

**State of Missouri v. Gates et al. for Treason,
Boone Co., MO Circuit Court, 12 April 1839**

Joseph Smith, Jr. and four other prisoners were taken to Gallatin, Missouri for a grand jury hearing, April 9-11, 1839. The grand jury indicted 60 Saints for a total of 112 offenses. In fact, all the defendants were driven from the state. This document and others was simply a legal method to try and conceal the atrocities and violations of civil rights committed by the State of Missouri against the members of the Church of Jesus Christ of Latter-day Saints.

State of Missouri) In Daviess County Court
County of Daviess) April Term Eighteen
hundred and thirty-nine

Daviess County to wit:

The Grand Jurors for the State of Missouri for the Body of the County of Daviess aforesaid, upon their oath present that Jacob Gates, Hiram Smith, Thomas Rich, Joseph Smith Jr, Lyman Wight, E Robertson [Ebenezer Robinson], William Whiteman [Wightman], Lemuel [Samuel] Bent, Joseph W Younger, David Petigrew [Pettegrew], Edward Partridge, George W Robertson [Robinson], Washington Voorhis [Voorhees], Jesse D Hunter, James H Rawlins [Rollins], Sidney Tanner [Turner], David Carns, Alonson Riply [Alanson Ripley], James Worthington, George W Harris, Alexander McCray [McRae], Zenor Brunston [Seymour Brunson], Thomas D [B.] Marsh, James Durphy [Durfee], Perry Durphy [Durfee], George [M.] Hinkle, Arthur Morrison, Elias Higby [Higbee], Parl[e]y P Pratt, Reynolds Calhoon [Cahoon], Vincent [Vinson] Knight, George Morry [Morey], Daniel Carns [Carn], Caleb Baldwin, Ebenezer Page, Finl[e]y Page, Roswell Stephens [Stevens], Jabez Durphy [Durfee], Moses Daily [Daley], Benj. Durphee and James Whitaker late of the County of [blank] being Citizens of our said State not having the fear of God in their <hearts> nor weighing their Allegiance, but being moved and seduced by the instigation of the Devil as false Traitors against the Laws of our said State. And wholly withdrawing the Cordial love and true <and due> obedience, which Every true and faithful Citizen of our said State should and of wright ought to bear towards the laws of our said State, and contriving and with all their strength intending Traitorously to Break and disturb the peace and <common> tranquility of this State of Missouri and to stir and move and Excite Insurrection, Rebel-

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lion [p. 1] and war against our said State within this State, and to Subvert and alter the Legislature, Rule and Government, now duly and happily established in this State on the [blank] day of [blank] in the year of our Lord Eighteen hundred and thirty Eight and on divers other days and times as well before as after at the County of Daviess Aforesaid Maliciously with force and Arms, and of their Malice aforethought, did Amongst themselves and together with other Divers other false Traitors whose names are to the said Jurors unknown conspire, compass, imagine and intend to stir move and Excite insurrection Rebellion and war, against our said State within this State of Missouri, to subvert and alter the Legislature, Rule and Government now duly and happily Established and to fulfil, perfect and bring to effect their most Evil and wicked Treason and Treasonable compassings and immaginations aforesaid, The said Defendants as such false Traitors as aforesaid with force and Arms on the said [blank] day of [blank] in the year of our Lord Eighteen hundred and Thirty Eight and on divers other days and times as well before as after at the County of Daviess aforesaid maliciously and Traitorously did meet conspire consult and agree among themselves and together with divers other false Traitors whose names are to the said Jurors unknown, to cause and procure a convention and meeting of divers Citizens of this State to be assembled and held within this State with intent and in order [p. 2] that the Persons to be assembled at such meeting should and might wickedly and traitorously without authority, and in defiance of the laws of this State, levy war against our said State and subvert and cause to be subverted and altered the Legislature, Rule and Government of this State, now duly and happily established in this State— And further to fulfil, Perfect and bring to Effect their most Evil and wicked Treason and Treasonable Compassings, and immaginations aforesaid and in order the more readily and effectually to Assemble such convention and meeting as aforesaid for the Traitorous purposes aforesaid and thereby to accomplish the said Purposes the said Defendants as such false Traitors as aforesaid together with Divers other false Traitors whose names are to the Jurors unknow[n]. The said Defendants as such false Traitors as aforesaid with force and Arms, on the [blank]

