Jesse Smith's 1814 Protest

John W. Welch
The Document Corner: Jesse Smith’s 1814 Protest

Recently donated to the Church, this document yields new insights into the religious climate in Joseph Smith’s extended family and into the personality of his unbending uncle.

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The following document has been handed down from generation to generation among the descendants of Silas Sanford Smith, brother to Jesse Smith (1768–1853), the eldest brother of Joseph Smith, Sr. This document, donated recently to The Church of Jesus Christ of Latter-day Saints by George Smith Dibble, provides several new and interesting insights into the character of Jesse Smith as well as perspectives on the religious background of this member of the extended family of the Prophet Joseph Smith.

Regarding the provenance of this document, George Smith Dibble (who is a direct descendant of Silas Smith and who is also related to Mary Duty through Cleone Atwood Dibble’s direct ancestor William Stickney) received this document from his mother, Emma Jane Smith, who, it is believed, received it from her mother, Martha Eliza Bennett Smith, who was Silas Smith’s wife. One assumes that she received it from her husband, but it is unknown how he would have obtained the document.

This manuscript illustrates the independence of Asael Smith’s family. Mary Duty and Asael Smith, the paternal grandparents of Joseph Smith, were strong-willed individuals who stood by their convictions. Their first son, Jesse, states in this document that he stood alone as the only one opposed to an action taken in 1813 by the presbyterian congregation to which he belonged. Being the eldest, Jesse naturally commanded considerable respect from his siblings, and his 1814 certificate is powerful evidence of his skillful ability to state his opinions forcefully.

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Jesse’s controversy with his fellow church members arose over a set of resolutions they had adopted on June 5, 1813, voting to return to congregational autonomy and to employ Jacob Allen, a Congregationalist, as their minister. In the process, Jesse objected, they had “assume[d] the right to bind and loose” and had dissolved “the government and discipline [sic] of the [central] church.” In addition, they had rejected “the idea of infant or minor membership.” Although Jesse had once been a Universalist, he firmly espoused presbyterian views here and later in his life.

He objected to these resolutions primarily on scriptural grounds. For example, in Jesus’ blessing of the children, Jesse found evidence that all family members should be allowed to partake of the blessings of the church directly. He recoiled at the idea of membership in a church congregation where his entire family could not participate. It is unclear, however, exactly what steps had been taken in this regard by the majority of Jesse’s parish or what issues were actually in controversy, but it appears that the so-called halfway covenant defining the membership status of children stood at the root of the problem.

Jesse also found in the New Testament clear evidence that church authority “to bind or loose, to make laws or administer government or discipline” or “to transfer this power to others by the Imposition of their hands” was given only to the apostles and elders; authority could not be reconstituted in a mere determination of “the body of the church.” Jesse cited the apostolic council in Acts 15 and the procedures of Deuteronomy 17 as examples that a representative body of central church leaders “having jurisdiction over lesser bodies” had exclusive authority to decide issues of church governance, such as the adoption of the local resolutions to which Jesse objected. Accordingly, Jesse rejected the action taken by these local citizens because they were acting outside the “mode of government” authorized for the church by Jesus Christ.

Unfortunately, the document itself contains no explicit statements about the immediate circumstances that finally provoked Jesse Smith, on November 18, 1814, to memorialize his religious convictions and reasons for disagreeing with his presbyterian brethren in Tunbridge. For seventeen months, he had hoped for a change, but at length “imperious necessity” compelled him to action. Perhaps his position had been misunderstood or misrepresented.
in the congregation; he had probably been subjected to social criticism; he was eventually excommunicated.\textsuperscript{5}

Ultimately, Jesse objected to the involvement of state law in church government. The articles of agreement that legally organized the local congregation in Tunbridge were constituted under the laws of the state of Vermont, particularly under a law entitled An Act for the Support of the Gospel.\textsuperscript{6} This law and these articles gave the local populace considerable control over "every attempt of the church to call and settle a minister." Moreover, these legal instruments allowed local courts to foreclose on a person's "houses or lands or both as surety" for the collection of any salaries owed to a minister of the gospel. Thus, it seems likely that someone was trying to compel him to pay his legal share toward the support of Jacob Allen, the minister whose hiring he had opposed, and that, in addition to stating his religious convictions, Jesse was following the procedure outlined in Vermont law to claim exemption from that local assessment.\textsuperscript{7}

