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Gregory Maynard

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# Alexander William Doniphan: Man of Justice

Gregory Maynard\*

Late in the evening of 1 November 1838, Major General Samuel D. Lucas of the Missouri State Militia issued the following order to Brigadier General Alexander W. Doniphan:

Sir: You will take Joseph Smith and the other prisoners into the public square of Far West, and shoot them at 9 o'clock to-morrow morning.

Upon receipt of this order, General Doniphan promptly replied:

It is cold-blooded murder. I will not obey your order. My brigade shall march for Liberty tomorrow morning, at 8 o'clock; and if you execute these men, I will hold you responsible before an earthly tribunal, so help me God.

Doniphan's bold stand against his superior officer not only saved the life of Joseph Smith and his fellow prisoners but also marked him as a man of justice.

Born on the ninth of July 1808, to Joseph Doniphan and Anne Fook Smith, Alexander William Doniphan was the youngest of seven children.<sup>2</sup> From his earliest years, Doniphan was taught the value of an education. However, the education of young Alexander soon fell to his mother, for his father died when Alexander was only six. He remained with his mother only two years, until she sent him to live with an older brother, George, who lived in Augusta, about fifteen miles away. While

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\*Gregory P. Maynard is a graduate student in western history at Brigham Young University, where he also serves as a research assistant for the Charles Redd Center for Western Studies.

<sup>1</sup>Joseph Smith, *History of the Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2nd ed. rev. (Salt Lake City: Deseret Book Co., 1971), 3:190. Hereafter cited as *HC*.

<sup>2</sup>G. Glen Clift, *History of Maysville and Mason County* (Lexington, Missouri: Transylvania Printing Co., 1936), p. 411.

there, Alexander was placed under the instruction of Richard Keene. It was Keene who helped the youthful Doniphan overcome his clumsiness of expression by exposing him to the works of the great poets.<sup>3</sup>

At fourteen, Doniphan entered Augusta College from which he graduated four years later with distinction. After college, he continued his studies toward a law degree under the tutelage of Martin T. Marshall, brother of the Supreme Court Justice, John Marshall. Marshall believed lawyers should be well versed in the English classics and in history. It was from this background that Doniphan was to draw later in his eloquent speeches before the bar and in public.

After two years of study with Marshall, Doniphan passed his bar examinations and was licensed in Ohio and Kentucky. Searching for a place to locate his new practice, Alexander toured the southwestern states for several months before deciding upon western Missouri. After his admission to the Missouri Bar, he settled in Lexington in 1830. Three years later he moved to Liberty in Clay County because of the "prospects of the early annexation of the Platte County to the state and the growth of Jackson County."<sup>4</sup>

Not long after his move to Liberty, Alexander came into contact with the Latter-day Saints or "Mormons" for a second time, his first acquaintance having occurred in 1831. On that occasion, he had traveled to Independence in order to have a suit made in the latest eastern style at the hands of a "Mormon" missionary named Peter Whitmer.<sup>5</sup> Now in 1833, the Mormons were coming to him. Actually, they approached Doniphan and three other prominent Clay County lawyers as they attended court in Independence. The Mormons were responding to a suggestion from Governor Daniel Dunklin to seek redress in the courts. The four lawyers replied by a letter on 30 October 1833, in which they agreed to file the suits if the Latter-day Saints would agree to pay them each two hundred and fifty dollars. The fee was high because

we have been doing a practice here among these people, to a considerable extent, and by this engagement we expect to lose the greatest part of it . . . .

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<sup>3</sup>Isaac George, *Heroes and Incidents of the Mexican War* (Greensburg, Pennsylvania: Review Publishers Co., 1903), p. 17.

<sup>4</sup>Alexander W. Doniphan, "Sketch of Life," Doniphan papers, Missouri Historical Society, St. Louis, Missouri.

<sup>5</sup>*Saints' Herald* 28 (June 1881).



If the fee was not agreeable, they asked to be notified by letter immediately,

for we can be engaged on the opposite side in all probability. We prefer to bring your suits, as we have been threatened by the mob, we wish to show them we disregard their empty bravadoes.<sup>6</sup>

The Mormons accepted their proposal as a last resort.