day of [blank] in the year of our Lord Eighteen hundred and thirty-Eight and on Divers other days and times as well before as after at the County of Daviess aforesaid, maliciously & traitorously did compose and write and did then and there maliciously and Traitorously cause to be composed and written Divers Pamphlets, Letters, Instructions, resolutions, orders, Declarations, Addresses and Writings, and did then and there Maliciously and traitorously Publish and did then and there Maliciously and Traitorously cause to be Published Divers other Pamphlets, Letters, Instructions Resolutions, orders Declaration [p. 3] Addresses and writ[ings] the said Pamphl[e]ts, Letters, Instructions, Res[ol]utions, o[r]ders, d[ec]larations, Addresses and writ[ings] so [res]pectively co[m]posed [3 words illegible] caused to be compos[e]d written and Published, purporting and containing therein among other things incitements, Encouragements and Exhortations to move induce and persuade the Citizens of our said State to levy war against our said State and to Adhere to the Enemies of our said State and to give them aid and comfort in time of war, and further to fulfil, Perfect and bring to effect, their most Evil and wicked Treason and treasonable compassings and immaginations aforesaid, and in order the more readily and effectually to assemble such convention and meeting as aforesaid [f]or the Traitorous purposes aforesaid and thereby <to> accomplish the said purposes, the said defendants as such false Traitors as aforesaid [o]n the [blank] day of [blank] in the y[ea]r of our Lord Eighteen hundred and thirty Eight aforesaid and on Divers othe[r] days and times as well before as after, with force and Arms at the County of Daviess aforesaid, did meet consult, and deliberate among themselves and together with Divers other false Traitors whose names are to the Jurors aforesaid unknown of and concerning the calling and Assembling such convention and meeting as aforesaid for the Traitorous Purposes aforesaid and how when and where su[c]h convention and meeting should be as[sem]bled and he[l]d [p. 4] and by what means the Citizens of our said State should and mig[h]t be in[d]uced and moved to convene and m[e]et in s[a]id convention and meeting. And further to fulfil, Perfect and bring to Effect their most Evil and wicked Treason and Treasonable com-

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passings and immaginations aforesaid, and in order the more readily and Effectually to assemble such convention and meeting as aforesaid for the Traitorous purposes aforesaid and thereby to accomplish, the said Purposes, the said Defendants as such false Traitors as aforesaid, together with Divers other false Traitors whose names are to the said Jurors unknown on the said day of [blank] in year of our Lord Eighteen hundred and thirty Eight and on Divers other days and times as well before as after with force and Arms at the County of Daviess aforesaid Maliciously and Traitorously did consent and Cooperate among themselves and together with Divers other false Traitors wh[o]se names are to the said [J]urors unknown for [illegible] [answering?] the calling and assembling said convention and Meeting as aforesaid for th[e] Traitorous Purposes aforesaid. And further to fulfil Perfect and bring to Effect their most and wicked Treason and Treasonab[le] practices Compassings <and> immaginations aforesaid together with Divers other false Trait[o]rs whose names are to the said Jurors unknown, on the said [blank] day of [blank] in the year of our L[or]d Eighteen hundred and thirty Eight, with force and A[rms] at the County of Daviess aforesaid [p. 5] maliciously and Traitorously did cause and procure, to be made and Provided and did then and there maliciously and Traitorously consent and agree to the making and providing of dive[r]s arms and offensive weapons to-wit— Guns, Muskets, Pikes and Axes for the Purpose of arming Divers Citizens of our said State, in order and to the intent, that same Citizens should and might, unlawfully forcibly and Traitorously oppose and withstand the officers of our said State, in the due and lawful exorcize of their Power and Authority, in the due Execution of the Laws and Statutes of this State, and Should and might unlawfully, forcibly and Traitorously subvert and alter and aid and assist in subverting and altering, without and in defiance of authority and against the will of the People of this State, the Legislature, Rule and Government now duly and happily Established in this State— And to fulfil, Perfect, and bring to effect their most Evil Evil and wicked Treason and Treasonable compassings and immaginations aforesaid the said Defendants as such false Traitors as aforesaid, on the said first day of November in the year

