Early Restoration Councils, 1830–1838: A Tool to Refine Individuals

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Early Restoration Councils 1830–1838: A Tool to Refine Individuals

Nicholas Andrew Davis

A thesis submitted to the faculty of
Brigham Young University
in partial requirement of the requirements for the degree of

Master of Arts

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When Joseph Smith founded the Church of Christ in April 1830, he also established the framework for councils, the decision-making mechanism of the early Church. Early councils included a group of men holding the priesthood and often included a congregation. They would gather and make authoritative decisions, including if someone accused of wrongdoing was guilty and should receive formal disciplinary action.

As the Church grew, Smith further developed this council system. Elders and high priests frequently formed councils, which gradually gave way to bishop’s councils. In 1834, high councils began to establish an appellate court where disgruntled Church members could appeal their case. Later, Smith formed other disciplinary bodies and gave them limited jurisdictional authority. Depending on where they lived, Church members utilized different councils. Kirtland and Missouri principally used a bishop and high council, while other outlying congregations relied primarily on elder and high priest councils.

Notwithstanding these organizational differences, early Church councils exhibited several consistent patterns. They encouraged individuals to reform their behavior, provided progressive rights to women and children, and inspired confidence in the system, even though Church leaders sometimes disagreed with individual rulings. Although often overlooked, early Church councils played a pivotal role in protecting and developing Church orthodoxy and orthopraxy.

Key Words: Councils, conferences, disciplinary councils, high council, Seventies, bishop’s courts, traveling high council, Missouri presidency, Church discipline
ACKNOWLEDGEMENTS

An African proverb reads, “It takes a village to raise a child.” My thesis demonstrates this. Family and friends have made significant contributions to help me and my family throughout this process. This paper is a far cry from a solo feat.

I should first acknowledge the aid that I have received from heaven. I am indebted to God who provided me the thoughts and means whereby I could research this topic. He has provided me vital strength and mental acuity. This would not have been possible without him.

I am also grateful to my wife, Dani, who supported me even though I became less available to help her and our three children. Since beginning this journey, we have welcomed the last two of these children into our home. Yet she has continued to encourage me to spend the necessary time during weekday evenings and on many Saturdays to research, write, and rewrite. Her selfless support has been invaluable.

Without the support of Richard Bennett, this project would never have gotten off the ground. His encouragement to study and pursue this largely unexplored vein of Church history was vital. At the beginning of my degree, he suggested that I write my papers for each class on a topic related to whatever subject my thesis would likely address. This wise counsel has saved me countless hours and helped improve the quality of this paper.

The thoughtful assistance of my chair, Alex Baugh, has helped refine both my thinking and this thesis. His editorial skills and meticulous, and likely monotonous, examination of my footnotes has significantly aided me. He has largely borne the brunt of my polished, but unrefined, versions of this paper without complaint. He has been patient and optimistic regarding my still developing skills as a historian, for which I am indebted.

Many others have also contributed in significant ways. Gerrit Dirkmaat and Brent Rogers patiently read my thesis and provided thoughtful insights. Terry Ball helped me obtain the proper
approvals, so I could formally begin. My parents, Dan and Shauna Davis, have consistently encouraged me, for which I have been grateful. Neighbors and friends have helped watch my children on several occasions when my wife had another obligation and I remained at work to research and write. Although my name will be printed on the degree, there are countless others who have made this possible. I will forever be in their debt.
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Introduction

In 1871, the Illinois Supreme Court heard an appeal involving an Episcopal clergyman who sued his church for disciplining him. Justice Thornton delivered the opinion of a unanimous court, “The civil courts will interfere with churches or religious associations when rights of property or civil rights are involved. But they will not revise the divisions of such associations upon ecclesiastical matters merely to ascertain their jurisdiction.”¹ Within his supporting commentary, Thornton added this insight, “A church without discipline must become, if not already, a church without religion.”² This thesis explores how these principles were demonstrated within the early Latter-day Saint Church, formerly known as the Church of Christ.

In April 1830, Joseph Smith organized the Church of Christ and designated Church councils as the modus operandi for formal Church adjudication. From 1830–1838, several hundred councils were held where individuals were accused of wrongdoing. Every council has a complex story, for they involve different people, adjudicators, and locations, in addition to other unique circumstances. Grouping these cases into functional groups inevitably creates overgeneralizations.³ Additionally, council clerks recorded varying amounts of information. While some wrote pages on a single case, others summarized council proceedings in only a

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³ For the purposes of this study, a “case” is defined as adjudicatory proceedings where individuals in authority attempt to resolve a disagreement. Except in one case, all of these are handled by a group of Church members. See Minute Book 1, Church History Library, Salt Lake City, UT, 251–52, hereafter cited as MB1.
sentence or two. These disparities make it difficult to create useful quantitative comparisons. Consequently, this study relies primarily on qualitative analysis of these early Church councils.

This thesis examines the development of Church councils from 1830–1838 within The Church of Jesus Christ of Latter-day Saints. The first chapter creates some historical context by discussing the prevailing disciplinary attitudes and practices of various churches and religions throughout the northeastern United States in the early-1800s. The second chapter briefly examines the development of Latter-day Saint councils from 1830–1838. Each of the next three chapters examines councils based upon where the council occurred, such as Kirtland, Missouri, and outlying areas. After grouping each council depending on where they occurred, the councils with general jurisdiction are examined first, from the lowest appellate body to the highest, followed by the councils with limited jurisdiction. Councils held within Ohio, but outside of Kirtland, are examined separately from those that were heard within Kirtland. Chapter six examines all councils and discusses a few consistent patterns and themes that emerge when considering these councils, without regard for location. Chapter seven concludes by providing a brief synopsis of each of the preceding six chapters.

Separating each council according to location helps to minimize several confounding variables. First, people participated in councils more often when they occurred near their home. Although Joseph Smith participated in councils throughout both Ohio and Missouri, he most actively attended in Kirtland, where he lived. Second, councils occurred more regularly in areas

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with higher concentrations of Church members. From 1830–1838, the Church in Kirtland held more councils and permitted more types of councils than anywhere else. To permit councils held in outlying areas to have a voice, these few councils are discussed separately from Kirtland. Third, records of outlying councils were preserved less regularly, since they often did not have a designated minute book, unlike their Kirtland and Missouri counterparts. Consequently, records of these councils are found more often in missionary journals, letters, and Church periodicals than in formal Church minute books.

Early Church council procedures were often inconsistent and, in some cases, took decades to fully develop. Church leaders often followed some guiding principles. However, exceptions regularly occurred. Unlike today where Church Handbooks standardize Church policies and procedures, Joseph Smith did not create a similarly detailed policy manual. Reading accounts about the Church from the 1830s with a twenty-first century lens where Church procedures, policies, and curriculum are standardized worldwide will inevitably create inaccurate or, at best, incomplete interpretations of these historical events. Therefore, modern readers must seek to understand these historical events on their own terms and refrain from filling in unrecorded details with twenty-first century assumptions.

For example, modern Church Handbooks discuss well-defined and nuanced types of disciplinary actions. When a modern Church council investigates a transgression, they issue one of four possible sentences: no decision, formal probation, disfellowshipment, or excommunication. Disfellowshipped Church members “retain membership in the Church” but


6 *Handbook 1: Stake Presidents and Bishops*, (Salt Lake City: The Church of Jesus Christ of Latter-day Saints), 2010; *Handbook 2: Administering the Church*, (Salt Lake City: The Church of Jesus Christ of Latter-day Saints), 2010.
cannot freely participate in public worship. Excommunicated persons lose the “privileges of Church membership.” Once someone is excommunicated, they must be rebaptized before rejoining the Church. Conversely, those who were disfellowshipped can regain lost privileges if another similar council convenes and determines that appropriate changes have occurred, warranting a removal of the restrictions that had been placed on them.⁷

These carefully considered types of discipline did not exist in early Church councils. In mid-1833, separate councils delivered guilty persons “over to the buffetings of Satan,” cut them off, or declared that they could no longer “have no fellowship” with the Saints.⁸ All these references explain the council’s decision differently, but each aligns most closely with the Church’s modern definition of excommunication. Illustrating the lack of standard vocabulary for Church discipline, one entry discussed both cutting off and removing John and Eden Smith from “fellowship.” Although these sentences were discussed separately, early Church members likely viewed cutting off and removing someone from fellowship similarly—separating that individual from the Church.⁹ Aside from quorum councils, most references to the withdrawal of fellowship within these early Church councils implies the removal of fellowship from the Church, or

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⁹ Journal History, July 2, 1833, 2.
modern excommunication. 10 Although quorums would withdraw fellowship from erring quorum members, they could not remove Church membership. 11

As another example, modern Church councils rebaptize excommunicated persons before reinstating them within the Church. In April 1830, Joseph Smith stated that interested members of other faiths who had previously been baptized needed another baptism before they could receive Church membership. 12 If these individuals later left the Church, without joining another religious sect, the Church did not require them to be rebaptized during the early 1830s. Several early members were cut off from the Church and reinstated during the same day, sometimes even within the same council. 13

The practice of rebaptizing all who lost their Church membership appears to develop during the 1830s. In November 1835, Joseph Smith recorded that Isaac Hill was rebaptized after he publicly confessed his follies. Of further interest, Hill did not appear to join another religious sect while out of the Church. 14 Two months later, Harvey Whitlock was similarly restored to the Church, following his rebaptism. 15 Early rebaptisms appeared to occur most often around Kirtland. However, since they also were required in Tennessee during mid-1836, the practice

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10 JSP, D5, 247, 251; MB1, 239. The removal of priesthood licenses appears to more closely relate with modern disfellowshipping. However, this comparison is not a perfect duplicate.

11 See discussion on pages 68–69.


13 MB1, 21, 25–26; JSP, D6, 29.

14 Journal History, November 8, 1835, 1.

15 JSP, D5, 164–65. In April 1836, Leman Copley was “received into the Church again, by baptism.” See Joseph Smith manuscript history, vol. B–1, Church History Library, Salt Lake City, Utah, 647.
may have been widely understood, even it was not universally implemented. Approaching these councils with the certitude and specificity of the modern-day Church will inevitably create faulty assumptions and erroneous conclusions.

The types of councils held also reflected this fluidity. Although standards and procedures were more developed by 1838, this development was a process rather than an event. In February 1833, a group of priesthood holders gathered to investigate charges filed against Burr Riggs. The minutes began with noting that “a conference of high Priests was called.” Yet when issuing the decision, the minutes record, “It was the unanimous voice of all the Elders present that he … was adjudged Guilty and accordingly cut off from being a member of this Church of Christ.”

If the clerk for this conference, Frederick G. Williams, blurred council procedures by interchangeably referring to high priests and elders, even though he also served as Joseph Smith’s second counselor, other Church members and leaders likely did as well.

Notwithstanding their intricacies, early Church councils had a profound influence on the Church. Not only did they help maintain orthodoxy and orthopraxy within the developing Church, but they provided opportunities for new Church leaders to develop their leadership abilities while reinforcing a merciful approach for all Church members.

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16 *Messenger and Advocate* 2, no. 9 (June 1836): 332. This elders conference may also have removed and reinstated Daniel Cathcart during the same conference. Phineas Young was “suspended from Church membership” for charges that were later removed by the Kirtland high council. Although this happened only two months before Isaac Hill was rebaptized, the minutes fail to record any such rebaptism for Young. See MB1, 96–97, 123–25; Journal History, November 8, 1835, 1. Similarly, no reconvening or rebaptism was recorded for some later offenders, even though they later held Church leadership positions. See MB1, 245–46, 248–49.

17 MB1, 10–11.
Chapter One:

Biblical and Early Nineteenth-Century Religious Disciplinary Practices in the United States

At the turn of the eighteenth century, religions in the newly-formed United States maintained internal disciplinary practices, perhaps to help maintain high religiosity among their practitioners. Although modes of discipline varied, religions consistently sought to maintain a specific standard of behavior among their adherents through formal disciplinary procedures. For example, evangelical Protestant traditions, such as Methodism, Congregationalism, Puritanism, Quakerism, and Baptism implemented corrective discipline based upon biblical practices and teachings. Even if a religious group’s initial mores were free-spirited and wary of authority, believers would eventually coalesce toward a “a centralized religious organization [which] seemed the only guarantee against chaos.”

In a move that helped spread religiosity across colonial America, Jonathan Edwards, a well-known Congregationalist preacher in New England, wrote George Whitefield, a young, enthusiastic Methodist with a unique preaching ability who lived in England. In his letter, Edwards implored Whitefield to come and help create “a great and general Awakening” within the English colonies. Responding to the invitation, Whitefield travelled and preached throughout the United States from 1739 to 1741, invoking within his listeners an unusual


19 Not only did he have a unique ability to preach emotional sermons, but he likely had a voice “as loud as any measured voice today.” See Geordan Hammond and David Ceri Jones, eds., *George Whitefield: Life, Context, and Legacy* (Oxford: Oxford University Press, 2016), 188.

emotional response. His passionate orations even moved the frugal Benjamin Franklin to put all the money that he was carrying in his pockets into the collection dish. News of the movement quickly spread throughout the colonies. Stories about this religious revival appeared in thirty-five “percent of all colonial publications” in 1745, raising individual religiosity and cultivating the colonists’ zeal for independence on the eve of the Revolutionary War.

This preaching not only fostered greater zeal within individuals, but it reinforced public accountability within both congregations and denominations. To help encourage the faithful living that he extolled, Edwards advocated “public accountability for a range of bodily behaviors, including religious performances, sex, and other erotic practices, that could only be addressed within a gathered congregation of the faithful.” Though these preachers emphasized “freedom of conscience and religious liberty,” their “movements often turned out to be less democratic” than New England Congregationalists.

Following the Revolutionary War, Protestant religions in the United States began to exude evangelical leanings, severing some of their Reformation roots. When examining the import of these actions, one historian asserted that it is “not an exaggeration to claim that this nineteenth-century Protestant evangelicalism differed from the religion of the Protestant

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22 Benjamin Franklin, *The Autobiography of Benjamin Franklin: Published Verbatim from the Original Manuscript* (London: George Bell & Sons, 1884), 98.


Reformation as much as sixteenth-century Reformation Protestantism differed from the Roman Catholic theology from which it emerged.”26 This theological shift emphasized several acts of personal devotion that evangelicals believed should follow in the wake of a personal confession, culminating in baptism. While reinforcing the Reformation’s emphasis on self-discipline, evangelicalism expanded it to also include complimentary societal duties.27

Perfectionism, a central theme of the Second Great Awakening, taught that “the pious life of the converted reflected their holiness and could assure the faithful of their spiritual fate,” a common belief among several Protestant religions.28 Confession initiated a process by declaring an intended destination. Without subsequent reformation of character, this purportedly sincere declaration became cheap since it lacked the power to affect behavior. Perfectionists claimed that the life and character of the neophyte demonstrated the veracity of their confession. To help sustain good-intentioned confessors, local congregants attempted to elevate their fellow parishioners’ spirituality by encouraging personal piety and communal discipline, thereby fulfilling the divine mandate to care for “the spiritual well-being of those around them.”29

In their attempts to reform transgressors, religious communities often utilized both informal and formal means. Informal attempts of reconciliation often involved private interactions with the individual, wherein they were encouraged to follow both the doctrines and


29 Kruczek-Aaron, Everyday Religion, 7.
practices of their religious sect. If this proved unsuccessful, errant congregants would often become subject to formal church discipline, which was normally developed from biblical philosophies and procedures. Congregational worship generally initiated this disciplinary process, which commonly sought to facilitate individual reformation. As the disciplinary process continued, either a congregation or small group of church leaders would try the individual. Therein the adjudicators would pronounce the defendants either guilty or innocent and, if needed, issue a sentence. Since these disciplinary procedures profoundly influenced Protestant church discipline, this chapter first examines Old and New Testament examples before exploring the processes of some influential Protestant religions within the early eighteenth-century United States.

Old Testament

The Old Testament’s formal penal code, the Law of Moses, established a unique conceptual and procedural foundation for discipline. When compared to contemporary jurisprudence, ancient near eastern cultures existing at the time of Moses believed that the primary responsibility for societal discipline rested with the religious leader or king who would create the society’s penal code.30 However, penal codes were created and enforced by different people. After establishing the law, many rulers delegated some adjudicatory responsibilities to others.31 In contrast to these prevailing cultural traditions, the Old Testament stated that Moses


31 The delegation of authority as recorded in Ex. 18, Deut. 1, and Num. 11 was similarly modelled by Hammurabi. See also D. J. Wiseman, “Law and Order in Old Testament Times,” Vox Evangelica 8 (1973): 10.
received the law from God, primarily to establish “a priestly kingdom and a holy nation.”\textsuperscript{32} This, the Law of Moses’s most unique and defining characteristic, formed a covenantal responsibility for the Israelites to both adhere to and enforce these divine decrees. This motivated the Israelites to obey the law, since adherence to its precepts brought Jehovah’s blessing. Reinforcing this concept, scriptural records showed that the disobedient actions of a few could create negative consequences for the community, at large.\textsuperscript{33} This cultivated a synergistic societal movement to regulate sinful actions and promote obedience to the law—a covenantal commitment that the Israelite nation reaffirmed annually.\textsuperscript{34}

A few additional characteristics of the law of Moses also stood in stark contrast to Israelite’s neighbors. First, Israelite law stipulated that punishment for wrongdoing should not mutilate or degrade the body of the offender, unless it mirrored the consequences of their errant actions.\textsuperscript{35} Although the prophet could not use abject bodily humiliation to intimidate the Israelites into subservience, the law still firmly punished inappropriate behavior. Thus, the codified temporal consequences for sin simultaneously encouraged individuals to reform while deterring others from similar actions.\textsuperscript{36}

Second, punishments were proportional to crimes that had been committed. However, the law valued devotion to God and the proper treatment of other humans over material possessions. For example, since they believed that God formed man in his image, the consequence for murder

\textsuperscript{32} Ex. 19:6. All Biblical quotations come from the New Revised Standard Version (NRSV), unless otherwise noted.

\textsuperscript{33} Josh. 7:1–5.

\textsuperscript{34} Wiseman, “Law and Order,” 15.

\textsuperscript{35} For example, see Ex. 21:12–32.

\textsuperscript{36} Wenham, “Law and the Legal System,” 40.
was death rather than monetary compensation, a common punishment for lesser crimes. The foundational law code, the Ten Commandments, similarly prioritized demands upon the people, a conclusion “confirmed by the penal law.” Israelites were to worship God, respect others, and respect others’ things—in that order. Not all penalties included public disgrace. When individuals privately offended another individual, those crimes could often be privately adjudicated. However, all religious offenses, due to their more serious nature, could include a public prosecution before members of the community.

Third, the law of Moses placed requirements on both discernable and self-regulated behavior. The Ten Commandments actively monitored the worship of God and the treatment of others, such as when they prohibited work on the sabbath day and adultery. However, they also outlawed coveting—an unobservable act that, unless acted upon, occurred only within an individual’s heart.

Fourth, the law of Moses rejected “any class-distinction in the administration of justice.” Societal and religious officials could not insulate themselves from the law’s strict demands by invoking a separate legal process established to protect the wealthy or privileged classes. God gave the law to all Israelites and intended to hold all of them equally accountable

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38 “Flagrant disregard of the first six commandments carried a mandatory death penalty. For the seventh death was probably optional, not compulsory. Only in exceptional cases would breach of the eighth and ninth commandments involve capital punishment. And it is most unlikely that the tenth commandment was ever the subject of judicial process.” See Wenham, “Law and Legal System,” 29.


40 Because of such internal commitments, Wenham concludes, “It may therefore be concluded that the Old Testament contains as comprehensive and demanding an ethic as is to be found anywhere in the ancient world. See Wenham, “Law and the Legal System,” 38.

for their actions, according to due process, without regard to their socioeconomic or religious position.42

A few passages in the Pentateuch indicate that Moses instituted a system of judges as the Israelites approached Mount Sinai. Exodus 18 records that Moses’ father-in-law, Jethro, advised Moses to create a hierarchical system of judges to alleviate some of his judicial burden. The proposed judiciary would enable these judges to decide “every minor case themselves,” while Moses reserved “every important case” for himself. Although the record indicates that “Moses listened to his father-in-law and did all that he had said,” it fails to provide any examples of this judicial process in action, aside from two other similar accounts of the formation of this judicial organization.43 Some biblical scholars have even questioned the viability of Jethro’s proposal, without regard for whether or not internal biblical evidence records any actual implementation of

42 However, the ideal was not always applied. After Israel was consolidated under a single monarchy, David committed both adultery and murder but did not receive any formal punishment beyond the guilt brought on by a rhetorical question posed by the prophet, Nathan. See 1 Sam. 11–12.

43 Ex. 18:13–27. The two canonical commentaries on Ex. 18, Num. 11:14–30 and Deut. 1:9–18, only provide administrative insights, for neither reference gives any examples of what this process would actually look like, aside from saying that the rulers “prophesied.” Num. 11:25–27. When comparing these accounts, no two are identical. All three accounts specify that Moses should gather individuals to assist him because of the weight of this responsibility. Deut. and Ex. have identical judicial structures while Numb. only calls for “seventy of the elders of Israel.” Additionally, the Deut. account does not mention Jethro—the main character in the Exodus account. Despite the differences between Num. 11 and Ex. 18, it is generally accepted that they are related the most closely. See Brevard S. Childs, The Book of Exodus: A Critical, Theological Commentary (Philadelphia, PN: Westminster Press, 1974), 324–25.
The Old Testament describes no other formal disciplinary system, other than prophetic decrees or elders witnessing official legal decisions at the city gates.45

Both historians and legal experts widely assert that the Judeo-Christian tradition, derived from the Christian Old Testament, profoundly influenced the English common law system, from which the United States legal system was primarily derived.46 When English colonies began to form in America, religious leaders modelled these disciplinary practices and procedures. For example, John Cotton, a Puritan leader, relied heavily on “Old Testament law and on the concept that the colonists were God’s covenant people” when he helped form the Massachusetts law code of 1648, “the basis for the constitutions of most of the early American Colonies.”47

New Testament

In addition to adjusting the Old Testament penal code by replacing many of the Mosaic requirements, Jesus Christ and his apostles established more explicit institutional disciplinary

44 Ex. 12:37 notes that 600,000 men left Egypt with Moses. If numerically accurate, this organization would have created an additional 78,600 judges within the camp of Israel, since there would have been 60,000 judges of 10 men, 12,000 judges of 50 men, 6,000 judges of 100 men, and 600 judges of 1,000 men. See Childs, The Book of Exodus, 333. Some scholars reject the idea of judges of ten even being assigned to households, claiming “This makes no sense. Either a quasi-military chain of command has been imposed upon the judicial system, or the numbers refer, not to men, but to clans.” See William H. C. Propp, Exodus 1–18: A New Translation with Introduction and Commentary 2, The Anchor Bible (New York: Doubleday, 1999), 632–33. Another scholar, Umberto Cassuto suggests that the numbers are hyperbolic rather than prescriptive. See Umberto Cassuto, A Commentary on the Book of Exodus, trans. Israel Abrahams (Jerusalem: The Magnes Press and The Hebrew University, 1983), 220.

45 1 Sam. 15:6–31; Ruth 4:1–12. However as the Davidic monarchy develops, less authority rests with the prophet and more with the king. See 1 Sam. 12:1–14; 1 Kgs. 1:5–31.


procedures.48 Forming the doctrinal foundation for these practices, Jesus began his public ministry inviting his listeners to repent.49 Concluding his ministry, as recorded within the synoptic gospels, Jesus commanded his disciples to proselytize, or “make” additional disciples—a process requiring personal repentance.50 Although Jesus personally adhered to the law of Moses, he extolled the virtue of a changed heart, in contrast to the Old Testament practice of donning sackcloth and ashes.51 Following his personal reformation, the apostle Paul continued Jesus’ pattern when he emphasized internal reform over demonstrations of personal remorse.52

When discussing Church discipline, Jesus did not mince words or immediately dole out public punishment upon all miscreants. Prior to publicly discussing an individual’s sins, he invited concerned Christians to “go and point out the fault [of the offender] when the two of you are alone.” Why? “If the [wayward] member listens to you, you have regained that one.”53 Jesus ultimately desired reformation, not punishment. However, Jesus’ patience with errant disciples should not be equated with an unwillingness to discipline the rebellious. If after a private conversation, the member continued to resist adjusting his misdeeds, Jesus instructed that two or three members should come visit privately with the sinner in an additional attempt to encourage


49 Matt. 4:12–17.


51 The two times that Jesus discussed sackcloth and ashes are recorded in Matt. 11:21 and Luke 10:13. These are two accounts of the same experience.

52 2 Cor. 7:8–11.

53 Matt. 18:15.
reform. If improvement continued to not be forthcoming, then the congregation became responsible for maintaining orthodoxy and orthopraxy by adjudicating the case.54

Although the New Testament only records one Christological statement on institutional discipline, the Pauline Epistles provide greater procedural clarification. However, these principles still only reveal shadows of a definite policy.55 Laying his theological foundation, Paul gave three reasons for ecclesial correction: (1) to help sinners recognize the error of their ways, (2) to help protect Christians from error by delineating clear standards of conduct and punishment for wrongdoing, and (3) to help non-Christians more clearly see Christianity’s good fruits by maintaining a body of saints in good standing.56

In his epistles, Paul explained that early Christians should not enact formal Church discipline as a punishment. Instead they should rely on patient persuasion, where people were removed from the Church only when they defiantly refused to reform.57 He believed that fellowship removal should only be considered when false doctrine was pervasively taught or a grievous sin, such as fornication, was committed.58 If a sinner became cut off from a Christian congregation for wrongdoing, New Testament Christians still sought to reform the individual: “Whoever brings back a sinner from wandering will save a sinner’s soul from death and will

56 2 Thes. 3:6–15; 1 Tim. 5:20; 1 Pet. 2:11–12; 1 Cor. 6:6–8.
57 1 Tim. 5:20; Matt. 18:17; 2 Cor. 2:5–8; Gal. 6:1; 2 Tim. 2:24–26.
cover a multitude of sins.”  At all stages, New Testament discipline sought to facilitate personal reformation while maintaining institutional purity.

Protestant Church Discipline in Early Eighteenth-Century United States

By 1850, the Methodists, Baptists and Presbyterians were the three largest Protestant denominations in the United States. In the latter part of the eighteenth century, the Presbyterians had more congregations than the Methodists or Baptists combined, placing them in a more optimal position for expansion than either of the other two. However, the itinerant Methodist preacher and the Baptist “farmer-preacher” quickly eclipsed Presbyterianism, “if for no other reason than that they [the Presbyterians] depended on a well-educated and well-paid clergy.” Because of this reliance on well-trained clerics, Presbyterians struggled to expand onto the frontier since these congregations could not afford a preacher without substantial financial assistance from a more established congregation.

When the United States obtained their independence from Great Britain, it lacked the infrastructure for an effective civil court system throughout the frontier. In many places,

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59 James 5:20.


Protestant congregations began to fill this void. 63 Although they achieved similar results, each denomination utilized different structures. In New York, where Joseph Smith organized the Church of Christ in April 1830, the most influential Protestant religions included the Congregationalists, Presbyterians, Methodists, Baptists, and Quakers. To help explore the climate and practices that Smith and many of the early Church members were familiar with, each denomination’s disciplinary processes and methodologies will briefly be examined.

**Congregationalists**

Puritanism, the predecessor of Congregationalism, originated among dedicated practitioners of the Church of England who wanted to purify the Anglican establishment from errant teachings and practices, including removing all priestly vestments, reestablish an educated clergy, and disseminate the English Bible to all.64 Aside from the brief reign of Oliver Cromwell from 1649–1658, this sect suffered persecution from both the monarch and the state-supported church, which intensified during the reign of Charles I.65 When this persecution began to increase, some Separatists, a group of more radical reformers who wanted to separate from the Anglican church rather than just reform it, decided to depart for the English colonies. Blown off course from Virginia, their intended destination, they landed in present-day Massachusetts, where they founded Plymouth. Following the successful establishment of Plymouth colony, some English Puritans received a charter to form the Massachusetts Bay Colony in 1630. Under

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63 “In most instances the only guardians of the morals of these communities were the little frontier churches.” See William W. Sweet, “The Churches as Moral Courts of the Frontier,” *Church History* 2, no. 1 (March 1933): 10.


