion in the March 14th issue. Like the *Salt Lake Herald* and *Zion's Ensign* before it, the *Saints' Herald* utilized the *Kansas City Times'* abridgement. But whereas the *Salt Lake Herald* and *Zion's Ensign* disregarded the *Times'* analysis of the verdict, the editors of the *Saints' Herald* reprinted the *Times'* analysis for their readers. In effect, the editors of the *Saints' Herald* allowed a Gentile newspaper to speak for them. Unlike most papers, the *Kansas City Times* didn't rely on the Associated Press for its analysis of the case. The *Times* article offered greater balance and accuracy than the Associated Press dispatch, but it offered no less damning an indictment of the LDS Church. As a result, *Saints' Herald* readers received a better understanding of the Hedrickite position than Associated Press readers, but they also had the pleasure of reading a secular publication declare "it was quite conclusively proven that the doctrine of polygamy had no existence until after the death of Joseph Smith." And RLDS readers no doubt enjoyed this nugget: "By the decision both the Salt Lake Mormons and the Hedrickite faction are in substance declared

to be heretical factions.”³⁴ The *Saints’ Herald* editors could have done no better than reprint the *Times’* analysis. As the *Zion’s Ensign* opined, “The ‘Times’ report especially is worthy of commendation, as it gave a fair and impartial statement of facts.”³⁵

Even with the Reorganization’s resounding victory, church leaders remained sensitive to the charge that they should not resolved their differences with the Church of Christ in a court of law. The March 14th *Saints’ Herald* responded to this criticism:

Some speculation has been indulged in among the Saints, as to why a resort to the law as had; and in some quarters, the course pursued by us has been condemned as unchristian, and uncalled for; these parties allege that the matter should have been tried by arbitration as between brethren; and let the good spirit of fellowship, or the revelation of God settle the dispute. It so happens that we were made to know that no sort of arbitration open to us, was available, and would have been temporizing in policy, a loss of time and effort and unavailing. The statute of limitations was running against us, if applicable to the case and an adverse possession was ripening its hold on the land. And having known for years that the struggle must come in the courts of the land, we proceeded, as directed by the revelation and direction of God to the church to “importune at the feet of the judge.”

If anyone still doubted the wisdom of appealing to the law, the editorial reminded them of the stellar results it had produced. That the editors still felt the need to respond to this criticism suggests either that it stung or that it would not relent.³⁶

The March 21st *Saints’ Herald* responded to the *Deseret News’* astonishment that Judge Philips pronounced judgment on the succession question, including the legitimacy of the LDS Church, which wasn’t even a party to the suit. The *Herald* offered a two-fold response. First, the *Herald* informed the *News* that the defendants themselves, the Church of Christ, made LDS succession a pivotal issue in the case:

Bishop [Richard] Hill of the defence, specifically testified that he as Bishop of the defending church held the property “in trust for the church organized in 1830;”

and an effort was made by the defence to prove by implication that the Utah Church was “that church.”

The *Herald* editors ventured—generously so—that the LDS-centric defense strategy was not necessarily a bad decision: “If this could have defeated the cause of the Reorganized Church, the time was propitious for it to have been pleaded; and to the best judgment of those managing the case of the defending church it was so pleaded.” And thus it was that the defense called numerous LDS witnesses to the stand to testify on behalf of LDS succession. Secondly, the *Herald* continued, religious property cases sometimes necessitate that courts determine successors: “the question of succession is in a large sense a legal one; and of such a nature that under certain contingencies the courts in which the law of the land is administered, legally must and will take cognizance.” In light of these factors, the *Herald* concluded, the plaintiff Reorganization didn’t shy away from the succession question. There’s no doubt that the *Herald* editorial downplayed the Reorganization’s role in pushing the succession issue on the court. But overall it was a quite effective rebuttal. Surprisingly, the author didn’t say a word about the financial assistance the LDS Church provided the Church of Christ. The cautious, reserved tone of the editorial probably enhanced its persuasiveness.³⁷

The *Saints’ Herald* of March 14th announced that the Reorganization would publish Philips’ opinion as a pamphlet, in part to help defray the costs of the case. “This pamphlet will prove invaluable as setting forth the legally recognized position of the Reorganized Church as the only true successor of the Original Church.”³⁸ Starting with

the March 14th issue, before the Reorganization had even printed the publication, *Herald* readers found the following advertisement on the paper's classified page:

TEMPLE LOT SUIT DECISION.