Doniphan's involvement in the suits brought him into direct contact with the mob. In mid-November, he accompanied a militia escort for Attorney General Robert W. Wells into Jackson County. Wells tried to issue indictments against the Missourians, but he succeeded only in stirring up the wrath of the mob. Doniphan and company were forced to turn back.<sup>7</sup>

Outright defiance of the law was not the only means employed by the Jackson County mobs in order to expedite their expulsion of the Mormons. They also tried to stir up bad feelings in neighboring counties. On 16 June 1834, in Liberty, about 800 to 1,000 citizens assembled at the courthouse to hear a proposition from the people of Jackson County to the Mormons. A delegation from Independence presented a proposition to sell out to the Mormons. After a lengthy and self-saving presentation, one of their numbers, Samuel C. Owens, made a flaming war speech. Doniphan and others countered in favor of peace and justice and asserted their belief in the good character of the Mormons. In the heat of the debate which followed, pistols were cocked and knives unsheathed; but before events exploded, someone cried from the door, "a man stabbed." The meeting instantly came to an end as all rushed outside to see if it had been a Mormon. To the disappointment of many, the stabbing had only involved two Missourians.<sup>8</sup>

Such efforts to keep the Mormons out of Clay County failed because of the influence of Doniphan and other just men. Nonetheless, the increasing numbers of Mormon immigrants into the county continued to create a feeling of alarm. On 29 June 1836, a citizens' meeting was called and Doniphan and five other men, including Colonel John Thornton and David R. Atchison, were chosen to draft a resolution asking the Mor-

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<sup>6</sup>HC 1:425.

<sup>7</sup>Journal History of the Church of Jesus Christ of Latter-day Saints, 1831-1897, 24 November 1833, LDS Church Historian's Office, Salt Lake City, Utah. Hereinafter cited as JH.

<sup>8</sup>HC 2:97-98.

mons to leave the county before violence erupted. The Latter-day Saints agreed to move at the first opportunity, and accepted an offer to help them select a new location.<sup>9</sup>

That opportunity came in January 1837 with the creation of two new counties, Caldwell and Daviess. In November 1836, Doniphan, then a member of the State Legislature, had introduced a bill for the creation of a new county exclusively for the Mormons. After much debate and some compromise, a bill creating two smaller counties was signed into law by Governor Lilburn Boggs on 29 December 1836. Learning that Caldwell County was to be assigned to them, the Mormons began moving into their new home by February of 1837.

With the Mormon problem apparently settled, Doniphan turned his attention to other matters. Through his association with Colonel John Thornton, Alexander had made the acquaintance of the Colonel's oldest daughter, Elizabeth Jane. She was beautiful, well-mannered and intelligent. They were married 21 December 1837. In describing his wife to his cousin Emma, Doniphan wrote years later:

My wife was a lovely woman: I married her the day she was seventeen; I was glad she had no more education than the Common Schools of this frontier then afforded; I desired to educate her myself—to form her mind and tastes—I was young, liberally educated, and energetic. I never read a book to myself (other than a law work) during the more than thirty years of married life. I read them all to her and with her, she often relieving me.<sup>10</sup>

Two boys were born to the Doniphans: John Thornton in 1838 and Alexander W., Jr., in 1840. Doniphan was very attached to his boys and was concerned for their education. Of them he wrote:

I may say without vanity that they were the most highly educated, the most finished educations, of any boys of that age in the state; besides the ordinary classical and scientific collegiate training, each could speak and write French, Spanish, German and Italian . . . . I had provided them with private teachers from childhood and never tasked them heavily, and required them to plough and to hoe when I feared study was enervating them.<sup>11</sup>

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<sup>9</sup>Ibid., pp. 449-461.

<sup>10</sup>Doniphan to his cousin Emma, Richmond, Missouri, 1875, as quoted in William H. Richardson, *Journal of Doniphan's Expedition*.

<sup>11</sup>Ibid.



