

LEGAL TRIALS OF THE PROPHET: JOSEPH SMITH'S LIFE IN COURT

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Persistent Litigation: During his entire ministry. About 175 total cases (by or vs. Joseph Smith; as witness or as judge)—average of 12 ½ per year. Joseph Smith felt persecuted by many “*wicked vexatious lawsuits*.” He defended about 50 criminal cases (3½ per year); but was never found guilty.

NEW YORK/PENNSYLVANIA

Early Disruptive Cases. Without legal experience or financial means, the Prophet Joseph Smith relied on others.

1. *1st case: People vs. Joseph Smith* (“the glass looker”), South Bainbridge, Chenango County. In 1826 (at age 20), the year before he received the plates. Three accounts: Arrested and tried for disorderly conduct while working for Josiah Stool, [See R. Bushman, *Rough Stone Rolling*, pp. 49-50].
2. *Lucy Harris vs. Joseph Smith.* Did she lose the 116 pages? Or did the Prophet Joseph Smith waste Martin’s money? (1828).
3. *The Dogberry Papers Case.* Abner Cole and copyright arbitration [Bushman, pp. 80-81] (1830).
4. *Back-to-Back Trials.* Two 1830 Chenango County and Broome County “disorderly conduct” suits. Acquitted twice after 55 witnesses in 40 hours. Ultimate escape from a mob. Attorneys: John Reid & James Davidson [Bushman, pp. 116-18; *Zion in the Courts*, pp. 49-51].

OHIO

The Most Litigations. The Prophet Joseph Smith brought or defended about 66 varied suits (including the Kirtland Temple Committee). Five criminal actions (he defended 3), 45 civil (he defended 38).

1. *Zion’s Camp Case.* Involuntary servitude without compensation? [Zion, p. 53]
2. *Marriages without a License.* Needed if done by legal clergy?
3. *Six Suits in One Day* (July 1837). Reason enough to avoid Painesville? [Zion, p. 57]
4. *Kirtland Temple Takeover* (Aug. 1837). Assault or self defense? Oliver Cowdery, J.P., [Zion, p. 53; Bushman, p. 339; Gordon A. Madsen, unpublished 2005 paper on the Prophet Joseph Smith’s Ohio Litigation, p. 4].
5. *Arson—Printing Office and Bookstore by Temple* (Jan. 1838) [Madsen, p. 5; Bushman, p. 340].
6. *Kirtland Safety Society Case:* How a private *qui tam* suit (Oct. 1837) ultimately passed the Kirtland Temple title to the RLDS Church (1873; quiet title suit in 1880) [Madsen, p. 19].
 - *Evasion of Debts?* Of a total \$52,000 owed through 1837, the Prophet Joseph Smith and the saints paid off 90% of all debts before or after leaving Ohio [Madsen, p. 15; see Zion, p. 58].

MISSOURI

The Most Extra-Legal State. Reasons for apparent anarchy and break-down of all legal processes.

1. ***“Mobs” or “Popular Sovereignty”?*** Code of conduct and rules of engagement for mob action [Bushman, pp. 223-30, 354-55; Zion, pp. 63-69].
2. ***The Morning and Evening Star Case.*** Assault or self defense? “A penny plus a peppercorn.”
3. ***LDS Expulsions.*** Two tumultuous months in 1838. [Attorneys: Doniphan and Atchison]
 - Election day at Gallatin, Davies County (Aug. 6th)—Adam Black/Wm. Penniston case. Start of the Mormon War of 1838 [Zion, pp. 71-73, Bushman, pp. 356-59].
 - Battle of Crooked River and the Extermination Order (Oct. 21st) [Bushman, pp. 364-65].
 - Haun’s Mill and the Siege of Far West (Oct. 31st) [Zion, pp. 73-74, Bushman, pp. 365-68].
 - Incarcerations at Richmond and Liberty, MO [Zion, pp. 76-79, Bushman, pp. 369-78].
 - Mass LDS evacuation in winter.
 - Change of venue and escape to Illinois [Zion, p. 77, Bushman, p. 382].

ILLINOIS

The Most Complex Legal Cases

- ***Nauvoo Was a Legal Sanctuary.*** Was 1840 the Prophet Joseph Smith’s happiest year? [Bushman, p. 402]
Strong external support.
- ***Nauvoo Charter:*** How unique was it? The many roles of John C. Bennett. Internal corrosion begins [Bushman, pp. 410-13; Zion in the Courts, pp. 83-92].
- ***The Steamboat Case/Bankruptcy/Joseph Smith Estate.*** Why did the Prophet Joseph Smith guarantee, then default on, the business note to Robert E. Lee? How extreme were the consequences? The roles of Judge Nathaniel Pope and U.S. Attorney Justin Butterfield [Bushman, pp. 433-34, 479-81].
- ***The Extradition Cases*** (Habeas Corpus).
 - Before Judge Stephen A. Douglas (1841, Bushman 426-27; Zion 98), O. H. Browning.
 - Before Judge Nathaniel Pope (1842-43, Bushman 479-81, Zion 100), Justin Butterfield.
 - “Kidnapping” of the Prophet Joseph Smith (July 1843, Bushman, pp. 426-27, Zion, pp. 101-03), Attorney Cyrus Walker.
- ***The Apostate Cases*** (April–May 1844). Roles of the Law, Higbee and Foster brothers [Zion, pp. 103-06; Bushman, pp. 527-33, 37-38], Attorneys George P. Stiles and Almon W. Babbitt.
- ***The Expositor Cases*** (June 1844, Zion, pp. 106-13; Bushman, pp. 539-48), Attorneys Almon W. Babbitt, James W. Woods, and Judge Daniel H. Wells.
- ***“Treason” and Incarceration at Carthage*** [Zion, pp. 113-17, Bushman, pp. 547-50].
- ***Trials of the Accused Assassins.*** “A set of respectable men.” Defense attorneys O.H. Browning and O. C. Skinner vs. Illinois Attorney General Josiah Lambourn.