The decision of Judge Phillips, of the United States Circuit Court, Western District of Missouri, Kansas City, awarding title and possession of the Temple Lot to the Reorganized Church as the true successor of the original Church of Latter Day Saints organized April 6, 1830, and setting forth the position of the Utah Church and other factions as departures from the true faith, and without right to the name or property of the Original Church.

Valuable for reference, and general distribution.

In pamphlet form complete; price 25 cents.

Address orders to David Dancer, Lamoni, Iowa.

A copy of the text, the editors urged, "ought to be placed on the table of every family of the church; and as many of those outside as possible."³⁹

The full title of the work was *In the Circuit Court of the United States for the Western Division of the Western District of Missouri: Decision of John F. Philips, Judge in Temple Lot Case, The Reorganized Church of Jesus Christ of Latter Day Saints versus The Church of Christ, Et Al.*⁴⁰ The pamphlet came together in mid-March. On the 16th, Philips certified the accuracy of the pamphlet's text of his opinion.⁴¹ On the 20th, an unidentified author completed a brief three-page introduction entitled, "History of Suit."⁴² The author, I would venture, was most likely Edmund Kelley. As an introduction to one of the case's legal artifacts, the text was probably written by a member of the RLDS legal team, which would rule out Joseph Smith III, W. W. Blair, and Joseph Luff. As a church publication, however, it was probably written by a church member, which would rule out Parley P. Kelley, George Edmunds, Judge Traber, and Smith McPherson. Edmund Kelley was the leading force behind the production of the

Complainant's Abstract, so it would stand to reason that he assumed the same role with the *Decision of John F. Philips*.

Whoever the author was, the introduction presented the RLDS interpretation of Temple Lot history as incontrovertible fact. And why not?—the Reorganization now had the weight of a circuit court decision behind them. The introduction asserted that Edward Partridge purchased the property in trust for the original church. The Saints, however, were subsequently driven from Missouri and dispossessed of their sacred property. Dissension divided the church after the Prophet's murder. Despite their disunity, the post-martyrdom Saints continued to believe in the divine promises of the Temple Lot. Unfortunately, certain residents of Independence tried to secularize the Temple Lot for speculative purposes. One of these individuals, James Poole, obtained a purported deed to the property from some of the heirs of Edward Partridge, and under this color of title the defendants, the Church of Christ, claimed adverse possession. On 11 June 1887, the Reorganized Church ordered the Church of Christ to relinquish the property, but the Hedrickites did not do so. This left the Reorganization with two alternatives—assent to the alienation of their property or seek justice within a court of equity. The Reorganization opted for the latter course, filing suit against the Church of Christ in August 1890 (sic) as the true successor of the original church. Hereinafter the introduction made much of the defendants' relationship with the LDS Church:

The Defendants were directly aided and supported in the suit by the factional church in Utah which followed the leadership of Brigham Young during the schismatic disruption; the President of that body, Wilford Woodruff, and the President of its Quorum of Twelve, Lorenzo Snow, and other leading men and women voluntarily becoming witnesses for the Defendants; and many other

witnesses answering to the personal summons of Mr. Woodruff came from different parts of the Territory to testify in behalf of the Defendants.