Shortly after the birth of John Thornton in 1838, Doniphan was called into service in the State Militia. The continued growth and increasing prosperity of the Mormons in Caldwell County and their overflow into surrounding counties had aroused the jealousy and fears of the local Missourians. In the midst of this increasing antagonism, Col. Doniphan again came into personal contact with Joseph Smith, as a partner to General Atchison. Atchison appears to have been Joseph's legal counsel in meeting the mobs which were then assembling, particularly those in Daviess County, and the Prophet records the following:

Tuesday, [September] 4.—This day I spent in council with General Atchison. He says he will do all in his power to disperse the mob. We employed him and Alexander Doniphan (his partner) as our counsel in law. They are considered the first lawyers in upper Missouri.

President Rigdon and myself commenced this day the study of law, under the instruction of Generals Atchison and Doniphan. They think, by diligent application, we can be admitted to the bar in twelve months.<sup>12</sup>

But political problems apparently intervened, and hostilities again broke out.

On 9 September, the Mormons seized a shipment of arms enroute to the mobs of Missourians roving the countryside. Fearing this might ignite a civil war, Major General Atchison ordered Doniphan, then Brigadier General of the Western division of the Missouri Militia, to take a regiment of the Clay County Militia and prevent a collision between the two opposing forces. On 12 September 1838, Doniphan left his troops on the Crooked River and went with his aide to Far West, where he asked for the release of the wagon of arms and the prisoners the Mormons were keeping. The Mormons complied. On the 14th, Doniphan marched his troops north into Daviess County. Near Millport he encountered a mob force under the direction of a Dr. Austin. They were read the order to disperse, but they refused. Doniphan then proceeded to Adam-ondi-Ahman where he found a Mormon force gathered. The Mormons agreed to disperse if the mob would. This not being likely, Doniphan encamped between the two forces.<sup>13</sup> The groups were finally dispersed after the arrival of General Atchison. However, trouble soon broke out in Carroll County.