In 1783 the general assembly of Vermont had passed a law enabling towns and parishes to build churches and to provide for the support of ministers of the gospel. By a majority vote, a town or parish could levy a tax sufficient to cover the costs of hiring a minister, "to be assessed on the Polls and rateable Estates of Persons Living, or Estates lying, within the Limits of such Town or Parish."\textsuperscript{8} In addition, the statute recognized that many people within the town or parish might be of different sentiments in respect to their religious duties, "whose conscience this act is not to control: and likewise some, perhaps, who pretend to differ from the Majority with a Design only to escape Taxation." Therefore, the act provided that a person who belonged to a different church could dissent from the majority view and be exempt from the tax, but only if "he, she, or they, shall bring a Certificate, signed by some Minister of the Gospel, Deacon, or Elder, or the Moderator in the Church or Congregation to which he, she or they, pretend to belong, being of a different Persuasion."\textsuperscript{9}

In 1787 a law entitled An Act for Supporting Ministers of the Gospel restated the 1783 law and required simply that the "certificate shall make known the party to be of the religious sentiments of the signer thereof."\textsuperscript{10} In 1801 the Act for the Support of the Gospel was amended further to provide that if any person, acting alone, "who was either in the minority of said vote, or who was not at the meeting,
at the time of passing such vote, ... shall have liberty to enter his dissent, in writing, on the records of the town or parish, as aforesaid, and on paying up all taxes and assessments until that time, and for the whole of the year in which such dissent is made, shall forever thereafter be released from any further taxation, for the support of such minister.”

Although the law of 1801 did not expressly require the town-person to state any particular religious grounds for his dissent, Jesse Smith’s statement followed the earlier convention, setting forth his beliefs, in good faith, and making known his religious sentiments with respect to the entire issue. Accordingly, his first point was to establish that he “never did agree to any such thing,” and his last petition quoted the Psalms with legal significance, “O God, plead thine own cause; O let not the oppressed return ashamed” (Ps. 74:21–22). Indeed, this document was used for legal purposes, for a copy of it was written into the Tunbridge town records.

Jesse declared himself unable to continue in fellowship with the church so long as the offending resolutions remained in force. Nevertheless, he went out of his way in the end to affirm his open-mindedness, his eagerness to be convinced otherwise should he be in error, his willingness to assume personal responsibility for any public harm he might have caused by any such error, and his goodwill toward his opposers.

In several ways, this document is part of the background for the restoration of the gospel of Jesus Christ. It illustrates the intensity of religious debates and study occurring during the period shortly before the youthful Joseph Smith entered the grove where he received his first vision. Jesse examines doctrinal issues with a remarkable scriptural facility. He quotes the Bible extensively, accurately, and readily; and he has given considerable thought to the practical implications of several passages in the Bible. For example, he realized the importance of apostles and elders, of conferring authority by the laying on of hands, and of the applicability of divine instructions in the Old Testament even in the new age under Christ.

The Smiths were very family oriented, as this certificate confirms. Jesse insisted, on scriptural authority, that admitting a man to the privileges of the church required also the admission of all or any of his household. He objected to membership in any society
“where my family could not partake of the benefit directly.” This document also shows that Jesse was articulate and literate. The handwriting, the spelling, the vocabulary, and the literary style are the product of a literate individual.

The document also portrays Jesse Smith as a God-fearing, religious man, not satisfied with the events in his church. He questioned unauthorized church acts and hoped that his church brethren would return to the “former vows” they had made, which he understood to be more in harmony with the practices of the New Testament church, or that, if change was in order, God would spiritually confirm the decision of his congregation.