65 The two groups largely contended over whether an individual’s actions could influence whether they were saved or not. See Youngs, *The Congregationalists*, 29–30.
the direction of John Winthrop, over 20,000 Puritans emigrated to Massachusetts Bay in just over a decade, primarily as families, during a period known as the “Great Migration.” The emigration of these families enabled the Puritans to have the largest footprint of any denomination throughout much of the New England region for over two centuries.66 Desiring religious freedom, “but only for themselves,” the Puritans leveraged civil authority to reinforce their religious beliefs by forcibly removing those who decried their orthodoxy and writing their religious practices into colonial law books.67

Within the Massachusetts Bay Colony, Puritan discipline originated within autonomous congregations, without oversight from any church hierarchy—another point of contention with the Anglican church.68 Although all citizens belonged to the church, “only a small group of visible saints were allowed to take communion and vote in church affairs,” including the election of civic leaders.69 As a result, the civil government began to enact and enforce statues that were analogous to Puritan teachings, largely mitigating the need for congregational discipline. For example, when the Puritan establishment disciplined Anne Hutchinson, they condemned her teachings by means of a religious synod. A synod was a joint-committee with representatives

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from multiple congregations that would occasionally assemble to determine doctrine. This religious synod enacted a civil decree and banished Hutchinson from the colony.70

Civil support of Congregationalism began to deteriorate when other religious communities starting to establish themselves in surrounding areas. In response, congregations developed adaptive religious practices to include those with less religious conviction, such as the Half-way covenant. Additionally, local Congregationalist ministers now actively disciplined their members, rather than just relying on the civil authorities. Following New Testament practices, if a private sin occurred, the minister would first converse privately with the individual to determine whether they would willingly reform his or her ways. If the individual did not satisfactorily commit to desist or had committed a public offense, the minister would admonish them publicly before determining, in consultation with the elders and brethren, if church privileges should be removed. In the severest cases, church membership was removed entirely.71

Presbyterianism

American Presbyterianism initially emerged as Presbyterians emigrated from England to the Middle Colonies. At first, colonial Presbyterians looked across the Atlantic for guidance, before forming their first synod in Philadelphia in 1717. Thirty years later, they formed another synod in New York, enabling local church leaders to more rapidly “respond to the demands of their environment and the needs of the people.”72 Presbyterianism’s continued growth was


bolstered by its strong religious traditions, especially during the First Great Awakening. This religious revival helped Presbyterianism to become the second largest religion in colonial America. Although its proportional market share decreased within these English colonies following the Second Great Awakening, Presbyterianism still influenced the theologies and religious practices of those living within the United States.

Presbyterianism classified discipline as “one of the ordinances of the church.” Following an accusation of misconduct, a Presbyterian “session,” or council of locally elected elders, would investigate and adjudicate the case to determine if the defendant’s actions were “contrary to the law of God or harmful to the best interests of other Christians.” Rather than seeking to punitively punish transgressors, Presbyterian discipline sought to encourage the reformation of individuals. As with a civil court, these church courts first sought to determine the guilt or innocence of the defendant. If guilty, the session would then carefully consider an appropriate sentence, intended to simultaneously motivate reformation of the reprobate and

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73 As measured by number of congregations (Finke and Stark, *The Churching of America*, 25).


75 Although each session would establish the tenor of their own court, non-attendance to services often rendered discipline to both the individual and, if applicable, the parents. If the session found an individual guilty of profanity, marital separation (to say nothing of divorce), public quarrelling with a spouse, drunkenness, and adultery discipline was often forthcoming. See Blanks, “Corrective Church Discipline,” 94–102.

76 “Church censures are necessary for the reclaiming and gaining of offending brethren.” See “The Confession of Faith” in Presbyterian Church in the U.S.A., *The Constitution of the Presbyterian Church in the United States of America; Containing The Confession of Faith, the Catechisms, and the Directory for the Worship of God; together with the Plan of Government and Discipline, as ratified by the General Assembly, at their sessions in May, 1821; and amended in 1833* (Philadelphia, PN: Presbyterian Board of Publication, 1839), XXX, 3.
communicate the gravity of their errant actions to other congregants.77 Because of their focus on facilitating change within individuals, the council would often replace suspension from communion with a formal censure if the guilty party demonstrated appropriate penitence.78 This merciful approach “often led to an apparently genuine reformation of character in those censured.”79

Baptists

Roger Williams first began to spread Baptist ideologies within the English colonies in the mid-1600s. Discontented with Puritanism, he left the Massachusetts Bay colony, founded Rhode Island, and organized a Baptist congregation. Baptist orthodoxy stipulated that “the members of each local church were subject to no higher ecclesiastical authority.”80 This versatile structure combined with energetic preachers that “stressed spiritual conversion and a strong individual responsibility to God,” initiated rapid expansion throughout frontier America, especially during and after the Second Great Awakening.81

The Baptist mantra included a firm belief that “correct discipline is the life of the church.”82 Baptist congregations adjudicated all cases, determining both the verdict and

77 However for serious or repeat cases, excommunication would result. When censures would be given, they were often read from the pulpit, “in order that the ‘edification’ of the church might be accomplished.” See Blanks, “Corrective Church Discipline,” 93.


79 Blanks, “Corrective Church Discipline,” 105.


81 Finke and Stark, The Churching of America, 85.

82 Wills, Democratic Religion, 3–10, 37.
sentence. These disciplinary proceedings filled a significant portion of their monthly conference meetings, where “the pruning of the congregation [was] done on Saturday prior to worship on Sunday.”

It was easier to enact discipline that it was to extend forgiveness to the repentant. A simple majority would condemn both ministers and congregants, while “most churches required unanimous votes to admit members and forgive offenders.” In early nineteenth-century Georgia, Baptist congregational courts heard cases dealing with three to four percent of all Baptist members annually. Half of those defendants were excommunicated. Perhaps in part due to their strict disciplinary practices, in later years Southern Baptist churches continued to grow “at twice the rate of the general population” and often had “at least three times as many” people attending meetings than were listed on official church rolls. Baptists maintained strict discipline for three primary purposes: spiritual development of the defendants, purity within the congregation, and the resultant revival attitude that it instilled within congregants.

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84 Wills, Democratic Religion, 30. Baptist congregations could even discipline their own preacher. For example, a minister was tried by his local congregation following an accusation that his stock had destroyed some of a parishioner’s corn. The congregation subsequently exonerated him from all wrongdoing. See Randy Mills, “‘And Their Fruits Shall Remain’: The World of Indiana Frontier Baptists.” American Baptist Quarterly 25, no. 2 (September 2006): 126.


86 Mark Dever, “Biblical Church Discipline,” The Southern Baptist Journal of Theology 4, no. 4 (Winter 2000): 34. Wills, Democratic Religion, 14. This rapid growth not only occurred in the South but across the western frontier. Perhaps this was because “no body of Christians were better suited to deal with this restless, moving population [on the western frontier] than were the Baptists.” See Sweet, The Baptists, 111. Baptism was viewed as a very significant decision, even “a spiritual Rubicon,” wherein the initiated would literally separate themselves from the world. See Wills, Democratic Religion, 15–16. This required potential converts to persuasively demonstrate their commitment and desire to make a covenant to the congregation.

87 Four quotes from Wills highlight these points: “‘The first thing to be attempted, in all cases,’ wrote Jesse Mercer, ‘is the restoration of the affected member’,” “the great object of Baptist church discipline was holiness and the preservation of purity,” “purity produced spiritual vigor,” “discipline brought revival.” See Wills, Democratic Religion, 31, 35–36. Interestingly, some modern-day Baptists wish that this revivalist attitude would be re-cultivated.
Methodists

John and Charles Wesley began preaching in the British Isles during the eighteenth century to reform the Church of England. This Anglican movement became a new denomination when John Wesley began ordaining preachers who could administer sacraments, despite receiving no such authority from the Anglican Church to do so. Thomas Coke, whom Wesley subsequently ordained, came to the United States where he ordained Francis Asbury, who later became the uncontested leader of American Methodism. By 1850, Methodism had spread to become the most widely practiced religion in the United States, a tribute to the dedication of passionate circuit riders.88

Early Methodist church discipline occurred in quarterly conferences without a formal court. John Wesley would distribute tickets to those who exemplified good Christian practices—barring those without a ticket from entrance. This enabled Wesley to discipline rebellious sinners without a formal trial.89 However, as Methodism expanded to America, the mode of church discipline evolved. These adjustments elevated the quarterly conference to become an appellate court and charged the local preacher with handling the initial offense. If the defendant appealed his case to a quarterly conference, he would “have his case reconsidered before a bishop, presiding elder, or deacon, with the preachers, stewards, and leaders who may be present”—

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preachers were tried separately before an annual conference. Although Methodism emphasized accountability and discipline, leaders were careful to make sure that such discipline did not become an end in itself, lest it should displace, even unintentionally, the ultimate goal—“holy living.”91

Quakers

During the English Civil War in the seventeenth century, George Fox began preaching that individuals could form a relationship with Deity without any aid from ordained clergy. This shifted the primary responsibility for a person’s spiritual well-being from the church to the individual family, challenging a key belief that reinforced the Church of England’s power. After successfully enduring persecution from both the Church of England and the crown, many Quakers, also called the Society of Friends, congregated in Pennsylvania on land granted by the English monarchy to William Penn.

To maintain discipline, Quakers primarily relied on their monthly meeting, which consisted of two or three congregations.92 Although quarterly and yearly meetings could assert

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91 Frederick A. Norwood, *The Story of American Methodism: A History of the United Methodists and Their Relations* (Nashville: Abingdon Press, 1974), 52. These Methodist practices are outlined within “Discipline for the Methodist Episcopal Church,” which is periodically updated to reflect new policies and procedures.

original jurisdiction, they rarely did—preferring to serve primarily as appellate courts. To help facilitate disciplinary proceedings, monthly meetings gave overseers the responsibility to investigate all alleged wrongdoings, even though this responsibility ultimately rested with the entire community. Even if found guilty, the defendants could often avoid severe punishment if they agreed to compose a written confession, demonstrating their sincere desire to reform. After the written confession was read aloud, those at the monthly meeting would “judge the sincerity of the delinquent” through this repentant act. The system of mores upon which appropriate Quaker conduct was evaluated originated as hedges “against the encroachments of the world.” These standards strictly controlled the conduct of each Friend, even regulating their travel arrangements.

Conclusion

By the turn of eighteenth century, Protestant churches within the United States consistently disciplined their members internally for improper conduct. Each denomination utilized different methods and adhered to different standards, but each sought to maintain a standard of behavior, encouraging their members to not only profess Christ but live in a Christlike manner. Although each denomination dealt with errant behavior differently, their

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93 Hamm, *The Transformation*, xvi. Marietta, “Ecclesiastical Discipline,” 2. However, the quarterly meetings were held much more regularly than the yearly. Although in 1800, there were six yearly meetings held in the United States, only nine were held between 1813 and 1908. See Hamm, *The Transformation*, xvi.


96 Hamm, *The Transformation*, 5.

administration of discipline consistently demonstrated a desire to reform rather than punish the transgressor. It was into this environment that Joseph Smith was born, raised, and organized the Church of Christ.
Chapter Two:
Church Disciplinary Developments: 1830–1838

When Joseph Smith and a small body of believers gathered in the Peter Whitmer Sr. home in Fayette, New York on April 6, 1830, they could scarcely have anticipated the changes in Church governance that would swiftly occur. Within the next several years, Smith would establish a well-defined hierarchical disciplinary system and four more priesthood offices, in addition to the five that he had already created.98 Under the direction of presiding elders, who were appointed by the congregation, councils could establish “the will of the Lord.”99 The formation of this council system led Smith to declare that “if he should now be taken away that he had accomplished the great work which the Lord had laid before him.”100

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98 Following a revelation that was received four days after the Church’s organization, Joseph Smith created the offices of elder, teacher, priest, deacon, and apostle. See Michael Hubbard MacKay, Gerrit J. Dirkmaat, Robert J. Woodford, and William G. Hartley, eds. Documents Volume 1: July 1828–June 1831, Vol. 1 of the Documents series of The Joseph Smith Papers, ed. Dean C. Jessee, Ronald K. Esplin, and Richard Lyman Bushman (Salt Lake City: Church Historians Press, 2013), 123–124, (hereafter cited as D1) [D&C 20:38–64]. In February 1831, Smith ordained the first bishop, Edward Partridge. Then in June 1831, Smith first ordained high priests. See JSP, D1, 320–27. Later in 1833, the office of Patriarch was officially instituted. Then in 1835, the office of Seventy was established where quorums were organized under the direction of seven presidents. See D. Michael Quinn, The Mormon Hierarchy: Origins of Power (Salt Lake City, Signature Books in association with Smith Research Associates, 1994), 28, 46, 67–69.

99 JSP, D2, 101 [D&C 68:4]. “Two words—conference and council—need clarification. Initially, Church business was conducted by elders at meetings called conferences. By 1833, the terms conference and council sometimes seem almost synonymous, at least in regard to gatherings of high priests in Kirtland. At that point, the nature of the meetings and the business attended to appear outwardly similar regardless of the designation; a distinction between them is not clearly apparent. Pre–1834 meetings convey a sense of ‘a conference’ as a setting in which the elders, high priests, or both groups conferred with each other and conducted ‘Church business’ as directed in the April 1830 Articles and Covenants. Several meetings were designated as ‘general conferences’ or ‘special conferences’ as well. After the high council was formed in February 1834, the term council was generally applied to its meetings.” See Joseph F. Darowski, “Seeking After the Ancient Order: Conferences and Councils in Early Church Governance, 1830–1834,” in A Firm Foundation: Church Organization and Administration, eds. David J. Whittaker and Arnold K. Garr (Provo, UT: Religious Studies Center, Brigham Young University and Salt Lake City: Deseret Book, 2011), 99, emphasis in original.

100 MB2, 44.
The Book of Mormon, which Smith claimed to translate before he organized the Church, declared that God’s word would be given “line upon line, precept upon precept, here a little and there a little.”101 In perhaps partial fulfillment of this prophecy, the development of the council system paralleled the expansion and development of the Church. As the need grew for a more developed judiciary, Smith received revelations on how to expand the existing system.

The importance of these disciplinary systems is often overlooked. Yet, the vitality they breathed into the early Church cannot be overstated. It established a process, forum, and authority that would authoritatively address the growing pains of both the Church and its members. Edwin Firmage and Richard Mangrum explained,

The Mormon court system, which developed along priesthood lines, provided an institutional forum for authoritatively resolving issues ranging from petty quarrels to succession crises. Actions for denying the faith or unChristainlike conduct tried by local leaders (initially elders and later bishops) contributed to a congregational atmosphere where members largely controlled community standards. Adding appellate review permitted the monitoring of doctrinal controversies by hierarchical leaders, lest local church communities fragment into disparate groups. Formalization of an elaborate church court system introduced a legalistic overlay on a rapidly expanding religious body paradoxically known for its anti-legalistic sentiments. Respect for the authoritative pronouncements of these church courts reduced the necessity for charismatic leadership in times of transition and crisis. The church courts contributed to the stability of a church often under siege from outside opponents and inside dissenters. 102

As the Church grew, Smith instituted several different types of councils which were designed to meet different disciplinary needs.

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101 2 Ne. 28:30.

Elders Councils

Official Church records do not record any elders councils until after Church members began relocating to Ohio and Missouri in 1831. Meeting minutes of these councils suggest that early Church members implemented the disciplinary practices modelled by existing Christian religions with whom they had previously interacted. Joseph Smith did not institute any detailed procedural guidelines until he organized the Kirtland high council in February 1834. However early Church members began to administer discipline with a mutual, and potentially unspoken, understanding of what role the defendant, accuser, presiding elder, and attendees should play.

An early revelation instructed Church leaders and members to hold regular councils where they would do “do church business, whatsoever is necessary.” This business included sustaining prospective priesthood holders, issuing ministerial licenses, and delivering relevant instruction. This revelation also instructed that “any member of the Church of Christ transgressing, or being overtaken in a fault, shall be dealt with as the scriptures direct.” This revelation told Church members how to select and authorize priesthood holders and emphasized the importance of disciplining those who transgressed God’s commandments, but it did not clearly dictate disciplinary procedures, aside from instructing the Church to deal with transgressors “as the scriptures direct.”

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103 The Journal History of the Church, Joseph Smith’s manuscript history, Minute Book 1, Minute Book 2, Elder’s Journal, Messenger and Advocate, and The Joseph Smith Papers are devoid of any formal Church discipline before the Church members began gathering in Ohio.

104 MB1, 29–35.

105 Personal conversation with Nathan Oman, March 30, 2016.

106 JSP, D1, 124 [D&C 20:62].

107 JSP, D1, 123–24 [D&C 20:80].
Although Smith’s revelations did not yet dictate a detailed process, the New Testament authors did provide some direction. They taught that congregations should help individuals recognize the error of their ways and protect the sanctity of the Church. However, they failed to give either a detailed list of punishments for offenses or provide detailed procedural instructions. As Church members attempted to combine Smith’s revelations with biblical teachings, they likely drew upon contemporary examples. Church discipline began to occur at councils where ordained elders presided. Elders and the congregation would first hear the case. Then the elders would propose a verdict and sentence, which the congregation could then sustain or reject. If sustained, the decision was binding. If rejected, further discussion would attempt to resolve the dispute. Although Church members utilized a fairly uniform process, subsequent revelations would gradually begin to establish more standardized procedures.

In June 1831, Smith first began ordaining high priests in Kirtland, Ohio. Thereafter, these priesthood holders functioned interchangeably with elders. They could either meet together or separately, often with little to no clear delineation between the two groups. Within the

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109 Law professor Nathan Oman claims, “The congregational basis and the vocabulary used by these earliest Mormon courts were very similar to meetings of Baptists or Quakers.” See Oman, “Preaching to the Court House,” 170.

110 Firmage and Mangrum, Zion in the Courts, 23. For example, prayer “was customary at the opening of all councils of the Church.” See Journal History, June 21, 1833, 1.

111 JSP, D1, 320–27. However, “it was not until a revelation received on November 11, 1831, that it took on specific connotations in regard to Church governance.” See Darowski, “Seeking After the Ancient Order,” 104.

112 MB1, 10–11. The minutes formally call this gathering a “conference of high priests.” Later, they note that “the unanimous voice of all the Elders present” determined that the defendant was “not worthy of a place in the Church of Christ.” Far from being mutually exclusive, elders could attend and participate in conferences of high priests.
official minutes, little distinction is also made between “councils” or “conferences.” On one occasion, an entry even described the same event as both a council and a conference.113

Almost a year after Smith’s first revelation on Church discipline, a February 1831 revelation provided further direction for these ecclesiastical trials. In this revelation, several transgressions were listed that would require formal Church discipline. If an individual robbed, stole, lied or did “any matter of iniquity,” except for murder, the revelation said that he should be tried “before two Elders of the Church or more.”114

Although the current edition of the Doctrine and Covenants published by The Church of Jesus Christ of Latter-day Saints specifies that robbery, stealing, and lying should be dealt with according to “the law of the land,” this wording slightly differs from the revelation that was originally published in The Evening and Morning Star. Both this periodical and the 1833 edition of the Book of Commandments state that offenders shall be “delivered up unto the law.” The surrounding context implies that this law was ecclesiastical not civil. The initial revelation also clarified, “If he do any manner of iniquity he shall be delivered up unto the Law, even that of God.” These early manuscripts only specified that murder should be “dealt with according to the laws of the land.”115

Beginning in the 1835 edition of the Doctrine and Covenants, this revelation began to instruct that murderers, robbers, thieves, and liars should be “delivered up unto the law of the land.”116 Nevertheless, early Church courts continued to regularly hear cases related to robbery,
theft, and lying. Perhaps this reflected the mistrust of civil court judges felt by many early Church members, since several of these judges possessed anti-Mormon sentiments.

Smith’s February 1831 revelation also clarified who could be a witness within Church courts, “and every word shall be established against him by two witnesses of the Church and not of the world.” If individuals were not Church members in good-standing, they could not participate in Church councils as a witness. This may appear discriminatory and an obstruction to truth and justice, however, witnesses outside of the Church would have no incentive to be honest, aside from their own moral compass. Church injunctions would be meaningless, since they did not desire Church membership.

The revelation also reinforced existing Church practices, “The Elders shall lay the case before the Church and the Church shall lift up their hands against them that they may be dealt with according to <the> Law.” It also began to establish some more defined procedural instructions. The Church could now privately resolve private offenses, as long as the offender would sincerely commit to change. If a private offense was committed and the offender would not acknowledge his error through personal conversations, “thou Shalt deliver him up unto the Church not to the members but to the Elders and it shall be done in a meeting and that not before the world … if any shall offend in secret he shall be rebuked in Secret the <that he> may have opportunity to confess in Secret to him whome he he has offended and to God that the Brethren

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117 *JSP*, D1, 266–67 [D&C 42:80]

118 See also Keeler, *The Bishop's Court*, 15.

119 Firmage and Mangrum, *Zion in the Courts*, 381 n4.

120 *JSP*, D1, 266 [D&C 42:81].
may not speak reproachfully of him.” As the revelation explained, this private process would help preserve the dignity of the offenders, should they confess their fault, since their offence was not yet public knowledge.

In addition, the revelation foreshadowed the importance of future Church discipline by simultaneously reinforcing the importance of elders councils and introducing bishops into this disciplinary process, two weeks after Smith ordained the first bishop, Edward Partridge. Smith’s revelation instructed Church members, “if it can be it is necessary that the Bishop is present also and thus ye shall do in all cases which shall come before you.”

Reinforcing New Testament teachings, Church members were also directed to resolve all private offenses outside of a formal court, ecclesiastical or otherwise, if possible. In March 1835, a formal complaint reflected this understanding. After naming the parties involved, John Smith said, “I have made an exertion to reconcile them to each other, but to no effect, I therefore lay the case before the council for decision.” Joseph Smith also practiced this principle, even occasionally discussing a public offense privately with the offender before publicly proceeding. Once he visited with John Corrill and his wife who had avoided partaking of the sacrament. Smith’s journal notes that Corrill “made his confession,” while his wife “made no reply, but manifested contrition by weeping.” When the parties could not become reconciled, the elders would hear and decide the case. Since any group of elders could make binding declarations,

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121 JSP, D1, 267 [D&C 42: 89, 92].
122 JSP, D1, 266 [D&C 42:82].
123 MB1, 84.
124 Journal History, November 8, 1835, 1
125 JSP, D1, 267 [D&C 42:88–89]. This revelation also stated that “if thy Brother offend many he shall be chastened before many.” Early on, this often took the form of a council where the congregation would help hear and decide the case. See MB1, 264. However as disciplinary councils developed, the council would adjudicate the case and then
this provided these priesthood holders with significant authority. It also gave them the flexibility to hear any case in any location.

The first recorded elders council demonstrates this flexibility. In June 1831, Joseph Smith and several other Church leaders left Kirtland and journeyed to Missouri. While there, Smith received a revelation suggesting that Ziba Peterson, an elder residing in Missouri, was transgressing. As directed by Smith’s revelation, a conference was organized on August 4, 1831. There Peterson confessed his transgression before Smith, twelve other elders, and the Church. This confession was deemed “satisfactory” by a unanimous vote. After some remarks by Smith, all members there “partook of the sacrament” before the conference was adjourned. Shortly thereafter, Smith left Missouri and returned to Kirtland, arriving there on August 27, 1831.

There are several interesting aspects to this case. First, an elders council could be organized very quickly, wherever it was needed. Smith’s revelation called for the conference on August 1. Three days later, the conference was held, and Peterson’s transgressions were investigated. Second, although the defendant was guilty, mercy was extended following a confession. When determining Peterson’s sentence, the elders and congregation were more concerned with his willingness to change than the transgressions that Peterson had committed. Third, elders did not need to live locally to help administer Church discipline. In fact, Peterson was the only “local” elder at the conference. Oliver Cowdery, Peter Whitmer Jr., Ziba Peterson, and Frederick G. Williams initially arrived in Missouri in January 1831. All other elders that require a public confession as a portion of the repentance process. If the complainant did not appear for the council, all charges were dropped. See MB1, 26.

126 JSP, D2, 21 [D&C 58:60].
were involved arrived within a month of when Peterson’s case was heard.\textsuperscript{128} Isaac Morley arrived less than a week-and-a-half before the conference was held.\textsuperscript{129} Although Cowdery, Whitmer, and Williams had lived locally with Peterson, they all returned to Kirtland by September 5, 1831, along with many of the other elders.\textsuperscript{130} Several elders began to live locally after the council, but they had scarcely been in Missouri for four or five Sundays before adjudicating Peterson’s case.\textsuperscript{131}

Although elders councils could quickly convene, record keeping practices and disciplinary processes greatly varied from council to council.\textsuperscript{132} Perhaps to help curb some of these irregularities, Smith organized bishop’s councils.

\textsuperscript{128} Joseph Smith, Cowdery, Sidney Rigdon, Edward Partridge, William W. Phelps, Martin Harris, Joseph Coe, and Algernon (Sidney) Gilbert left Kirtland on June 19, 1831 and arrived in Missouri “about the middle of July.” See Journal History, June 19, 1831, 1. Isaac Morley and Ezra Booth left four days before them. Although “they had a speedy and prosperous journey,” they likely did not arrive much further than a week ahead of the others. See Journal History, June 15, 1831, 1. It also disputed whether Booth even attended the council. See \textit{JSP}, D2, 23 n121.


\textsuperscript{130} Smith, Cowdery, and Rigdon returned to Kirtland before the end of the month. See Journal History, August 27, 1831, 1. Williams, Coe, Gilbert, and Booth entered Kirtland by the beginning of September. See Journal History, September 1, 1831, 1. Lastly, Whitmer arrived in Kirtland on September 5, 1831. See Journal History, September 5, 1831, 1.

\textsuperscript{131} A week after his trial, Peterson married Rebecca Hopper, a resident of Missouri. See \textit{JSP}, D2, 21 n108. Since his wife was from Missouri and he was ordained an elder again in October 1832 in Jackson County, it is likely that Peterson lived in Missouri between those two events. See MB2, 31.

\textsuperscript{132} Although these examples are beyond this study’s parameters, they illustrate improprieties that also likely existed from 1830–38. In the Nauvoo High Council Minutes, on April 22, 1842, William Hall related that he had been cut off by a branch in Michigan. During his hearing, the branch had not kept any minutes. After Hall travelled to Nauvoo and pled his case, the high council determined “that he be restored to his former standing and Official capacity in the Church. See John S. Dinger, ed., \textit{The Nauvoo City and High Council Minutes}, (Salt Lake City: Signature Books, 2011), 411. On another occasion, an elders council in 1841 disfellowshipped Betsy Dean without her knowledge. The presiding elder did not inform her about the alleged crime nor about the council’s decision for two years. After finally getting word of the council’s decision, she appealed her case before the Nauvoo high council where she was reinstated. See Dinger, \textit{The Nauvoo City and High Council Minutes}, 465–66.
Bishop’s Councils

In a revelation on February 4, 1831, Smith was told to ordain Edward Partridge as a bishop. Later that month, Bishop Partridge received some adjudicatory responsibilities. However, these may have initially become secondary to his more pressing temporal duties, since Partridge’s presence at elders councils was necessary, only “if it can be.” A revelation on August 1, 1831 helped clarify any previous confusion when Partridge was named a “Judge in Israel” with a duty to judge the people by the “testimony of the Just & by the assistance of his councilors according to the laws of the kingdom which are given by the Prophets of God.”

When bishops became “judge[s] in Israel,” this move foreshadowed the gradual shift in disciplinary power from elders to bishops. Previously bishops had assisted when available, now they had a divine duty to judge erring Church members. However, the immediate impact of this revelation on the disciplinary responsibilities of elders and high priests was nominal. At the time, the Church had only one ordained bishop. Since Bishop Partridge retained weighty economic responsibilities within the United Firm and Church members were spread throughout the western

133 JSP, D1, 244 [D&C 41:9].

134 After discussing how elders should conduct Church disciplinary processes, the revelation states, “And if it can be, it is necessary that the bishop is present also.” See JSP, D2, 266 [D&C 42:82]. Although Church disciplinary procedures could continue without a bishop’s presence, the Church’s temporal matters could not. For a succinct description of these duties, see William G. Hartley, My Fellow Servants: Essays on the History of the Priesthood (Provo, UT: BYU Studies, 2010), 116–17.

135 JSP, D2, 15 [D&C 58:17]. Some other developments helped give the bishops protection from social pressures to make the right decision, but also increased the propensity for authoritative control. In November 1831, a revelation stipulated that bishops could not be “tried or condemned for any crime save it be before a conference of high priests.” See JSP, D2, 102 [D&C 68:22]. This wording was also reflected in the 1833 publication of the Book of Commandments. See JSP, R2, 180. However, prior to publication of the 1835 Book of Commandments, Oliver Cowdery penned a substantive change, insulating bishops from disciplinary actions by either elders and high priests, noting that only the “first presidency of the church” could condemn them. See Robin Scott Jensen, Robert J. Woodford, and Steven C. Harper, eds. Revelations and Translations Volume 1: Manuscript Revelations Books, Vol. 1 of the Revelations and Translations series of The Joseph Smith Papers, ed. Dean C. Jessee, Ronald K. Esplin, and Richard Lyman Bushman (Salt Lake City: Church Historians Press, 2011), 8, 154, hereafter cited as R1; JSP, R2, 459.
United States, it was impossible for him to personally adjudicate all Church cases. By the end of 1831, Bishop Partridge would move to Missouri and Bishop Whitney would be called and ordained.136 This placed one bishop in Ohio and one in Missouri, but even this did little to affect the practical application of most Church discipline.137 Elders councils could more easily convene and deal with local issues, even in Missouri and Ohio. Over time, the bishop’s judicial activities developed as both bishops and members better understood the role that bishops were to perform. Bishops council procedures reflected a similar developmental process as well.

Although some historians have identified patterns within early bishop’s councils, these patterns were only found at the beginning and end of these councils, rather than during the trial itself.138 It was not until 1902 that formalized procedures for bishop’s councils were proposed by Joseph B. Keeler, who then served in a stake presidency that covered the central portion of Utah County, from Provo to Springville. In 1902, Joseph Keeler, served as a member of the Utah Stake presidency. He published an address that he originally gave to his stake high council. In this tract, he wrote, “The proceedings in the Bishop's Court have never been uniform in the Church, nor are they so today; there appears, in fact, to be much need of a uniformity of


137 Between Bishop Whitney’s call and the first recorded bishop’s council, elders adjudicated thirteen additional cases. Undoubtedly, not all bishop’s councils were recorded. However, the earliest reference to a bishop’s court is recorded in a June 8, 1833 letter. See Joseph Smith’s manuscript history, vol. A–1, 209. The letter references a past council and does not give an exact date when it occurred. To help accommodate this ambiguity, I created a buffer between the last elders councils that I tallied and the June 1833 letter. As a result, the most recent elders council I have included in this count of thirteen councils is March 15, 1833.