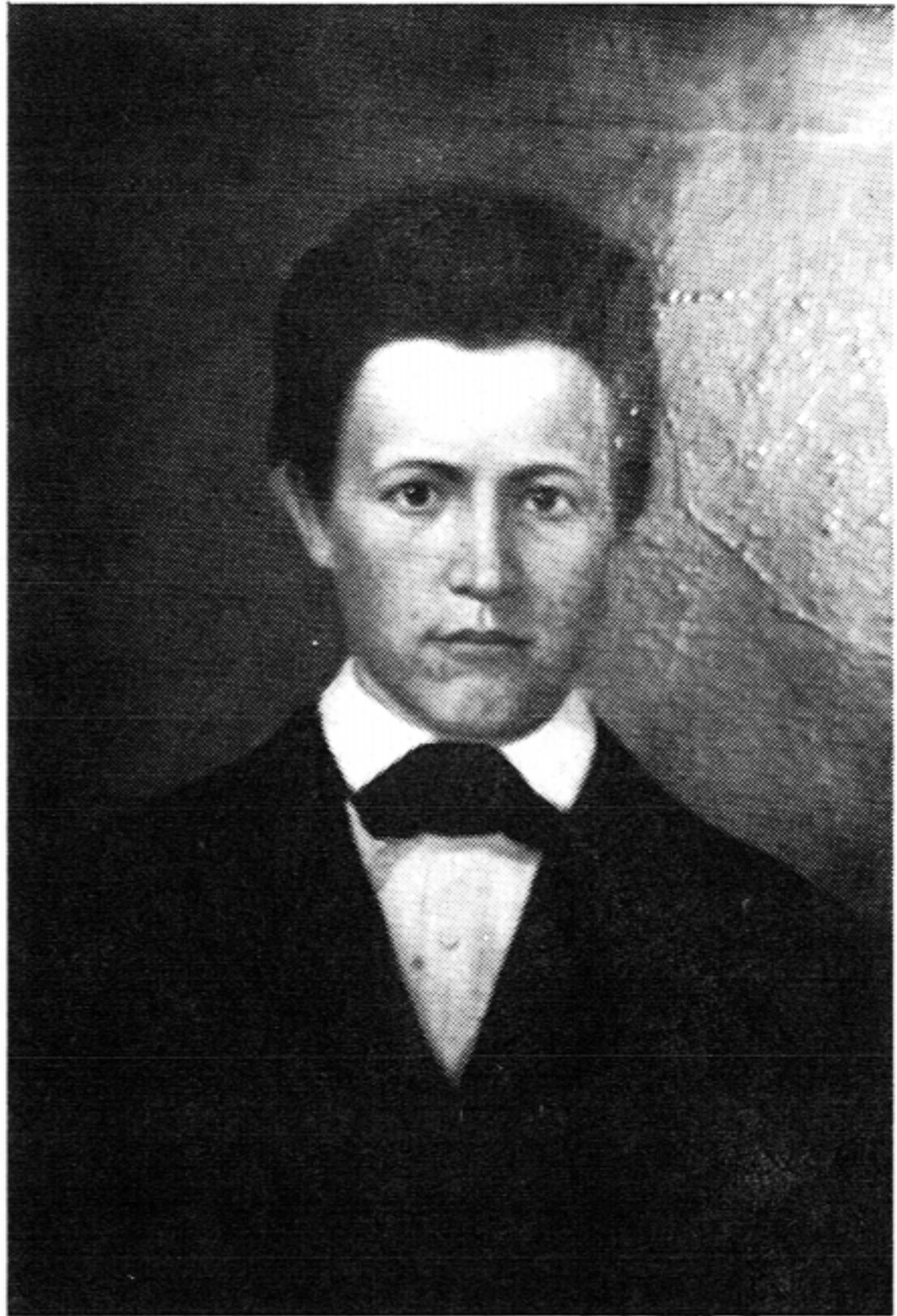
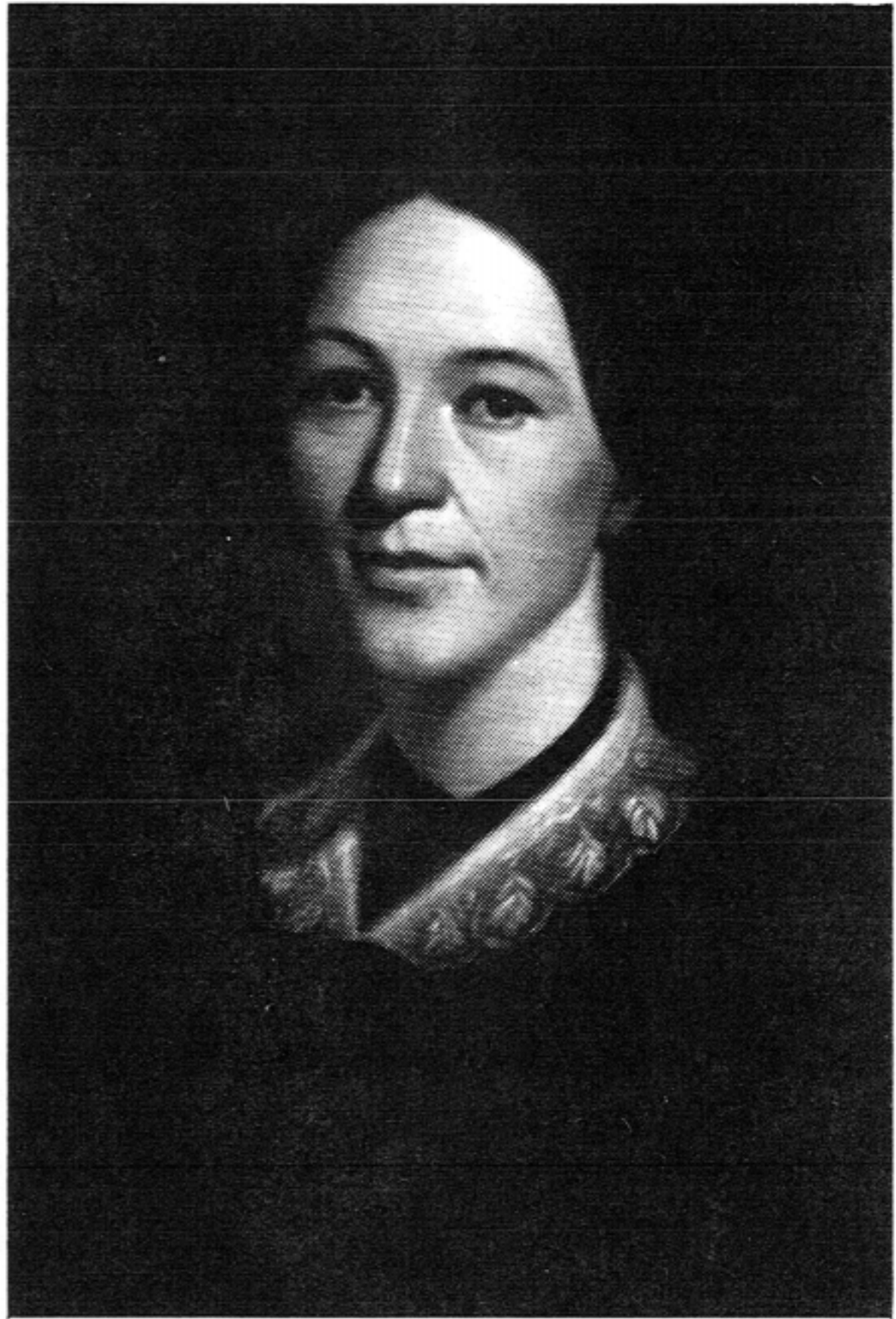
