

Appendix 3: Statement on Marriage, circa August 1835



Source Note



Historical Introduction



On 17 August 1835, Oliver Cowdery and Sidney Rigdon presented what was probably a collection of unbound gatherings or signatures of the forthcoming Doctrine and Covenants to a general assembly of the church in Kirtland, Ohio.¹ Representatives from different priesthood offices expressed approval of the work and testified of their satisfaction with it.² During the proceedings, William W. Phelps and Cowdery presented two additional documents to be included in the volume: the statement featured here, which the minutes refer to as “Rules for Marriage among the saints”; and a declaration on “laws in general. & church government.”³ The assembly accepted both to be “attached to the book,” and they were included as sections 101 and 102 in the Doctrine and Covenants, which was available by September 1835.

Although the text of the statement on marriage suggests that it was written partly because the church had been charged with fornication and polygamy, the statement may also have been produced in an effort to claim the right for members of the church’s clergy to solemnize marriages. Earlier that year, the Geauga County Court of Common Pleas had denied Sidney Rigdon a license to perform marriages because he was judged not a “regularly ordained minister of the gospel, within the meaning” of Ohio’s 1824 statute on marriage.⁴ That statute allowed “the several religious societies agreeably to the rules and regulations of their respective churches, to join” men and women “together as husband and wife.”⁵ This statement on marriage may have been the church’s formal declaration of just such “rules and regulations,” published so that JS and other church leaders could perform marriages under Ohio law.⁶

The authorship of the statement is unclear, but it has generally been attributed to Oliver Cowdery.⁷ In 1867, Brigham Young stated that Cowdery had requested that a proclamation disavowing plural marriage be included in the Doctrine and Covenants, but JS had refused to pen one, stating he would “have nothing to do with it.”⁸ According to one observer, in 1869, Young explained further that “Cowdery wrote it, and incisted on its being incerted in the Book of D.&C. contrary to the thrice expressed wish and refusal of the Prophet Jos. Smith.”⁹ JS’s only specific objection that Young noted was to the mention of polygamy. There are no records specifying whether JS disapproved of the rest of the statement. There is also no evidence indicating whether JS contributed to the statement’s creation. He signed a preface included at the beginning

of the 1835 Doctrine and Covenants that stated that the book presented “*our* belief . . . the faith and principles of this society as a body.”¹⁰ But since the preface was written six months before the book was published and likely before the statement on marriage was composed, it is possible that the statement on marriage was included by Cowdery and printed without JS’s permission or even against his wishes. JS was absent when the statement was read to and approved by the congregation in August 1835.¹¹ Since it is unclear whether JS was involved in producing the statement or whether he approved it, it is included as an appendix of this volume rather than as a featured text.

Footnotes

[1] Minutes, 17 Aug. 1835.

[2] Minutes, 17 Aug. 1835.

[3] Minutes, 17 Aug. 1835; see also Declaration on Government and Law, ca. Aug. 1835 [D&C 134].

[4] Geauga Co., OH, Court of Common Pleas, Court Records, 1807–1904, vol. M, pp. 380–381, Mar. 1835, microfilm 20,277, U.S. and Canada Record Collection, FHL.
U.S. and Canada Record Collection. FHL.

[5] An Act Regulating Marriages [6 Jan. 1824], *Statutes of Ohio*, vol. 2, p. 1407, sec. 2.

The Statutes of Ohio and of the Northwestern Territory, Adopted or Enacted from 1788 to 1833 Inclusive: Together with the Ordinance of 1787; the Constitutions of Ohio and of the United States, and Various Public Instruments and Acts of Congress: Illustrated by a Preliminary Sketch of the History of Ohio; Numerous References and Notes, and Copious Indexes. 3 vols. Edited by Salmon P. Chase. Cincinnati: Corey and Fairbank, 1833–1835.

[6] The earliest recorded marriage performed by JS occurred in November 1835 when he was invited to “solemnize the matrimonial ceremony” of Newel Knight and Lydia Goldthwaite. (JS, Journal, 24 Nov. 1835; for more information on Ohio marriage laws at this time, see Bradshaw, “Joseph Smith’s Performance of Marriages in Ohio,” 23–69.)

Bradshaw, M. Scott. “Joseph Smith’s Performance of Marriages in Ohio.” *BYU Studies* 39, no. 4 (2000): 23–69.