Unfazed by the defendants' cozy relationship with the Brighamites, Judge Philips delivered a "clear and masterly opinion" ...declaring Complainant in legal succession and confirming its title to the property." Following this introduction, the pamphlet presented Philips' *Statement of the Case* and Philips' opinion. This was the pamphlet the Reorganization published in March 1894 as the *Decision of John F. Philips*.⁴³

Before the pamphlet was even released, however, the Reorganization's sales plan ran into problems. If you'll recall, William Crick of the *Zion's Ensign* had promised to furnish all his subscribers a copy of Philips' opinion.⁴⁴ The subscription lists of *Zion's Ensign* and *Saints' Herald* no doubt had considerable overlap, so Crick's offer of a free copy threatened to undermine the *Herald's* sales plan. When Bishop Edmund Kelley learned of Crick's plan, he quickly notified Crick that he couldn't distribute the Philips opinion free to subscribers.⁴⁵ Crick dutifully complied, telling his readers in the March 24th *Ensign* that they would not be receiving free copies.⁴⁶ Instead, the *Ensign* featured a sales advertisement for the *Decision of John F. Philips*.⁴⁷ In the still-depressed American economy, however, pre-orders for the pamphlet may not have been quite what Bishop Kelley anticipated. Within a matter of days, he lowered the price to fifteen cents per copy and twenty-five cents for two copies.⁴⁸ Price reduction aside, the Reorganized Church now had two revenue-generating publications from the Temple Lot Case: *The Complainant's Abstract of Evidence* and the *Decision of John F. Philips*.⁴⁹

Naturally, the RLDS legal team felt a great deal of gratitude towards Judge Philips. George Edmunds, ever the religious skeptic, expressed his take on the victory to Joseph Smith III: “You gentlemen may thank God, I will thank a conscientious court.” But Joseph III, in reply, thought Edmunds had it right, though only half right: “We do thank God, thus: 1. For a good cause; 2. For able attorneys; 3. For good laws in which the justice of God is reflected on earth; 4. For a competent court in jurisdiction; 5. For a conscientious Judge on the Bench in that court.”⁵⁰

But how best to express their gratitude? On March 17th, Parley Kelley informed Joseph Smith III by letter that Philips had expressed an interest to him in the standard works of the Reorganized Church. Kelley, who again wasn't a member of the church, suggested that President Smith consider sending this texts as an expression of gratitude to Judge Philips. Joseph III welcomed the suggestion, but he hesitated to follow through on it lest he and the church come across as presumptuous. But Smith asked Edmund Kelley his opinion on the matter, and Bishop Kelley seconded his brother's opinion that this would be an appropriate token of gratitude. Kelley recommended that the church send Philips copies of *The Book of Mormon*, *The Doctrine and Covenants*, and *The Holy Scriptures*, Joseph Smith's “translation” of *The Holy Bible*. Smith thought it best to include a copy of *Saints' Harmony*, the church's hymnal, as well.⁵¹ Smith sent the package to Judge Philips on March 20th with the following note enclosed:

Mar 20th '4
Hon John L Philips
U. S. Circuit Court.
Kansas City, Mo.

At the suggestion of P. P. Kelley of the Counsel for us we send you for your personal library and use, a copy each of our Holy Scriptures, Book of

Mormon, Doctrine and Covenants, and Saints Harmony, our book of music and song.

We add to Mr. Kelley's suggestion the book of music and song, that you may, if you so desire, see the character of our church songs and music. Many of the hymns and much of the music are original with our people, and may interest you.

Please accept these works as a token of our respect and good will.

Respectfully

Joseph Smith
of the church⁵²

Smith expressed his appreciation to Parley Kelley that same day: "Please accept thanks for the suggestion; as we should hardly have dared to send unless we knew that the Judge had expressed a desire for them."⁵³ The Reorganization would ever after feel indebted to Judge John Finis Philips.

Endnotes

¹ "The 'Temple Lot' Case," *DN*, 3 March 1894, 5. "Deseret News on Temple Suit," *SH* 41 (21 March 1894), 177, refers to the Associated Press report featured in the *Deseret News* as "the short dispatch given to the general press of the country." That John Q. Cannon did not have time on March 3rd to provide the entire text for his readers, see "The Temple Lot Suit," *DN*, 5 March 1894, 4, and *Deseret Weekly*, 10 March 1894, 357. On Cannon as editor, see Monte McLaws, *Spokesman for the Kingdom: Early Mormon Journalism and the Deseret News, 1830-1898* Studies in Mormon History (Provo: Brigham Young University Press, 1977), 199-201, 218-219, 229.