138 Firmage and Mangrum outline some general consistencies that Bishop’s Councils generally followed in the introduction and conclusion of each trial, “Following the pattern set by the elders’ council, the trial commenced with prayer, song, and scripture reading, followed by an exhortation to the parties to repent and to seek forgiveness or reconciliation. If the conflict could not be settled amicably, or the parties were unwilling to repent fully, the trial commenced.” Although the format differed, the process by which a decision was made was standardized by revelation. “After hearing the testimony and any closing remarks the bishop would seek the advice of his counselors before rendering a decision. At least one counselor had to sustain the decision; otherwise either the court would hear additional evidence or refer the case to a higher court.” See Firmage and Mangrum, Zion in the Courts, 30.
Keeler then proposed a format for his stake to implement. Before making this unequivocal statement, Keeler corresponded with Anthon Lund, the Church historian, to confirm its accuracy. Later, the Church implemented a format for bishop’s councils that was very similar to the Keeler method.

Early bishop’s councils had some challenges. Since procedures varied, only three men made the decision, and the bishop often knew those involved in the case, unrighteous dominion could more easily develop. The direction that Smith gave when he established the Kirtland high council helped mitigate this concern, since he created an appellate court where the

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142 *Handling the Transgressor* (Salt Lake City: The Presiding Bishopric of the Church of Jesus Christ of Latter-day Saints, 1956), 11–23. Although the current Latter-day Saint format does not perfectly mirror Keeler’s method, there are several similarities. See Ballard, “A Chance to Start Over,” 12–19 and “Church Discipline,” Mormon Newsroom, accessed on November 7, 2014, http://www.mormonnewsroom.org/article/Church-discipline. Both methods provide prior notification to the defendant of the complaint and the trial date and time, have an opening prayer, and discuss the purpose of the council. Over time, the required trial format has become less rigid. This may happen, in part, since councils rarely hear from a full contingent of witnesses from both an accuser and accused. Rather, modern councils most commonly convenes only after the accused has confirmed their own inappropriate actions or a civil court case has confirmed those actions for them. As a result, modern councils more commonly focus on the action and intent of the individual to help determine what will best “help the member make the changes necessary to stand clean before God once more.” See Ballard, “A Chance to Start Over,” 12–19.

143 Although this example occurred later, it illustrates a challenge that would also have existed from 1830–38. In Nauvoo, a defendant was charged with lying and had been found guilty by his branch at Pleasant Vale. The minutes record, when “the case <witnesses> was examined on both sides and from their testimony it appeared that there had been difficulties & hardness in that branch of the Church, they being divided into parties, contending about points of doctrines[,] slandering one another, stirring up animosities & confusion, from which things grew the above charge against [the defendant] and neither party yielding[,] [the defendant] was brought before <the> branch of the Church and was disfellowshipped and appealed to this Council. The charge was not sustained.” The division was so poignant that prior to adjourning, the high council dissolved the branch. See Dinger, *The Nauvoo City and High Council Minutes*, 412–13.
individual would be procedurally protected.\(^{144}\) As the Church grew, those on the high council were often less familiar than the bishop with those involved and, therefore, were more impartial.

**High Council**

On February 17, 1834, a council of high priests gathered at Joseph Smith’s home in Kirtland. There he selected twelve high priests forming the Kirtland high council, presided over by the First Presidency. The judicial structure and responsibility of the high council differed from the elders councils and bishop’s courts that already existed.\(^{145}\) However, its organizational structure followed closely a pattern already established by a few other previous councils.\(^{146}\)

Joseph Smith organized the high council “for the purpose of settling important difficulties … which could not be settled by the church or the bishop’s council to the satisfaction of the parties.” The high council consisted of twelve high councilors who were presided over by three presidents. Seven of the twelve high councilors had to be present before they could authoritatively convene. Contrary to juries in civil suits, the high council sought to find a solution and ensure equity, for half of the high council were assigned “to prevent insult or injustice” on behalf of the accused. Depending on the difficulty of the case, either two, four, or

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\(^{144}\) “The institutional structure of the high council court was designed to minimize the danger of unrighteous dominion. By dividing the council between the respective parties and assigning spokesmen for each side, heavy-handedness was discouraged.” See Firmage and Mangrum, *Zion in the Courts*, 33.

\(^{145}\) MB1, 29–35. “During the Kirtland period, the high council of the Church at Kirtland was also the high council of the Church itself when functioning as the president’s Church court or council. By implication, the stake high council wherever Joseph Smith resided, became, by default, the president’s council [the ruling council from which there was no appeal].” See Darowski, “Seeking After the Ancient Order,” 34–36.

six high councilors would voice their thoughts—two in simple cases and six during the most difficult ones.147

Any Church member could appeal the decision of an elder or high priest council to a bishop’s council. If the defendant or complainant disagreed with the bishop’s decision, they could submit an appeal to the Kirtland high council.148 When Smith created the Missouri high council in July 1834, he set apart David Whitmer as its president, along with two counselors. This added another appellate level for the Saints in Missouri, since cases heard by the Missouri high council could still be appealed to the First Presidency and the Kirtland high council.149

When the Church moved from Ohio to Missouri, the Missouri high council remained under the direction of its local president. Only when an appealed case required the involvement of the First Presidency, would Smith or one of his counselors conduct high council proceedings.150 This pattern continued in Nauvoo.151

The structure of high councils minimized the potential for unrighteous dominion. As the Church expanded, the high council rarely knew much of anything about the case beyond what was discussed within the council chambers. However, as Edwin Firma...
noted, “If the sentiment of the entire council was arrayed against any party, institutional checks and balances had little effect.” 152

In contrast to civil juries, the high council actively protected the defendant’s rights during the disciplinary proceedings. 153 From its inception, Joseph Smith directed that the council should cast lots prior to hearing any case. These lots would determine which half of the high council would ensure that the defendant was fairly treated. The accused could speak throughout the trial and even between the issuing of a verdict and sentence. Consequently, several who pleaded “not guilty” at the onset of the council ultimately confessed their transgression before the trial concluded. 154

Once the evidence was fully presented, several high councilors would express their opinions. Smith explained, “If the case was not a very difficult one to investigate, two of the Counsellors only, spoke, one for the accused and one against <on one side and one on the other> according to evidence. If the case was more difficult, according to the judgment of the Council, two were to speak on each side, and if more difficult, three might speak on each side, and three only.” 155 After hearing the council’s thoughts, the president of the high council voiced his decision. To make that decision binding, a majority of the high council had to ratify the decision.

152 Firmage and Mangrum, Zion in the Courts, 33.

153 Firmage and Mangrum, Zion in the Courts, 33.


155 MB1, 30. These difficult cases apparently became quite rare, for one author noted that “no record of six speaking for each side can be found within the Davis Stake records” from 1877–1889. See Dredge, “Dispute Settlement in the Mormon Community,” 195.
If the president and high council could not agree, local high councils could either rehear the case or refer the case to the First Presidency.156

Traveling High Council

In February 1835, Smith created a traveling high council, composed of the newly formed Quorum of the Twelve Apostles. Similar to the Kirtland and Missouri high councils, the traveling high council would act without the congregation sustaining their decision whenever a majority of the Twelve was assembled, for Smith explained, “when the Twelve pass a decision it is in the name of the church, therefore, it is valid.”157 Smith also directed them to “preside over all the churches of the saints among the gentiles where there is no [stake] presidency established.”158 Throughout the 1830s, standing high councils had jurisdiction within defined geographic locations, like Kirtland or Missouri, while the traveling high council could only authoritatively convene everywhere else.159

Not until after their mission to Great Britain in the early 1840s did Smith began to expand the power of the Twelve. For the first time, the Quorum of the Twelve began to exert authority to

156 MB1, 108–13. The Nauvoo high council minutes also record this happening on April 1, 1843. Initially President William Marks thought that the defendant should remain in the Church because he had not committed the actions willfully, a decision that was not sustained by the council. Members of the high council explained their views after which a “vote was put whether there <was> new light elicited sufficient to warrant a new hearing.” This resolution passed. After hearing all the councilors give their views, the decision was made to cut the defendant off from the Church. See Dinger, The Nauvoo City and High Council Minutes, 458–59.

157 Quorum of the Twelve Apostles minutes, 1835, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, 7.

158 Quorum of the Twelve Apostles minutes, 1835, 4.

159 Quinn, The Mormon Hierarchy, 59. The Twelve traveled throughout the eastern United States and Canada from May to October of 1835. In 1837, Joseph Smith sent two apostles to begin proselytizing in the British Isles. Then, “from 1839 to 1841 all but two of the Quorum of the Twelve were in foreign lands.” See Quinn, The Mormon Hierarchy, 60.
act independently within the jurisdiction of the Nauvoo high council. This power grew until they had appellate power over standing high councils, giving them power equal to the First Presidency.160 Less than a year after returning from Europe, the Twelve directed the political, economic, and ecclesiastical affairs of the Church at home and abroad.161 This power enabled the Twelve to keep the Church relatively intact during the tenuous succession crisis following the Smith’s death.162

Quorum of Seventy

Two weeks after he organized the traveling high council, Smith organized the first two quorums of the Seventy in March 1835, primarily from members of Zion’s Camp.163 Smith placed seven presidents over the members of these quorums. A revelation received by Smith

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162 Dinger, *The Nauvoo City and High Council Minutes*, 505–25. “This institutional forum absorbed the legitimacy that previously had been reserved for charismatic leadership.” See Firmage and Mangrum, *Zion in the Courts*, 34.

soon thereafter explained the relationship between the Twelve and the Seventy. It stated that the Twelve should “call upon the seventy, when they need assistance, to fill the several calls for preaching and administering the gospel, in stead of any others.”

The Seventy only disciplined quorum members, except during the Kirtland Camp and when they participated in elder or high priest councils. When handling intra-quorum discipline, either the seven presidents or other quorum members heard a variety of issues and commonly removed those that they found guilty from quorum membership.

None of the eleven councils adjudicated by the Presidents of the Seventy resulted in excommunication, although they did find nine individuals guilty. If they thought a case warranted excommunication, either an elders conference or the high council would conduct a hearing. Had they modelled the same rate of excommunication by similar councils, the Seventy would have excommunicated several quorum members. Although the sample size is small, the

164 JSP, D4, 315 [D&C 107:38].
165 Messenger and Advocate 3, no. 11 (August 1837): 559. At elders councils, members of the Seventy could only participate if they had previously been ordained an elder or high priest, notwithstanding their ordination as a Seventy. When attending a trial conducted exclusively by Seventies, Wilford Woodruff refers to all of them as elders. See Woodruff, Wilford Woodruff’s Journal, 124.
166 This occurred six times. See Journal History, March 6, 1838, 1; Journal History, March 13, 1838, 1; Messenger and Advocate, 2, no. 3 (December 1835): 237. The presidents once confiscated a license and suspended an individual until he made satisfaction. On this occasion, “the congregation present” agreed with the decision “unanimously.” See Journal History, May 17, 1838, 1.
167 Since Hiram Dayton’s trial did not record a verdict, I did not count him as either innocent or guilty. See Journal History, May 18, 1838, 1. A case recorded in Minute Book 2 is not counted, although Seventies were involved, since the Twelve and a bishop also participated. See MB2, 87.
168 In 1835, eleven individuals were excommunicated from forty-three trials. In 1836, eight individuals were excommunicated in eighteen trials. Six individuals were excommunicated during thirty-two trials in 1837. These tallies count only those that left their trial excommunicated, not those that were cut off and reinstated during the same council.
absence of any excommunications by the Presidency of the Seventy raises the question whether they excommunicate those that they found guilty.169

One case suggests that the absence of any excommunications is not a mere coincidence. After being disfellowshipped, Hiram Stratton was prosecuted before the Kirtland high council by the clerk who recorded the Seventy’s meetings. The high council and congregation believed that Stratton’s actions warranted excommunication.170 If they believed his actions warranted excommunication and had the power to do it, the presidency of the Seventy would have excommunicated Stratton without bringing him to the Kirtland high council.

Following the formation of the Twelve and the Seventy, Smith published a notice in the Messenger and Advocate, the Church’s official periodical, in June 1835. It declared that “the elders in Zion [Missouri], or in her immediate region, have no authority or right, to meddle with her spiritual affairs, to regulate her concerns, or to hold councils for the expulsion of members.” Instead, “the high council has been expressly organized to administer in all her spiritual affairs; and the bishop and his council, are set over her temporal matters: so that the elders’ acts are null and void.”171 These decrees only ended elders councils in Zion (Missouri), not Churchwide. Although elders councils had already significantly dwindled in Missouri as the bishop’s court and Missouri high council had become more institutionalized, Church records of elders councils in Missouri ceased following this proclamation.

169 Oman, “Preaching to the Court House,” 173.
170 MB1, 264.
171 Messenger and Advocate 1, no. 8 (May 1835): 137–38.
Conclusion

Except for high council proceedings, Joseph Smith did not provide any clear procedural direction about how to run a disciplinary council. Yet there are no procedural controversies, other than disagreements about whether a specific council had jurisdiction over certain cases. This suggests that council participants drew largely upon other contemporary examples or non-canonical instructions from Church leaders during these council proceedings. The Twelve, Seventies, high priests, and elders all appeared to focus more on the effect of the council on the participants than a checklist of procedures. Even the procedural instructions to the high council, which later became canonized, reinforced several practices already evident throughout Church councils.

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172 Journal History, May 29, 1837, 1–2. Of course, individuals disagreed with the decisions of councils, but those were not procedural concerns.

173 For example, both the accuser and the accused could speak before the high council, even after those adjudicating the case had shared their thoughts. Also, the decision had to be sustained by others adjudicating the case, aside from the president, before the decision could become valid. See JSP, D3, 442 [D&C 102:18–22].
Chapter Three:
Church Discipline in Kirtland

Much of the Church’s organizational structure developed while it was headquartered in Kirtland, Ohio from 1831–1838. While there, Joseph Smith instituted the priesthood offices of bishop, high priest, and Seventy. During this period, several Church leaders were also excommunicated or became disenchanted, including members of the First Presidency, the Twelve, and high councilors. These experiences in Kirtland helped the Church expand the way that Church discipline would be administered.

Elders and High Priest Councils

Joseph Smith’s early revelations gave elders the responsibility to record Church membership and adjudicate formal Church discipline. Although the first recorded elders council occurred in Jackson County, Missouri, many of the subsequent councils were held at or near Kirtland. Reflective of their ad-hoc nature, the records of these early elder and high priest councils are often brief in comparison to subsequent high council proceedings. Smith often

174 JSP, D1, 492–93; JSP, D2, 481–82; JSP, D4, 592–94.
175 William Shepard and H. Michael Marquardt, Lost Apostles: Forgotten Members of Mormonism’s Original Quorum of the Twelve (Salt Lake City: Signature Books, 2014), 156. This apostasy was likely more widespread among Church leaders than the general Church membership. A study of reconstructed membership lists suggests that only about 13 percent of Kirtland saints left the Church—and about 40 percent of those later returned. See Milton V. Backman Jr., “A Warning From Kirtland,” Ensign 19, no. 4 (April 1989): 30.
176 JSP, D2, 126 [D&C 20:80–83].
177 Minute Book 2, which focuses primarily on Missouri events, begins with several cases in Ohio, interspersed with occasional cases heard in Missouri. See MB2, 5–9.
178 Aside from shorter entries, important details are often missing in these elder and high priest councils. Only a few of the complainants are recorded, accusations of the defendant are often missing, and it is often unclear when or if
attended and participated in these early councils, especially when they occurred in Kirtland. When he attended, however, he did not always preside or even participate. Each elders council would select a president. Smith’s presence did not automatically guarantee that he would become the council president or be otherwise involved. For example, in a November 1835 at a Sunday afternoon meeting, Isaac Hill, who had previously been excommunicated, confessed his prior transgressions. For Joseph Smith, “his confession was not satisfactory.” Nonetheless, John Smith and Sidney Rigdon arose following Hill’s confession and proposed that Hill should be forgiven. A congregational vote was taken, and Hill was “restored without further confession” and rebaptized. Following these events, Joseph Smith visited privately with both John Smith and Rigdon, where he explained his concerns to them. Both John Smith and Ridgon eventually agreed with Joseph Smith. The next Sunday, Hill’s case was revisited. He made a humble confession, which he agreed to publish in the *Messenger and Advocate*, and retained his Church membership.

Extant records suggest that elders and high priests administered most of the Church discipline within Kirtland prior to the organization of the high council in February 1834. Following the formation of the Kirtland high council, they began to operate much more sporadically. Since correlation does not automatically indicate causation, it is difficult to

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179 MB2, 5–6, 9.

180 MB1, 5. Even if Joseph Smith did not participate in the elders councils, the First Presidency retained the right to review and approve of those proceedings whether or not they were present. See Journal History, May 4, 1833, 1. Even if present and participating, Smith may not have always been heeded. See Smith, *Journal of Discourses*, 11:8.

181 Journal History, November 8, 1835, 1; November 15, 1835, 1.

182 MB1, 48, 52, 235–37; Journal History, April 27, 1835, 1; October 15, 1837, 1.

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pinpoint why this decrease occurred. Perhaps the addition of another appellate court, the high
council, or the increased emphasis that was placed on bishop’s courts adversely affected elder
and high priest councils.183 Regardless of the cause, elder and high priest councils were likely
held less often following February 1834, although they did not disappear entirely.

In November 1835, Joseph Smith presided over an elder and high priest council. During
this council, he introduced some charges against Andrew Squires.184 Previously, Smith had
received a letter from Squires because he had returned to the Methodists, his former religion, and
returned his ministerial certificate. Recognizing his error, Squires later desired to be forgiven and
receive his license again. Following this plea, Smith and Sidney Rigdon stood up and gave
lengthy discourses condemning Squires’ prior decision to leave. After they finished, Squires
humbly arose and sorrowfully acknowledged his faults, committing to “forsake them in the
future.” The council then restored him to full fellowship, ordained him an elder, and issued him a
new ministerial license.185 Later, near the end of 1837, high priests also heard and adjudicated
another case that was then approved by the Kirtland high council.186

During 1833, elders and high priests within Kirtland excommunicated individuals at a
higher rate than ever before.187 Nevertheless, excommunication within these councils appears to
only occur when individuals refused to reform their actions. These councils excommunicated

183 Other appellate councils existed before the formation of the high council. In February 1833, both “a bishop’s
court composed of several high priests” and “the court of the president of the high priesthood” heard appeals from
Philastus Hurlbut. See JSP, D3, 103, 118.

184 In other cases when Joseph Smith brought charges against individuals, he typically did not simultaneously
preside over those proceedings. See MB1, 108–13; JSP, D5, 249–53.

185 JSP, D5, 68–69. The Methodists likely pursued disciplinary actions against Squires. See Journal History,
November 15, 1835, 1.

186 Journal History, October 15, 1837, 1.

187 MB1, 10–11, 25; Journal History, December, 3, 1832, 1.
five individuals. William McClelen was excommunicated without much of an explanation.\textsuperscript{188} However, the other four councils provide enough information to make some qualitative comparisons. Burr Riggs failed to change his behavior despite being disciplined in multiple councils where he faced similar charges.\textsuperscript{189} James Blanchard and Nelson Acre were tried “on account of their repeated transgressions, and promising to reform and never fulfilling.”\textsuperscript{190} Acre had also shared “that he wanted no more of the church and that he desired to be cut off.” Since neither of these two attended the council where their case was heard, they received letters later informing them of the council’s decision.\textsuperscript{191}

In contrast, several of those whom councils found guilty of misconduct left without punishment after they gave a sincere confession or promised to “make satisfaction,” which often included a public apology.\textsuperscript{192} These councils also often directed complainants to provide a public apology if they had errantly accused a Church leader.\textsuperscript{193} In some cases, the punishment remained in effect until “proper satisfaction” occurred.\textsuperscript{194}

\textsuperscript{188} Journal History, December 3, 1832, 1.

\textsuperscript{189} MB1, 10–11.

\textsuperscript{190} MB1, 25.

\textsuperscript{191} MB1, 25. Throughout the minutes, individuals occasionally received discipline despite their absence. However, in such cases they either chose not to appear despite receiving adequate notice or the sentence provided that punishment would be removed following “proper” or “full satisfaction.” See MB1, 264–65; Journal History, October 15, 1837, 1.


\textsuperscript{193} In one case, the defendant, Joseph Smith, was proven innocent. The complainant, Sylvester Smith, apologized and was directed to issue a public apology. When this did not happen, an entry almost two weeks later noted that Sylvester Smith was “disqualified to act further in his office in the Church,” until he made proper satisfaction or had another trial before the bishop or high council. See MB1, 52; Journal History, August 23, 1834, 1–2.

\textsuperscript{194} MB1, 10; Journal History, October 15, 1837, 1.
It appears that a proper confession depended more on the attitude that the accused demonstrated than what they said. In the first trial for Burr Riggs, his confession was rejected when he “did not show much humility.” When a sincere confession did not follow, Riggs was cut off from the Church two weeks later. Perhaps because councils extended forgiveness only when they believed that the person was sincere, forgiven individuals did not often return to court on similar charges.

**Bishop’s Courts**

Edward Partridge served as bishop in Kirtland prior to the ordination of Newel K. Whitney. However, there is no record of Partridge adjudicating any councils before moving to Missouri in June 1831. Available records discuss many more Kirtland elder and high priest councils during the years before the formation of the Kirtland high council, in February 1834.

Although fewer elder and high priest councils occurred during 1834–1838, it appears that there was not an off-setting increase in bishop’s councils. In fact, there are more adjudicatory proceedings and rulings recorded for councils conducted by elders, high priests, seventies, high councilors, and the First Presidency than those conducted by a bishop.

The relative scarcity of recorded bishop’s courts in Kirtland from 1831–1838 likely occurred for several reasons. First, these bishops had other temporal and spiritual duties, in

195 Joseph Smith manuscript history, vol. A–1, 185.

196 Joseph Smith manuscript history, vol. A–1, 209. Available manuscripts show that early Church records are incomplete. In Minute Book 1, a decision from a high priest council was appealed to the high council, yet no record of the initial council has surfaced. See MB1, 48. An elders council in 1834 directed a defendant to confess to the bishop in Kirtland before his Church privileges could be restored. It is unclear whether such a confession ever occurred. See MB1, 51.

197 This conclusion comes primarily from an examination of Minute Book 1, Minute Book 2, the Journal History of the Church, Joseph Smith’s manuscript history, and early Church periodicals.
addition to their spiritual obligations as a “Judge in Israel.” Consequently, they may have simply conducted fewer councils than other administrative bodies. Second, even though they concurrently operated, bishop’s councils likely occurred with more irregularity than the Kirtland standing high council. The high council regularly met and discussed a variety of issues, intermixed with many cases. Third, early Church leaders may have viewed standing high councils as more of an authority on spiritual matters than bishop’s councils, who may have been primarily responsible for temporal affairs. This explanation cannot be complete on its own, since bishops were also involved with spiritual maladies. Fourth, official minute books for the high council have survived, while similar ones for bishop’s councils have not—if comparable records ever existed. Fifth, records of several cases appear only in Smith’s histories. Bishop’s courts may have lacked the benefit of a clerk, a likely conclusion if a minute book was never

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199 As an example of the bishop’s administrative duties, all saints that journeyed to Missouri were required to “procure a certificate from three Elders of the Church, or from the Bishop in Ohio, according to the commandments.” See Journal History, July 1, 1833, 8.

200 “The elders in Zion, or in her immediate region, have no authority or right, to meddle with her spiritual affairs, to regulate her concerns, or to hold councils for the expulsion of members.” See *Messenger and Advocate* 1, no. 8 (May 1835): 137–38. Although this article dealt specifically with the Church in Missouri, it may reflect some prevailing perceptions between standing high councils and bishop’s councils.

201 MB1, 12, 26. Several letters were written to Bishop Whitney during 1837 complaining of spiritual matters. It is unclear whether any of these accusations materialized into trials. See “Luke Johnson charge against Joseph Smith Sr.,” Newel Kimball Whitney papers, Series 1, Subseries 3, bx 2, fol 3, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University; “Warren Parrish charge against Sidney Rigdon,” Newel Kimball Whitney papers, Series 1, Subseries 3, bx 2, fol 2, Perry Special Collections; “Lyman E. Johnson and Orson Pratt charge against Joseph Smith Jr.,” Newel Kimball Whitney papers, Series 1, Subseries 3, bx 2, fol 1, Perry Special Collections.

202 Joseph Smith manuscript history, vol. B–1, 647; Journal History, June 25, 1833, 6; Journal History, September 26, 1835, 1; Journal History, May 2, 1835, 2; Journal History, August 4, 1835, 1. One example of a Bishop’s court that was noted only by Joseph Smith is his manuscript history. See Joseph Smith manuscript history, vol. A–1, 209.
formally created. This would suggest that any journal entries or letters from individuals who participated in these proceedings are the only records of these accounts. Smith was a member of the Kirtland high council and may not have participated often in bishop’s council proceedings.

Bishop’s courts, elder, and high priest councils were not mutually exclusive. A November 1831 revelation directed that twelve high priests could form the highest appellate court when under the direction of the President of the High Priesthood. Perhaps following this pattern, several high priests, and sometimes the high council, operated under the direction of Bishop Whitney. Smith apparently condoned these procedures, since he personally observed these disciplinary proceedings at least once without correcting them.

At least on occasion, Bishop Whitney confiscated ministerial licenses and excommunicated unrepentant individuals. He may have also been treated as the pseudo-expert on Church disciplinary procedures and actions. Decades before the creation of a general handbook of instructions, the First Presidency asked Bishop Whitney what could be done in a specific case, where there was “no testimony on either side.” He wrote in response, “All you

203 MB1, 12, 25–26; Journal History, July 2, 1833, 2.
204 JSP, D2, 134–35 [D&C 107:78–80].
205 MB1, 12; JSP, D4, 121; JSP, D3, 102–4. The original minutes on June 1, 1833 only infer that this was a “Conference of high Priests.” See JSP, D3, 105. The official minutes for this appeal begin by recording Philastus Hurlbut’s appeal, “I, Doct P Hurlbert, having been tried befor the Bishops council of High Priests.” See JSP, D3, 117. See also Journal of Discourses (London: F. D. and S. W. Richards, 1854), 11:8. The editors of The Joseph Smith Papers conclude that the June 21 hearing was an appeal of the June 1 trial. See JSP, D3, 116–19. This infers that not only high priests but Bishop Whitney helped adjudicate the council on June 1.
206 The minutes do not explicitly state that Joseph Smith was present. However, a revelation that Smith received that day resolved an issue discussed at the conference right after Hurlbut was excommunicated and the conference placed Smith on a committee. See JSP, D3, 104, 107 [D&C 95:15].
207 MB1, 25–26; Journal History, July 2, 1833, 2; JSP, D4, 132–33.
208 Michael Paulos provides a quality overview of how the General Handbook of Instructions evolved, although it largely overlooks its most recent edition. See Michael Harold Paulos, “Does Not Purport to Comprehend All
can do is to forbid them to partake of the Sacrament unworthily; and pray much, and God will bring all things to light.” Since the First Presidency consulted him as an expert in these procedures, Bishop Whitney was likely involved (whether as a presiding authority, active participant, or passive observer) in far more cases than available records show.

High Council

As previously noted, Joseph Smith formed the first high council in February 1834. This centralized all appellate cases into a single, standardized judicial body. This body also “exercised original jurisdiction primarily over spiritual, as compared with temporal, transgressions.” It instituted a governing pattern that would be modeled for decades and became the primary mode of local Church, and sometimes civil, government until after the Saints had gathered into the Great Basin. Kirtland, Far West, Nauvoo, Winter Quarters, and Salt Lake all operated, at least partially, under the auspices of a local high council.

While the Church was in Kirtland, the First Presidency actively presided over the Kirtland high council. Joseph Smith commonly attended and participated in high council


209 Journal History, July 2, 1833, 1.

210 Firmage and Mangrum, Zion in the Courts, 30.


212 Other standing high councils also existed at this same time, including the Zarahemla (Iowa) high council and the Pottowatamie high council. See Stanley B. Kimball, “Nauvoo West: The Mormon of the Iowa Shore,” BYU Studies 18, no. 2 (Winter 1978): 132–42; Pottawattamie High Council Conference Minutes, 1848–1851, Church History Library, Salt Lake City, UT.
proceedings from 1834–1836. However, his participation became more limited in 1837. Over time other individuals began to preside in lieu of Smith, such as John Smith and Joseph Smith Sr. Since the First Presidency presided over normal high council proceedings, clear delineations between the local high council and president’s council, a council chaired by the First Presidency, were blurred throughout the Kirtland period. Consequently, both local high council and President’s council proceedings are discussed here concurrently. After relocating to Missouri and Nauvoo, the First Presidency convened the president’s council more infrequently, since a local presidency led the high council. Only when a case was appealed from the high council did the First Presidency intervene. The Kirtland high council heard cases involving a variety of issues: family concerns, heretical teaching, libelous criticisms of Church officials, civil violations, and other inappropriate behaviors.