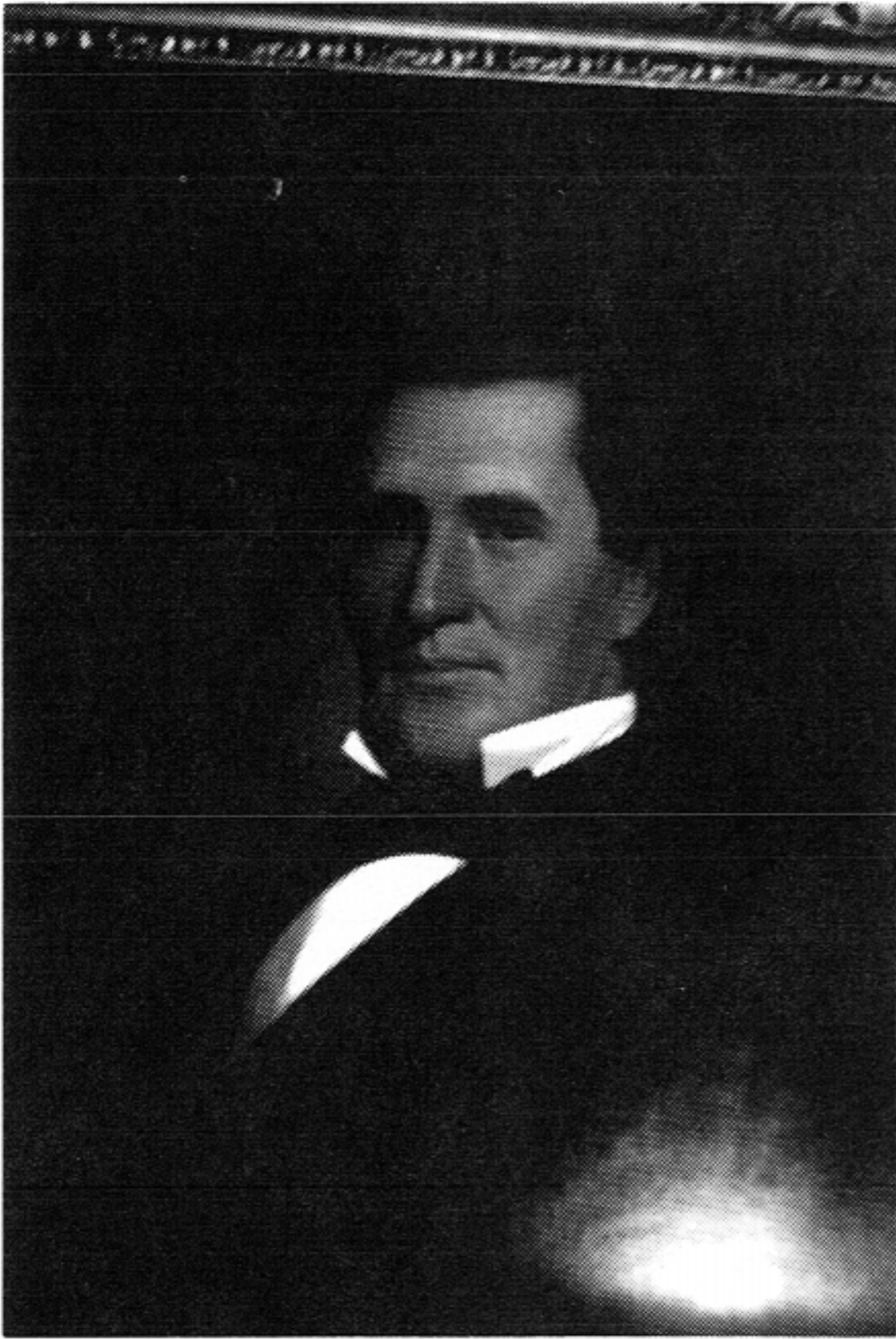
<sup>12</sup>HC 3:69.