² "A Mormon Dispute Settled," *New York Times*, 4 March 1894, 8; "Their Eden Assured," *The Morning Call* (San Francisco), 4 March 1894, 1; "The Mormons," *Los Angeles Times*, 4 March 1894, 1; "Mormon Property," *Rocky Mountain News* (Denver), 4 March 1894, 2; "Mormon History Recalled," *Omaha Daily Bee*, 4 March 1894, 3; "Telegraph Briefed," *Houston Daily Post*, 4 March 1894, 21; "Mormons' Garden of Eden," *Milwaukee Sentinel*, 4 March 1894, 2; *Kansas City Journal*, 4 March 1894, reprinted in "Staked Their All And Lost," *ZE* 5 (10 March 1894), 8; "Lamoni Mormons Win," *KCS*, 3 March 1894, 2; "The Temple Lot," and "A Remarkable Decision," *Salt Lake Herald*, 4 March 1894, 1, 4, respectively; "That Mormon Temple Lot," *OS*, 4 March 1894, 1; "Mormons Get Their Own," *Worcester Daily Spy* (Massachusetts), 4 March 1894, 10; "True Mormon Church," *Anaconda Standard* (Montana), 4 March 1894, 1; "Mormon Property," *Idaho Statesman*, 4 March 1894, 1; "In Favor of the Mormons," *Wheeling Register* (West Virginia), 4 March 1894, 1; "Mormon Church Decision," *Baltimore Sun*, 5 March 1894, 1; "Joe Smith and Monogamy," *Omaha World Herald*, 5 March 1894, 4; "The Temple Lot," *Tacoma Daily News*, 5 March 1894, 3; "Lamoni Mormons Win," *Emporia Daily Gazette* (Kansas), 5 March 1894, 1; "The Temple Lot Suit," *DN*, 5 March 1894, 4; "The Temple Lot Decision," *Salt Lake Herald*, 7 March 1894, 4; "The Real Mormon Church," *Idaho Falls Times*, 8 March 1894, 1; "The Temple Lot Suit," *Deseret Weekly*, 10 March 1894, 357; "Valuable Property Involved," *KCS*, 10 March 1894, 6; "The Temple Lot Case Decided," *ZE* 5 (10 March 1894); "Created Consternation," *St. Louis Republic*, 12 March 1894, 1; "Opinion of Judge Phillips, in Temple Lot Case," *SH* 41 (14 March 1894), 161-162; untitled addendum to "Mormons in Missouri," *Hartford Herald* (Kentucky), 14 March 1894, 1.

³ John R. Haldeman, "History of the Temple Lot—1829-1896," *The Searchlight* 1 (2 March 1896), 5.

⁴ For longer versions of the dispatch, see "Mormons' Garden of Eden," *Milwaukee Sentinel*, 4 March 1894, 2; "Mormon Property," *Rocky Mountain News* (Denver), 4 March 1894; "Mormon History Recalled," *Omaha Daily Bee*, 4 March 1894, 3; "Lamoni Mormons Win," *Emporia Daily Gazette* (Kansas), 5 March 1894. For shorter versions of the dispatch, see "A Mormon Dispute Settled," *New York Times*, 4 March 1894, 8; "Their Eden Assured," *The Morning Call* (San Francisco), 4 March 1894; "The Mormons," *Los Angeles Times*, 4 March 1894, 1; "The Temple Lot," *Salt Lake Herald*, 4 March 1894; "That Mormon Temple Lot," *OS*, 4 March 1894, 1; "True Mormon Church," *Anaconda Standard* (Montana), 4 March 1894, 1; "The 'Temple Lot' Case," *DN*, 3 March 1894, 5; "The Temple Lot Suit," *DN*, 5 March 1894, 4; "The Temple Lot Suit," *Deseret Weekly*, 10 March 1894, 357.

⁵ "Deseret News on Temple Suit," *SH* 41 (21 March 1894), 177.