Several of these cases examined whether the defendant had treated their family members inappropriately. Since these issues were addressed in a formal Church council, this indicates that early Church leaders believed that the proper treatment of family members was not just a private

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213 MB1, 21–22, 120–129, 219, 226, 239, 245–46, 248–49, 254, 256–57, 264–65. Joseph Smith ordained his father, Joseph Smith Sr., as an assistant president of the Church on December 6, 134. See JSP, D4, 192–93, 200; MB1, 234–35. In September 1837, John Smith was sustained as an assistant counselor in the First Presidency. See MB1, 234–35; MB1, 238, 245, 247–49, 252. Even when John Smith presided, Joseph Smith may have occasionally attended. On November 1, the minutes note that John Smith presided, yet Joseph Smith writes about the trial. However, his short summary does not appear to indicate that he personally attended the proceedings, only that he was aware of the verdict. See MB1, 256–57; Journal History, November 1, 1837, 1. After this happened several times, the high council discussed, “Who presides when the Presidents are absent.” Despite extensive discussion, they “came to no particular decision.” See MB1, 260.

214 Whenever the First Presidency adjudicated a case before the formation of the high council, these are discussed within this section since the First Presidency can form a President’s Council. See Journal History, June 25, 1833, 6. Anytime there is a reference to a “Presidents council of high priests” or a President’s Court, before the organization of the high council, they are similarly included here because of the assumed involvement of the First Presidency. See MB1, 21–22.

215 Dinger, The Nauvoo City and High Council Minutes, 386. Since no councils in Missouri were appealed to the First Presidency, the first example of this occurred in Nauvoo. Yet this pattern would likely have been followed in Missouri as well. Prior to the formation of the Kirtland high council, some members of the Church believed the First Presidency operated as an appellate court. See MB2, 9.
concern. In a few different cases, individuals filed complaints accusing others of improperly disciplining their children, both for excessive and not enough discipline.216 Charles Kelly was disciplined after he left his family in a “destitute situation,” while he attended the Kirtland Temple dedication.217 The complainants for these cases were high-ranking Church officials: Joseph Smith Jr., Oliver Cowdery, and William Smith.218 Their active involvement coupled with the indictment that the high council gave the defendants suggest that early Church leaders actively encouraged Church members to properly discharge their familial duties.

Several cases occurred involving the teaching of heretical doctrine.219 Four major cases involving heresy were heard within the span of a couple weeks. Two of these cases involved private conversations where an individual was unwilling to recant things that the other party believed was inconsistent with Church doctrine. 220 The other two cases, involving Gladden Bishop and Jared Carter, included declarations of their beliefs to much bigger groups, such as congregations. All four were found guilty and confessed their faults to the high council. Since

216 MB1, 96; JSP, D5, 28–29. Both Joseph Smith’s manuscript history and Journal History only cite the case against David Elliot, neglecting to record any different case against his wife. See Joseph Smith manuscript history, vol. A–1, 561–62; Journal History, October 29, 1835, 1–2.

217 Kelly was tried for this on two separate occasions. See JSP, D5, 245; MB1, 208.

218 The last name of the defendant in that case is recorded differently. Minute Book 1 reads “Kellogg,” while both other sources read “Kelly.” See JSP, D5, 245, Joseph Smith manuscript history, vol. B–1, 653; Journal History, May 16, 1836, 1.

219 Belief in correct doctrine became a requirement for maintaining Church membership. For example, in a letter to W. W. Phelps, the First Presidency wrote that the devil and his angels will never be restored from hell. They also declared, “We sanction the decision of the Bishop and his council, in relation to this doctrine being a bar to communion.” See Journal History, June 25, 1833, 6.

220 MB1, 125–26.
Bishop and Carter had expressed their views before large groups, the high council also required that they publicly confess their misdeeds before they would be fully forgiven.\textsuperscript{221}

Some of these heretical teachings were quite extreme. Bishop believed that a person posting a sign that Joseph Smith would be sold at an auction would die when the auction occurred.\textsuperscript{222} Lorenzo Young believed that poor men should not have posterity, an indictment on Smith trying to have children while he and Emma lived in Harmony.\textsuperscript{223} John and Dean Gould rejected the teachings of Church leaders, while Carter claimed to receive revelation from God contradicting official Church teachings.\textsuperscript{224}

One of the most common charges that the high council heard was libel, defamation, or slander of Church leaders. On these charges, the council often heard cases involving the same defendant.\textsuperscript{225} Sometimes this happened because one party appealed the case. Other times the same defendant later returned to report their public confession. This detailed record of self-reported public confessions occurs less regularly for other offenses.

One particularly noteworthy case came on the heels of Zion’s Camp. After Zion’s Camp returned from Missouri, Sylvester Smith claimed that Joseph Smith purportedly engaged in “criminal conduct,” including unjustly rebuking him and improperly distributing “monies and other properties” while the camp travelled west.\textsuperscript{226} After several unfavorable rulings, Sylvester

\begin{footnotes}
\item[221] MB1, 118, 122. Bishop Gladden also had his confession published in the \textit{Messenger and Advocate}. See \textit{Messenger and Advocate} 1, no. 12 (September 1835): 186.
\item[222] MB1, 120–122.
\item[223] MB1, 125.
\item[224] MB1, 113–18, 126.
\item[225] MB1, 58, 74, 119; Journal History, August 4, 1835, 1; \textit{JSP}, D5, 125, 130–31.
\item[226] \textit{JSP}, D4, 99.
\end{footnotes}
Smith appealed his case to Bishop Whitney and the Kirtland high council.227 In the most detailed recording of any case in Minute Book 1, this high council sustained the previous decisions and found that Sylvester Smith was guilty of slander.228 Before allowing him to leave forgiven, the high council required Sylvester Smith to sign an affidavit attesting that the minutes of the proceedings were accurate.229

Although Joseph Smith was the most common victim of libel, the Twelve, the Kirtland school of the prophets, and Brigham Young were also verbally criticized by different individuals.230 Every person brought before the high council on charges of libel was found guilty, since their statements were often corroborated by several witnesses. During council proceedings, most acknowledged their fault and sought forgiveness. Many of these defendants left the high council chambers either forgiven entirely of their prior actions or conditionally forgiven, after they promised to publicly confess their misdeeds.231

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227 At the first council held on August 11, 1834, Sylvester Smith had indicated that “he was willing to publish a confession in the Star,” a promise he later reneged on. See JSP, D4, 98, 101. A subsequent council was organized to review the “resolution designed for the Star.” At this council, “Brother Sylvester objected against abiding the decision of the former council,” which caused him to be removed from his priesthood office, unless he make “a humble confession.” The decision of the council was appealed and heard by “the bishop assisted by twelve high priests.” See JSP, D4, 109.

228 It does not appear that this council was called to determine the membership of Joseph Smith, “since JS does not appear to have been on trial. The minutes indicate that council participants overwhelmingly believed that Sylvester Smith was in the wrong, and they spent the majority of the meeting trying to determine how he could rectify the trouble caused by his accusations.” See JSP, D4, 98.

229 JSP, D4, 120–135. “However, [Sylvester] Smith may not have been satisfied with the decision of the council. Although he signed a statement acknowledging the justness of the council’s decisions, someone—likely Sylvester Smith himself, as the handwriting resembles his—later crossed out his name and wrote under it, ‘The above was signed for fear of punishment.’ This may have occurred in 1836 when Smith was temporarily serving as JS’s scribe.” See JSP, D4, 120.

230 MB1, 58–72, 94–95, 108–13, 119, 219, 264–65; Journal History, September 26, 1835, 1, August 4, 1835, 1; JSP, D5, 124–31. Other elders were also occasionally threatened. See MB1, 126. In the case involving his brother William, Joseph Smith spoke during the proceedings but did not serve as either a president or counselor. See JSP, D5, 127–31.

231 MB1, 58–72; Journal History, August 4, 1835, 1; JSP, D5, 125–27. In one case where Joseph Smith served as both the complainant and a counselor, the records in Minute Book 1 and the Journal History differ. Minute Book 1
One defendant, Henry Green, was excommunicated when Joseph Smith brought a suit against him for “accusing President Joseph Smith Junr. of rebuking Brother Aldridge wrongfully & under the influence of an evil spirit.” The trial began despite Green’s initial absence. Midway through the trial, Reynolds Cahoon reported that “brother Green had passed the house and when he told him the council was considering his case and requested him to come in, Green said that he should go about his own business.” Shortly thereafter, Green entered. When Sidney Rigdon decided that Green should be excommunicated, one of the counselors objected, imploring that Rigdon provide an explanation. Rigdon’s comments centered on the “indignity offered to the high council,” since Green deliberately chose not to attend, rather than the crime that he had committed. After hearing Rigdon’s explanation, the counselor dropped his objections.232

Similarly, Roger Orton was cut off after he showed “contempt to the authorities of the Church,” when he “had been notified to answer & appear for his conduct but he refused.”233

Few of those that confessed to libelous comments about Church leaders permanently reformed themselves, for only two of them, Orson Hyde and Almon Babbitt, died in the Church.234 Only three defendants were excommunicated. It appears that each of them were cutoff

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233 MB1, 265.

234 Although Orson Hyde died a member of the Quorum of the Twelve Apostles, his false testimony helped incarcerate Joseph Smith in Liberty Jail. After repenting, Orson was restored to his place in the Quorum in 1839. Beginning in April 1848, Orson served as president of the Quorum of the Twelve for twenty-eight years. Without the reordering of the Twelve shortly before Brigham Young’s death, Orson would have been the third president of the Church. See Roy B. Huff, “Orson Hyde: A Life of Lessons Learned,” Religious Educator 3, no. 2 (2002): 167–183. Almon Babbitt later served as the Kirtland stake president, journeyed with the Church west, and served briefly as a representative of the territory in Washington D.C. He did have another case brought to a church court by Smith, but the case was withdrawn before a decision was made. See Dinger, The Nauvoo City and High Council Minutes, 378–80. Brigham Young also didn’t particularly like him, but that seemed to be based primarily on his political,
primarily because of their defiance toward the Church’s system of discipline rather than their libelous remarks.

Although they did not all have formal legal training, the high council also adjudicated several civil cases.235 These actions may have reflected the Church’s general distrust of the civil court system or the belief that Church court rulings were superior to civil court rulings.236 The high council found five individuals guilty of their purported civil crimes, all of whom were “excluded” from the Church or had their “fellowship” withheld, until satisfaction was made.237 Disfellowship or excommunication of those found guilty of civil offenses appeared to be the common practice, until a satisfactory confession was made. The high council often granted forgiveness if those found guilty of wrongdoing repented later.238 Contrary to other crimes, the sentence was not commonly stayed if the guilty individual promised to confess later.239 One case demonstrates the challenges associated with ensuring that individuals fulfilled their prior commitments. In December 1831, Oliver Walker committed to pay George Hartley some money rather than religious, decisions. See Leonard J. Arrington, *Brigham Young: American Moses* (New York: Alfred A. Knopf, 1985), 235.

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235 MB1, 96–97, 123–25, 208–9, 239, 245–46, 248–49. These references to withheld fellowship may more closely align with modern excommunication rather than disfellowshipment.

236 MB1, 129–30. Both of these beliefs were widely taught and practiced after the Church relocated to Utah. See Firmage and Mangrum, *Zion in the Courts*, 264–67, 277–78.

237 One of the excommunications more likely ensued from the defendant’s refusal to appear in court than the allegations levied against him. See MB1, 208–9.

238 Most individuals that did not confess to this crime during their initial trial, did not seek forgiveness later. For a few examples of some that did. See MB1, 248–49, 264–65; Journal History, November 5, 1840, 1; March 6, 1838, 1; “The Minutes of a Conference,” *Times and Seasons* 7, no. 5 (April 1, 1844): 494; Quinn, *The Mormon Hierarchy*, 566.

239 Some exceptions to this standard procedure are found in MB1, 10, 18, 96, 211.
that he owed him.\textsuperscript{240} Three years later, the Kirtland high council determined that since “nothing has been done” by Walker, he “ought to be expelled from this church.”\textsuperscript{241}

The civil suits that the high council heard included stealing, accosting an individual, illegal matrimony, and contract violations. Phineas Young, who was accused of stealing, presented his case twice, once to the high council and once to the “council of the Presidency of the Church of the Latter Day Saints.” During the first hearing, the council found Young guilty, but on appeal, the council acquitted him of all charges.\textsuperscript{242} On another occasion Job Lewis was accused of having “accosted” Joseph Smith. \textsuperscript{243} During the hearing, Smith testified that Lewis “met me in the street and wished me to pay [some money] as the boy said.” Smith’s reference to “the boy” suggests that the minutes for this case are incomplete, since Oliver Cowdery is the only other person that spoke, when he filed the initial accusation against Lewis.\textsuperscript{244} Prior to another case, Nathan Haskins preformed a marriage for Uriah and Lydia Hawkins.\textsuperscript{245} When Haskins became aware that at least one of them was already married when he performed their

\textsuperscript{240} MB2, 81.

\textsuperscript{241} MB1, 81.

\textsuperscript{242} MB1, 96–97, 124–25. This appeal was heard by an unusual body, for less than twelve participated and several were not part of the Kirtland high council. All adjudicators were members of either the presidency of the high priesthood or the Missouri presidency. See JSP, D4, 93, 191–200. Joseph Smith, Sidney Rigdon, David Whitmer, William W. Phelps, Oliver Cowdery, Hyrum Smith, and John Whitmer jointly operated as presidents of the council. See MB1, 119.


\textsuperscript{244} MB1, 208–9.

\textsuperscript{245} Messenger and Advocate 3, no. 9 (June 1837): 528.
marriage, he successfully charged them with “unlawful matrimony,” whereupon “the hand of fellowship” was removed.246

Although the high council largely lacked legal training, they determined contract law on at least two occasions.247 In one case, Jared Carter accused Oliver Olney and Amasa Bonney of a “breech of contract,” and in another Lyman Sherman brought a suit against Isaac Bishop for destroying a written contract, refusing to create another, and violating the conditions of that contract. In these cases, Olney, Bonney, and Bishop claimed, at least, partial innocence, yet all three were found guilty. The defendants were removed from Church fellowship until they fulfilled their contractual obligations.248

The high council also heard several cases that did not fit any of the aforementioned categories. They regularly addressed cases involving purported “unchristian conduct with the female sex.”249 In two of these cases, the defendant committed the purported crime while serving a mission. In the case of Doctor Philastus Hurlbut, a “Bishops council of High Priests” initially excommunicated him for his improprieties.250 During his appeal, Hurlbut acknowledged his guilt and promised to change.251 Based on his deceptively penitent words, Hurlbut left

246 MB1, 239.

247 MB1, 245–46, 248–49.

248 As laws became more complicated and federal pressures increased, this involvement by Church courts in civil proceedings gradually faded in the Great Basin. Before these practices ended, Church courts would place greater emphasis on Church policy, disregarding or invalidating civil decisions, and enacting ecclesiastical punishments on those that utilized the civil system rather than Church councils. See Firmage and Mangrum, Zion in the Courts, 264, 267, 276–78, 306, 339.

249 MB1, 21.

250 JSP, D3, 102, 117.

251 Two brethren were ordained a high priest by Sidney Rigdon just before the onset of this trial. This brought the total from ten to twelve high priests. See MB1, 21.
forgiven.\textsuperscript{252} Bragging about his deception, he was brought before a “general Council” two days later and excommunicated.\textsuperscript{253} His subsequent actions further confirmed the council’s decision, for he quickly became an ardent critic of the Church. Hurlbut was filled with such vitriol that Joseph Smith successfully filed “an assault complaint” in a civil court and had a restraining order placed on him.\textsuperscript{254} In the second case, Lorenzo Lewis confessed “that he [had] disgraced the girl, himself & the church but [pled] not guilty to the charge of illicit intercourse.”\textsuperscript{255} As the trial progressed and witnesses testified, it became apparent that Lewis had pursued another girl, despite becoming engaged just prior to receiving the assignment to serve a mission.\textsuperscript{256} At the end of the council’s proceedings, he requested that “his name be taken off from the Church records.”\textsuperscript{257}

Additional cases included accusations of disobedience, refusal to serve a mission, general “unchristianlike conduct,” and apostasy.\textsuperscript{258} Smith brought two individuals to court for refusing to financially assist others, despite possessing great affluence.\textsuperscript{259} One of them, Isaac McWithy, had

\textsuperscript{252} JSP, D3, 116–17. Although recorded decades later, George A. Smith claimed that Joseph Smith protested the council’s decision because he believed that Hurlbut was not speaking with real intent. See George A. Smith, Journal of Discourses, (15 November 1864) 11:8.

\textsuperscript{253} JSP, D3, 116–20.

\textsuperscript{254} MB1, 21; Firmage and Mangrum, Zion in the Courts, 52. For a more in-depth examination of this trial, consult David W. Grua, “Joseph Smith and the 1834 D. P. Hurlbut Case,” BYU Studies 44, no. 1 (2005): 33–54.

\textsuperscript{255} The minutes first calls the defendant “Lorenzo L. Lewis,” however, at the end he is also called “Loyd L. Lewis.” See MB1, 122–24.

\textsuperscript{256} Although engaged, Church leaders apparently considered the commitment paramount to marriage since he was charged with “adultry.”

\textsuperscript{257} MB1, 122–23.

\textsuperscript{258} MB1, 21–22, 208–9; Journal History, June 25, 1833, 6, January 1, 1838, 2; Messenger and Advocate 2, no. 9, 336; JSP, D5, 247.

\textsuperscript{259} The Kirtland high council heard both of these cases on the same day, June 16, 1836.
previously served on the high council, while the other, Preserved Harris, had been granted permission to see the 116 pages from the Book of Lehi that Martin Harris had lost. A wealthy man with extensive landholdings, McWithy was purportedly stingy, declining to give many of his assets to the poor or to sell his property to the Church at a discounted rate to help finance the Church’s efforts. The minutes do not record either a verdict or sentence for McWithy, even though every high councilor that spoke indicated that they believed the charges were sustained. When examining Harris, Thomas B. Marsh testified that despite his affluence “many of the poor gave much more” than him to assist those in need. In his own defense, Harris claimed that he had “done as he felt before God.” Nevertheless, the high council found him guilty and disfellowshipped him.

Two final cases should be discussed. First, the Kirtland high council repeatedly reinforced their belief that Church members should strictly follow a dietary code received by Joseph Smith in February 1833, which became known as the Word of Wisdom. In one case, Almon Babbitt was accused of several infractions, including violation of the Word of Wisdom. The defendant began these proceedings by confessing his fault, whereupon the council ultimately forgave him of his wrongdoings. Shortly after the Babbitt case, a ball was held on October 19,


JSP, D5, 251–53. For Brigham Young’s recollection of the event, see *Journal of Discourses* 1:255–56.

JSP, D5, 249–51.

An official resolution was adopted by the Kirtland high council on May 28, 1837. Journal History, May 28, 1837, 1. However, Church councils had previously brought disciplinary measures against violators of the Word of Wisdom. See MB1, 48, 97, 211.

MB1, 97. Following the saints’ removal to Missouri, the Word of Wisdom became more of a “principle with a promise” than a commandment. For additional discussion on how early church councils treated the Word of Wisdom, consult Paul Y. Hoskisson, “The Word of Wisdom in its First Decade,” *Journal of Mormon History* 38, no.
1837 wherein participants united “with the world in a dance.” Following this event, twenty-five people received Church discipline. Reflective of other councils, forgiveness was predicated upon public confession of their misdeeds. A little over a week later, several appeared before the high council and adequately confessed, while “the remainder were required so to do or be cut off from the Church.” This threat of discipline often invited reformation and encouraged orthopraxy among believing members of the Church. The high council and others used this discipline to separate the willing wheat from the unwilling chaff.

Seventies

Shortly after the organization of the Seventy in February 1835, quorum leaders began to discipline misbehaving quorum members. An undated notice in the December 1835 issue of the *Messenger and Advocate* stated, “We the 70, hereby inform Hiram Stratton, that we have withdrawn our fellowship from him, until he returns to Kirtland and makes full satisfaction.” In April 1836, the paper published that Stratton had been restored to fellowship since he “made...
full satisfaction to the Presidents of the Seventies.” A few important insights arise from these small notices. First, the presidents of the Seventy actively disciplined members within their quorums. Since the presidents could select, ordain, set apart, and anoint new members of their quorums, disciplining them was a natural extension of that power. Second, the Seventy did not always require the presence of the defendant before they would extend intra-quorum discipline. The first notice instructed Stratton to return and make “full satisfaction” before the decision would be reversed, since his absence prevented such a confession when the initial decision was made. Third, the presidency of the Seventy encouraged those that they disciplined to reform their actions. Instead of only stating the disciplinary action, the notice included an invitation to reform. This suggests that reformation, rather than punishment, was the goal of their disciplinary efforts. Fourth, by allowing both notices to be printed in an official Church publication, Church leadership implicitly gave permission for these practices to continue.

Although they could formally discipline their quorum members, the Presidency of the Seventy rarely did for several years. In 1835, they only heard the Stratton case. In 1836 and 1837, they only tried one individual. Then in 1838, the Seventy began to become more involved in quorum discipline, hearing nine cases involving eight different defendants. The

269 *Messenger and Advocate* 2, no. 7 (April 1836): 299.


272 Journal History, April 29, 1837, 1; Journal History, August 27, 1837, 1.

273 Journal History, February 20, 1838, 1; February 27, 1838, 1; March 6, 1838, 1; March 13, 1838, 1; May 17, 1838, 1; May 18, 1838, 1. Salmon Gee had his case heard three times, and Lewis Eagerly and Jonathan Durham were defendants during the same hearing.
Presidency of the Seventy heard several complaints including “unchristian conduct,” failure to attend quorum meetings, improper teaching, and refusing to pay a debt.274

None of the eleven councils adjudicated by the Presidents of the Seventy resulted in excommunication, although they did find nine individuals guilty.275 If they thought a case warranted excommunication, either an elders conference or the high council would conduct a hearing. Had they modelled the same rate of excommunication by similar councils, the Seventy would have excommunicated several quorum members.276 Although the sample size is small, the absence of any excommunications by the Presidency of the Seventy raises the question whether they excommunicate those that they found guilty.277

One case suggests that the absence of any excommunications is not a mere coincidence. After being disfellowshipped, Hiram Stratton was prosecuted before the Kirtland high council by the clerk who recorded the Seventy’s meetings. The high council and congregation believed that Stratton’s actions warranted excommunication.278 If they believed his actions warranted excommunication and had the power to do it, the presidency of the Seventy would have excommunicated Stratton without bringing him to the Kirtland high council. The more

274 In 1837, the Presidents of the Seventies issued a statement prohibiting quorum members from specific actions: no fellowship with any that participate in polygamy or fail to conform to Biblical laws, and disregard ball-playing, wrestling and “the use of ardent spirits of any kind.” See Messenger and Advocate 3, no. 8 (May 1837): 511.

275 Since Hiram Dayton’s trial did not record a verdict, I did not count him as either innocent or guilty. See Journal History, May 18, 1838, 1. A case recorded in Minute Book 2 is not counted, although Seventies were involved, since the Twelve and a bishop also participated. See MB2, 87.

276 In 1835, eleven individuals were excommunicated from forty-three trials. In 1836, eight individuals were excommunicated in eighteen trials. Six individuals were excommunicated during thirty-two trials in 1837. These tallies count only those that left their trial excommunicated, not those that were cut off and reinstated during the same council.

277 Oman, “Preaching to the Court House,” 173.

278 MB1, 264.
reasonable explanation for these actions is that the Presidency of the Seventy did not have the authority to excommunicate quorum members. 279 Although they could regulate quorum membership, they could likely not control Church membership.

Two lawyers, who conducted the most extensive study of Church courts ever preformed, fail to discuss whether the Seventy could excommunicate offenders. However, it seems likely that the Seventy operated similarly to other priesthood quorums, which could only determine whether quorum members should maintain their membership in the quorum.280

Elder’s Quorum

On January 15, 1836, the First Presidency oversaw the organization of the Kirtland elders quorum. At this meeting, quorum members sustained Alvah Beman as their first president.281 The quorum kept an account of their proceedings from 1836–1841, including several councils where they adjudicated disagreements between quorum members.282 An examination of these disagreements from 1836–1838 suggests that this body, similar to the Seventy, could only

279 This also explains why members of the Seventy participated in elders councils due to their ordination as an elder, not their ordination as a Seventy. See Messenger and Advocate 3, no. 11 (August 1837): 559. When attending a trial conducted exclusively by Seventies, Wilford Woodruff refers to all of them as elders. See Woodruff, Wilford Woodruff’s Journal, 124. Perhaps for this reason, Hosea Stout later noted that he “was ordained an Elder in the Quorum of the Seventies.” See Hosea Stout, On the Mormon Frontier: The Diary of Hosea Stout, ed. Juanita Brooks (Salt Lake City: University of Utah Press and Utah State Historical Society, 1964), 3. When the presidents of the Seventy were only disciplining quorum members, they claimed their authority to discipline from their ordination to the office of Seventy. See Journal History, March 6, 1838, 1; March 13, 1838, 1; Messenger and Advocate 2, no. 3 (December 1835): 237.

280 Firmage and Mangrum, Zion in the Courts, 33. See also Oman, “Preaching to the Court House and Judging in the Temple,” 173. Although Firmage and Mangrum’s assertion applies to most cases, there were exceptions in areas outside of Kirtland and Missouri. Elders conferences continued to excommunicate church members. Ordained elders participated even if they held other priesthood offices, including the office of Seventy.


282 The detail that these records provide about council proceedings varies greatly, but generally the details are sparser in comparison to similar minute books.
remove quorum members, even though the adjudicators could also preside at elders councils where they could excommunicate those that had transgressed.283 The only substantial difference between elders conferences and elder’s quorum meetings was the absence of a ratifying vote by the assembled congregation. However, the congregation appears to grant elders the authority to try Church members for their Church membership.

Seven defendants had their case discussed by the elders quorum more than once. Dean Gould even had his case discussed on three separate occasions before receiving a verdict and sentence.284 By contrast, only three defendants had their case examined only once.285 Of these three, John Gribble’s case was transferred to the high council and the minutes fail to record a sentence after Solomon Freeman confessed his guilt.286 In the final case that the quorum discussed only once, the quorum corrected the complainant, Amos Babcock, for errantly accusing Lorenzo Wells of a crime. They demanded that Babcock confess his error to Wells and before the council, which Babcock eventually did.287

Quorum members accused their fellow brethren of various offenses. Eight of these cases specify the purported crimes, while two do not.288 The accusations often involved moral

283 Cook and Backman, *Kirtland Elders’ Quorum Record*, 10, 25–26, 44.

284 The first two times Gould’s case was briefly discussed and the minutes did not name a complainant. During the final hearing, they named the quorum president as the complainant and Gould was disfellowshipped. See Cook and Backman, *Kirtland Elders’ Quorum Record*, 9–10.


286 Cook and Backman, *Kirtland Elders’ Quorum Record*, 41. Freeman was accused of polygamy, since he married a wife while legally married to another. When the council inquired whether the defendant would go and determine if his first wife was dead or, if living, “obtain a bill from her,” the defendant demonstrated “a Careless indifferent spirit.” See Cook and Backman, *Kirtland Elders’ Quorum Record*, 35.

287 Cook and Backman, *Kirtland Elders’ Quorum Record*, 42–43.

misbehavior, such as “unchristian like conduct,” disobedience to parents, swearing, polygamy, and stealing. In two cases, the complainant accused the defendant of not following Church policies. The first claimed that Gribble had been inappropriately ordained an elder, since he had not magnified his ordination as a priest. Instead of deciding, the quorum transferred this case to the Kirtland high council, perhaps because Gribble’s ordination to the Melchizedek Priesthood had already occurred.289 The second case accused Joshua Bosley of violating the Word of Wisdom. The quorum heard this case in May 1838, shortly before the Kirtland Camp Constitution, which required signees to uphold the Word of Wisdom, was signed.290 In charges levied by Andrew Lamoreaux, he claimed that Bosley was drunk on two separate occasions. After the first altercation, Lamoreaux talked with Bosley, whereupon “he confessed and [Lamoreaux] hoped he should not do the like again.” When Bosley did not reform, the case was addressed by the elders quorum. After hearing the charges, the quorum sent “three or four brethren” to visit Bosley. According to the minutes, they wanted to discern how he “felt” about what he had done. When the case was revisited a month later, Bosley appeared before the quorum and was removed from quorum fellowship.291

General Council

The early Church held both elders councils and general councils. For the purposes of this study, general councils differed from elders councils because they were commonly recorded as

289 Cook and Backman, *Kirtland Elders’ Quorum Record*, 41. A similar discussion occurred when several brethren were proposed as potential elders, although they had not first received the Aaronic Priesthood. Perhaps since they were not yet ordained, the elders quorum believed that they could examine the case. This issue was also tabled, so it could be reconsidered later with the “authorities of the church.” See Cook and Backman, *Kirtland Elders’ Quorum Record*, 46–47.


291 Cook and Backman, *Kirtland Elders’ Quorum Record*, 43–44.
“an assembly of saints,” or general council, rather than a gathering of elders and high priests.\textsuperscript{292} Often a wide array of priesthood offices, other than just elders and high priests, participated in general councils.

Occasionally these general councils screened defendants. In one instance, Ezra Thayre was “suspended as an Elder and member, until investigation could be had before the bishop’s court.”\textsuperscript{293} Thus, the sentence of this general council operated as a judicial stay. The council determined that Thayre was guilty enough to receive an injunction, yet they deferred authority to the bishop, even though Thayre did not appear to appeal their decision. In another case, a man by the name of Draper repeatedly left Sunday meetings prior to partaking of the sacrament. The congregation heard the case and found him guilty, but they determined that he could avoid excommunication with a sincere confession. Smith records that Draper “attempted to make a confession, but it was not satisfactory to me.” After excommunicating him, Smith invited Draper to reform his actions and return to the Church.\textsuperscript{294} It is unclear whether Draper ever accepted this invitation.