This text also gives valuable information about the character of Jesse Smith. In 1857, George A. Smith, a cousin of the Prophet Joseph Smith, delivered a speech about the family of Asael Smith, their common grandfather. George remembered his uncle Jesse as “a man of good education, and had considerable display”; he was “a religious man—‘a Covenanter’ . . . who came out with all his strength against [the Book of Mormon], and exerted the most cruel tyranny over his family, prohibited my uncle Joseph [Smith, Sr.,] from talking in his house, and threatened to hew down with his broad axe any who dared to preach such nonsense in his presence.”12 But the young George got the best of his uncle, who boasted, “The Devil never shut my mouth,” to which George quipped, “Perhaps he opened it, uncle,” abruptly ending their conversation. In 1830, when Joseph Smith, Sr., visited his parents and brothers in Stockholm, New York, John Smith’s journal describes Jesse’s anger, harshness, and insulting abusiveness toward any mention of the Book of Mormon, but also his melting into tears when the brothers parted and Joseph, Sr., pleaded with Jesse to repent.13 By 1836, when Jesse ordered his two missionary brothers not to talk “about the Bible in his house at all unless it was upon [the Calvinistic doctrine of] limited election,”14 it was clear that he would never again change religions. Unlike his brothers Joseph, Asael Jr., Silas, and John, Jesse Smith never joined the Church.15 His adamant opposition to the Book of Mormon was in character with his sole and vigorous dissent against the otherwise unanimous decision of his neighbors in Tunbridge.

Accordingly, this document indicates that Jesse was not “always opposed to every form of religion,”16 but that he shared some of his
father's "desire to test all religious opinions by the holy scriptures and sound reason." It also, however, shows him consistently to be very conservative in his presbyterian views, "entrenched in Calvinistic theology." To be sure, he was determined and uncompromising in his religious and legal views, but at least here, in 1814, he also shows himself to be deeply committed to the scriptures and claims willingness to change his stance if shown to be wrong.

On the 30th of July 1809 I was admitted to the fellowship and Communion of the Ch[urch] in this Town organised and officered with ruling elders in Presbyterian form, but destitute of a stated Gospel ministry: we had a teaching Elder who was by profession a presbyterian having charge of a congregational Church in this vicinity whose steadfast belief and uniform declaration was that Presbyterian church government and discipline was (in his opinion) the only form recognized in scripture. The Church having no teaching Priest was not united to any particular Presbytery[,] being but few in number I believe all expected to make slow progress, but as far as I understood anything of the matter no one thought of going back or returning like the dog to his vomit or like the sow that was washed to her wallowing in the mire. For we are assured that no one putting his hand to the plow and looking back is fit for the kingdom of heaven undoubtedly meaning the Church. It was also understood that every baptised child was a member of the church and thus acknowledged by [sic] receiving the seal of the covenant which ordinance[,] say the Assembly of divines[,] doth signify and seal our ingrafting into Christ and our engagement to be the Lords; this is true otherwise I know of no meaning to the command the Lord is said to have given concerning the poor debtor who owed ten thousand talents (viz) that he his wife and children of all that he had should be sold and payment should be made. . . . . . . Thus encouraged by the prospect that I and mine might walk in the light of the church be ruled and disciplined by men in