<sup>13</sup>Ibid., p. 78.



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The Alexander W. Doniphan Family



The Mormon settlement at DeWitt was surrounded and the Saints forced to leave. The ousting of the Mormons from Carroll County encouraged the mobs in Daviess County, who gathered together again, determined to drive the Mormons out. In early October General Doniphan informed Joseph Smith "that a company of Mobbers, eight hundred strong, were marching toward Adam-ondi-Ahman."<sup>14</sup> He ordered Lieutenant Colonel George M. Hinkle, a Mormon, to raise a force and march to the aid of his fellow Mormons, until he himself could raise a reliable company from Clay County.

The Mormon offensive scattered the mobs, but in the end it worked to their disadvantage. By seizing Gallatin and Millport, the Mormons caused rumors to spread among the Missourians that they intended to lay waste the entire northern part of the state. The Mormons on their part were sure that mob forces were planning an attack on Far West. Rumors, charges, and countercharges were so numerous that it made it hard for anyone to know just what was happening.

The final spark that ignited the fire of passion which drove the Mormons from the state occurred on 25 October 1838. The Mormon Militia under Captain David W. Patten engaged a detachment of the State Militia under Captain Samuel Bogart at Crooked River. The Mormons were responding to an attack on a Mormon settlement by Bogart on the 24th. Patten and two of his men were killed, while Bogart's forces lost only one man.<sup>15</sup> However, rumors of a Mormon massacre and a probable march on Richmond spread swiftly. Without questioning the validity of the reports, Governor Boggs issued his infamous "Extermination Order" on 27 October 1838. In the meantime, Generals Atchison, Lucas, and Doniphan were marching north to restore order. Atchison and Doniphan requested by letter additional arms from Fort Leavenworth to help put down what they thought was a Mormon uprising. But Colonel Mason of the U. S. Dragoons responded that he could not justify giving arms to one party to be used against the other. He was there to protect both from Indians, not to interfere in internal politics.<sup>16</sup>

It was on the 28th that General Boggs' order caught up with the generals. The order gave General John B. Clark full command and General Lucas a subordinate command. General

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<sup>14</sup>Ibid., p. 161.

<sup>15</sup>Ibid., pp. 170-171.

<sup>16</sup>JH (27 October 1832), p. 2.



Atchison was not to command any troops.<sup>17</sup> Atchison resigned and returned home outraged. Doniphan continued under Lucas' command, but paid no attention to the extermination part of the order, for, as he stated in his report to the Governor, it was entirely illegal.<sup>18</sup>

