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## LEGAL TRIALS OF JOSEPH SMITH

Joseph Smith believed that his enemies perverted legal processes, using them as tools of religious persecution against him, as they had been used against many of Christ's apostles and other past martyrs. Although he often gained quick acquittals, numerous "vexatious and wicked" lawsuits consumed his time and assets, leading to several incarcerations and ultimately to his martyrdom. Beginning soon after his ministry began and continuing throughout his life, Joseph Smith was subjected to approximately thirty criminal actions and at least that many civil suits related to debt collection or failed financial ventures.

The first charge of being a "disorderly person" involved treasure hunting for hire, brought against him at SOUTH BAINBRIDGE, NEW YORK, in 1826 by a disgruntled Methodist preacher related to Josiah Stowell, Joseph's employer. When Stowell refused to testify against him at the trial, Joseph was discharged. In July 1830 in the same venue, Joseph was tried and acquitted by another magistrate on charges of "being a disorderly person, of setting the county in an uproar by preaching the Book of Mormon, etc." (*HC* 1:88). The trial ended at midnight. The next day, he was seized and tried in neighboring Broome County on the same charges, as well as charges of casting out a devil and using pretended angelic visitations to obtain property

from others. Following a twenty-three-hour trial involving some forty witnesses, Joseph was again acquitted (*HC* 1:91-96).

After the Church moved to KIRTLAND, OHIO, in 1831, several religious-based charges were prosecuted against Smith and other LDS leaders, but were dismissed on the grounds listed following each charge: assault and battery (self-defense), performing marriages without a valid license (one was procured), attempted murder or conspiracy (lack of evidence), and involuntary servitude without compensation during the ZION'S CAMP military crusade to Missouri (won on appeal). In turn, Church leaders successfully instituted charges and recovered damages for assaults occurring while they were acting in a religious capacity. However, the financial Panic of 1837 swamped the Prophet and others with civil debt-collection litigation. Worse still were suits for violating Ohio banking laws when the Kirtland Safety Society Anti-Banking Company (*see* KIRTLAND ECONOMY) failed soon after it was organized in 1836 without a state charter. Charges of fraud and self-enrichment were raised but not proven; a jury conviction was appealed, but Joseph Smith left Ohio for Missouri before it was heard.

In Missouri, most actions against the Latter-day Saints were extralegal, brought by non-Mormon vigilantes prejudiced against the Saints' opposition to slavery, their collective influx, and Smith's religious teachings concerning modern revelation and the territorial establishment of ZION in Jackson County. Civil magistrates routinely refused to issue peace warrants for Mormons or to redress their personal injuries or property damage. For example, despite being beaten and tarred and feathered and having the printing office destroyed, the LDS printer was awarded less than his legal fees and the Presiding Bishop received "one penny and a peppercorn." All three branches of state government seemed paralyzed or supportive of mob action, as the Saints were repeatedly dispossessed and expelled from county to county.

Finally, election-day violence between Mormons and non-Mormons erupted at Gallatin in Daviess County, Missouri, on August 6, 1838. Joseph Smith and others called on Justice of the Peace Adam Black to obtain an "agreement of peace" from Black to support the law and not attach himself to any mob. This resulted in Joseph Smith's and Lyman Wight's being arrested, based on an affidavit alleging riot and assault by them, while obtaining the writs from Black (*HC* 3:61).