In 1837, perhaps to counter the growing apostasy among some Church leaders in Kirtland, general assemblies of Saints began to more regularly administer Church discipline.\textsuperscript{295}

\begin{flushright}
\textsuperscript{292} For example, see MB1, 22.
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\textsuperscript{293} Journal History, May 2, 1835, 2. No record of this bishop’s court has been found.
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\textsuperscript{294} Journal History, December 6, 1835, 1. “I was constrained by the Spirit to deliver him over to the buffettings of Satan, until he should humble himself, repent of his sins, and make a satisfactory confession before the church.” See Journal History, December 6, 1835, 1.
\end{flushright}

\begin{flushright}
\textsuperscript{295} Backman, “A Warning From Kirtland,” 29–30. Since the Kirtland apostasy became widespread among Church leaders, the Kirtland high council once dispersed in confusion when David Whitmer, Frederick G. Williams, Lyman E. Johnson, Parley P. Pratt, and Warren Parish were tried. See Journal History, May 29, 1837, 1–2. Several of the adjudications before an assembly of the saints occurred after the high council chose some substitute high councilors before they had the full twelve required to hear these cases. See MB1, 248–49.
\end{flushright}
Occasionally, these assemblies served as appellate courts, filling the role traditionally held by the high council.  

For example, on October 19, 1837, a few dozen people united “with the world in a dance” at the John Boynton and Luke Johnson barn. On October 22, a general council “disfellowshipped” twenty-five individuals, encouraging them to make “satisfaction” with a public confession. A week later, Church members found that several more were guilty and heard many confessions. Three days later, the high council became involved when guilty persons also satisfactorily confessed to them. Interestingly, before the high council began to participate in a case involving dozens of people, two assemblies of Saints tried and disciplined many of them.

Similar to elder and high priest councils, Joseph Smith did not actively preside over all general councils. Even when a general council in June 1833 examined the case of Philastus Hurlbut, which had significant implications for Smith, it is unclear whether he attended the council. After the Hurlbut debacle, Smith likely presided at or participated in the next several

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296 MB1, 261–65. In one of these cases, Hiram Stratton, who had previously been disfellowshipped, was tried by an assembly. Since he had married “contrary to the law,” the assembly excommunicated him after they determined that “he had cut himself off from the church.” The council’s actions carried out what they believed Stratton had already done. See MB1, 264.

297 MB1, 251–52. Those named are Luke Johnson, John F Boynton and wife, Harvey Stanley and wife, Daniel Jackson and wife, Andrew Brim, Alexander Brim, Pulaski Cahoon, Daniel Cahoon, Andrew Cahoon, Augustus Bump, Arthur Millkin, Mary Ann Salsbury, Augusta Bump, Sarah An Pemberton, Electa Miles, Cornelia Pemberton, Sarah Ann Barker, Elen Parker, Sarah Pettingall, Affa Woodman, George W. Gee, King Millican. Another source states that “twenty-two brethren and sisters” were tried, but fails to list any of them. See Journal History, October 22, 1837, 1.

298 Journal History, October 29, 1837, 1. On this day, eleven confessed and nine more were reported. However, none of these people were named. Since the number of people that were found guilty of wrongdoing during the previous week is disputed, it is unclear whether the additional nine people mentioned here include some of those who were counted in one tally but not in another.

299 Journal History, November 1, 1836, 1.

300 Official Church minutes and Joseph Smith’s journals do not indicate whether he attended. After a careful analysis of early sources, the editors of The Joseph Smith Papers hesitate declaring whether he attended this council. See
general councils that occurred in Kirtland. Later during the Kirtland apostasy of 1837, Smith participated less frequently in these general councils.

Ad Hoc Discipline

Joseph Smith’s revelations encouraged Church members first to try resolving private offenses among themselves before seeking formal adjudication. Some evidence exists that Smith could adjust formal discipline without the aid of a formal council, at least in some limited cases. In 1834, a council formally cut off Leman Copley from Church fellowship for bearing “false testimony” during the Philastus Hurlbut civil suit. Two years later, Copley visited Smith’s home and confessed his error. Smith wrote that Copley “thought at the time that he was right, but on calling to mind all the circumstances connected with the things that transpired at that time he was convinced that he was wrong, and humbly confessed it, and asked my forgiveness, which was readily granted. He also wished to be received into the Church again, by baptism, and was received, according to his desire.”

Without a formal council, Smith extended forgiveness, reversed Church discipline, and allowed Copley to be rebaptized. After Copley gave Smith his “confession in writing,” it is

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301 Journal History, May 2, 1835, 2; November 8, 1835, 1; November 15, 1835, 1; December 6, 1835, 1.
302 JSP, D2, 267 [D&C 42:88–89]. This pattern continued into the Great Basin. See Firmage and Mangrum, Zion in the Courts, 306.
304 Joseph Smith manuscript history, vol. B–1, 647.
unclear what Smith did with this confession. 305 Although he could have published it to receive the Church’s sustaining vote ex post facto, no evidence sustains this assertion. Curiously, Smith may have never published this confession despite the duplication of other similar documents. 306 He may have only used it as a tool to evaluate how sincerely Copley wanted to reform. It is also not clear if Smith would have reversed the decision without a council had Copley not primarily offended him. Whatever the reasons, Joseph Smith felt that Copley’s private verbal and written confession was enough to warrant forgiveness and rebaptism, without requiring the sustaining vote of a formal council.

Conclusion

Between 1830–1838, more Church discipline occurred within Kirtland than anywhere else. Several factors contributed to this. Kirtland housed the highest appellate court, had the greatest concentration of members, and utilized the most varied modes of discipline. Aside from having the only President’s Council in the Church, the quorums of Seventy also tried their own quorum members exclusively in Kirtland. After the Church left Kirtland, Church courts would again change. The president’s council would assemble less, deferring to high council rulings for most Church disciplinary actions. Elders would participate less openly in Church centers, aside from occasional intraquorum disciplinary measures. 307 Even in Nauvoo, Church members

305 Joseph Smith manuscript history, vol. B–1, 647. It is unclear whether Joseph Smith had similar authority to enact formal Church discipline, without the aid of a council.

306 Messenger and Advocate 1, no. 1 (October 1834): 10–11; 2, no. 9 (June 1836): 336.

307 No record of intraquorum discipline occurred in Missouri. Later in Nauvoo, it occasionally happened. See Dinger, The Nauvoo City and High Council Minutes, 447.
generally participated less in formal disciplinary actions.\textsuperscript{308} It was largely in Kirtland that Joseph Smith established a foundation, in principle and practice, upon which future Church councils would build.

\textsuperscript{308} However, they actively participated in a few important cases following the death of Joseph Smith, as moderated by the Quorum of the Twelve. See Dinger, \textit{The Nauvoo City and High Council Minutes}, 505–25.
Chapter Four:  
Church Discipline in Missouri

The Church first began to develop in Missouri when Oliver Cowdery, Peter Whitmer Jr., Ziba Peterson, and Parley P. Pratt embarked on a mission, primarily to the Native Americans living west of Jackson County, Missouri, whom Church members often called Lamanites.309 Leaving New York in October 1830, these missionaries arrived in Independence on January 13, 1831.310 Soon after their arrival, they began to teach a band of Delaware Indians. However, the Indian agent, Richard Cummins, threatened them with imprisonment if they did not immediately desist from preaching until they had received the necessary approvals. Cowdery dispatched Pratt to deliver a letter from Cowdery to William Clark, the Superintendent of Indian Affairs, hoping that he would grant them permission.311 Failing to find Clark in St. Louis, Pratt continued his journey to Kirtland, as he and his companions had previously designed.312 After Pratt left for St. Louis, the eager missionaries began preaching to the local citizens. Pratt records, “We were well received, and listened to by many; and some were baptized and added to the Church.”313

309 Although Frederick G. Williams did not begin with the missionaries in New York, he continued with them when they left Kirtland for Missouri. See Parley P. Pratt, The Autobiography of Parley Parker Pratt, one of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints, Embracing his Life, Ministry and Travels, with Extracts, in Prose and Verse, from his Miscellaneous Writings, ed. Parley P. Pratt Jr. (Chicago: Law, King & Law, 1888), 61.


311 JSP, D1, 290.

312 JSP, D1, 272, 290; Pratt, Autobiography, 61–62. Had these missionaries eventually obtained the necessary documentation, success among the native Americans would likely have still been limited, especially since Methodist and Baptist preachers had already organized themselves a couple of months previously. See Underwood, “The Mission to the Lamanites,” 150.

313 Pratt, Autobiography, 61. This statement appears to optimistically portray reality. When Joseph Smith arrived in July 1831, he found “fewer than ten converts.” See JSP, D2, 12.
In December 1830, Smith received a revelation, directing him to move the main body of Church members from New York to Kirtland, Ohio. When the Colesville branch arrived in Thompson, Ohio, they began settling on the property of Leman Copley. When Copley decided to return to his Shaker roots, he evicted the branch members from his property. The presiding elder of the Colesville saints, Newel Knight, asked Smith what they should do. A revelation instructed the Colesville group to move to western Missouri. They arrived on July 25, 1831.

Through proselytizing efforts and the immigration of other members, the Church in Jackson County grew. By the “summer of 1833, there were more Saints in Zion than in northeastern Ohio.” Misunderstandings between the Mormons and Jackson’s citizens ignited when an article appeared in the Evening and the Morning Star about slavery from which the Missourians extracted a phrase before widely distributing it out of context. On July 20, a mob gathered to destroy the Church-owned printing press, where they also tarred and feathered Church leaders. Additional hostilities erupted again in late October and early November.

314 JSP, D1, 226–27.
315 An account from Joseph Knight suggests that there may have been some formal discipline instigated against Copley, but this assertion lacks corroborating evidence. See Joseph Knight Jr., “Joseph Knight’s Incidents of History from 1827–1844,” as quoted by Porter, “A Study of the Origins,” 308.
317 Although the Church was “barely the size of a typical stake today,” there were “over a thousand saints in Jackson County,” by mid-1833. See Grant Underwood, “Expulsion from Zion, 1833” in Joseph Smith: The Prophet and Seer, eds. Richard Neitzel Holzapfel and Kent P. Jackson (Provo, UT: Religious Studies Center, Brigham Young University, 2010), 138.
318 Following the Compromise of 1820, Missouri became a slave state. The phrase that caused concern a read, “In connection with the wonderful events of this age, much is doing towards abolishing slavery, and colonizing the blacks, in Africa.” The sentence just before that read, “As for the slaves we have nothing to say.” Additionally, the editors had quoted previously from Missouri laws affirming slavery “to prevent any misunderstanding among the church abroad, respecting free people of color, who may think of coming to the western boundaries of Missouri.” See The Evening and the Morning Star 2, no. 14 (July 1833): 218–19, 221.
culminating in the wholesale removal of all Mormons from the county.\textsuperscript{319} Church members settled temporarily in Clay and Ray Counties before being forced to move elsewhere, beginning in 1836. \textsuperscript{320} They next settled primarily in what became known as Caldwell county and, still later, in Davies county.\textsuperscript{321} But peaceful coexistence with the Missourians was only temporary. When Joseph Smith fled Kirtland and relocated to Far West in March 1838, tensions elevated again later that summer and fall.\textsuperscript{322} In a move similar to Andrew Jackson’s Indian Removal Act, Governor Lilburn W. Boggs issued the Extermination Order on October 27, 1838, forcing the Saints to leave Missouri.\textsuperscript{323}

Elders Councils

During the Church’s stay in Missouri, the development of Church disciplinary processes paralleled its growth. The first formal disciplinary action recorded in Missouri occurred when Smith visited the Church members there in July 1831. After arriving, Smith received a revelation where Ziba Peterson, one of the original missionaries that Smith sent there, was rebuked for his pride and unrepentant actions.\textsuperscript{324} Three days later at an elders council, a group of elders and

\begin{itemize}
\item Journal History, January 12, 1838, 1; March 14, 1838, 1.
\item Leland Homer Gentry, \textit{A History of the Latter-Day Saints in Northern Missouri from 1836 to 1839}, (Provo, UT: Joseph Fielding Smith Institute for Latter-day Saint History and BYU Studies, 2000), 131–228.
\item \textit{JSP}, D2, 21 [D&C 58:60].
\end{itemize}
congregants jointly adjudicated Peterson’s case. Peterson’s confession was “satisfactory to the Church as appeared by unanimous vote” and he was forgiven.325 Shortly thereafter, Church members “no longer allowed [him] to function as an elder,” although he was ordained again just over a year later.326 The council minutes provide very little understanding into what Peterson’s transgressions were. Some comments in a letter from Ezra Booth and the subsequent marriage of Peterson to a local girl, Rebecca Hopper, suggest that the relationship between Hopper and Peterson may have initiated these disciplinary proceedings.327

Elders councils were the standard method of Church discipline in Missouri during 1831 and 1832.328 Over this span, at least seven councils occurred where formal Church disciplinary action was considered.329 In these councils, multiple individuals were accused of teaching false doctrine. Often, Church leaders could informally correct these erroneous teachings prior to holding a Church council.330 However, when an errant individual resisted this instruction, the elders would convene a council to encourage the digresser to adjust their teachings. These

325 *JSP*, D2, 23.

326 D2, 23, 23 n127. Once forgiven, Peterson could immediately act in his formal role, for he offered the closing prayer at the elder’s council where he was reordained. See MB2, 31.

327 Booth claims that two of Peterson’s missionary companions had informed him of a transgression “on a parallel” with making a “matrimonial contract” with a young girl and her parents and then violating those commitments by becoming “the gallant of another.” See *JSP*, D2, 21 n108. Dean Garrett disputes any purported connections between Peterson’s marriage to Hopper and his subsequent disciplinary proceedings. See H. Dean Garrett, “Ziba Peterson: From Missionary to Hanging Sheriff,” *Nauvoo Journal* 9, no. 8 (Spring 1997): 30.

328 One general council and high priest council also conducted some Church discipline during 1831 and 1832. Although the minutes do not explicitly state that it was a high priest council, an analysis of the brethren participating in the council demonstrates that they all held the high priesthood before the council convened. See Journal History, January 24, 1832, 2; MB2, 33. Edward Partridge, Isaac Morley, John Corrill, and John Whitmer were ordained to the high priesthood in June 1831. See MB2, 4. Shortly thereafter, both Oliver Cowdery and W. W. Phelps received the same priesthood office. See MB2, 5–6. Lastly, Sidney Gilbert was ordained on April 26, 1832. See MB2, 25.


330 Matt. 18:15; *JSP*, D2, 267 [D&C 42:88–89].
councils placed no restrictions on beliefs, although they encouraged individuals to reform sinful actions and inaccurate doctrinal teachings. In two separate cases, neither Newel Knight nor Thomas Mils demonstrated any desire to change. After the Knight told his story, elders considered the case and cast private votes, whereupon “they all agreed & came out bad.” Knight began to speak in defense of his actions, until he was interrupted by the Moderator. The elders then began to raise their voices to condemn him.\footnote{MB2, 23–24.} In the second case, the council examined Mils’s teachings that were “contrary [to] doctrine” found in the scriptures. After confiscating his ministerial license, the council instructed him to “withdraw from the Church,” if he did not intend to alter his current path, “which he did.”\footnote{MB2, 33.}

Common elders could adjudicate cases involving top-tier Church leaders. In several of these cases, elders found the defendant guilty. After the guilty parties sincerely confessed their inappropriate actions, the elders subsequently forgave each of them.\footnote{Both “the Bishop of this Church,” Edward Partridge, and the first counselor in the First Presidency, Sidney Rigdon, were tried before elders councils in Missouri.\footnote{MB2, 22–23, 27; Journal History, January 24, 1832, 2.}} Both “the Bishop of this Church,” Edward Partridge, and the first counselor in the First Presidency, Sidney Rigdon, were tried before elders councils in Missouri.\footnote{Rigdon once accused Bishop Partridge of wrongdoing.\footnote{Concerning a separate issue, Partridge’s counselors later accused him of wrongdoing. In this case, Partridge was found guilty of transgressing, confessed his faults, and was forgiven. See MB2, 22–23.}} At the trial, the elders determined that they had “no legal right to proceed to a trial of the same in the absence of one of the parties,” since Rigdon was not there. The council decided that a letter should be sent to Rigdon, “advising that this difficulty be settled and

\footnote{Although the case involving Rigdon and Partridge was not formally adjudicated, it should be noted that Partridge voluntarily “brought forth & read” letters written by Rigdon, wherein Rigdon “prepared certain charges against the said Bishop,” which were “detrimental to his character and standing as a Bishop in the Church of Christ.” See Journal History, January 24, 1832, 2.}
thereby the wound in the church be healed.” 336 No record of an additional council has been found, suggesting that Right may have implemented the council’s recommendation.

Bishop’s Councils

In June 1835, Joseph Smith gave Partridge and the Missouri high council jurisdiction for all members in “Zion.” 337 The high council received the specific responsibility to regulate all the Church’s spiritual affairs, while the “bishop and his council [were] set over her temporal matters.” This simultaneously removed any such authority from the elders. 338 Although this expanded the power and authority of Partridge, not a single bishop’s council was recorded within Minute Book 2. The minute book belonged “to the High Council … or their successors in office.” 339 Since disputes only handled by the bishop may not have included any high councilors, minutes of these meetings may have been deliberately excluded from Minute Book 2. On occasion, the bishop and high council jointly adjudicated a case. These minutes are often included in Minute Book 2. 340 Since those cases involved two disciplinary bodies and high-profile Church leaders, they will be examined later.

A few bishop’s councils are recorded elsewhere. 341 On May 11, 1838, Partridge’s court heard two separate cases. The record for these trials comes from Smith’s journals, since he

336 Journal History, January 24, 1832, 2.
337 Although extant Missouri records are sparse, this may have been practiced in Missouri as well, since quorum disfellowshipping continues in Nauvoo. See Dinger, The Nauvoo City and High Council Minutes, 410, 447–48.
338 Messenger and Advocate 1, no. 8 (May 1835): 137–38. The restricted authority of the elders continued to be restricted through 1838. See MB2, 154–56.
339 MB2, Title page.
340 However, this is not always the case. See Journal History, February 10, 1838, 1.
341 I did not find any bishop’s councils in Missouri from 1833–38, aside from Oliver Cowdery’s Council and the two noted in Joseph Smith’s journal. One council notes that a case was referred to the bishop, but no record of the
moved to Missouri earlier that year.342 While Joseph Smith lived in Kirtland, he could not attend many councils in Missouri from 1831–1838. The mention of this council only a few months after Smith moved suggests that other Bishop’s courts likely occurred even though there are no extant minutes. During the first case, Doctor McCord apologized for the convening of the court since “he had [previously] intended to withdraw from the Church.” Before leaving, “he gave up his license and departed.”343 Although the entry within Smith’s manuscript history does not confirm this, it is likely that the defendant was also removed from Church records since he had expressed that desire.

The other bishop’s court held on May 11 involved a member of the Quorum of the Twelve, William E. McLellin. Although he had previously expressed great faith in Smith, McLellin now claimed that “he had no confidence in the heads of the Church, believing they had transgressed, and had got out of the way.” The primary reason for this loss of faith was likely the collapse of the Kirtland Safety Society.344 After the First Presidency made “a general settlement, and acknowledged their sins, he [had] beg[u]n to pray again.” However, this did not change his prior convictions. During the council, McLellin acknowledged that these concerns with the First

council has been found. See MB2, 157. It is worth noting that Bishop Partridge faced mob persecutions and served missions outside of Missouri throughout this period. On July 20, 1833, mobs tarred and feathered him in Independence, Missouri. Several also threatened him with his life. Mob persecutions forced him and his family to move to Clay county in November 1833. From January 27, 1835 to May 6, 1836, Partridge served two missions and studied at the Kirtland School of the Prophets. Then in 1836, the Saints were forced again to move from Clay County. See Sherilyn Farnes, “Fact, Fiction and Family Tradition: The Life of Edward Partridge (1793–1840), The First Bishop of the Church of Jesus Christ of Latter-day Saints” (master’s thesis, Brigham Young University, 2009), 52–58. Partridge’s transiency likely complicated both the regularity and record-keeping of bishop’s councils in Missouri.

342 Joseph Smith manuscript history, vol. B–1, 719.

343 Journal History, May 11, 1838, 1.

344 The accusations of its mismanagement and effects on the faith of the Saints is discussed in greater detail later this chapter.
Presidency were not from personal observation but hearsay. The official minutes do not record a verdict, but other sources confirm that McLellin was excommunicated.345

High Council

In February 1834, Smith received a revelation directing him to organize a body of men and march to aid the dispossessed Missouri Saints who had been expelled from Jackson county in late 1833. In May 1834, Smith led a group of over 200 men to Missouri. Expecting assistance from the Missouri government once they arrived, camp members were devastated to learn that this promised aid would not materialize.346

On July 3, 1834 after Zion’s Camp arrived in Clay County, the “High Priests of Zion” established the Missouri high council “for the purpose of settling important business that might come before them which could not be settled by the Bishop and his council.”347 Patterned after the Kirtland high council, this body had twelve high priests and three presidents—David Whitmer, William W. Phelps, and John Whitmer.348

Shortly after forming the Missouri high council, many Missouri leaders left for Kirtland. A week and a half earlier, Smith asked the three newly called presidents and seven high

345 Journal History, May 11, 1838, 1. It is unclear whether this excommunication was initiated by Church councils or self-induced. See Shepard and Marquardt, Lost Apostles, 174.


347 JSP, D4, 90. This wording suggests that the Missouri high council operated as an appellate court for the “Bishop and his council.” If the high council applied this direction, then the five cases that they heard during the next several months would have all have been heard first by the “Bishop and his council.” No extant records exist for any of these Bishop’s courts and the high council minutes do not suggest that they were appealed from a Bishop’s court. See MB2, 62–64, 66, 49–57. Although Partridge departed on a mission in January 1835, he was present in Missouri when all five of the cases were heard. See Farnes, “Fact, Fiction and Family Tradition,” 52.

348 JSP, D4, 90.
councilors to travel to Kirtland where he promised that they would be endowed with power. Four days later, the newly formed high council again directed both Phelps and John Whitmer to journey east. Although these minutes do not clearly state whether Smith attended this meeting, he likely did “since he was in the area at the time.” After leaving, some Missouri leaders did not return for several years.

The extended absence of the Missouri stake presidency, several members of the high council, and Bishop Partridge, may have influenced the scarcity of recorded Church courts and council meetings between the formation of the Missouri high council in 1834 and April 1837. Although Smith’s notice in the July 1834 Messenger and Advocate had shifted all Church disciplinary functions in Missouri to the bishop and high council, either very few high council meetings occurred during this three-year interlude or their meetings were often not recorded. The five high council adjudications in 1834 are the only formal councils recorded in Clay County. These were followed by a two-year hiatus from any recorded Church discipline in Missouri.

Of the five cases heard in Clay county, one case involved the confession of George Burkett and Samuel Brown. The other four defendants were accused of either teaching false
doctrine, poor understanding, preforming unauthorized priesthood ordinations, or demonstrating a lack of “understanding and discretion.” The high council found that all four were guilty.354 Since each defendant willingly received correction, no disciplinary actions were issued, aside from losing priesthood licenses. In one case, members of the Hulet branch were found guilty of teaching false doctrine. Two high councilors, Simeon Carter and Amasa Lyman, were dispatched to visit with and correct them.355 Another individual, William Batson, gave up his elders license, since he “had not understanding and discretion to act wisely in that capacity.” Church records are unclear, but his license may have been eventually restored.356 Lyman Wight confessed his wrongdoing during his trial and agreed to correct his false teachings.357 The final defendant, George Brown, confessed teaching false doctrine and secretly ordaining Sylvester Hulet to the office of high priest. The high council required Brown to return his elder and high priest ministerial certificates and voided the ordination of Hulet. Brown left the council otherwise forgiven.358 Another unrecorded council may have been held for Brown soon thereafter where he was removed from the Church, since a council four months later restored him to full fellowship.359

354 MB2, 49–60, 62–64, 66. One defendant also ordained a high priest in “an underhanded, (and as we conceive) clandestine manner.” See MB2, 49.

355 Journal History, August 21, 1834, 1.

356 All three accounts record a slightly different name. In Minute Book 2, it reads, “William Boston.” In the Manuscript History, Joseph Smith’s scribe writes “William Badson,” and in the Journal History, it says “William Batson.” See MB2, 62; Joseph Smith manuscript history, vol. A–1, 352; Journal History, August 7, 1834, 1. Later in Nauvoo, “William Batson” is sent to Ohio. See Journal History, April 15, 1844, 2. Since both accounts in the Journal History have the same spelling, both entries may be referencing the same person.

357 MB2, 63–64.

358 MB2, 56–57.

359 MB2, 66.
Two years later in 1836, after the Saints began relocating to Far West, the Missouri high council again actively adjudicated disputes. Several of these disputes were high-profile cases, involving members of the Missouri stake presidency and the associate president of the Church. These will be considered separately. The remaining cases illustrate a wide variety of complaints that the high council could hear and rule on.

The Missouri high council heard two cases involving contract law and an unlawful marriage proposal. The two contract cases were filed against John Patten. The high council first rejected an appealed case against Patten “because of [an] illegality.” The specific concern is not clear, but it may have been a procedural matter since a similar case involving all five parties was submitted and heard during the same council meeting. In an article that Joseph Smith penned two years earlier, he had given bishop’s courts jurisdiction over “temporal matters.” After the appeal was rejected, the four “former complainants” filed a complaint against Patten for “not fulfilling his contracts or covenants in consequence of which they were materially injured.” According to Smith, this case would normally fall under the prerogative of a bishop’s court. However, the high council did not reject the case. Consequently, it was likely closely related to the earlier appealed case, since the high council did reject another case for “business belonging to the Bishop.” The high council attempted to resolve this case differently than normal, for after hearing the evidence, the “Presidency decided that both accuser and accused should be

360 MB2, 75–76; JSP, D6, 118–26.
361 MB2, 75–76,
362 Messenger and Advocate 1, no. 8 (May 1835): 137–38.
363 MB2, 157.
disfellowshipped if they did not settle their difficulty” themselves.\footnote{MB2, 75.}

The unlawful marriage proposal involved a defendant, Aaron Lyon, who had lied about receiving revelation confirming the death of the complainant, Henry Jackson, before proposing marriage to Jackson’s wife, Sarah. Lyon, who had been serving as the presiding high priest in a small town just outside of Far West, was found guilty and stripped of his priesthood office.\footnote{JSP, D6, 118–22. Sarah Jackson’s letter was inserted later into the minute book. See JSP, D6, 123–24.}

Similar to Kirtland, the Missouri high council also heard two cases about the teaching of false doctrine. One of the defendants, Lyman Wight, had previously stood before the high council in Clay county for similar charges, while Nathan West, the other defendant, had previously brought two others to court where they were convicted of teaching false doctrine.\footnote{MB2, 49–60; Michael S. Riggs and John E. Thompson, “Joseph Smith Jr. and “The Notorious Case of Aaron Lyon”: Evidence of Earlier Doctrinal Development of Salvation for the Dead and a Trigger for the Practice of Polyandry?,” The John Whitmer Historical Association Journal 26 (2006): 101–19.}

After Wight and West confessed their false teachings to the high council, they were both admonished and forgiven.\footnote{MB2, 74; JSP, D6, 105–7.}

As tensions increased in the spring and summer of 1838, additional accusations of slander arose. The high council consistently gave individuals an opportunity to confess and repair these wrongdoings. However, penalties for refraining from a timely and appropriate confession were severe—unrepentant offenders were often excommunicated.\footnote{MB2, 126–31, 143–47.}

Appearing before the high council did not guarantee a guilty verdict, nor were complainants protected from receiving disciplinary action. In one case, James Newberry accused
John Murdock of “speaking reproachfully of youngsters.” After hearing the evidence, the high council determined that the accuser, James Newberry, was at fault for “treating Bf Murdock as he did.” However, the minutes do not specify what sentence the council gave him.369

Missouri Church Leadership

When Joseph Smith organized the Missouri presidency in July 1834, he placed one of the three witnesses of the Book of Mormon, David Whitmer, as its president, and set apart William W. Phelps and John Whitmer as counselors. In 1836, Phelps and John Whitmer purchased land in what became Caldwell County with Church funds. They then purportedly engaged in underhanded financial dealings when they began selling some of that land back to Church members at a higher rate, while retaining the profits for themselves. Shortly after this occurred, Oliver Cowdery and David Whitmer arrived in Far West. Influenced by the Kirtland apostasy, they began circulating harmful reports about Church leaders. Smith wrote a letter to the Missouri Saints informing them that Cowdery, David Whitmer, Leonard Rich, and “others have been in transgression.”370 At the same time, Smith also indicted John Whitmer and Phelps for their fraudulent actions.371 Following the pattern well-established throughout the early Church, councils were convened to investigate the accusations levied against these leaders. However, the

369 JSP, D6, 47–49.

370 Journal History, September 4, 1837, 1.

371 When speaking of Cowdery, Joseph Smith writes, “I trust that he will yet humble himself and magnify his calling.” Concerning David Whitmer and a few other transgressing individuals, Smith says, “We hope that they may be humble and ere long make satisfaction to the Church.” Conversely, the revelation about Phelps and John Whitmer conveys less hope. It says that Whitmer and Phelps “have done those things which are not pleasing in my sight, therefore if they repent not they will be removed out of their places. Amen.” See Journal History, September 4, 1837, 1.
Missouri Saints debated what type of council they should convene for each defendant, due to their Church callings.