⁶ "The Mormons," *Los Angeles Times*, 4 March 1894, 1.

⁷ *Ibid.*

⁸ "True Mormon Church," *Anaconda Standard* (Montana), 4 March 1894, 1.

⁹ "Their Eden Assured," *The Morning Call* (San Francisco), 4 March 1894; "The Mormons," *Los Angeles Times*, 4 March 1894, 1; "Mormons' Garden of Eden," *Milwaukee Sentinel*, 4 March 1894, 2; "Mormon Property," *Rocky Mountain News* (Denver), 4 March 1894; "Mormon History Recalled," *Omaha Daily Bee*, 4 March 1894, 3; "The Temple Lot," *Salt Lake Herald*, 4 March 1894, 1; "That Mormon Temple Lot," *OS*, 4 March 1894, 1; "True Mormon Church," *Anaconda Standard* (Montana), 4 March 1894, 1; "The Temple Lot Suit," *DN*, 5 March 1894, 4; "The Temple Lot Suit," *Deseret Weekly*, 10 March 1894, 357. "Lamoni Mormons Win," *Emporia Daily Gazette* (Kansas), 5 March 1894, observed with subtle irony that Philips himself acknowledged that "a good chancellor may be an indifferent theologian."

¹⁰ H. O. Smith to editors, 5 March 1894, in *SH* 41 (21 March 1894), 182.

¹¹ "St. Louis, MO," *ZE* 5 (10 March 1894), 4.

¹² "Lamoni, IA.," *ZE* 5 (10 March 1894), 4; Psalm 97.

¹³ H. B. Sterrett to editors, 19 March 1894, in *SH* 41 (28 March 1894), 201.

¹⁴ Hon. J. D. Miller to Joseph Smith III, 3 March 1894, in "Congratulations," *SH* 41 (14 March 1894), 162.

¹⁵ H. Neidig to Joseph Smith III, 5 March 1894, in "Congratulations," *SH* 41 (14 March 1894), 162-163.

¹⁶ Smith McPherson to Joseph Smith III, 6 March 1894, in "Deseret News on Temple Suit," *SH* 41 (21 March 1894), 177.

¹⁷ Joseph Smith III to Annie Mack Walker, 25 May 1894, JSIII Letterbook #5, CoC Archives.

¹⁸ Joseph Smith III to S. E. Flannigan, 6 May 1894, JSIII Letterbook #5, CoC Archives.

¹⁹ Joseph Smith III to N. S. Patterson, 3 May 1894, JSIII Letterbook #5, CoC Archives.

²⁰ Effie Adams Benedict to editors, 12 March 1894, in *SH* 41 (28 March 1894), 198-199.

²¹ "Independence, Mo., District Conference," *ZE* 5 (17 March 1894), 5; "Conference Minutes," *SH* 41 (21 March 1894), 190.

²² "Something Nice!," *ZE* 5 (26 May 1894).

²³ "Memories," *Searchlight* 3 (February 1899), 1-3. See also the *Kansas City Journal*, 4 March 1894, reprinted in "Staked Their All And Lost," *ZE* 5 (10 March 1894), 8.

²⁴ For the published minutes of the conference, see *DN*, 5 March 1894.

²⁵ H. O. Smith to editors, 5 March 1894, in "Letter Department," *SH* 41 (21 March 1894), 181-182.

²⁶ "The Temple Lot Decision," *Salt Lake Herald*, 7 March 1894, 4.

²⁷ Untitled editorial, *KCS*, 5 March 1894, 4.

²⁸ "A Remarkable Decision," *Salt Lake Herald*, 4 March 1894.

²⁹ "The Temple Lot Suit," *DN*, 5 March 1894, 4. The editorial was republished in "The Temple Lot Suit," *Deseret Weekly*, 10 March 1894, 357.

³⁰ "The Temple Lot Decision," *Salt Lake Herald*, 7 March 1894, 4.