About the 29th, the State Militia arrived in front of Far West. At first the Mormons thought that the militia was there to protect them, but they soon learned otherwise. The Mormon leaders sent Charles C. Rich out under a white flag in an effort to have an interview with General Doniphan. They hoped that this man who had been their lawyer during the Jackson County expulsion would again help them. Doniphan calmed the fears of the Mormons of immediate doom by agreeing to spare the people of Far West at least until he was directed to do otherwise. During the next twenty-four hours, Colonel George M. Hinkle consulted with Doniphan twice. The exact subject of their discussion may never be known, but the end result was the betrayal of Joseph Smith and four other Mormon leaders into the hands of the State Militia. The next day, 1 November, a courtmartial was held at the order of General Lucas, and the five prisoners were found guilty of treason. Doniphan, the only lawyer present, objected, stating that the court-martial was "illegal as hell," because civilians are not subject to military law. In addition, he challenged the make-up of the court-martial, as not all the judges were military personnel.<sup>19</sup> However, the next morning Doniphan received orders to shoot the prisoners. He refused and withdrew his troops to Liberty. After Doniphan's departure the prisoners were taken to Independence, while Far West was forced to surrender. Joseph Smith was taken to Liberty where he spent many months of abuse in jail before his defense lawyer, Doniphan, was able to get a change of venue from Daviess to Boone County. While enroute to Columbia, the prisoners were allowed to escape.<sup>20</sup>

With the expulsion of the Mormons from Missouri, Doniphan returned to his law practice and local politics. Some years later, in 1846, the Governor asked Alexander to help raise volunteers to fight in the Mexican War. Doniphan consented with enthusiasm. He even volunteered himself to serve as a private;

<sup>17</sup>David D. March, *The History of Missouri* (New York: Lewis Historical Publishing Co., 1967), 1:567.

<sup>18</sup>*Saints' Herald*, 28:230.

<sup>19</sup>JH, 28 May 1868, p. 1.

<sup>20</sup>March, *History of Missouri*, pp. 570-571.



however, he was soon elected Colonel of the 1st Regiment of Missouri Mounted Volunteers. As such, he was second in command to Colonel, later General, Stephen W. Kearny of the Army of the West. Rendezvousing at Fort Leavenworth, the volunteers underwent a few weeks of training. Then on 26 June 1846, they began their march. By August, the Army of the West had arrived, unopposed, in Santa Fe. Kearny desired to move on to California, so he left Doniphan in charge. Several weeks later on 9 October, the Mormon Battalion arrived in Santa Fe, en-route to join Kearny. Upon hearing of their arrival, Doniphan ordered a one-hundred gun salute fired in honor of their loyalty despite the wrongs they had suffered.<sup>21</sup>

Colonel Sterling Price arrived shortly after the Mormon Battalion. Complying with orders, Doniphan turned over command of Santa Fe to Colonel Price and moved south toward Chihuahua where he was to rendezvous with General John E. Wool. Several thousand dry and dusty miles later, Doniphan entered Chihuahua. He had fought two major engagements with the Mexicans at Brazito and Sacramento, and had been victorious despite being outnumbered four to one. More important to Doniphan, he had accomplished his assignment with a minimum of casualties to his own men. July 1, 1847, marked the triumphant return of Doniphan and his men to Missouri. They had traveled behind enemy lines for nearly 3,600 miles, living off the land and out of contact with superiors. They had defeated two armies and brought nearly all of Central Mexico under United States control. The exploits of Doniphan's Expedition became a topic of conversation for years.

Despite the glory and fame his expedition had brought him, the next ten years were not happy ones for Doniphan. Tragedy struck his family three times during the 1850s. On 9 May 1853, John T., his oldest son, was accidentally poisoned at the home of his uncle, James H. Baldwin.<sup>22</sup> Shortly afterwards his wife, Elizabeth Jane, suffered a stroke which left her a semi-invalid until her death in 1873. Then in 1858, Alexander Jr. drowned in Buffalo Creek, while attending Bethany College in Virginia.<sup>23</sup> The deaths of his two boys and the stroke of his wife left

<sup>21</sup>Daniel Tyler, *A Concise History of the Mormon Battalion in the Mexican War* (1881; reprint ed., Chicago: Rio Grande Classic, 1964).

<sup>22</sup>*Liberty Tribune*, Liberty, Missouri, 1846-1858. [Compiled by Nadine Hodges, 1967.]