John Whitmer and William W. Phelps

In January 1838, Church leaders in Far West had begun voicing their disapproval with several dissenters, including the Missouri presidency. Addressing these concerns, the high council sent three high councilors to visit the three presidents. All three presidents denied the allegations made against them and threatened to move away should the high council file any potential disciplinary action against them. After discussing this visit, the high council voted to reject all three presidency members. In February, they then sought ratification from the Church in Missouri at several meetings. Each meeting resulted “in a vote of rejection for the presidency.”

While the Missouri Saints waited to try David Whitmer until after Smith arrived in Missouri, the high council proceeded to hold hearings for W. W. Phelps and John Whitmer. Since the charges were levied against the Missouri presidency, who typically presided at high council meetings, Apostles Thomas B. Marsh and David W. Patten were appointed to serve as temporary council presidents. Neither Phelps nor Whitmer chose to attend their trial and sent Marcellus Cowdery instead with their written response to the charges.


373 Marsh and Patten were jointly designated “President, pro. tempor, of the Church of Latter Day Saints in Missouri, or until President Joseph Smith jr and Sidney Rigdon arrives in the Land of Zion.” See MB2, 99.

374 Phelps and Whitmer primarily protested the council’s ability to try them. Their protest may have stemmed from November 1837 council where they were both sustained as “an assistant President, for this Church” by the Missouri Saints. See *JSP*, D5, 470. Rejecting these claims, the council continued to proceed without Bishop Partridge presiding. As the council ended, Marcellus Cowdery again protested the authority of the council to try Phelps and Whitmer. At the suggestion of President Patten, the motion was unanimously sustained to remove Cowdery from
After the high council heard Phelps and Whitmer’s rebuttal, they examined each response in comparison to the evidence. The council particularly disapproved of Phelps and Whitmer’s claims that they continued to hold positions in the Missouri presidency, despite being rejected from those positions over a month earlier by both the high council and the Missouri Saints. Another pivotal issue was whether Phelps and Whitmer should have retained the profit from selling the land in Far West when it had been purchased using Church funds.

Although the council was angered by how Phelps and Whitmer distributed the land in Far West, they did not threaten to seize that property. Since Church funds financed the property, this behavior is intriguing. Two years earlier, a general assembly of the Church in Kirtland had approved a “Declaration on Government and Law,” which was later canonized as D&C 134. The likely catalyst for this declaration was the forced removal of Church members from Jackson County in 1833. A portion of this document reads:

We believe that all religious societies have a right to deal with their members for disorderly conduct according to the rules and regulations of such societies, provided that such dealing be for fellowship and good standing; but we do not believe that any religious society has authority to try men on the right of property or life, to take from them this world’s goods, or put them in jeopardy either life or limb, neither to inflict any physical punishment upon them,—they can only excommunicate them from their society and withdraw from their fellowship.375

Since the Church had not yet become incorporated, Church leaders held Church property under their own legal name.376 Even though some of Phelps and Whitmer’s property was purchased

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375 JSP, D4, 479, 484 [D&C 134:10]. Oliver Cowdery makes a similar appeal in his written rebuttal that was read at the council that excommunicated him. See JSP, D6, 88–89.

376 After relocating to the Great Basin, the State of Deseret incorporated the Church on February 6, 1851. See Laws and Ordinances of the State of Deseret (Utah): Compilation 1851, Being a Verbatim Reprint of the Rare Original Edition, with an Appendix, (Salt Lake City: Shepard Book Company, 1919), 66–68.
with Church funds, the council adhered to the Church’s official declaration and did not move to confiscate property.

Because of the significance and difficulty of these cases, the high council appointed six counselors to express their opinion after the case had been investigated. The minutes note that “none of [the counselors] felt to plead for mercy…but all, with one consent, declared that justice ought to have its demands.” After discussing the issues thoroughly, the council ultimately determined that Phelps and Whitmer should “no longer [be] members of the church of Christ of Latter Day Saints, & be given over to the buffetings of Satan.”

Oliver Cowdery

After Smith arrived in Missouri on March 14, 1838, several other Church leaders were brought before Church tribunals. On April 12, 1838, Cowdery was tried for his Church membership. Since Joseph Smith apparently did not meet with Cowdery before participating in this council, some historians have accused Smith of trying to advance a personal agenda by avoiding to meet with him. However, such assertions invent historical evidence and reject previous historical patterns. More likely, Cowdery did not attempt to meet with Smith.

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377 Depending on the difficulty of the case, there could be either two, four, or six counselors that expressed their opinion—half representing the best interests of the accused and the other half representing the interests of the Church. Regardless of the number, there should always be equal representation for both the individual and the Church. See MB1, 33; JSP, D3, 442 [D&C 102:15–17].


379 Journal History, March 14, 1838, 1.

380 William Shepard, “Transformation of the Mormon Hierarchy at Far West, Missouri,” John Whitmer Historical Association Journal 35, no. 1 (2015): 71. This accusation originated from Cowdery’s letter which was presented at his trial. He wrote, “I could have wished that those charges might have been deferred untill after my interview with President Smith.” See MB2, 119.
Smith readily granted forgiveness to those that sought it. As one example of many, Smith removed outstanding Church discipline from Leman Copley years earlier following his confession, even though Copley had previously condemned Smith publicly before a civil court.381

Before Smith came to Missouri, he wrote a letter expressing confidence that Cowdery would return.382 Smith also lived in Missouri for almost a month before Cowdery’s trial convened. Although Cowdery chose not to attend, Partridge read a letter from Cowdery wherein he specifically addressed several charges levied against him.383 Since Cowdery was notified of the council at least two days before the two-day trial began, he had several days to meet and talk with Smith, even in between his summons and the beginning of the proceedings. Smith’s previous and subsequent actions demonstrated that he was approachable and forgiving. Given Smith’s actions and Cowdery’s refusal to attend his own trial, Cowdery likely did not attempt to reconcile himself with Smith, rather than vice versa.

Although Cowdery had been accused of committing unspecified transgressions in September 1837, he remained an Assistant President of the Church.384 In accordance with a prior revelation, Cowdery was tried in April 1838 by a Presiding Bishop’s council, which included the Presiding Bishop and twelve high priests.385 Bishop Edward Partridge and the Missouri high

381 Joseph Smith manuscript history, vol. B–1, 647.
382 Joseph Smith manuscript history, vol. B–1, 693.
384 JSP, D6, 83.
385 JSP, D4, 319 [D&C 107:76].
council adjudicated the case. Like Phelps and John Whitmer, Cowdery chose not to attend the council proceedings. Instead, he wrote a letter that Bishop Partridge read and inserted into the official minutes.

As the council proceedings began, Partridge opened the two-day trial with prayer and gave “some remarks,” before reading the nine charges that had been filed against Cowdery. These charges included vexatious lawsuits against innocent people, slanderous statements of Smith, resisting Church authorities, and involving himself in counterfeit operations. To begin the second day, Partridge read a lengthy letter from Cowdery. Each charge was then examined line-by-line. The council determined that six of the charges were sustained, two should be dismissed, and one was withdrawn. As a result, the council decided that Oliver Cowdery should be excommunicated. Joseph Smith and Sidney Rigdon, two members of the First Presidency were present during the hearings and participated in them, although they did not preside.

386 JSP, D6, 84.
387 JSP, D6, 87–89.
388 These nine charges were: (1) Bringing “vexatious Lawsuits” against the brethren, (2) Attacking Joseph Smith’s character by “falsly insinuating that he was guilty of adultery,” (3) “Treating the Church with contempt by not attending meetings,” (4) Rejecting any ecclesiastical direction in his personal affairs, (5) “Selling his lands in Jackson Country contrary to the Revelations,” (6) Sending an insulting letter to Thomas B. Marsh and the assembled council, (7) Disregarding his Church calling for money and to practice the Law, (8) His role in the Kirtland Safety Society, (9) Retaining paid notes and claiming that they had not yet been paid. See JSP, D6, 85–87.
389 JSP, D6, 87–89; Journal History, April 12, 1838, 1.
390 Gentry and Compton, Fire and the Sword, 89–92.
391 “The 1st, 2nd, 3rd, 7th, 8th, and 9th charges were sustained. The 4th and 5th charges were rejected, and the 6th was withdrawn.” JSP, D6, 93. However, recorded testimonies focused on “Cowdery’s emerging legal practice, his accusations that JS had committed adultery, and his alleged connection to counterfeiters in Ohio.” JSP, D6, 84.
392 JSP, D6, 83–94. Several other senior Church leaders also participated, even though they did not vote to determine the ruling. These include Thomas B. Marsh, David W. Patten, Brigham Young and John Corrill. Frederick G. Williams who had vacillated between faithfully defending the Church and passionately condemning it, had been removed from the First Presidency in November of 1837. See JSP, D5, 470. Nevertheless, he also spoke against
Lyman Johnson

In February 1831, Rigdon baptized Lyman Johnson, a current resident of Ohio. Later that year, Johnson was ordained both an elder and high priest. When the Three Witnesses organized the Quorum of the Twelve in 1835, they ordained Johnson first. He served five missions from 1831–1836, baptizing many. Two of his biographers wrote, “Given this record of unblemished commitment and zeal, Lyman’s disaffection is perhaps the greatest mystery of his life.” Since “no documents shed light on when or why Lyman decided to withdraw,” several theories have been developed by different scholars. Although they may differ on other details, they commonly agree that the failure of the Kirtland Safety Society was influential.

In 1836, Joseph Smith and other Church leaders attempted to form a bank, the Kirtland Safety Society. When the Ohio Legislature rejected the proposed charter, the name of the bank

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394 On October 25, 1831, Oliver Cowdery ordained Johnson an elder. A week later, Sidney Rigdon ordained Johnson a high priest on November 2, 1831. See MB2, 14, 16.

395 Journal History, February 14, 1835, 2.


397 Shepard and Marquardt, “Lyman E. Johnson,” 111.

was changed to the Kirtland Society Anti-Banking Company. Its founders likely modelled it after the New England “land bank,” where individuals exchanged land for specie. However, Smith decided to exchange both land and specie through the same enterprise, which likely factored into its downfall. When the society opened its doors in 1837, it initially experienced great success and had adequate capital, primarily through land-holdings. However, when note-holders began demanding specie in exchange for notes, this created a run-on-the-bank which quickly depleted all of the society’s liquid capital.

The failure of this enterprise, which Smith had publicly endorsed, caused several Church leaders to question Smith’s motives and his prophetic call. Some assert that this initiated a widespread Church apostasy. However, one study concluded that “only about 13 percent, or approximately fifty families, left the Church during the Kirtland crisis.” Of those detractors, “about 40 percent later returned to the Church.” Although many of his business decisions were culturally and ethically prudent, they were not conservative enough to prepare for the nation-wide Panic of 1837. Several scholars have noted that Smith purchased more shares than


400 “The Safety Society was a partial ‘land bank,’ a device New-Englanders had once resorted to in their cash-poor, land-rich society. . . . Unfortunately, the hybrid Kirtland bank—based partly on land and partly on specie—set up expectations for redeeming notes in hard money.” Although New England had a number of successful banks, these banks would only exchange notes for a collateral of land. Thereafter, these banks would not exchange their notes for specie because they had land deeds instead of specie in their reserves. Bushman argues that by trying to do both, “the bank’s pitiful supply of liquid capital was exhausted in days” once people began exchanging their notes for specie en masse. See Bushman, Joseph Smith, 330.

401 Stated capitalization for the Society was $4 million, while the cumulative assets of all banks within Ohio, at the time, was $10 million. See Leonard Arrington, Great Kingdom Basin: An Economic History of the Latter-day Saints, 1830–1900, New Edition (Cambridge, MA: Harvard University Press, 1958), 13, 426–27 n34.

402 Bushman, Joseph Smith, 330.


404 Partridge, “The Failure of the Kirtland Safety Society,” 437–454. Fawn Brodie claimed that Joseph Smith filled many boxes of money with sand, lead, iron, and stone to try and deceptively keep the bank afloat. See Fawn M. Brodie, No Man Knows My History: The Life of Joseph Smith the Mormon Prophet, (New York: Alfred A. Knopf,
anyone else and increased his subscriptions when the bank suffered financial distress. However, the damage was done, and some testimonies became irreparably harmed. Church members generally believed that Joseph Smith should administer all temporal and religious affairs. Perhaps in anticipation of these events, a revelation had cautioned Smith that in temporal labors “thou shalt not have strength for this is not thy calling.”

Lyman Johnson was one of the victims. Following the society’s demise, he and Orson Pratt filed charges against Smith with Bishop Newel K. Whitney. Soon thereafter, Johnson was dismissed from the Quorum of the Twelve. A month later, he was excommunicated, although he confessed and was reinstated to the Church and the Twelve a week later.

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406 Arrington, Great Basin Kingdom, 6.

407 JSP, D1, 158 [D&C 24:9].

408 “To the Bishop and his council in Kirtland the Stake of Zion,” May 29, 1837, Newel K. Whitney Papers, bx 2, fd 1, L. Tom Perry Special Collections. It is unclear if these allegations materialized into a trial or when a complaint led to a trial, in general.

409 MB1, 235.

410 JSP, D5, 423; MB1, 240.
he moved to Missouri. There he still could not shake his doubts and was ultimately excommunicated.411

Johnson did not attend his trial. Instead he sent a letter protesting one of the charges, declaring that he would withdraw himself from fellowship with the Church until this was rectified.412 The council, led by apostles Thomas B. Marsh, David W. Patten, and Brigham Young, with whom he had served for years in the same quorum, carefully discussed all seven charges levied against him. Joseph Smith attended and testified against Johnson. Following the trial, Lyman Johnson’s membership was revoked and he was removed from both his office and the Church.413

David Whitmer

The day after Cowdery’s trial and excommunication from the Church, the Missouri high council tried David Whitmer for his membership. Whitmer chose not to attend, but wrote a letter detailing his defense. Like his counselors, he primarily protested the council’s legal right to try him, rather than addressing the specific charges levied against him. This question of jurisdiction lay in whether he, like Cowdery, could present his case before a bishop’s council of high priests.

411 JSP, D6, 101. On several occasions in the Salt Lake Valley, Brigham Young shared that Johnson visited the Twelve Apostles later in Nauvoo and mournfully expressed a desire to believe again that the Church was true. See Staker, Hearken, O Ye People, 384, 387 n8.

412 Seven charges were filed against Johnson: (1) His role in “vexatious lawsuits,” (2) Supporting dissenters, reproachfully speaking of the high council, missing Sunday meetings, and failing to keep the Word of Wisdom, (3) Demanding unjustly $1000 from Joseph Smith, (4) Physically assaulting Phineas Young, (5) Threatening to take Phineas to a civil court outside of Caldwell County, (6) “Telling a falsehood,” and (7) Giving whiskey to man who he then cheated of his property. See JSP, D6, 96–97.

413 JSP, D6, 94–101.
To evaluate this claim, it is important to examine what calling Whitmer had received from Joseph Smith.

The minutes of the meeting where David Whitmer was set apart clarify that Smith ordained him as the President of the Church “in Zion.” This ordination permitted him to preside “in the absence of br. Joseph Smith jr.” Smith later explained that Whitmer was ordained “to be a leader or a prophet to this Church” should Smith “not live to God himself.” Smith initially ordained Whitmer as President of the Church in Zion, under the direction of Smith. However, he also may have conditionally given Whitmer authority over the entire Church, should Smith fall. Now that Whitmer had been removed from the Missouri presidency, he would only be tried as a lay member of the Church, since Smith had retained his Church membership.

At the onset of Whitmer’s trial, five charges were filed against him. In response, Whitmer’s letter was read where he challenged the court’s jurisdiction over him believing the proceedings “were not agreeable to the revelations of God.” Since he assumed the trial would continue as scheduled despite his protests, Whitmer also voluntarily withdrew himself from

414 JSP, D4, 95.
415 MB2, 108.
416 After William McLellin apostatized from the Church, he claimed that Whitmer had been ordained by Joseph Smith to succeed Smith as “President of the Church.” See William E. McLellin, Independence, MO, to Davis H. Bays, Lafayette, KS, 24 May 1870, in The True Latter Day Saints’ Herald, 15 September 1870, 555 as quoted in JSP, D4, 92. For additional analysis that is sympathetic to Whitmer’s situation, consult The Return 1, no. 9 (Sept 1889): 134.

417 These five charges were: (1) Violating the Word of Wisdom, (2) Avoiding Church meetings and uniting with dissenters, (3) “Neglecting <the> his duties of his calling,” (4) Dissenting while remaining in Church leadership, (5) “Signing himself President of the Church of Christ in an insulting letter to the High Council.” See JSP, D6, 102.
“fellowship and communion.” The tone of his letter caused the council to react polemically to “the contempt offered to the Council,” resulting in his requested excommunication.418

Of these five Church leaders, only two returned to the Church—William Phelps and Oliver Cowdery. The reconciling of Smith and Phelps in Nauvoo gives a glimpse into Smith’s merciful approach. Two years after his excommunication, Phelps wrote Smith seeking to rejoin the Church. Smith enthusiastically responded, extending “the right hand of fellowship” and “rejoicing over the returning prodigal.” He reported to Phelps that after the Saints in Nauvoo heard Phelps’s letter, they unanimously resolved to receive him again into full fellowship.419

After Joseph Smith’s death and the Twelve moved Church headquarters to the Rocky Mountains, Cowdery decided to return.420 He penitently came to Kanesville, was rebaptized, and bore his testimony before a gathering of Saints. Concerned about his poor health, he returned to Missouri where he later died.421 David and John Whitmer remained in Missouri for the rest of their lives. Approached by William McLellin, David Whitmer joined the Church of Christ, which subsequently gathered several defectors from the Church.422 After his excommunication, Lyman

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418 JSP, D6, 103. This verdict and sentence were similar to others cases where the defendant took lightly the authority of Church councils. See MB1, 108–13.

419 Journal History, July 22, 1840, 1


422 Anderson, Investigating the Book of Mormon Witnesses, 70–76, 131.
Johnson moved throughout the midwest, pursuing various business interests without demonstrating much concern for religion.423

Conclusion

Although the number of extant cases in Missouri are much fewer than Kirtland, these cases significantly impacted the early Church. The entire Missouri presidency, an Assistant President of the Church, and a member of the Twelve were all excommunicated within a few weeks. Although several other Church leaders were excommunicated in Kirtland, the clerks that recorded these cases in Missouri provide much greater detail, enabling additional analysis of these events. Church leadership did not insulate high-ranking individuals from Church discipline, as William E. McLellin and Thomas B. Marsh, who helped prosecute the Whitmers, Cowdery, and Phelps, would learn later.424

Missouri was a unique petri dish, since it was removed from the rest of the Church. Disciplinary processes differed, local residents persecuted Church members more, and Joseph Smith lived there less. Despite this, Church courts continued to encourage accused members to live the gospel and invite them to reform when misdeeds occurred. When change was not forthcoming, however, councils disciplined the offender hoping that personal reform would follow and other Saints would be dissuaded from similar actions.

423 Shephard and Marquardt, Lost Apostles, 238–66.

Chapter Five:
Church Discipline Outside of Kirtland and Missouri

Although the early Church encouraged its members to move to Ohio or Missouri, many believers continued to live elsewhere from 1831–1838. For Church members who lived in these outlying areas, bishops courts and high councils were less accessible. Instead, elders councils commonly determined formal Church discipline. These councils remained the most common mode of adjudication in these areas, although a few other disciplinary bodies exerted some influence.

Elders Councils

In Massachusetts, Upper Canada, Indiana, New York, Pennsylvania, Virginia, and elsewhere, elders commonly determined and enforced Church discipline. Similar to other councils within both Kirtland and Missouri, current records for these elders councils are scarce and existing council minutes are often incomplete.425 Some living outside of Kirtland and Missouri would travel to these Church centers to have their cases first heard, while others traveled only to appeal decisions made by another local council.426

In Minute Book 2, before discussing councils that were held in Missouri, the compiler inserted records of several elders councils held during 1831 within Ohio, although outside of

425 Journal History, July 2, 1833, 2.

426 JSP, D3, 103; MB1, 81, 119–123, 124; Journal History, August 7, 1835, 1. In outlying areas, council participants occasionally traveled hundreds of miles. Some cases heard by the traveling high council in the eastern United States later reheard by the Kirtland high council. See Journal History, August 7, 1835, 1; MB1, 119–122; see also, Journal History, May 10, 1835, 2–3; MB1, 122–23.
Kirtland. At these 1831 councils, the assigned clerks often only sparsely recorded council proceedings. Although they normally noted the defendants, verdicts, and sentences, they rarely discussed the purported transgressions or complainants. Aside from two cases that were sent to Smith and Rigdon, all the defendants brought before the elders were found guilty, although none of them were excommunicated. Most commonly, these councils would revoke priesthood licenses from those that they found guilty before forbidding them to continue preaching the gospel.

Several of those found guilty also acknowledged their guilt. Three defendants who confessed their guilt before the council had fully examined their case left the conferences forgiven. In another case, James More acknowledged his guilt after some evidence had been presented. One of the presiding elders, Thomas B. Marsh, then asked if More thought that he should retain his ministerial license. The minutes record, “He answered in the negative & desired that this conference would receive his License which was done accordingly.” Earlier during this same council in Randolph County, Indiana, two women, Sister Eunice and Sister Burkett, were brought to trial. Although both were found guilty, neither one received a formal sentence. Sister Burkett was forgiven once she “manifested a spirit of humility and contrition,” while the council sent two elders to visit Sister Eunice because her “hardness and self-justification.”

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427 No councils that occurred outside of Kirtland and Missouri are recorded in official Church records before September 1, 1831. Several cases were heard between September and December.

428 MB2, 6–7, 19–21. In another case, an elders council decided that it did not have jurisdiction. However, this did not prevent them from issuing a verdict before determining where the case should be heard. See MB2, 19–20.

429 MB2, 6–7, 21.

430 MB2, 21.

431 MB2, 20–21. Both of these women and their husbands were forgiven or visited by elders. James More, who also had his case heard at this council lost his license, but only after he suggested it.
As early Church members continued to gather in Kirtland and Missouri, the number of elders councils that were recorded elsewhere decreased. In fact, more are recorded in 1831 than in any other year from 1831–1838. In 1832, neither high council minute book records any of these elders councils. Only Reynolds Cahoon recorded, “We had two conference<s> with brothers Thayer and Burr: they confessed their faults and expressed a desire to keep the commandments of God.”

In 1833, several councils began to occur where individuals not only lost ministerial licenses, but also their Church membership. Councils would excommunicate individuals for a variety of actions: circulating false reports, unchristianlike conduct, and promulgating unscriptural principles. If excommunicated, a transgressor would often be “cut off from the Church till he repent[ed].” In one case, Ezra Landin was excommunicated after he refused “to give proper satisfaction for his conduct.” These early councils hoped that excommunication would trigger a desire for transgressors to reform themselves and embark on the path back toward full Church membership.

432 Journal History, April 23, 1832, 1.

433 This practice of excommunication first began in 1832. On several occasions, an elders conference revoked a ministerial license whereupon the priesthood holder refused to give it up. To notify church members of these situations, the Evening and Morning Star published notices of for two of these refusals. See Evening and Morning Star 2, no. 15 (December 1833): 231; no. 17 (February 1834): 270.

434 MB1, 22–23; Journal History, July 2, 1833, 2; Joseph Smith manuscript history, vol. A–1, 520; Evening and Morning Star 2 no. 15 (December 1833): 231; no. 17 (February 1834): 270.

435 MB1, 23.

436 Evening and Morning Star 2, no. 17 (February 1834): 270.

437 Only those hardened toward the council or decision chose not to confess and seek forgiveness. As a result, very few of those that were excommunicated later rejoined the Church.
As the Church grew, disciplinary procedures continued to develop. After Joseph Smith initiated bishop’s councils, standing high councils, and the Quorum of the Twelve, elders councils on record became to happen less frequently. Nevertheless, outlying areas conducted many of their disciplinary actions from 1834–1838 at these elders conferences. Two large conferences were held at New Portage, Ohio in 1834 and 1835, and one occurred at Chalk-level, Tennessee in 1836.

At an elders conference held in New Portage, Ohio on September 1834, the council heard three different cases. Two of the three cases were filed by the same complainant, Ambrose Palmer. At one of these hearings, the defendant, J. B. Bosworth, was absent. Council minutes do not indicate whether he was unaware that he was being tried, unable to attend, or unwilling to appear. Bosworth had purportedly caused disorder at another council when he refused to heed Palmer, who had been appointed the presiding elder, when he sought to establish order. Rather than demanding a certain verdict, Palmer inquired of the conference whether he had dealt with Bosworth appropriately. Subsequently, the elders council vindicated Palmer and disciplined

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438 Beginning with six members on April 6, 1830, the Church had 13,293 members in 1836 and 17,881 in 1838. See Deseret News 2013 Church Almanac: The Church of Jesus Christ of Latter-day Saints (Salt Lake City: Deseret News, 2013), 211. Most of the procedural changes to formal disciplinary councils occurred before 1836.

439 Although two quorums of the Seventy were also established in 1835, they did not significantly impact the number of elders councils preformed, since they could only hear cases involving quorum members. When hearing cases involving general Church membership, the Seventy participated only if they had been ordained an elder or high priest. See Woodruff, Wilford Woodruff's Journal, 124.

440 Over time, councils would consistently notify the defendant of an upcoming trial, although some still chose not to attend. See MB1, 108–13. When a defendant did not attend and the council still heard the case, they commonly extended an open invitation to make satisfaction, promising to rescind the sentence after this was done. See Journal History, August 4, 1835, 1; Messenger and Advocate 2, no. 9 (June 1836): 336.

441 Palmer claimed that he had “requested [Bosworth] to take his seat, that the business might proceed according to order.” See MB1, 51. The record of this council in question is not extant.
Bosworth. Bosworth was sent a letter informing him that he had inappropriately acted in the previous council when he defied Palmer.442

Aside from extending charges against Bosworth, Palmer also filed another complaint against a man named Carpenter. Although the council found Bosworth guilty, they released Carpenter from all charges. While examining the Carpenter case, Bosworth noted that a Brother Gordon had indicted Carpenter during a previous council when “he spake in tongues and declared that brother Carpenter should not have any lenity.” Joseph Smith, who likely presided at the New Portage conference, explained that the gift of tongues “was particularly instituted for the preaching of the Gospel … it was not given for the government of the Church.” Subsequently, the conference found that he was guilty of inappropriately speaking in tongues, and Gordon confessed his wrongdoings.443

The final defendant, Milton Stow was suspended “from the priveleges of the Church of the Latter Day-Saints, and from actin the authority of an Elder” until he confessed satisfactorily to the Kirtland bishop’s council. The minutes do not record that Stow confessed or even spoke, but unlike Bosworth’s case, the conference did not compose a letter. Since he was likely present, it is unclear why Stow would need to “appear before the Bishops council at Kirtland and make proper satisfaction.”444

Almost a year later, in June 1835, a group of elders convened another conference in New Portage. This council heard at least five cases and likely more.445 The council heard two civil

442 The council sustained this decision with a “unanimous vote.” See MB1, 51.

443 MB1, 49–51.

444 MB1, 49–51.

445 Minute Book 1 records five cases, while the Journal History only specifically mentions two. However, the account in Journal History also mentions that on June 6, “Several matter<s> ofdifficulty were presented by Elder Palmer, and discussed.” See Journal History, June 6, 1835, 1. This would naturally include the three unmentioned
suits but did not find either defendant guilty. In one case, the council directed that both the accuser, a man named Barkdall, and the accused, a man by the name of Keeler, should discuss and rectify the situation among themselves within a week.446 The council rebuked them both since neither party could “substantiate a claim or prove a payment.”447 The other civil suit involved Ambrose Palmer, a well-intentioned brother who tried to resolve another’s debt without first seeking direction from Church elders. The council acquitted him because his actions had not harmed anyone and did not violate any ecclesiastical or civil policies.448

In 1835, various councils heard at least three other cases. In one, they excommunicated Milo Hays for disobeying the Word of Wisdom and covenant breaking.449 In another, they required Joseph Bosworth to apologize to several Saints for his harsh language, including a woman named Mary Ann-Point.450 David Matthews also confessed a previous transgression after another council suspended his Church membership.451

cases, but it could potentially include some that are otherwise unrecorded in either source. The Journal History entry reports that Palmer was the primary complainant of these additional cases. None of the remaining three cases that were recorded in Minute Book 1 named Palmer as a complainant. See MB1, 89–91. This suggests that a few additional cases may also have been heard at this council than those described in Minute Book 1.

446 Keeler’s first name may have been Reuben, since a council held in New Portage five months later mentions a man named Reuben Keeler. See MB1, 129–30.

447 MB1, 90.

448 MB1, 89–90.

449 MB1, 91. It is unclear whether Hays would have been excommunicated only for violating the Word of Wisdom, especially since it was originally “not by commandment or Constraint.” See JSP, D3, 20. Violations of the Word of Wisdom were handled inconsistently in early Church councils. At the Westfield Conference in May 1835, the Traveling high council found that the Laona branch who was “in good standing, but low in spirit in consequence of a neglect to keep the word of wisdom.” See Joseph Smith manuscript history, vol. A–1, 516, emphasis in original. The Twelve apparently left the branch in “good standing,” since they did not record taking any disciplinary actions.