the vineyard of the Lord elected for the purpose set apart and qualified for the office and they with him who should labor in word and doctrine if God should favor us with a watch[man] on this part of the wall together with the whole body of the church each in their station should come forward with mutual endeavor for the instruction of our children in the ways of truth and righteousness teaching them to mind the same things for the edification of themselves and others and of building them up in the most holy faith according to those precepts (and those only) which are laid down in that gospel thro which life and immortality are brot to light. . . . This appeared to me and still does appear like building again the Tabernacle of David together with the ruins thereof that the residue of men might seek the Lord. 22 . . . . These are some of my reasons for joining the church and such was the Ch[urch] when I did join it. . I came forward I trust under the Influence of the Holy Ghost[.] I still hope I did not trust in a vain thing, the vanity of the Gentiles or an arm of flesh but I think I had and still have some reason to believe that my cheif hope and dependance was and is on him who inhabits the praises of Israel before whom the nations are counted as the small dust of the balance [sic] and who taketh up the Isles as very little thing. Lebanon is not sufficient to burn nor the beasts thereof for a burnt offering. 23 . . before whom all nations are counted as nothing yea less than nothing and vanity. 24 . . . Notwithstanding my remaining corruptions which at times seem to be carrying me away as with a whirlwind[,] my motives were good[,] my object was and is to come up to the help of the Lord against the mighty. 25 . . . The church remained in this situation till the memorable 5th of June 1813 about which time Mr Jacob Allen appeared as a candidate for the ministry of the congregational order so called, the members of the church generally esteemed the man and finally sett[l]ed him as their minister . . . . but as a preliminary the then government and discipline of the church must be abolished[,] for it seems the
man was honest he would not act contrary to his own understanding of the scripture as he had been taught . . . at this time the members of the church in general meeting for the purpose did[,] to my astonishment and in opposition to all I could say or do[,] as sume the right to bind and loose[,]26 passed a decree dissolving the government and discipline of the church together with the Idea of infant or minor membership and to my understanding the church also . . . I was then in the minority with only one other person who has since gone with the multitude so far as to attend for the present on the ministry and the ordinances . . . I now stand alone the only opposer to the decree and the manner of passing the same . . I have waited more than 17 months hoping and praying that the church would return to their former vows as I understood them or that God would open the eyes of my understanding so as to see them in the right if they were so . . but neither of these have as yet come to pass and the time has arrived when imperious necessity compels me to enter solemnly my protest against this unprecedented act of the church in decreeing its own disolution as I understand the measure . . . I now therefore declare in presence of these men whom I have considered as my brethren who were mine acquaintance with whom I took sweet council and with whom I walked to the house of God in company feeling willing to appeal to that God who trieth the reins and searches the hearts of the children of men. for the purity of my motives. that I cannot (with grief do I reflect on the causes that have led to this) in conscience subscribe to this decree or consider myself bound by this act of the church of the said 5th of June[,] neither can I fellowship the church while under the guidance of this decree and the subsequent proceedings arising therefrom so as statedly or occasionally to commune with them in the ordinance of the Lords super [sic] [or] attend on the ministry supported in the ^present form . . . for the following reasons 1st I never did agree to any such thing . . 2nd I cannot find in the scriptures any precepts or example for admitting
a man to the privileges of the church and [ex]cluding all or any of his household[.] our Lord said suffer little children and forbid them not to come unto me for of such is the kingdom of heaven