- ³¹ Ibid.
- ³² “The Temple Lot Suit,” *SH* 41 (7 March 1894), 148.
- ³³ “The Temple Lot Case Decided,” *ZE* 5 (10 March 1894). Crick didn’t identify the source of his Philips text, but a comparison of the *Ensign*’s abridgement and the *Times*’ abridgement shows that the two were identical.
- ³⁴ “Opinion of Judge Phillips, in Temple Lot Case,” *SH* 41 (14 March 1894), 161-162.
- ³⁵ “Editorial Items,” *ZE* 5 (10 March 1894), 4.
- ³⁶ “Opinion of Judge Phillips, in Temple Lot Case,” *SH* 41 (14 March 1894), 161.
- ³⁷ “Deseret News on Temple Suit,” *SH* 41 (21 March 1894), 177.
- ³⁸ “Temple Lot Suit Decision,” *SH* 41 (14 March 1894), 164.
- ³⁹ “Temple Lot Suit Decision,” *SH* 41 (14 March 1894), 176.
- ⁴⁰ *In the Circuit Court of the United States for the Western Division of the Western District of Missouri: Decision of John F. Philips, Judge in Temple Lot Case* (Lamoni: Reorganized Church of Jesus Christ of Latter Day Saints, 1894).
- ⁴¹ *Idem*, 46.
- ⁴² *Idem*, 5.
- ⁴³ *Idem*, 5.
- ⁴⁴ “The Temple Lot Case Decided,” *ZE* 5 (10 March 1894).
- ⁴⁵ Edmund L. Kelley to William Crick, 20 March 1894, in “Explanation,” *ZE* 5 (24 March 1894), 1.
- ⁴⁶ “Explanation,” *ZE* 5 (24 March 1894), 1.
- ⁴⁷ “Do You Want It?,” *ZE* 5 (24 March 1894).
- ⁴⁸ “Temple Lot Suit Decision,” *SH* 41 (21 March 1894), 192; “Do You Want It?,” *ZE* 5 (24 March 1894).
- ⁴⁹ Neighboring advertisements for the two publications can be found, for example, on the advertisements page of *SH* 41 (21 March 1894), 192.
- ⁵⁰ This exchange is detailed in Joseph Smith III to Parley P. Kelley, 20 March 1894, JSIII Letterbook #5, CoC Archives.
- ⁵¹ Joseph Smith III to Parley P. Kelley, 20 March 1894, JSIII Letterbook #5, CoC Archives.
- ⁵² Joseph Smith III to John F. Philips, 20 March 1894, JSIII Letterbook #5, CoC Archives.
- ⁵³ Joseph Smith III to Parley P. Kelley, 20 March 1894, JSIII Letterbook #5, CoC Archives.

Epilogue 1894-1896

Because religious controversies were central to the process and verdict of Judge Philips' court, the Temple Lot Case is primarily known for that initial phase of the contest. But the Temple Lot Case continued on another two years after Philips' decision. The appeal phase of the contest has received comparatively less attention, in part because the appeals court focused on matters other than religion. The appeal process is beyond the scope of this study, but it too deserves a closer look. For readers who wish to know how it all turned out, however, I offer the following summary:

On 11 June 1894, the Church of Christ perfected an appeal of Judge Philips' decision to the U.S. Court of Appeals.¹ By that point, the LDS Church no longer provided assistance to the Church of Christ. Similarly, Charles Hall and his family filed notice disclaiming any further interest or responsibility for the suit.² Charles Hall would subsequently receive baptism into the LDS Church and ultimately move westward.

The U.S. Circuit Court of Appeals in St. Louis, Missouri, heard the Church of Christ's appeal on 24 January 1895.³ John N. Southern and a new attorney, C. O. Tichenor, appeared for the Church of Christ.⁴ Edmund Kelley and another new attorney, Frank Hagerman, appeared for the Reorganized Church.⁵ At the conclusion of the proceedings, the *Kansas City Times* announced: "The famous temple lot case is decided and another chapter in Mormonism is closed."⁶ But the Circuit Court of Appeals wouldn't announce a verdict for eight long months.

