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Religion and Justice in the Church Courts of the Church of Jesus Christ of Latter-Day Saints in the Nineteenth Century

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Abstract

The Church of Jesus Christ of Latter-day Saints relied on their church court system for seeking "justice" or the cause of Zion throughout the nineteenth century for a variety of practical and theological reasons. First, the Saints believed that Isaiah's cause of Zion transcended the more limited purposes of the corrupt civil state. Second, the Saints had become alienated from the secular legal system by what they perceived were injustices they had received at the hands of the existing state authority. Third, the priesthood eschewed the corrupt and costly influence of they described as "gentile" lawyers. Fourth, church leadership reviled against the divisive influence of litigation before the ungodly. Fifth, civil courts relied upon man-made laws that were ill suited for building the Kingdom of God. A sampling of ecclesiastical court cases demonstrates each of the above reasons why the Church of Jesus Christ of Latter-day Saints preserved the exclusive jurisdiction requirement for their Church Courts for most of the nineteenth century.

Keywords: LDS Ecclesiastical Courts

Introduction

The early prophets of the Church of Jesus Christ of Latter-day Saints, a restoration church (hereafter the Church),[1] aspired not only to restore what they considered as true Christianity and its priesthood, but also radically to restore the covenant community of ancient Israel, including its religious court system relied upon by Israel during the reign of the judges. The Church throughout the nineteenth century relied on their church court system as an integral part of the radical cause of Zion for a variety of practical and theological reason.[2]

First, the Latter-day Saints believed that a theocracy modeled after ancient Israel's rule of the judges transcended the more limited purposes of the corrupt civil state. The church courts provided the means to facilitate and maintain a radical vision of Zion in a theocratic judicial system,[3] or kritarchy, that would be superseded by the imminent Kingdom of God during the millennial reign of Christ, the true judge of Israel, and his righteously appointed judges.[4] State courts relied upon manmade laws that were ill suited for building the Kingdom of God. The priesthood leaders desired to maintain distinctive property distribution patterns, the beneficial use of scarce resources such as water rights, nontraditional family relationships (polygamy), contractual duties, and normative rules peculiar to Mormon community perspectives (Taylor 1880: 104). The courts of the state refused to legitimate the aspirations of the Latter-day Saints to build Zion. In addition, the state's courts were incompetent to apply Mormon standards or religious sanctions in aid of distinctive Mormon policies, such as polygamy.

Second, the Latter-day Saints had become alienated from the secular legal system by what they perceived as injustices they had received at the hands of the existing state authority. The governor of Missouri, Lilburn W. Boggs, on October 27, 1838, issued to Major General John B. Clark of the Missouri State militia an "extermination order" against Mormons within the state: "Your orders are, therefore, to hasten your operations with all possible speed. The Mormons must be treated as enemies, and must be exterminated or driven from the state if necessary for the public peace."[5] The prophet Joseph Smith and his brother, Hyrum Smith,

[1] The Church of Jesus Christ of Latter-day Saints claims to be neither Catholic nor Protestant. The Prophet Joseph Smith and his prophetic successors claim to have restored the true Christian religion and its true priesthood through a series of revelatory experiences and divine intervention.

[2] Scholars are largely unaware of the depth and duration of the church court system maintained by the Church of Jesus Christ of Latter-day Saints because the proceedings records have been maintained confidentially to the present day. The author was given permission to review the church court records and to report their proceedings under certain conditions preserving the identity of the disputants.

[3] The Mormon theory of government has been characterized as theo-democracy (Hansen: 36-43; Jensen: 6-22).

[4] See Orson Pratt's political discourse on the kingdom of God superseding the kingdoms of this world (Pratt: 71).

[5] Missouri Executive Order 44 was an executive order issued October 27, 1838, by Missouri governor Lilburn Boggs. This extermination order was only rescinded on July 3, 1976, by Governor Bond, a transcript of which was published in the *LDS Church News* (4). Governor Bond's order acknowledged that "Gov. Boggs' order clearly

were martyred while incarcerated in the Carthage jail in Illinois six years later on June 27, 1844. The Latter-day Saints were subsequently forced by unimpeded mob violence to leave Illinois and migrate as a religious movement to the largely unpopulated Great Basin of the intermountain west to avoid being subjected to the unjust rule by what they perceived were corrupt and prejudiced civil officers unwilling or unable to protect their radical personal, property, and religious liberties (Hyde: 153).[6]

Third, the priesthood eschewed the corrupt and costly influence of "gentile" lawyers. Brigham Young, for example, minced few words in his repeated cursing of pettifoggers, professional advocates bent on fomenting conflict for filthy lucre rather than seeking reconciliation and the cause of Zion.[7] In a cash poor economy, lawyers represented both waste and divisiveness. John Taylor, the third prophet of the Latter-day Saints, in a conference discourse ridiculed the social costs of litigation before the ungodly:

> I remember when a little boy, seeing a somewhat curious picture. Two farmers were quarreling over or disputing the ownership of a cow, and one had her by the horns, the other had her by the tail. In order to settle the difficulty, they secured the services of one of the peace-makers of the law, and his love for his fellowman was so great that while they pulled at either end of the cow, he sat between them quietly milking her. [Laughter] In case of difficulties, for difficulties will arise sometimes, would it not be better for us to attend to the milking of the cow ourselves, and go the Lord for His guidance and manifest feelings of liberality and kindness towards our fellowman, towards all men? (Taylor 1882: 221).