meaning the church. he took them up in his arms put his hands upon them and blessed them. I never had a serious wish to become a member of the church or any other society where my family could not partake of the benefit directly. because I find no warrent in the scripture for the church collectively to make laws or decrees to bind any either themselves or others. the great head of the church gave to his Apostles the keyes of the kingdom of heaven or church . and to no other[.] he authorized them to bind & loose & to transfer this power to others by the Imposition of their hands & says upon this rock will I build my church and the gates of hell shall not prevail against it[,] meaning by the rock I believe the mode of government. I do not believe that Jesus Christ in any instance has authorized the whole body of the church to bind or loose to make laws or administer governmet or discipline[.] the church is called the kingdom of heaven and a kingdom cannot exist according to the common aceptation of the term without rulers and ruled[,] kings and subjects. The first disp^utation which arose in the christain church in the Apostolic age was not determined by the members or brotherhood, but Paul & Silas and certain others went up to Jerusalem unto Apostles and elders about this question. this I understand was a representative body when convened having jurisdiction over lesser bodies. this was not an advisory council[,] there is there no advice offered. but they utter their sentence and the assembly agree to lay no grater burden than these necessary things &c ^this burden these rulers did lay & bind upon the subjects of the kingdom[)] in what country Soever they might reside[.] this mode of procedure was in strict conformity to the plain command of God in the 17th chapter of Deuteronomy. If there arise a matter too hard for the[e] in Judgement between blood and blood between plea and plea and between stroke and
stroke being matters of controversy within thy gates. then
shalt thou arise and get thee up unto the place which the
Lord thy God shalt choose and thou shalt come unto
the p[r]eists the Levites and unto the judge that should
be in those days and enquire and they shall shew thee
the sentence of judgment and thou shalt do according
to the sentence which they of that place which the Lord
shall choose shalt show thee and thou shalt observe to do
according to all that they inform the[e] according to the
sentences of the law which they shall teach thee and
according to the judgment which they shall tell the[e]
thou shalt do thou shalt not decline from the sentence
which they shall shew the[e] to the right hand or to the
left.32 . . I am aware some will say this was in another age
and a new order of things have succeeded[.] I reply we have
the same Lawgiver under the new as under the old dispen-
sation. I state also that this command has never been
repealed again I understand Jerusalem to be the only place
God had at that time made known as the place of his
chosen for the seat of Judgment and it seems the Apostles
and elders together with a representation of the whole
church thought of going to no other place for a decision
about this controversy between plea and plea. much
scripture I believe might be brot in support of this mode
of procedure but I am not allowed to be lengthy-. my 4th
and last re[a]son for absenting myself from the church
is the manner of settling and supporting the minister[.]
I am not able to learn from ^the scriptures of the old
and new testament that the church of Christ in any age
of the world had any right to form any connection with
those without concerning the calling settling suporting
or dismissing their pastor or teacher but in looking over
the gro^und work of the call settlement and support
of the minister & also provision for his dismision if need
be[.] I do find the whole predicated upon a legislative act
of the state of Vermont which by the authority of the said
state is declared to be an act entitled an act for the support
of the Gospel[.]35 here are articles of agreement called the
constitution of the first congregational or Presbyterian
church and society in Tunbridge[.] these articles are
fourteen in number signed if I mistake not by nearly all the
male members of the church and a number of others &
declared to be binding on them and those who shall come
after them except the eighth article . . . . In these articles
there is pointed out and defined the right of the church
and the colatteral rights of the society or those without as
relates to the call settlement and support of the minister so
long as he lives or till he is dismissed in the transaction of
all this business[,] the people without the church by these
articles of agreement or this constitution have in their
power if they please to defeat every attempt of the church
to call and settle a minister[,] there is no higher authority
quoted in all or any of these articles than that of the ^state
of Vermont[,] there is not a single expression in this
whole instrument which is copied from the word of God
or anything which alludes to divine revelation[,,] there is
no law recognized for the collection even amoung the
[Saints for] the suport of the ministry but the political code
of our country which is [ever varying its course and object.] The church or as many of them and others as have
signed this instrument have bound themselves to mort-
gage their houses or lands or both as surety for the
fulfillment of their contracts with the minister and one
another which mortgage is liable to foreclosure by order
of a political court of Judicature at any time on the fail-
ure of the mortgagor to pay the interest of the money he
has funded . . . . Therefore considering as I do this con-
stitution as it is called to be[,] to say the least[,] not in
conformity to the word of God I must I am constrained to
protest against the measure in all its bearings[,] I cannot
I dare not proceed on this ground, the consequences to
myself and family notwithstanding I fear God and not man
and wish to worship him in the beauty of holiness and in
conformity to his own appointment[,] I cannot subscribe
to this mode of procedure. I must now commit my character to the mercy of that God who knows my motives & to the impartial judgement of the church so far as it by them may be known at the period when the greatness of the kingdom under the whole heaven shall be given to the people of the saints of the most High.