At last, on 30 September 1895, John N. Southern received a telegram from J. D. Jordan, clerk of the U.S. Circuit Court of Appeals at St. Paul, announcing that Judge Amos Thayer had reversed the lower court's decision and remanded the case to Judge Philips for dismissal.⁷ Whereas Judge Philips ruled on the basis of religion in favor of the Reorganization, the appeals court found the Reorganization guilty of laches, meaning that as the RLDS legal team had feared from the beginning, in the end it ran afoul of the statute of limitations. RLDS church members took the defeat hard. The reversal, commented the *Kansas City Journal*, "carries with it a weight of woe to thousands of the members of the Reorganized Church."⁸ But Jackson County residents fearful of clouds on their titles were relieved. As the *Kansas City Times* observed, "The decision of Judge Philips aroused the fears of many of the residents of this city on account of their titles. A local result of the decision just rendered will, therefore, be the allaying of this fear."⁹ Church of Christ members, naturally, were overjoyed.

Edmund Kelley and the Reorganized Church appealed to the U.S. Circuit Court of Appeals for a rehearing.¹⁰ But on 9 December 1895, the Circuit Court of Appeals sent a telegram from St. Louis denying the Reorganization's request.¹¹ "This disposes of the case entirely," commented several newspapers running the same story, "unless they take it to the Supreme Court of the United States."¹² Reviewing the history of the case, the *St. Louis Republic* offered a trenchant criticism of Judge Philips' lower court decision:

Questions of doctrines as well as of law were involved in the litigation, and during the trial at Kansas City Judge Philips' courtroom resembled the meeting place of some ecclesiastical body....The Court was compelled to hear a mass of testimony bearing upon technical points in theology and ecclesiastical practice and then to wade through thousands of printed pages of depositions....[S]ome of

the arguments were startlingly different from those ordinarily heard in a court of justice.¹³

Nonetheless, on December 18th, the RLDS legal team informed John Southern that they would appeal their defeat to the U.S. Supreme Court.¹⁴

On 6 January 1896, Frank Hagerman, Parley P. Kelley and Smith McPherson served notice on C. O. Tichenor and John Southern that they had petitioned the U.S. Supreme Court to grant a writ of certiorari compelling the Court of Appeals to submit their decision to the high court for review.¹⁵ But on 27 January 1896, the U.S. Supreme Court denied the RLDS petition, meaning that the Court of Appeals ruling was the decisive ruling. The Church of Christ retained possession of the Temple Lot.¹⁶

Now that the Supreme Court had declined to hear the case, when the Eighth Federal District Court opened for business in Kansas City on the morning of 3 February 1896, the mandate of the Circuit Court of Appeals was read aloud, effectively reversing Judge Philips' decision of nearly two years prior. In the words of the *Kansas City Daily Journal*, "the case was dismissed from the docket and is now entirely out of court." For all the prolonged drama of the suit, the ending was rather anti-climatic. "It was a quiet end to a celebrated and hotly contested legal battle."¹⁷

RLDS leaders portrayed the Temple Lot Case as a victory on the all-important succession issue, if a defeat on the less-important property issue. Bishop Kelley told the April 1896 general conference in Kirtland, Ohio:

He told about the famous temple lawsuit, and said, while the suit was lost, it was a moral victory, for the supreme court had only decided against the church because of the statute of limitations. He declared that the United States court of appeals had willfully defrauded the Reorganized Church out of its rights and he quoted Judge Phillips of the circuit court to prove this.

Joseph Smith III seconded Kelley's point, announcing that "he was far better satisfied to have the courts award his church a favorable decision on the moral points involved than to have the church given possession of the land, and the succession to the original church denied."¹⁸ Thus despite their defeat, the heads of the Reorganized Church trumpeted Judge Philips' decision well into the twentieth-century, conveniently ignoring the fact that the verdict of the Circuit Court of Appeals completely nullified Philips' decision.

In the end, all sides achieved a measure of victory in the Temple Lot Case. The Church of Christ retained the Temple Lot, the Reorganized Church obtained a lower court vindication of its succession claim, and the LDS Church obtained greater acceptance and respectability in the original land of Zion.