[7] It is possible that William W. Phelps was involved in drafting the document since he and Cowdery were both involved in printing the Doctrine and Covenants. In preceding months, Phelps had expressed considerable excitement and interest in what he called “a new idea” of eternal marriage. (See Van Orden, “W. W. Phelps,” 45–62; and William W. Phelps, Kirtland, OH, to Sally Waterman Phelps, Liberty, MO, 26 May 1835, William W. Phelps, Papers, BYU.)

Van Orden, Bruce A. “W. W. Phelps: His Ohio Contributions, 1835–36.” In *Regional Studies in Latter-Day Saint Church History: Ohio*, edited by Milton V. Backman Jr., 45–62. Provo, UT: Department of Church History and Doctrine, Brigham Young University, 1990.

Phelps, William W. Papers, 1835–1865. BYU.

[8] Brigham Young, Discourse, 8 Sept. 1867, in George D. Watt, Discourse Shorthand Notes, 8 Sept. 1867, Pitman Shorthand Transcriptions, CHL.

Watt, George D. Papers, ca. 1846–1865. CHL.

[9] Joseph F. Smith recorded Young's words in his diary, explaining that "Prest. Young spoke 12 minutes in relation to Sec. 109 B. of Doctrine and Covenants." Smith later stated that Cowdery knew of the doctrine of plural marriage but took "liberties without license" in publishing the statement in the Doctrine and Covenants "without authority." (Joseph F. Smith, Diary, 9 Oct. 1869; Joseph F. Smith, in *Journal of Discourses*, 7 July 1878, 20:29; see also Provo, UT, Central Stake, General Minutes, 4 Mar. 1883, vol. 12, pp. 271–275.)

Smith, Joseph F. Diary, Sept. 1869–Apr. 1870. Joseph F. Smith, Papers, 1854–1918. CHL. MS 1325, box 2, fd. 5.

Journal of Discourses. 26 vols. Liverpool: F. D. Richards, 1855–1886.

Provo, UT, Central Stake. General Minutes, 1852–1977. CHL. LR 9629 11.

[10] Preface to the Doctrine and Covenants, 17 Feb. 1835, italics in original.

[11] JS was in Michigan Territory with Frederick G. Williams at the time. He did not return until 23 August 1835. (JS History, vol. B-1, 606.)

JS History / Smith, Joseph, et al. History, 1838–1856. Vols. A-1–F-1 (original), A-2–E-2 (fair copy). Historian's Office, History of the Church, 1839–ca. 1882. CHL. CR 100 102, boxes 1–7. The history for the period after 5 Aug. 1838 was composed after the death of Joseph Smith.

Additional Versions ▾

← Page 251 →

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SECTION CI. MARRIAGE.

1 According to the custom of all civilized nations, marriage is regulated by laws and ceremonies: therefore we believe, that all marriages in this church of Christ of Latter Day Saints, should be solemnized in a public meeting, or feast, prepared for that purpose: and that the solemnization should be performed by a presiding high priest, high priest, bishop, elder, or priest, not even prohibiting those persons who are desirous to get married, of being married by other authority.¹ We believe that it is not right to prohibit members of this church from marrying out of the church, if it be their determination so to do, but such persons will be considered weak in the faith of our Lord and Savior Jesus Christ.

2 Marriage should be celebrated with prayer and thanksgiving; and at the solemnization, the persons to be married, standing together, the man on the right, and the woman on the left, shall be addressed, by the person officiating, as he shall be directed by the holy Spirit; and if there be no legal objections, he shall say, calling each by their names: "You both mutually agree to be each other's companion, husband and wife, observing the legal rights belonging to this condition; that is, keeping yourselves wholly for each other, and from all others, during your lives." And when they have answered "Yes," he shall pronounce them "husband and wife" in the name of the Lord

Jesus Christ, and by virtue of the laws of the country and authority vested in him: “may God add his blessings and keep you to fulfill your covenants from henceforth and forever. Amen.”²

3 The clerk of every church should keep a record of all marriages, solemnized in his branch.

4 All legal contracts of marriage made before a person is baptized into this church, should be held sacred and fulfilled. Inasmuch as this church of Christ has been reproached with the crime of fornication, and polygamy:³ we declare that we believe, that one man should have one wife; and one woman, but one husband, except in case of death, when either is at liberty to marry again. It is not right to persuade a woman to be baptized contrary to the will of her husband, neither is it lawful to influence her to leave her husband.⁴ All children are bound by law to obey their parents; and to influence them to embrace any religious faith, or be baptized, or leave their parents without their consent, is unlawful and unjust. We believe that all persons who exercise control over their fellow [p. 251]

← Page 251 →

Document Information



Footnotes