<sup>23</sup>*The Millennial Harbinger*, Bethany, Virginia, 1858. [Compiled by Nadine Hodges, 1969.]



a deep impression upon the soul of Doniphan. Perhaps for this reason, he joined the Liberty Christian Church in 1860. As he entered the waters of baptism, the people watching on the banks of the river wept for joy.<sup>24</sup>

Personal tragedy, however, did not lessen his interest in public service. In 1861, when the nation was being torn apart over the issues of slavery and states rights, Missouri was in the middle of the controversy. Missouri was divided. The governor and lieutenant governor were southern in their sympathies, while most of the legislature was pro-Union. On 28 February, a pro-Union convention met in Jefferson City to decide what course Missouri should take. Doniphan was a delegate<sup>25</sup> to that convention, which adjourned to St. Louis on 22 March where it was decided to adopt the Crittendon Compromise.<sup>26</sup> The state, however, remained divided.

Doniphan was very much against secession. When he learned of South Carolina's secession, he printed and distributed handbills inviting Missourians to attend a meeting where he would present his views on the issue. The night of the meeting 6,000 people came to hear him speak. They stayed in the snow for three hours while he entreated them to remain loyal to the Union.<sup>27</sup> Shortly after this public meeting, he attended the Peace Conference in Washington D. C., where he met President Abraham Lincoln. Upon meeting Doniphan, Lincoln stated, "You are the only man I ever met who, in appearance, came up to my previous expectations."<sup>28</sup> The Peace Conference failed, but Doniphan and others were able to keep Missouri from officially seceding from the Union. When the fighting of the Civil War began, Doniphan was offered command of the pro-Southern troops from Missouri. He refused for personal and family reasons. In 1863, he moved to St. Louis.

After the Civil War, Doniphan returned to western Missouri. He settled in Richmond, where in addition to continuing

<sup>24</sup>Gano Letter, "Western Historical Manuscripts Collection," University of Missouri, Columbia, file 37.

<sup>25</sup>W. M. Paxton, *Annals of Platte County Missouri* (Kansas City: Hudson-Kimberly Publishers, 1897), pp. 306-307.

<sup>26</sup>March, *History of Missouri*, 2:867.

<sup>27</sup>Raymond W. Settle, "Colonel Doniphan—Symbol of Pioneer Americanism," *William Jewell College Bulletin*, vol. 20, no. 7 (Liberty, Missouri, 1947), p. 7.

<sup>28</sup>William E. Connelley, *Doniphan's Expedition* (Topeka, Kansas, 1907), p. 39. (Reprint of D. C. Allen's "Colonel Alexander W. Doniphan—His life and character.")

his law practice, he engaged in banking and traveling until his death in 1887. On one of his trips, in 1874, he journeyed to Utah, where he was warmly received by his Mormon friends.<sup>29</sup>

While Doniphan was much esteemed by the Mormon people, what his interest in them was remains largely in the realm of speculation. Not enough evidence has as yet been found to prove that he held anything more than a professional interest in them. Not once did he mention them in his brief autobiography, nor has any holograph correspondence been found between himself and the Mormons. However, Mormon accounts show that Doniphan did think highly of the Mormons, for they report he described them as a "peaceable, sober, industrious, and law-abiding people."<sup>30</sup> He is also reported to have said the following about the Mormon leaders:

I have never met a group of men who had native intelligence and understanding and force of character that have ever quite equaled the group of men- leaders gathered about Joseph Smith. . . .<sup>31</sup>

There are many possible reasons why Doniphan never developed a more personal relationship with the Latter-day Saints. One reason might have been his love for Missouri and her people; another reason might have been his own sense of duty, for his life was dedicated to the service of others and to the defense of truth and justice; still a third possibility might have been that the force of his character and that of Joseph Smith's conflicted with each other. Whatever the reason, the nobleness of the man cannot be denied, for "there was no oppression in his presence. The great man was forgotten in the genial friend and faithful counselor."<sup>32</sup>

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<sup>29</sup>*Deseret Evening News*, 22 May 1874, p. 3.

<sup>30</sup>*Saints' Herald*, 28:230.

<sup>31</sup>Given in 1884 to John Morgan, President of the LDS Southern States Mission. Name file, Church Office Building, Salt Lake City.

<sup>32</sup>Connelley, *Doniphan's Expedition*, p. 38.