Arise O God plead thine own cause O let not the oppressed return ashamed let the poor and needy praise thy name blessed be the Lord God the God of Israel who only doth wondrous things and let the whole earth be filled with his glory. I now subscribe this my protest with some reasons which have operated to [produce it, with mine own hand] and in presence of the Lord of all the earth promising his grace assisting, that if ever I should be convinced that I ought not to have done this thing, I will use of all the means which may then be in my power to retract and that in the most suitable public manner if I continue to think I am right I feel a determination[.] God willing[,] to use my best endeavor to bring the church back to a sense of their duty and to this purpose I mean to employ my influence if any I have and to these purposes I mean to devote myself either to be convinced myself or to convince my opposers done this 18th day of Nov. in the year of our Lord Christ 1814[.]

Jesse Smith

Introduction by John W. Welch, Professor of Law at Brigham Young University and Editor of BYU Studies, with assistance from Richard L. Anderson, Milton V. Backman, Jr., Richard L. Bushman, Larry E. Dahl, Jonathan A. Dibble, and LaMar Garrard; transcription by Doris Brower, Melinda Jeffress, and Marny K. Parkin.

NOTES

This document, located in the Archives Division, Church Historical Department, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah, is used by permission. The version of this protest recorded in the Tunbridge town records begins, "Protest of Brother Jesse Smith against a Vote of the Ch[urch] passed June 25th
Jesse Smith’s Protest

1813.” The private text published above conforms with the public document in almost all substantive respects, and the recorded version has been used to clarify obscure places and torn edges in the private document with those words shown above in brackets. The symbol ^ indicates words or letters inserted above the line in the original.

1The Tunbridge community church operated under the presbyterian form of church government for eight years, deciding in 1813 to return to Congregationalism. James Ramage, Centennial Celebration of the Congregational Church, Tunbridge, Vermont (Montpelier, Vt.: Watchman, 1892), 25–26. Jesse Smith purchased pew twenty-two in this church building in 1794. Ramage, Centennial Celebration, 5; courtesy of LaMar Garrard, from records in the state library, Montpelier, Vermont.

2Under the Plan of Union, Presbyterian and Congregationalist churches could hire ministers from either faith. The Plan of Union resulted in the transformation of many Congregational churches into Presbyterians, but this development also created tensions within American Presbyterianism. The Plan of Union was rescinded by the Presbyterians in 1835 and by the Congregationalists in 1852. Obviously, the controversy over various forms of church polity was heated, not only in Tunbridge, but also throughout New England, New York, and the Western Reserve. Albert E. Dunning, Congregationalists in America (Boston: Pilgrim, 1894), 321–33; and Gaius Glenn Atkins and Frederick L. Fagley, History of American Congregationalism (Boston: Pilgrim, 1942), 142–46.

3He joined sixteen others, including his father Asael and his brother Joseph, in forming a Universalist Society in Tunbridge in 1797. Tunbridge Town Record, 188; located by LaMar Garrard.


5The records of the Tunbridge church mention that Jesse, an influential member, “vigorously protested” and had to be excommunicated. Ramage, Centennial Celebration, 26–27.

6Jesse Smith appears to refer here to a subsequent version of the law entitled An Act for Supporting Ministers of the Gospel, 1787 Vermont Laws, October, 1783, 1. No law named An Act for the Support of the Gospel has been found in the Vermont laws or in the Vermont state office, but an 1801 statute is introduced in the Vermont laws as an “alteration of an act, entitled ‘An act for the support of the gospel.’”

7The tax issue had been a problem in Tunbridge from the beginning. In 1794 a heated debate over whether to raise money by taxing the members or selling pews resulted in a compromise. LaMar Garrard, “The Smith Family and the First Congregational Church in Tunbridge,” unpublished manuscript; and Tunbridge Town Record, 191–93.

81783 Vermont Laws, October 1783, 1.

91783 Vermont Laws, October 1783, 2.

101787 Vermont Laws, October 1, 1787, 3.

111801 Vermont Laws, November 3, 1801, Section 3, Proviso 2. Also pursuant to this law, Joseph Smith, Sr., like several other citizens of Randolph, Vermont, recorded a protest in the Randolph town records on July 1, 1802, stating, “I Do not agree in Religious opinion With a Majority of the Inhabitants of this Town.” Randolph Liber Primus, miscellaneous records (commencing 1790), 71.


18 Anderson, *Joseph Smith’s New England Heritage*, 111. Jesse’s opposition to the restored gospel has earned him a negative reputation that has been used to accentuate the contrast between Jesse and his brothers. For example, while acknowledging Jesse’s religious motivation, Mark L. McConkie characterizes Jesse as “frenzied and recusant,” “censorious,” with a “violent and acerbic tongue.” *The Father of the Prophet* (Salt Lake City: Bookcraft, 1993), 11, 59, 121.

19 2 Peter 2:22.


22 Acts 15:16.

23 Isaiah 40:15–16.

24 Isaiah 40:17.

25 Judges 5:23.


27 Matthew 19:14.

28 Matthew 16:19.

29 Matthew 16:18.


32 Deuteronomy 17:8–11.

33 See note 3 above.

34 Psalm 74:22.

35 Psalm 74:21.


37 Psalm 72:19.