450 Bosworth’s conduct offended a husband and wife and damaged the reputation of another woman, Mary Ann-Point. She was likely either unmarried or not currently living with her husband, since no other man was mentioned in the case. See MB1, 90–91.

451 MB1, 89.
In May 1836, a third significant elders council was held in Chalk-level, Tennessee. Two cases heard here provide several important details, while the other two only record the defendant, verdict, and sentence. The council decided to excommunicate three of the four individuals that they heard. All three excommunications appear to be related. After discussing the details of the first case, where a man named John Jackson was excommunicated, the minutes record, “Sister Jackson was also dropped, and a brother by the name of Howard H. Williams, was also cut off.” The council forgave the fourth defendant, Daniel Cathcart, after he confessed his fault. The council forgave the fourth defendant, Daniel Cathcart, after he confessed his fault.452 Both John Jackson and Cathcart publicly advocated heretical teachings. Although having heretical beliefs would not have warranted a council, publicly advocating those positions would initiate disciplinary action. Jackson refused to attend and was excommunicated, while Cathcart “frankly confessed and heartily repented of his sins and was restored to full fellowship.”

A small smattering of “outlying” councils also occurred in areas like Ohio, New York, and Virginia, from 1834–1838.454 Elders had a wide jurisdiction, but bishop’s courts retained appellate authority over them.455 Elders could help resolve a case without a congregation, but they could not issue Church sanctions without a formal council. For example, one case notes that three elders “settled a difficulty” themselves.456 In another instance, Allen Martin “had requested

452 Only one other individual has his case discussed in detail. He refused to attend and was cut off. See Messenger and Advocate 2, no. 9 (June 1836): 332.

453 Messenger and Advocate 2, no. 9 (June 1836): 332.

454 MB1, 43, 47; Messenger and Advocate 1, no. 7 (March 1835): 101–2; Journal History, August 18, 1837, 1.

455 MB2, 154–56. Elders councils heard accusations about interacting with females inappropriately, violating covenants, breaking of the word of Wisdom, teaching heretical doctrines, and suing fellow Saints in civil courts. See MB1, 43, 47; Messenger and Advocate 1, no. 7 (March 1835): 101–2; Messenger and Advocate 3, no. 9 (June 1837): 525; Journal History, August 18, 1837, 1.

456 Journal History, August 19, 1835, 1.
to withdraw from the church”—a request that was granted only after an elders council heard his case.457

Similar to Kirtland, some councils combined both elders and high priests. In one case, Clarissa Matthews brought Reuben Keeler to a council where she charged him with violating a verbal agreement, wherein he had agreed to refrain from forcibly confiscating her family’s property since her family had already paid most of the debt and intended to pay the rest. After “patiently investigating the case,” the council decided that Keeler was guilty and instructed him to pay fifteen dollars to the local Justice of the Peace, whereby he would relinquish his claim on Matthew’s property.458 They also instructed him to delay another pending civil suit until Matthews and her family could pay a three-dollar debt without selling their property. Keeler protested the ruling and threatened to appeal this decision before the Kirtland high council, something he likely never did.459

These proceedings illuminate several interesting patterns. For example, a woman could successfully sue a Church elder for issues involving a family member. Although Clarissa Matthews evidently represented David Matthews in this suit, it is unclear whether she appealed after securing written or verbal consent from him. Within the United States, unmarried women could hold property and sue in court, but once married, they became little more than legal

457 Journal History, August 18, 1837, 1.

458 The complainant, Clarissa Matthews, asserted that the defendant had taken “their property.” The council directed the defendant to “discharge a judgement” that he had “obtained against David Matthews, before [the] … justice of the peace.” See MB1, 129–130. Although David Matthews had full legal ownership, Clarissa Matthews was likely able to represent him before this council because of their joint interests.

459 MB1, 129–30. No record of this appeal exists. Either the ruling was never appealed or the records of the case hearing have been lost.
property—losing both of those freedoms.\textsuperscript{460} It is also unclear whether David was Clarissa’s husband, brother, or father. As a result, it is difficult to determine whether she would have retained her standing within the Church council had she not been related to him. \textsuperscript{461} Interestingly, this Church council ruling superseded a prior civil court ruling. Not only did the Church council instruct Keeler to delay carrying out a decision previously made by a civil court, but it reversed a civil decision that Keeler had already carried out and directed him to remedy that situation with his own funds. This belief that Church council decisions could override civil court rulings became a key characteristic of the Church when it settled later in the Utah Territory.\textsuperscript{462}

In February 1834, Joseph Smith received a letter from J. S. Fosdick. In his letter, Fosdick discussed Joseph Wood who had been accused and tried for misconduct by branch leaders in Pontiac, Michigan, where he labored as a missionary. Another letter in March 1834 suggests that Wood had committed adultery and openly questioned the integrity and righteousness of Church leaders in Kirtland.\textsuperscript{463} Evidently disagreeing with the authority claimed by local elders and high priests, Fosdick wrote a letter to Smith seeking clarification.\textsuperscript{464} In his reply, Smith promised that


\textsuperscript{461} The relationship between Clarissa and David Matthews is unclear. The minutes suggest that this hearing involved only Reuben Keeler and Clarissa Matthews. When Matthews gave her allegations, she said that Keeler had taken “their property,” refused “to allow them” to pay a past due balance, forfeited a prior promise that “he would not take their property” through a civil suit, and had generally oppressed “her family.” Although David Matthews likely owned the property, Clarissa maintained some implicit ownership, inferring that she lived there with David. They did not likely cohabitate since Clarissa was not countersued for illicit sexual relations by Keeler and both Clarissa and David share the same last name. Instead, David may have been Clarissa’s father or brother, or David and Clarissa were married to each other.

\textsuperscript{462} Firmage and Mangrum, \textit{Zion in the Courts}, 267–69, 271–72, 277.

\textsuperscript{463} \textit{JSP}, D3, 423.

\textsuperscript{464} This original letter has not been found. See \textit{JSP}, D3, 422.
clarification would come in a subsequent issue of *The Evening and the Morning Star*. He also indicated that local elders and high priests could hold Church members accountable for their actions, even within the outlying branches of the Church. As a result, they had authority to discipline transgressors for their errant deeds.465 If either party disagreed with the local ruling, they could appeal the decision to a bishop’s court as well as “to a court of high pri[ests],” composed of the Kirtland or Missouri high council.466

When Melchizedek priesthood holders participated in these outlying councils, they would often only note their ordination as an elder or high priest, regardless of what priesthood office they had most recently received. In June 1837, at a council in Upper Canada, Wilford Woodruff, then a member of the Seventy, nominated John Page, an elder, to moderate the council. On the first day of the council, an individual was accused of denying the faith. Following the testimony of three witnesses, “he was accordingly voted out of the church of Latter Day Saints.”467 Church leadership evidently approved of these actions since the council minutes were published and distributed in the *Messenger and Advocate*. Despite the introduction of additional priesthood offices, elders continued to primarily conduct these councils outside of Kirtland and Missouri.

Bishop’s Councils

From 1830–1838, only two bishops were called, Edward Partridge and Newel Whitney. Although they were given significant responsibilities for Church discipline, they were primarily

465 Although Church leaders intended to publish these instructions, they never did. See *JSP*, D3, 424 n74.


467 *Messenger and Advocate* 3, no. 11 (August 1837): 559. Woodruff’s journal mentions the council but does not discuss any discipline that occurred there. Following the mention of multiple priesthood ordinations, he wrote, “This and some other business Composed the business of the day.” See Woodruff, *Wilford Woodruff’s Journal*, 151–52.
located in either Kirtland or Missouri. However, there were occasional exceptions. During a mission, Edward Partridge preached in Eugene, Iowa, on March 27, 1835. While there, he “attended to the investigation of a case of difficulty in the church, did not decide the case, but concluded to take the minutes to Kirtland and if right lay the case before the high council.”

Few details are provided about this abnormal occurrence. It is not even known if the Kirtland high council heard the case.

Traveling High Council

In February 1835, Joseph Smith formed the traveling high council, or Quorum of the Twelve Apostles. On this occasion, Smith instructed them that they should “preside over all the churches of the saints among the gentiles where there is no presidency established.”

A few months later in May 1835, the Twelve embarked on a mission to the eastern states. Prior to their departure, Smith gave them several objectives: raise money for the Kirtland temple fund, find men to gather money and purchase land in Zion, preach the gospel, and regulate the churches, including any necessary discipline. They primarily accomplished these goals through several organized conferences. They initially conducted these conferences together, although they later separated to reach more Church members.

Originally the Twelve only had jurisdictional authority outside of Kirtland and Missouri, where standing high councils had jurisdiction. The Twelve could only make authoritative

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469 Quorum of the Twelve Apostles minutes, 1835, 4.


decisions when most of their members were gathered together. Otherwise, they had to conduct business “by the voice of the Church.” At a conference, they needed to assemble at least seven quorum members before they could independently make authoritative decisions, without requiring a sustaining vote by the congregation.

At a conference held in Westfield, New York during May 1835, the Twelve first began extending discipline. At this council, they heard two cases. The first involved Joseph Rose who was accused of providing erroneous applications of Christ’s teachings as found in Matthew 24:29 and the Book of Revelation. He taught that the darkened sun represented the Jewish Church and that the moon represented the Gentile church. After he “was shown his error and reproved sharply[,] ... [he] confessed his fault, and made an humble acknowledgement and covenanted to be more careful.” The second defendant, Loyd Lewis, had only recently been baptized into the Church. The conference voted to “receive him to fellowship” and drop his charges, since he had ignorantly violated Church procedures when a traveling elder baptized him “without the church being called together to know if they would receive him to fellowship.”

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472 Journal History, May 2, 1835, 1.

473 The Twelve appeared to take this duty very seriously, for Orson Hyde and William E. McClellin wrote, “we endeavored to do our work effectually and leave not a commandment unenforced.” See Journal History, May 10, 1835, 1. This zeal did not transfer to those disobeying to the Word of Wisdom. Although the Word of Wisdom is regularly preached, it was not always enforced with formal discipline for offenders. See Heward, “The First Mission of the Twelve Apostles,” 75; Joseph Smith manuscript history, vol. A–1, 516. Perhaps this is because it was then not a commandment, but a principle with a promise. See JSP, D3, 20.

474 So convincing was Rose’s promise to reform that Orson Hyde and William E. Mc Clellin wrote, “and we think he will.” See Journal History, May 10, 1835, 1.

In June 1835, the Twelve journeyed north-east to Pillow-Point, New York, and Loughborough, Upper Canada. At Pillow-Point, they dealt with John Elmer who taught, among other things, that he previously had experienced death, allowing him to become immortal. When he “would not receive teaching from the council,” Elmer was excommunicated. In Loughborough, Upper Canada, two men, Henry and Jacob Wood, “had a rehearing” conducted by six of the Twelve. Although a previous council had suspended both men, this conference cut them off for unspecified charges.

In August 1835, several of the Twelve considered other cases in Bradford, Massachusetts. Here they revoked four priesthood licenses and cut off two people. The Twelve first excommunicated an Elder Chase because he gambled and administered the sacrament to the saints, “before he confessed his sins.” Elder Holmes lost his license when a long-standing, unresolved conflict between him and his wife arose. The council reasoned, “if a man cannot preserve peace in his own family, he is not qualified to rule the Church of God.” In response to a letter addressed to Church leaders in Kirtland, Gladden Bishop was brought to trial. He was

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477 Joseph Smith manuscript history, vol. A–1, 520.

478 Journal History, June 29, 1835, 1.

479 Journal History, June 29, 1835, 1. Since only six apostles were present, which was less than a majority of the Twelve, they “assembled in conference with the church,” rather than only “the church being present,” as had been noted earlier. See Journal History, June 20, 1835, 1; May 10, 1835, 2. Heward also notes that the transgressors only lost their membership after the council voted against them. See Heward, “The First Mission of the Twelve Apostles,” 57.


481 Journal History, August 7, 1835, 1.
initially acquitted after no one would substantiate the claims that he was proud and taught false doctrine. However when additional inquiry upheld these claims, the council found him guilty and revoked his license.482 In the last case, James Patten faced charges of “improper conduct.” After finding him guilty, the council cut him off, although he subsequently refused to yield his ministerial license to them.483 Before relocating to Nauvoo, the Twelve only participated in a handful of disciplinary cases as full quorum. Nevertheless, these experiences prepared the Quorum of the Twelve for the increased jurisdictional responsibilities that Joseph Smith would give them there.

Kirtland Camp

In March 1838, Church leaders began to create the Kirtland Camp, which assisted poor Church members who wanted to move to from Kirtland to northern Missouri. Five presidents of the Seventy and two other quorum members served as camp councilors during their journey.484

482 Journal History, August 7, 1835, 1. This reflects how seriously the Council considered the welfare of each defendant. Gibson Smith, the author of the letter that was sent to Kirtland lived in Norfolk, Connecticut. This council occurred in Bradford, Massachusetts. The distance between the two towns is about 140 miles. This would have required days, likely at least a week or more, of travel for Gibson Smith to substantiate his claims. Yet if the claims could not be substantiated by someone, then the charges would have dropped—regardless of how inconvenient the journey might have been for a complainant.

483 Journal History, August 7, 1835, 1. For a discussion of the sequence of Bishop’s excommunication and his refusal to give up his ministerial license to the council, consult Heward, “The First Mission of the Twelve Apostles,” 76 n72.

Camp members were organized into four divisions. Within each division, several tent overseers helped to maintain discipline and order among twelve to fifteen people.485

To help maintain order, Kirtland Camp’s constitution stipulated that violators of the Camp rules “shall be disfellowshiped by the camp and left by the way-side.”486 Records indicate that fourteen Kirtland Camp councils were held. Reflective of other Church councils, Kirtland Camp discipline sought the reformation of the reprobate rather than the punitive punishment of the guilty. Those who sought to reform often left the council forgiven. If they refused to change, they received severe consequences.

Camp records indicate that at least twelve individuals were tried. These individuals were commonly accused of murmuring, disorderly conduct, or disobedience to camp regulations. Abram Bond, the first individual brought before the camp council, was directed on two separate occasions to resolve the situation and repent before ultimately being disfellowshipped and dismissed from the camp.487 Similar to Bond, nine others refused to reform, resulting in their prompt dismissal from the camp. The seven councilors permitted the other two to retain their Church standing and camp membership after the case was resolved or the transgressor confessed.488

485 “Because of the strict necessity of personal worthiness, the names of all members were publicly read and voted upon prior to admission to the camp. In addition, names of those selected to serve as tent overseers were presented for [a] sustaining vote.” See Hill, “A History of Kirtland Camp,” 17.

486 Constitution, 1838 March 13, , Church History Library, Salt Lake City, UT, 9.

487 Journal History, July 14, 1838, 1; July 20, 1838, 1; July 29, 1838, 1. Contrary to when Abram Bond’s council is inserted in the Journal History, Kirtland Camp minutes and Joseph Smith’s manuscript history claim that Abram Bond’s final council was heard on July 30. See Journal History, October 4, 1838, 14; Joseph Smith manuscript history, vol. B–1, 728.

488 The case involving Stephen Starks and B. S. Wilbur was resolved and Charles Thompson agreed to retract his criticisms. See Journal History, July 20, 1838, 1; August 12, 1838, 1.
The Kirtland Camp constitution also committed camp members to keep the Word of Wisdom, warning violators that they would be dismissed from the camp.\textsuperscript{489} In two cases, the defendant or his dependents violated the Word of Wisdom. In both cases, this was not the sole accusation, but one of several. Following their separate councils, G. W. Brooks and his family and J. A. Clark were dismissed from the camp.\textsuperscript{490}

Camp records suggest that the camp councilors initially encouraged camp members to satisfactorily resolve their own disputes. In their first disciplinary proceeding, the councilors directed N. B. Baldwin and Abram Bond to resolve their disagreement themselves.\textsuperscript{491} This proved ineffective when G. B. Gaylord brought forward a similar accusation against Bond only six days later.\textsuperscript{492} In the other eleven cases, the councilors provided a resolution to the case.\textsuperscript{493}

Camp leaders held all camp members accountable to the same standards, even if they were not Church members. Garth Brooks and his family were dismissed from the camp, but they were not disfellowshipped, perhaps because the primary offender, his wife, was not a Church member.\textsuperscript{494} The verdict was later disputed by the camp minutes, which record the case as “not

\textsuperscript{489} Constitution, 1838 March 13, 7.

\textsuperscript{490} Journal History, August 16, 1838, 1; October 4, 1838, 20. At another time, camp leaders set in order a tent after they learned that members were “breaking the Word of Wisdom and [had developed] disbelief in some of the revelations.” See Journal History, August 25, 1838, 1. For more information about how the Word of Wisdom was viewed throughout the Church, see Hoskisson, “The Word of Wisdom in Its First Decade,” 131–200.

\textsuperscript{491} Journal History, July 14, 1838, 1.

\textsuperscript{492} Journal History, July 20, 1838, 1.

\textsuperscript{493} Journal History, July 25, 1838, 1; July 29, 1838, 1; August 12, 1838, 1; August 16, 1838, 1; August 17, 1838, 1; August 23, 1838, 1; August 25, 1838, 1; August 28, 1838, 1; October 4, 1830, 20. For a possible exception to this general rule, see Journal History, August 21, 1838, 1. The Kirtland Camp left Kirtland on July 6, 1838. During the first month, only two individuals were tried. Ten trials are recorded in the second month, and none in September. During this three-month journey, nine cases were heard within a span of less than two weeks. The council dismissed camp members during all nine of these trials. During the other two-and-a-half months, three hearings occurred, and one person was removed.

\textsuperscript{494} Journal History, August 16, 1838, 1.
decided.” Josiah Miller and his family were also dismissed, due to the actions of his non-member son-in-law, Aaron Dolph.

Disciplinary proceedings showed that camp leaders held leaders, husbands, and parents at least partially responsible for the actions of their dependents. Three cases included a husband or father who was either unwilling or unable to control the actions of his wife or child. One overseer was prosecuted for failing to maintain order within his tent. After hearing the case, the council decided to remove him from the camp. However, camp leaders did not always place fault with the overseer. Less than two weeks earlier, a family was dismissed from the camp when the matriarch could not harmoniously interact with their tent overseer.

Conclusion

Within Kirtland and Missouri, Church leaders gradually developed more standardized council systems and procedures, consolidating authority largely within the bishops and standing

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495 Journal History, October 4, 1838, 19.

496 Journal History, August 17, 1838, 1.

497 The Kirtland Camp Constitution stipulated, “Every man shall be the head of his own family, and shall see that they are brought in subjection, according to the order of the camp.” Constitution, 1838 March 13, 7.


500 Journal History, August 17, 1838, 1.
high councils. In outlying Church congregations, these councils were relied on less frequently. If a bishop visited, a bishop’s council could occur. If an individual traveled to Kirtland or Missouri, they could also have their case heard by a standing high council. Nevertheless, elder and high priest councils were the modus operandi, with an occasional variation, such as the Quorum of the Twelve and Kirtland Camp.

Even if Church members did not live near Church headquarters between 1831–1838, elders councils helped encourage them to live like they did. The behavior of Church members became more standardized because quality councils occurred everywhere, even in outlying areas of the Church.501

501 “Councils made the Church self-governing.” See Bushman, Joseph Smith, 252
Chapter Six:
Important Patterns and Themes

In several of Smith’s early revelations, different individuals were instructed to “seek to bring forth and establish the cause of Zion.”\(^{502}\) This emphasis on “the cause of Zion” helped develop a culture of love, unity, and acceptance before a location for this city was identified. Gradually the revelations began to associate Zion more closely with a location.\(^{503}\) Following the expulsion of the Saints from Jackson County, Smith’s revelations deemphasized the location, reinforcing the development a Zion-like people.\(^{504}\)

Smith’s revelations used Church discipline to help establish a Zion-people.\(^{505}\) Church disciplinary processes provided a forum where members, regardless of their Church position, could have interpersonal conflicts mediated and transgressions corrected. Early Church councils focused on developing Zion by encouraging individuals to reform themselves, extending culturally progressive rights to all Church members, including women, and paradoxically centralizing disciplinary structures while devolving the authority to discipline.

Reformation of the Individual

Although defendants and complainants did not always agree with the council’s decision, council minutes indicate that helping individuals to change often mattered more than punishing

\(^{502}\) JSP, D1, 35, 53, 57. Another similar revelation records “and establish my Zion.” See JSP, D1, 68. None of these four revelations were initially recorded in the Revelation Manuscript Book. See JSP, R1, x.

\(^{503}\) JSP, D1, 185–86, 280, 303; JSP, D2, 7–8.

\(^{504}\) Doctrine and Covenants, (Nauvoo, IL: John Taylor, 1844), 394–402 [D&C 124:2, 6, 9, 11, 17, 23, 39, 60].

\(^{505}\) “A church without discipline must become, if not already, a church without religion.” See House, “Church Discipline and the Courts,” 70.
them for what they had already done. This pattern saturates council proceedings in Kirtland, Missouri, and elsewhere. Even in councils where Church members could reject the decision of the presiding elder or high priest, they often pardon previous transgressions if the erring person confessed their shortcomings and committed to improve. This indicates that early Church members widely believed that the direction of an accused person mattered more than their transgression that had made the council necessary.

Kirtland

Council minutes in Kirtland are filled with defendants who received conditional sentences. In these instances, the defendant was promised that the sentence would be reversed or withheld if they demonstrated their repentant attitude, often with a public confession.506 The presidents of the Seventy published a notice in the Messenger and Advocate withdrawing their fellowship from Hiram Stratton, although they promised to forgive him once he properly confessed.507 Guilty but repentant individuals often left council proceedings completely forgiven, even when they confessed after hearing that they had been found guilty.508 This focus on helping repentant persons move forward largely prevented the development of a large-scale penal system.509 However, if the confession included an unrepentant attitude, the person may not

506 See for example, MB1, 51, 71, 93–94, 96–97, 245–46, 248–49; MB2, 23–24, 76; Journal History, May 2, 1835, 2; August 4, 1835, 1; Messenger and Advocate 2, no. 9 (June 1836): 336.

507 Messenger and Advocate 2, no. 3 (December 1835): 237. After confessing, Stratton was forgiven. See Messenger and Advocate 2, no. 7 (April 1836): 299.

508 MB1, 36–39, 126; JSP, D5, 29, 125–27.

509 An informal penal code partially developed in some situations, especially within static councils. For example, the Kirtland high council removed from fellowship all that they found guilty of civil crimes. Even if the defendant promised to reform, they bore the weight of Church discipline until they corrected the problem. See MB1, 96–97, 208–9, 239, 245–46, 248–49. Other individuals that the Kirtland high council found guilty often were forgiven or
receive forgiveness. On several occasions, a council refused to forgive an individual because they believed that a confession was either insincere or incomplete.\textsuperscript{510} In Church councils, defendants were considered innocent until proven guilty. Therefore, if a complainant failed to attend a hearing, then the council would drop all charges.\textsuperscript{511} Sometimes a case would even be discussed multiple times before the council or quorum would deliver a verdict.\textsuperscript{512}

Even though councils emphasized forgiveness, this did not mean that they hesitated to discipline the unrepentant. On one occasion, Burr Riggs was accused of failing to magnify his calling as a high priest and treating the advice of Church elders “with contempt.” After a council of high priests heard his case, Riggs verbally “agreed to make satisfaction.” However, the council questioned his sincerity, noting that he “did not shew much humility.”\textsuperscript{513} When Riggs did not follow through on his commitment to confess, a similar council excommunicated him two weeks later.\textsuperscript{514} Perhaps this discipline motivated him to change because he returned to the Church soon thereafter.\textsuperscript{515}

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\item received a grace period when they could “make satisfaction,” following a heartfelt confession. See MB1, 93–94, 119, 132–36, 256–57; JSP, D5, 29.
\item Joseph Smith manuscript history, vol. A–1, 274, 520; Journal History, August 7, 1835, 1; December 6, 1835, 1; MB1, 235.
\item MB1, 26.
\item Cook and Backman, \textit{Kirtland Elders’ Quorum Record}, 9–10, 25–26, 33–34, 35–36, 43–44; Journal History, July 14, 1838, 1; July 20, 1838, 1; July 29, 1838, 1.
\item MB1, 10; Joseph Smith manuscript history, vol. A–1, 274.
\item MB1, 10–11. One disciplinary body was a “high priest counsel” while the other was a “conference of high Priests.” Both occurred in Kirtland and Frederick G. Williams was the clerk at both meetings. Councils and conferences within the early Church was only a difference in syntax, not a difference in meaning. See Darowski, “Seeking After the Ancient Order,” 99. As a result, the same council may have initially convicted and later punished Riggs.
\item Burr Riggs received a certificate certifying his ordination as an elder and making him “authorized to preach the gospel,” in April 1836. See Elder’s certificate for Burr Riggs, 27 April 1836, in “Record of Certificates of Membership and Ordinations of the First Members and Elders of the Church of Jesus Christ of Latter Day Saints
This focus on helping people progress could extend beyond the defendant and complainant. Sometimes councils administered discipline to communicate a message to other Church members. In one case, Henry Green was summoned for accusing Joseph Smith of inappropriately rebuking someone else. The council began without Green, even though he had previously been summoned to attend.\textsuperscript{516} During the trial proceedings, Reynolds Cahoon, informed the council “that a moment before, that brother Green had passed the house … when he [Cahoon] told him that the council was considering his case and requested him to come in, he said that he should go about his own business, and so went on his way regardless of the council.” Soon thereafter Green entered, explaining that while attending to some important business, “he had been detained longer than he intended.” Sidney Rigdon declared that if he knew that he could not attend, Green should have petitioned the council for a postponement. After deliberations continued for a time, Rigdon announced that Green was guilty and should be “excluded from this church.” One high councilor, Joseph Coe, insisted that Green should “have the privilege of confessing his faults and still be retained in the Church,” proposing even “a reorganization of the council and a rehearing,” if necessary. Rigdon explained, “when a heinous crime is committed & indignity offered to the high council then it is the privilege of the Presidency of the High council to stamp it with indignation under foot & cut off the offender as in the case just decided.”\textsuperscript{517} Following this explanation, Coe withdrew his objection and the decision was sustained. Although the defendant could change, Rigdon did not want to quickly

\textsuperscript{516} Since Green had ample notice, the council continued despite his absence. The council would have postponed the hearing if he could not attend. Since he chose not to attend, the council continued without him.

\textsuperscript{517} MB1, 108–13. See also MB1, 264–65.
excuse the light-minded way that Green treated the council, believing if that type of behavior became common, the Church would be unable to properly self-govern.518

Missouri

Councils in Missouri also placed great value on helping people to change. The first several cases in Missouri involved individuals who were forgiven after they confessed or who were promised that they would be forgiven after they repented.519 In one case, Ziba Peterson returned to confess after a previous council had revoked his ordination as an elder. After the council reordained him, they asked him to conclude the council with prayer.520 On other occasions, individuals confessed following a guilty verdict and were forgiven.521

Even cases involving high profile Church leaders focused on inviting the transgressor to change. At a general council of Church members in November 1837, they initially decided to not fully sustain the Missouri presidency: David Whitmer, W. W. Phelps, and John Whitmer. However, the confessions of Phelps and John Whitmer and testimonies of other Church leaders brought the congregation to ultimately sustain each of them.522 Although all three were


519 MB2, 5, 22–24, 27, 31.

520 MB2, 31. Peterson was likely reordained during the council since only priesthood holders could offer the opening or closing prayer.


522 JSP, D5, 470. Conference minutes suggest that David Whitmer did not confess. After Thomas B. Marsh initially objected to Whitmer’s sustaining “as the President of this branch of the Church,” several spoke in favor of and against President Whitmer. Remarks by William B. McLellin and Joseph Smith unified the conference, creating an “almost unanimous vote in favor of President Whitmer.” Marsh later read a “list of charges” from “a written document” against Phelps and John Whitmer. After this, Phelps and Whitmer spoke “by way of confession.” The conference then unanimously approved both.
excommunicated later, this only happened when they persistently rebelled despite several invitations to reform.523

Both Oliver Cowdery and Lyman Johnson were given similar opportunities to change. While living in Kirtland, Cowdery had communicated and associated with several apostates. After moving to Missouri, he began to openly accept and endorse the “Old Standard.”524 Despite Cowdery’s rebellious actions, Smith penned a letter in September 1837 to the Missouri Saints expressing confidence that Cowdery would reform.525 After Smith arrived in Missouri, Cowdery continued to be defiant, and refused to attend his trial in protest of the proceedings.526 Lyman Johnson received discipline in Kirtland where he was removed from the apostleship and excommunicated, only to be rebaptized a week after he was cut off.527 Later in Missouri, Johnson refused to attend the high council proceedings when he was tried and excommunicated.528 Councils could not force individuals to change. They tried to encourage personal reformation, but the individual ultimately chose whether they would.

523 MB2, 104–7, 118–26, 131–33. Several opportunities to change were extended to the Missouri presidency. First, three high councilors visited them before removing them from the presidency. Second, the Missouri Saints sustained the motion to remove. Third, after being notified of the Missouri high council would hear their cases, all three composed a written defense, protesting the authority of the council to try them.

524 Hill, “Cultural Crisis in the Mormon Kingdom,” 293–94.

525 Journal History, September 4, 1837, 1.

526 Joseph Smith arrived in Far West on March 14, 1838. See Journal History, March 14, 1838, 1. Oliver Cowdery received the charges against him on April 9, 1838. Later, he composed a response on April 12, 1838, the day that the trial convened. See MB2, 118–19.