Endnotes

¹ "Carrying The Case Up Higher," *KCS*, 11 June 1894, 6; "Temple Lot Litigation," *KCT*, 12 June 1894, 5; "To The Court Of Appeals," *Salt Lake Herald*, 12 June 1894, 1; "Mormon Church Litigation," *Idaho Daily Statesman*, 12 June 1894, 1.

² "Carrying The Case Up Higher," *KCS*, 11 June 1894, 6.

³ "That Mormon Dispute," *KCS*, 25 January 1895, 1.

⁴ "That Mormon Dispute," *KCS*, 25 January 1895, 1; "Miscellaneous," *Kansas City Daily Journal*, 22 January 1895, 2; "Independence," *Kansas City Daily Journal*, 27 January 1895, 5.

⁵ "That Mormon Dispute," *KCS*, 25 January 1895, 1.

⁶ Untitled miscellany, *KCT*, 29 January 1896, 4.

⁷ "Judge Philips Reversed," *KCS*, 30 September 1895, 8; "Judge Philips Reversed," *Kansas City Journal*, 1 October 1895, 4; "Independence: Hedrickite Mormons on Top by a Temple Lot Decision," *KCT*, 1 October 1895, 2; "Independence: It is Said That the Temple Lot Case Cannot Be Appealed to the United States Supreme Court," *Kansas City Journal*, 2 October 1895, 6.

⁸ "Judge Philips Reversed," *Kansas City Journal*, 1 October 1895, 4.

⁹ "Independence: Hedrickite Mormons on Top by a Temple Lot Decision," *KCT*, 1 October 1895, 2.

¹⁰ "Miscellaneous," *Kansas City Journal*, 27 October 1895, 17; "News Notes and Personals," *KCT*, 10 November 1895, 3.

¹¹ "Temple Lot Case," *St. Louis Republic*, 10 December 1895, 6; "End of the Temple Lot Suit," *KCS*, 10 December 1895, 2; "The Temple Lot Decision Upheld," *KCS*, 10 December 1895, 10; "The Temple Lot Case Decided," *KCT*, 10 December 1895, 3; "Rehearing Denied," *Kansas City Daily Journal*, 10 December 1895, 4; "Mormon Dispute Is Settled," *Chicago Inter-Ocean*, 10 December 1895, 2; "Independence," *KCT*, 12 December 1895, 2.

¹² “Temple Lot Case,” *St. Louis Republic*, 10 December 1895, 6; “The Temple Lot Case Decided,” *KCT*, 10 December 1895, 3; “Rehearing Denied,” *Kansas City Daily Journal*, 10 December 1895, 4; “Mormon Dispute Is Settled,” *Chicago Inter-Ocean*, 10 December 1895, 2.

¹³ “Temple Lot Case,” *St. Louis Republic*, 10 December 1895, 6.

¹⁴ “A Noted Latter Day Saint,” *Kansas City Daily Journal*, 15 December 1895, 8; “Independence: Fight for the Ownership of the Famous Temple Lot Is Still in Progress,” *KCT*, 19 December 1895, 7; “Will Take an Appeal,” *Kansas City Daily Journal*, 19 December 1895, 7.

¹⁵ “Famous Temple Lot Case,” *Kansas Daily Journal*, 7 January 1896, 3; “In And Of Missouri,” *St. Louis Republic*, 10 January 1896, 6.

¹⁶ Untitled, *KCS*, 28 January 1896, 4; “The Temple Lot Case,” *DN*, 28 January 1896, 4, and reprinted in *DN*, 1 February 1896, 201; “Independence: Members of the Reorganized Church of Jesus Christ Saddened by the Supreme Court’s Decision,” *Kansas City Daily Journal*, 29 January 1896, 7.

¹⁷ “Off The Dockets,” *Kansas City Daily Journal*, 4 February 1896, 3.

¹⁸ George H. Gordon, “A Growing Church,” *Cleveland Plain Dealer*, 7 April 1896, 2.

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