Fourth, church leadership reviled the divisive influence of litigation before the ungodly who did not share the Latter-day Saints radical vision of Zion. For faithful members of the Church, litigation outside the Church court system became sanctionable within the Church court system. The Pauline admonition against relying on "outsider" legalism as an alternative to "insider" efforts at reconciliation resonated with the Mormon theology of Zion, which was premised upon restoring the originally intended community of Jesus Christ. Paul had given the early Christian community the same admonition:

> When any of you has a grievance against another, do you dare to take it to court before the unrighteous, instead of taking it before the saints? Do you not know that the saints will judge the world? And if the world is to be judged by you, are you incompetent to try trivial cases? Do you not know that we are to judge angels – to say nothing of ordinary matters? .In fact, to have lawsuits at all with one another is already a defeat for you. Why not rather be wronged?

contravened the rights to life, liberty, property and religious freedom as guaranteed by the Constitution of the State of Missouri."

[6] See also Moses Thatcher's condemnation of the state for polygamy prosecutions (Thatcher: 115-16).

[7] For examples of Brigham Young's condemnation of wicked lawyers, see Young 1856a: 249; 1856b: 240; 1856c: 277; 1872: 85-86; 1873: 224-25.

> Why not rather be defrauded? But you yourselves wrong and defraud – and believers at that (1 Corinthians 6:1-8).

Brigham Young similarly extolled the comparative virtues of the church courts over their civil counterparts:

> There is not a righteous person in this community who will have difficulties that cannot be settled by arbitrators, the Bishop's Court, the High Council, or the by 12 Referees . . . far better and more satisfactorily than to contend with each other in law courts, which directly tends to destroy the best interest of the community, and to lead scores of men away from their duties, as good and industrious citizens (1856b: 238).

In one church court case, the appellate court stake president[8] remarked:

> The cold, matter of decision of this council, however, just, is likely to be viewed by one of the parties at least as unfair, whereas if they could come together each being willing to concede a little and if needs be a great deal in order to amicably settle this difficult, the spirit of the Lord would warm their hearts, brotherly feeling would be restored and these complex difficulties would vanish like dew before the sun.[9]

Brigham Young threatened to send on missions or cast out completely members who whiled away their time amidst the dark influence of gentile courts (1856b: 240-41; 1856d: 338).

For all these reasons priesthood leaders[10] of the Church of Jesus Christ of Latter-day Saints consistently and persistently expressed their opposition to members suing one another before the ungodly, justifying their antipathy toward "gentile lawyers" and legal processes by reasoning that the dissension associated with civil litigation in secular courts was inimical to the cause of Zion, which is the preeminent social vision that the just community had a responsibility to build. Suing before the ungodly became an act of unchristian-like conduct. The Prophet John Taylor in 1877 admonished the Saints:

> Whenever a man would attempt to "pop" you through the courts of the law of the land, you should "pop" him through the courts of our Church; you should bring him up for violating the laws of the church, for going before the ungodly, instead of using the means that God has appointed (Taylor 1880: 104-5).

[8] Stake presidents were priesthood leaders, much like a diocese bishop, who presided as priesthood leaders and also served at an appellant court level of the church court system.

[9] 1884-86, Disfellowship File, Folder 1, quoted in Firmage and Mangrum: 288.

[10] The Church of Jesus-Christ of Latter-day Saints is governed by individuals called and ordained as priesthood leaders organized hierarchically, including a First Presidency (which includes a prophet and two counselors), a Quorum of Twelve Apostles, a Quorum of Seventies, stake presidents who preside in a geographical area over a quorum of twelve high councilors, bishops who preside with two counselors over local communities of congregants, and teacher quorums who preside over the smallest priesthood units operated by the Church in the nineteenth century.

Following this vision to redeem Zion through the justice of the courts of Israel "as at first", the church courts throughout the nineteenth resolved disputes involving real property,[11] water controversies,[12] domestic conflict,[13] contractual disputes,[14] and tortuous claims.[15] By forcing the Saints, upon pain of loss of standing in the Church, to look exclusively to the church courts in resolving disputes, Mormon leadership was able to offer uniquely Mormon solutions to the social problems arising in the Great Basin.[16]

[11] 1885, Folder 18, Ecclesiastical Court Cases Collection, General Trials, 1832-1963, LDS Church Archives, Salt Lake City, Utah (hereinafter noted by year and folder number); 1864, Folder 13 (expenses of civil suit assessed against civil plaintiff for attempt to resolve land matters by "the quibbles of law"); 1879, Folder 6 (member sanctioned in a land controversy for seeking to acquire legal title "by means forbidden in the church and dragging us in common with our company into the district court"); 1894, Folder 7 (dispute over church's jurisdiction in land controversy decided in favor of church's exclusive jurisdiction).