527 The initial council in Kirtland where Lyman Johnson was tried ended in disarray since none of the adjudicators were impartial. See Journal History, May 29, 1837, 1–2. Three months later, in August 1837, Johnson was removed from the apostleship. See MB1, 235. On September 3, a general council of the Church excommunicated him. See JSP, D5, 423. One week later, he confessed and was rebaptized, although he was not restored to the apostleship. See MB1, 240.

528 Johnson also did not attend the council when he was removed from the apostleship. See MB1, 234–35.
Outlying Church Congregations

Although located outside of the main bodies of Saints, outlying Church congregations exhibited similar patterns. When writing to a Church congregation in Eugene, Indiana, Bishop Newel K. Whitney instructed branch leaders to cut off John and Eden Smith if they continued to refuse to confess and repent of their transgressions.529 In this case, the First Presidency thought their prior actions and attitudes necessitated Church discipline. Yet if the Smith’s now desired to change, that discipline could be indefinitely delayed.

Since councils focused more on the end than the means, they occasionally used less traditional methods if they felt it would invite a guilty person to change. At a conference in New Portage, Ohio, a complainant was reproved for wrongdoing. This conference sought to invite change of whomever they felt needed it—regardless of whether they were on trial or not.530 An elders council in Winchester, Indiana, heard a dispute between two women. A woman named Burkett “manifested a spirit of humility and contrition,” while a Sister Eunice had “a Spirit of hardness and self-justification.” Rather than doling out disciplinary measures, the council assigned two elders to “go and visit Sister Eunice as soon as possible.” Interestingly, “the afore mentioned Elders also labored” with this woman’s husband, although no sentence was given to either of them. 531

If a council could not obtain enough details to make an informed decision, they would teach the two parties correct principles and let them govern themselves.532 In a dispute involving

529 Journal History, July 2, 1833, 2.
530 MB1, 49–51.
531 MB2, 20.
532 In November 1851, John Taylor quoted Joseph Smith when he responded to a member of the Illinois Legislature who was impressed with Smith’s ability to govern the Saints. In response to his question about how he did it, Smith
two women, neither side provided any corroborating testimony to support their claims. This lack of information made it difficult for the council to make a definitive decision. Bishop Whitney advised, “All you can do is to forbid them to partake of the Sacrament unworthily; and pray much, and God will bring all things to light.”

Rather than only considering what had been done, councils also consistently examined the defendant’s intentions. For example, Ambrose Palmer was accused of helping another brother resolve some debt, without seeking counsel from his Church leaders before becoming involved. All witnesses sustained Palmer’s motives notwithstanding his actions, claiming that “he had acted from the best of motives.” Since Palmer had helped in a well-intentioned, lawful, albeit clandestine, manner, he was exonerated of all charges. Members of the Church commonly believed that Church councils should consider more than just what a person had done. Why they acted in that manner often mattered more than what they did.

Similarly, councils often considered both the purported transgression and the understanding of the individual who sinned. Councils often noted whether the act was a first-time offense or a repeated pattern. If it was a first-time offense, the council was often more patient and forgiving. Once it had become a pattern, a more formal and authoritative approach was often needed. The impact of repeated wrongdoing on the sentence depended on the severity of the transgression. In the case of infidelity, even the first offense was enough to evoke severe Church discipline, while many other cases evidently required a repeated pattern of misconduct

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533 Journal History, July 2, 1833, 2. Since the First Presidency penned a letter to the same branch on the same day, it is interesting that Bishop Whitney wrote another letter addressing to this issue. This suggests that Bishop Whitney was likely viewed as an expert on Church discipline.

534 MB1, 89–90.
before a council would hear the case. In one complaint, Newel Knight was summoned after complaints were filed about his “teaching & Spirit” for a “length of time past.” When hearing the case, “it was agreed that the Elders should descide upon the Spirit which br. Newel was actuated by this evening.” This suggests that the doctrinal inaccuracy of Knight’s prior teachings mattered less than his current humility.

The minutes of one case summarizes the general attitude of Church councils regarding punishment. Before excommunicating Hiram Stratton, the Kirtland high council noted that he had already “cut himself off from the church.” Whether the defendant left exonerated, forgiven, or excommunicated, councils largely considered their sentence only an extension of the choices that each defendant had already made.

After determining a verdict, councils would extend a sentence that they felt would encourage both the defendant and other Church members to conform to Church practices. All defendants who deliberately did not attend or postponed attending their case’s proceedings were cut off, disfellowshipped, or lost their priesthood license. This discipline not only communicated the importance of Church councils to the defendant, but it reinforced formal

535 For examples of discipline for infidelity, see MB1, 12, 21–22, 43, 47, 239.

536 MB2, 24.

537 MB1, 264.

538 MB1, 12, 25–26, 108–13, 208–9, 235, 264–65; MB2, 118–33; December 26, 1833, n.p.; August 4, 1835, 1; March 6, 1838, n.p.; Joseph Smith manuscript history, vol. A–1, 534; Messenger and Advocate 2, no. 3 (December 1835): 237; Messenger and Advocate 2 no. 7 (April 1836): 299; Messenger and Advocate 2, no. 9 (June 1836): 332, 336. The only exception is an entire branch that had their doctrinal teachings corrected by two high councilors. See MB2, 57–60.
Church disciplinary processes to other Church members. Several individuals were also cut off when they refused to accept counsel or failed to reform after a lighter sentence was given.

Joseph Smith demonstrated a strong propensity to forgive confessors. Even when individuals publicly criticized him or harmed other Church members, Smith willingly extended forgiveness if he believed that the transgressors felt remorse for their actions and desired to change. His forgiving nature and Church position undoubtedly influenced councils that he led to respond similarly. Yet even in his absence, councils demonstrated a strong tendency to extend forgiveness if they believed that an individual would change, notwithstanding their prior transgressions.

Increased Rights for Women

In the 1830s, women within the United States were universally discriminated against. They could not vote and in many cases could not attend college. Once married, they could not sue in court, retain their own wages, or have personal property. As late as 1860, social activist Elizabeth Cady Stanton declared: “Herein is woman more fully identified with the slave than man can possibly be, for she can take the subjective view. . . . For while the man is born to do whatever he can, for the woman and the negro there is no such privilege. . . . The black man and

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540 Journal History, June 29, 1835, 1; August 7, 1835, 1

541 Joseph Smith manuscript history, vol. B–1, 647.

542 Gurko, The Ladies of Seneca Falls, 7–12.
the woman are born to shame.” Historian Nancy Woloch explained: “In all states, married women remained legal possessions, rather than legal persons.” The nineteenth amendment, which endowed women with the power to vote, came more than fifty years after a similar amendment granted African American men the same privilege.

Despite the discrimination that women consistently faced in United States civil courts, such was not the case in early Latter-day Saint disciplinary councils. Of the six women who were charged with misconduct from 1830–1838, only one was formally punished. In these hearings, female plaintiffs successfully prosecuted both cases that they filed against men. In early Church councils, women successfully argued their case more often than men, despite the superior cultural and legal rights enjoyed by their male counterparts.

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544 Woloch, Women and the American Experience, 194.

545 “United States Constitution,” Amendment 15 and 19. Amendment 15 was ratified in February 1870, while amendment 19 was ratified in August 1920.

546 The council decided to send elders to visit one sister, but did not give her any formal Church discipline. MB2, 20. In the only case where a woman was excommunicated, her husband refused to attend the council to answer charges filed against him. Those charges were “sustained by many witnesses,” resulting in his excommunication. Apparently as collateral damage, his wife and another man were “also cut off.” See Messenger and Advocate 2, no. 9 (June 1836): 332.

547 This sentiment was embraced in several instances. For example, a woman successfully prosecuted another man before an elders and high priest council in Ohio and an elders council in Jackson County, Missouri. See MB1, 129–30; MB2, 23–24.

548 As plaintiffs, women succeeded every time they prosecuted men and avoided Church discipline often as well. However, they confessed several times for various misdeeds. See JSP, D5, 28–29. Although the sample size for the cases involving a woman is small, the correlation is nonetheless intriguing.
On one occasion, Church leaders held both a husband and wife separately accountable, for similar transgressions. William Smith accused both David Elliott and his wife, Mary, of improperly treating their children. After hearing David, the council determined that although “the complaint was not without foundation … the charge had not been fully sustained.” After a short recess, the council deliberated William Smith’s accusation that Mary had improperly treated her step-daughter Lucinda. They may have hotly contented this issue since six councilors expressed their opinions. After both David and Mary Elliot confessed their faults, the council forgave and “restored to fellowship” each of them.

In late 1831, an elders council in Randolph County, Indiana heard and adjudicated a case involving two disputing married women. Although both husbands were present, this case was considered by the elders council without any consideration for either of them. Later in 1835, an elder and high priest council ruled in favor of a woman, Clarissa Matthews, who represented herself although she may have been married. This council not only ruled against a Church elder but exercised judicial review on a previous civil court case that involved the two disputing parties, placing Church court rulings above civil court rulings. Aside from the council’s favorable decision, Matthews was afforded some unusual rights. If she was married, she likely attended the council without her husband. Although she could not likely own land, the official

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549 Joseph Smith participated in both councils, although he had different roles. Smith testified as a witness during David’s council. Later, he helped preside when the council investigated Mary’s case. This suggests that Smith permitted early Church councils to try a husband and wife separately for similar transgressions.

550 Mary Cahoon Elliot was David’s third wife. See JSP, D5, 26 n107.

551 JSP, D6, 26–29.

552 MB2, 20.

553 For a discussion on her relationship with Reuben Matthews, see chapter 5, footnote 461.
minutes call the property owned by David Matthews, “their property.”\textsuperscript{554} After the council ruled in Clarissa Matthew’s favor, Reuben Keeler threatened to appeal the case to the Kirtland high council, yet no record of that appeal exists.\textsuperscript{555}

In the 1830s, men often mistreated their wives and children without repercussion and even violence against family members was legally protected.\textsuperscript{556} However in 1831, an elders council in Randolph County, Indiana, adjudicated a case where James More was accused of “misconduct in his family” and confessed to “whipping his wife.” The president of the council, Thomas B. Marsh, asked More if he thought “he was worthy to retain his License in the Church as a Teacher [and] he answered in the negative.” The council summarily revoked More’s license.\textsuperscript{557}

On two separate occasions, members of the First Presidency sought for Church discipline against men who, among other things, had left their families “in a destitute situation about the

\textsuperscript{554} MB1, 129–130.

\textsuperscript{555} In Minute Book 1, although the clerk records that the disagreement was “between brother Joseph Keeler and sister Clarissa Matthews,” Clarissa Matthews filed the “complaint against brother Elder Reuben Keeler.” See MB1, 129.

\textsuperscript{556} The Encyclopedia of Victimology and Crime Prevention reads, “Many of these beliefs [regarding family violence] were brought over to America when the country was first formed. In addition, there was a long-standing tradition that family matters, including acts of violence, were private. As a result, in the early 1800s there were very few laws on the books dealing with this type of violence. In the late 1800s states had laws criminalizing wife beating, although these laws were rarely if ever enforced.” See Beth Bjerregaard, “Family Violence,” in Encyclopedia of Victimology and Crime Prevention, ed. Bonnie S. Fisher and Steven Lab (Thousand Oaks, CA: SAGE Publications, 2010), 383. Even the Supreme Court in 1910 dismissed an assault and battery charge by a wife against her husband. They claimed that allowing these types of suits would “open the doors of the courts to accusations of all sorts of one spouse against the other, and bring into public notice complaints for assault, slander, and libel, and alleged injuries to property of the one or the other by husband against wife or wife against husband. Whether the exercise of such jurisdiction would be promotive of the public welfare and domestic harmony is at least a debatable question.” See Thompson v. Thompson, 218 U.S. 611 (1910).

\textsuperscript{557} MB2, 21. Not all early Church courts punished men that whipped their wives. For further discussion of wife-whipping within early Church courts, see Davis, “Early Restoration Councils,” 64–65.
time of the solemn assembly.” Although this was not the only factor in each case, it was nonetheless a component that led to the excommunication of these two individuals. In the first case, Wilkins (Jenkins) Salisbury “neglected his family” when he left them starving and without wood to attend the solemn assembly at the Kirtland Temple, “when he ought to have been home.” In addition to this, he also used tobacco and liquor, and had purportedly “been intimate with every woman he could since he belonged to the church.” Even if the irresponsible care of his family was not the most influential factor in Salisbury’s excommunication, the minutes suggest that the complainant, Oliver Cowdery, felt that religious devotion should not excuse men from caring for their families. In a second case, Cowdery charged that Charles Kelly “did go away and leave his family in a destitute situation about the time of the solemn assembly.” When additional testimony sustained this accusation, Sidney Rigdon announced the court’s decision that Kelly should be excommunicated.

High-ranking Church leaders were not only concerned for the physical welfare of women but their spiritual and emotional health as well. In an elders council in New Portage, Ohio, where Cowdery served as chair, Joseph Bosworth was accused of “unchristian like conduct toward brother Meads & his wife” and that he “had said somethings which had tended to injure the reputation of sister Mary Ann-Point,” who was likely unmarried. After the defendant was found guilty, he was required to “make confession to the injured [Mary Ann-Point] and the church.”

558 MB2, 208.

559 MB1, 206.

560 MB1, 206–7; Journal History, May 16, 1836, 1. At the time, Oliver Cowdery served as the Assistant President of the Church.

561 MB1, 208.

562 MB1, 90–91.
Early Church courts actively defended the rights of women, whether they were married or not. Even though not every historical ruling would pass modern standards, early Church councils demonstrated a culturally progressive stance toward women.

Centralization of Authority and Devolvement of Trust

As the Church expanded, Joseph Smith slowly centralized authority within hierarchical Church councils. In 1834, Smith formed the Kirtland and Missouri standing high councils. Then in early 1835, the travelling high council and quorums of the Seventy were created. Later in May 1835, Smith only permitted the bishop’s council, Missouri high council, or a council involving the First Presidency to hear disagreements involving Church members within Missouri.563

Over time, the ability to excommunicate Church members also became more centralized.564 When Smith first organized the Church in 1830, elders had the responsibility to hear and decide every case. They could enact any religious sanction on transgressors, including removing their Church membership.565 As new councils were formed, also extended this authority to them. Gradually, Smith began to create councils with limited jurisdiction. In 1836, he organized the Kirtland elders quorum. Although the quorum heard several cases, they

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563 *Messenger and Advocate* 1, no. 8 (May 1835): 137–38. Although Joseph Smith did not mention the First Presidency in his article, they continued to maintain judicial oversight over both the Missouri high council and Bishop Partridge.

564 This centralization occurred in stages. Two weeks before the formation of the Kirtland high council in February 1834, Joseph Smith wrote a letter reaffirming the authority of high priests and expressing his confidence in them. He reaffirmed their ability to hear cases and insisted that they could demand ministerial licenses and expel miscreants from “the communion of the church.” He also noted that those who had been cut off should “truly repent of [their] sins and bring forth fruit meet to the satisfaction of that branch … [before they could] be rebaptized and come into the church again.” In this letter, he also reinforced appellate courts by inviting those who received an unfavorable ruling to appeal the case to a bishop’s court, if desired. See *JSP*, D3, 422–25.

565 MB1, 11, 22–23, 25, 43, 47; MB2, 21, 32; Journal History, December 3, 1832, 1; *JSP*, D3, 79–81.
disfellowshipped three individuals and excommunicated none.\textsuperscript{566} When trying quorum members, the Seventy also did not excommunicate those found guilty of wrongdoing.\textsuperscript{567} Although historians have not found a directive that explicitly prohibited these councils from excommunicating individuals, the historical evidence suggests that early Church members understood that councils with limited jurisdictional authority could not excommunicate those that they tried.

Despite this centralization of authority, Church leaders, especially Smith, demonstrated a high level of trust in all Church councils, regardless of their jurisdictional authority or appellate level. Although top-tier Church leaders could reverse the decisions of lower councils, they rarely did. Instead, Church leaders were tried as a defendant before councils hierarchically inferior to the ones that they participated on.\textsuperscript{568} Rather than insisting that he was infallible, Smith’s revelations often identified personal faults and he proactively ordained replacements should he fall into apostasy.\textsuperscript{569} Despite serving as President of the Church, Smith did not preside at every council that he attended, even if he was not a complainant or defendant.\textsuperscript{570}

\textsuperscript{566} From 1836–1838, the Kirtland elders quorum found four individuals guilty of their purported transgressions. One case was transferred to the high council without making decision after an individual was accused of being ordained an elder prematurely without first magnifying his office as a priest. See Cook and Backman, \textit{Kirtland Elders’ Quorum Record 1836–1841}, 10, 25–26, 41, 44.

\textsuperscript{567} For a larger discussion about whether the Seventy could excommunicate people, consult Chapter 2, “Seventies.”

\textsuperscript{568} MB1, 52; MB2, 22–23, 27; Joseph Smith manuscript history, vol. B–1, 647. Not every complaint that was submitted led to a trial, for the president of the council could choose not to hear the case. See “To the Bishop and his council in Kirtland the Stake of Zion,” May 29, 1837, Newel K. Whitney Papers, bx 2, fol 1, L. Tom Perry Special Collections.

\textsuperscript{569} \textit{JSP}, D1, 8–9, 17 [D&C 3:5–15, 5:21]. David Whitmer was ordained “to be a leader or a prophet to this Church” should Joseph Smith “not live to God himself.” See MB2, 100. Smith ordained Oliver Cowdery as “an assistant-president to the High and Holy Priesthood, in the Church of Jesus Christ of Latter-day Saints” in 1834. See Journal History, December 5, 1834, 1.

\textsuperscript{570} In several cases, Joseph Smith attended but did not participate. See MB1, 12, 25–26; MB2, 118–131; \textit{JSP}, D5, 127–31. In another case, Joseph Smith’s journal did not state that he was there, but the council was recorded in such detail that he likely attended. See Journal History, May 16, 1836, 1. In two cases that occurred sequentially, Smith testified at one and presided at the other. See \textit{JSP}, D5, 27. However, normally when Smith attended a council, he
individuals, Smith and other Church leaders normally did not participate as an adjudicator, even if the case was heard before a council that they would normally have participated with. Smith also began to gradually participate less often in Kirtland high council proceedings, even though his original instructions to that body all but required his presence before they could assemble.

This pattern paralleled his decreased participation in other councils as well. Even when high-profile Church leaders were tried in Kirtland and Missouri during 1837–1838, Smith often empowered others to resolve the case and then trusted their judgment. In November 1835, Smith observed a hearing and disagreed with the council’s decision. Rather than publicly debating the presiding elder, he later visited privately with those that he disagreed with to resolve the issue. While he centralized disciplinary authority within a defined structure, Smith paradoxically devolved trust to those who participated in Church councils, regardless of where that council was hierarchically situated.

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571 MB1, 96, 208–9; JSP, D5, 125–27, 243–46, 249–53. Joseph Smith once simultaneously served as the presiding authority and complainant. Andrew Squires had previously left the Church to join the Methodists and then wanted to receive fellowship again. After Smith and Rigdon, who jointly presided, condemned his previous acts, Squires confessed and promised “by the grace of God [to] forsake them in the future.” Rigdon then moved that Squires be restored to full fellowship, which the congregation subsequently sustained. See JSP, D5, 68–69.


573 Before removing David Whitmer, W. W. Phelps, and John Whitmer from their positions within the Missouri presidency, Thomas B. Marsh said “that the meeting was according to the directions of Br Joseph, he, therefore, considered it legal.” See MB2, 99. The next day, the high council and Bishop Partridge “voted that Thomas B. Marsh and David W. Patten be Presidents, pro. Tempor, of the Church of Latter Day Saints in Missouri, or until Presidents Joseph Smith jr and Sidney Rigdon arrive[d] in the Land of Zion.” See MB2, 99. Although Phelps and John Whitmer were excommunicated before Smith arrived in Missouri, he did not reverse the decision once he arrived. Smith also continued to allow the high council, apostles, and Partridge excommunicated David Whitmer, Oliver Cowdery, and Lyman Johnson without insisting that he preside during the proceedings, although he did occasionally participate as a witness. See MB2, 124, 129.

574 Journal History, November 8, 1835, 1; November 15, 1835, 1
Some of this trust may have resulted from practical considerations. With limited communication and lengthy travel times, Church leaders could not adjudicate fairly every concern that arose. Instead they taught and expressed confidence in local councils to understand and implement God’s will in all cases that they heard.575

They also occasionally exerted judicial oversight through less formal means. For example, in July 1833, the First Presidency penned separate letters to John Smith and the Eugene, Indiana Branch, where Smith was then preaching.576 When they wrote to Brother Smith, they referred to a case that Bishop Whitney had previously heard and sanctioned those proceedings. They warned John Smith that he had previously “remained obstinate” when he failed to demonstrate any “degree of humility.” They explained to the branch leaders that they believed John Smith’s son, Eden, also needed “to be reproved.” Despite their openness, the First Presidency did not dictate how Eden’s case should be adjudicated. Although the First Presidency did “not hold [John and Eden Smith] in fellowship,” they also did not tell the branch leaders what verdict or sentence they should now issue toward the Smiths. Instead, the First Presidency invited the leaders to “sit in judgment on Eden’s case, and deal with him as the law directs.” Concluding their letter, the First Presidency conveyed trust, stating that if John and Eden Smith were “found guilty,” the branch leaders should “deal with them accordingly.” Joseph Smith and his counselors recognized that they could not easily make an accurate judgment on the current

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575 In Bradford, the traveling high council heard a case involving a previously suspended brother, Gladden Bishop. Earlier, a written complaint had been sent to the Kirtland high council. They had suspended Bishop “and referred [him] to the conference at Bradford for trial,” perhaps because a local tribunal could make a more informed decision. See Journal History, August 7, 1835, 1.

576 Only Joseph Smith and Frederick G. Williams signed the letter to John Smith. The letter to the branch was signed by Joseph Smith, Sidney Rigdon, and Frederick G. Williams. See Journal History, July 2, 1833, 2.
status of John and Eden Smith, so conveying guiding principles to the local elders, they let those leaders know that they trusted them to find the truth and act according to what they learned.577

As the Church hierarchy expanded, Joseph Smith made it clear that there was “no office in this Church which can be placed upon the head of any man that will place him beyond the power & control of any branch of the Church where he may be guilty of transgression even if there is not another ordained member in the Church.”578 Like any lay member, Church leaders could face Church discipline if their actions were unacceptable. Prior faithfulness did not guarantee that an individual would avoid Church discipline for subsequent wrongdoings.579

Similarly, complainants were not exempt from discipline. In a case heard by the Missouri high council, James Newberry charged John Murdock with “unchristian-like conduct, in speaking reproachfully of youngsters.” After investigating Newberry’s complaint, the high council not only “thought the charge was not sustained, but rather [believed that] the accuser was in the fault.”580 Councils focused on helping those in error to change, regardless of their position or role. Early Church members sought to prevent the mechanics of councils from disrupting that end.

Both the New Testament and Smith’s revelations instructed Church members to only use formal disciplinary processes when two disputing parties came to an impasse. When councils sensed that the two disputing parties could resolve the issue themselves, they would often shift

577 Journal History, July 2, 1833, 2.
578 JSP, D3, 424.
579 All three witnesses who claimed to have seen the angel Moroni and heard a voice from heaven testify of the Book of Mormon were disciplined by Church councils—two of them were excommunicated. See MB1, 236–37; MB2, 118–26, 131–33. The Presiding Bishop of the Church also faced a Church council, following the testimony of his two counselors. After confessing his guilt, Edward Partridge received forgiveness. See MB2, 22–23.
580 JSP, D6, 47–49. After they declared a verdict, the council did not give a sentence.
the responsibility for finding a solution back to them. In one instance, the Far West high council threatened that the two parties would be “disfellowshipped” if they could not resolve the issue themselves.581

Conclusion

Joseph Smith and other Church leaders never claimed to have infallible judgments.582 Instead of focusing on the individual’s prior actions and requiring penance before errant individuals could be absolved from wrongdoing, they consistently focused more on encouraging individual improvement. If an individual desired to change, they could. Councils often required some action from those that they found guilty to demonstrate their commitment to change before fully exonerating them, but these actions focused on helping people move forward, rather than punishing them for their past.

Early Church councils also demonstrated a culturally progressive concern for the women of the Church. These women found greater protection within Church councils than they could within civil courts, since many of these issues were publicly ignored. They also could have standing within Church courts, regardless of their marital status.

Joseph Smith and other Church leaders trusted the council system—even when peripheral councils exerted authority. Furthermore, the status of Church leaders did not insulate them from

581 MB2, 75. See also MB1, 90; Journal History, July 14, 1838, 1.

582 A bishop’s council of high priests initially tried and excommunicated Philastus Hurlbut. See MB1, 12. After appealing his case to Joseph Smith, Hurlbut confessed and promised to reform. The council affirmed the prior decision of the bishop’s council before restoring Hurlbut to his original standing in the Church. See MB1, 21. However, Smith may have questioned the honesty of Hurlbut’s confession. See JSP, D3, 116–17. Two days later, Hurlbut was excommunicated for bragging that he “proved that council has no wisdom, I told them I was sorry I confessed and they believed it to be an honest confession. I deceived the whole of them and made them restore me to the Church.” See Smith, Journal of Discourses, 11:8 as quoted in JSP, D3, 119.
potential Church discipline. All Church members were expected to meet certain standards. If
they disregarded those standards then they could be formally disciplined, notwithstanding any
previous or present Church callings.

When examined in its totality, early Church disciplinary processes evened the playing
field by protecting the rights of Church members and became a powerful tool to help members
recognize their errors, repent, and reform.
Chapter Seven:

Conclusion

Joseph Smith emerged from a religious culture with well-developed systems of discipline—he did not form a complex hierarchical council structure out of a vacuum. In his youth, Smith interacted closely with these religious sects, attending their meetings “as often as occasion would permit.” He studied the New Testament intently, acquainting himself with the disciplinary teachings of Jesus and Paul. However, he refrained from formally joining any particular religion.583

Beginning in April 1830 when he organized the Church of Christ, Smith began to create the foundation for future Church discipline. His revelations instructed early Church members to deal with transgressors as “the scriptures” directed.584 In February 1831, Smith delegated these disciplinary responsibilities to the Church elders. He also allowed them to hold councils whenever they needed.585 Later in February 1831, Smith ordained the first bishop, Edward Partridge.586 Partridge gradually received additional adjudicatory responsibilities, until bishops became a fundamental component of Church discipline, obtaining duties previously held by elders.587 In February 1834, Smith organized the Kirtland high council, over whom he and his counselors presided. Until Smith moved to Missouri in the winter of 1837–1838, this high

583 *JSP*, D1, 210–19.
584 *JSP*, D1, 123–24 [D&C 20:80].
586 *JSP*, D1, 244 [D&C 41:9].
587 *Messenger and Advocate* 1, no. 8 (May 1835): 137–38. This pattern continued in Nauvoo.
council served as the highest appellate Church court. Smith created several other judicial bodies throughout this time to help meet the needs of Church members: the Missouri standing high council, the travelling high council, the quorums of Seventy, in addition to high priest and elders quorums.

Kirtland housed the largest array of early Church councils. Here, Church members were brought before elder and high priest conferences, bishop’s courts, the standing high council, and other general Church councils. The Seventy and elders quorum could also discipline quorum members. Aside from the high council, these councils largely operated according to scriptural traditions and practices modeled by other contemporary congregations. While here, Joseph Smith, as the President of the Church, occasionally removed Church discipline without the aid of a council.

Shortly after he organized the Kirtland high council, Smith formed a similar body in Missouri during July 1834. The Missouri high council later heard several high-profile cases and excommunicated all three of its presidents, an assistant president of the Church, and an apostle. These leaders were excommunicated when they failed to demonstrate remorse or any verifiable desires to change.

Outside of Kirtland and Missouri, the Church primarily relied upon elders councils to investigate and formally discipline purported transgressors. Likely due to incomplete recording of council minutes and the subsequent loss of written records, very few of these accounts still exist today. Most of the extant elders councils come from large conferences where several cases where heard and the minutes were later published in a Church periodical. A few other councils

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588 As a result, it can also be referred to as a president’s council.

589 Joseph Smith manuscript history, vol. B–1, 647.
also occasionally administered Church discipline, including the travelling high council, an occasional bishop’s court, and the Kirtland Camp of 1838.

Although various councils were held in many different locations throughout the early Church, some patterns still consistently emerge. First, early Church councils were more concerned about the current attitudes and desires of guilty persons than they were about the transgressions that they had previously committed. If guilty individuals penitently expressed a desire to change, they were often forgiven. Second, women found greater freedom within early Church courts than they did in comparable civil courts. In Church councils, they were placed on a more equal standing to men, while in civil courts, they were often considered no better than a man’s property. Third, Church leaders showed that they largely trusted all councils. They would submit themselves to and trust the decisions of low-level councils, even though they often presided over councils with appellate authority.

Kathleen Flake, the Richard L. Bushman chair of Mormon studies at the University of Virginia, once wrote regarding the development of early Church councils, “This evolution in Church structure was not understood as an administrative, but a spiritual necessity.”590 Richard Bushman later explained, “Councils made the Church self-governing.”591 Although adjustments to the council system may have been initially undervalued by contemporary observers, they had a profound impact both on their contemporary participants and Church members for generations.


591 Bushman, *Joseph Smith*, 252.
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