of our Lord Eighteen hundred and thirty Eight and on Divers other days and times as well before as after at the County of Daviess aforesaid maliciously did meet conspire and consult and agree among themselves and with Divers other false Traitors whose names are to the said Jurors unknown [p. 6] to raise, levy and make insurrection, Rebellion and War, within this State, against our said State of Missouri— And further to fulfil Perfect, and bring to effect their most Evil and wicked Treason and Treasonable compassings and Immaginations aforesaid, the said Defendants as such false Traitors as aforesaid on the said [blank] day of [blank] in the year of our Lord Eighteen hundred and thirty Eight and on Divers other days and times, as well before as after at the County of Daviess aforesaid with force and Arms Maliciously and Traitorously did meet, conspire, consult, and agree together amongst themselves and together with Divers other false Traitors whose names are to the Jurors aforesaid unknown, unlawfully, wickedly and traitorously to subvert and alter and cause to be subverted and altered, the Legislature Rule, and Government, now duly and happily Established in this State of Missouri— And further to fulfil, Perfect and bring to Effect their most Evil and wicked Treason and Treasonable compassings and immaginations aforesaid and in order the more readily and Effectually to bring about such Subversion and alteration last aforesaid, the said Defendants as such false Traitors as aforesaid together with Divers other false Traitors whose names are unknown to the said Jurors unknown on the said [blank] day of [blank] in the year of our Lord Eighteen hundred and thirty [p. 7] eight and on divers days and times as well before as after with force and Arms at the County aforesaid Maliciously and traitorously did Prepare and compose and did then and there maliciously and Traitorously cause to be prepared and composed Divers Books, Pamphlets, Letters, Declarations Instructions, Resolutions, orders, Addresses and Writings, and did then and there maliciously and Traitorously Publish and disperse and did then and there Maliciously and Traitorously cause and procure to be Published and Dispersed divers other Books, Pamphlets, Letters, Declarations, Instructions, Resolutions, Orders, Addresses, and writings so respectively Prepared, composed Pub-

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lished, dispersed as last aforesaid. Purporting and containing therein, amongst other things incitements, Encouragements and Exhortations to move, induce and persuade the Citizens of our said State of Missouri to aid and assist in carrying into effect such traitorous Subversion and alteration as last aforesaid, and also continuing <containing> therein amongst other things information, Instructions and directions to the Citizens of our said State how when and where upon what occasion the Traitorous Purposes last aforesaid should and might be carried into Effect— And further to fulfil, Perfect and bring to Effect their most Wicked Treason and Treasonable Compassings and immaginations aforesaid the said Defendants as such false [p. 8] Traitors as aforesaid together with Divers other false traitors whose names are to the said Jurors unknown on the [blank] day of [blank] in the year of our Lord Eighteen hundred and thirty Eight and on divers other days and times as well before as after at the County of Daviess aforesaid with force and Arms, Maliciously and Traitorously did procure and provide and did then and there Maliciously and traitorously did cause and procure to be provided and did then and there Maliciously and Traitorously consult <consent> and Agree to the Procuring and Providing Arms and offensive Weapons to wit— Guns Muskets Pikes and Axes therewith to levy war Insurrection and Rebellion against our said State within this State of Missouri against the duty of the alligiance of the said Defendants— And further to fulfil fulfil, Perfect and bring to effect their most wicked Treason and Treasonable compassings and immaginations aforesaid, the said Defendants as such false Traitors as aforesaid on the first day of November in the year of our Lord Eighteen hundred and thirty Eight and on divers other days and times as well before as after at the County aforesaid with force and Arms Maliciously and Traitorously did meet and collect together Armed with Guns, Muskets, Pikes and Axes, [p. 9] and did then and there agree amongst themselves and together with divers other false Traitors whose names are to the said Jurors unknown Wickedly and Traitorously to Subvert and alter and cause to be subverted and altered the Laws, Legislature, Rule and Government of our said State Now duly and happily Established, in this state did meet and convene

and collect together a large armed force, and then and there did levy war against our said State, and did then and there levy war against the People of this State, Against the Allegiance of the said Defendants, against the form of of the Statute in such case made and provided and against the peace and Dignity of the State—
J[ames] A. Clark
Circuit Attorney
State of Missouri) SS [scilicet]
County of Daviess)

I Robert Wilson Clerk of the Circuit Court within and for the County of Daviess aforesaid do hereby certify that the above and foregoing is a True full and Perfect Copy of the original Indictments against the Persons therein named now on file in my office—
[seal]

In Testimony whereof I have hereunto set my hand and affixed my private seal [p. 10] there being no official seal provided. At office the Twentieth day of April in the year of our Lord one thousand Eight hundred and Thirty nine—

Robert Wilson Clerk [p. 11]
State
vs)

Joseph Smith Jr
Lyman Wight
Hiram [Hyrum] Smith
Caleb Baldwin
and others Treason

A true Bill Robert P. Peniston [Sr.] Foreman of the Grand Jury

Witnesses Sampson Avard Waterman Phelps Adam Black Josiah Morin John Corrill J[acob] S Rogers Francis Mc.Guire

Witnesses Laban Morin Henry Mchenry John Edwards John Brown Robert McGaugh [McGaw] John B Comer Jackson Job Ira Glaze

Filed July 12[t]h 1839
R[oger] N Todd
Cle[r]k [p. 12]