[12] 1869, Folder 3 (member censured for taking a water dispute "to the Justice Court instead of taking the case to the Priesthood"); 1872, Folder 6 (members sanctioned for suing other members at law over a water dispute rather than resolving the matter in the church courts); 1881, Folder 14(2) (member "ordered to withdraw the suit [at law] and if [defendant] has damaged him proceed against him by church law" and to pay the defendant $50 for costs incurred defending the civil suit); 1884, Folder 19 (12 members and one nonmember, who agreed to abide a church court disposition of a water dispute, ordered to pay defendant $130 in court costs and attorney's fees, "the expense which they had put the plaintiffs to in the case before the third judicial district"); 1869, Folder 18 (a privately owned [Mormon controlled] canal company ordered to take an abuser of water privileges "before the church instead of the law").

[13] 1877, Folder 6 (husband condemned for filing an action before the ungodly "contrary to the law of the church" and required to dismiss his civil complaint); 1875, Folder 2, Ecclesiastical Court Cases, Disfellowship Records, 1839-1965, LDS Church Archives, Salt Lake City, Utah (hereafter noted by year, folder number, and reference to Disfellowship File) (Where member disfellowshipped for refusing to withdraw a civil divorce suit); 1885, Folder 18; 1887, Folder 16.

[14] 1885, Folder 25 (creditor-member criticized for suing another member at law, and debtor permitted to deduct court costs and attorney's fees of $46 incurred in defending the civil suit); 1885, Folder 24 ("in taking [member] to court [on a contractual dispute] before citing him before his Bishop did wrong and acted contrary to the law of the church"); 1882-83, Folder 1 (ZCMI "violated the order of the Church . . . for in violation of a rule laid down for our guidance, they have sued [a member] before the ungodly"); 1881, Folder 2 (ZCMI criticized for suing on a note before the Third District Court).

[15] 1886, Folder 14 ("we do not justify taking our trouble to law anymore in a case of trespass than for any other debt; we hold that Brother . . . should have exhausted the laws of the church first"); 1893, Folder 3 ("going to the law [in this a trespass case] if becoming prevalent, would hinder our progress as Latter-Day Saints; therefore complainant required to exhaust his remedies before the church courts.").

[16] 16 studies of probate court litigation in Utah confirm the infrequency of Mormons suing before even these Mormon-dominated civil courts. Jay Powell's study of the probate courts between 1852 and mid-1855 indicates, first, "that a clear majority of civil suits [in the Salt Lake County Probate Court] were between outsiders, usually emigrants on their way to the coast"; second, church leaders "rarely appeared before the court," despite their extensive property holdings. Brigham Young, for example, filed only two suits, both of which "were withdrawn before trial upon payment of the demanded sums." Ten other suits were brought on behalf of the Perpetual Emigration Fund, all of which "were occasioned by debtors intending to leave the territory without settling up" (Powell: 256, 258, 260, citing Salt Lake County Probate Court, Docket A-1, June 25, 1852-Sept. 1, 1860, Salt Lake County Clerk's Office, 152, 276; Brooks: 2: 554).

The Scriptural-Based Model of Ancient Israel

The Church found their scriptural basis historically and prophetically in the Old Testament. In the Torah, Moses implemented the original church court system. Moses served as the first judge and he relied upon the word of God to decide conflict. Exodus explains in the voice of Moses: "When they have a dispute, they come to me and I decide between one person and another, and I make known to them the statutes and instructions of God" (Exodus 18:16).

When Moses's father-in-law, Jethro, realized that Moses could not fulfill this mighty task of judging all Israel, Jethro, the priest of Midian, taught Moses how to call "counsellors" to judge justly according to the words of God:

> Teach them the statutes and instructions and make known to them the way they are to go and the things they are to do. You should also look for able men among all the people, men who fear God, are trustworthy, and hate dishonest gain; set such men over them as officers over thousands, hundreds, fifties, and tens. Let them sit as judges for the people at all times; let them bring every important case to you, but decide every minor case themselves. So it will be easier for you, and they will bear the burden with you. If you do this, and God so commands you, then you will be able to endure, and all these people will go to their home in peace (Exodus 18:20-23).

According to the biblical tradition, Israel continued this reign of the judges, a system of kritarchy, until the anointing of Saul. Later, Isaiah prophesized about the future restoration of the rule of judges: "And I will restore your judges as at the first, and your counselors as at the beginning. Afterward you shall be called the city of righteousness, the faithful city. Zion shall be redeemed by justice, and those in her who repent, by righteousness" (Isaiah 1:26-27).

When the prophet Joseph Smith formally organized the Church of Jesus Christ of Latter-day Saints on April 6, 1830, he sought to restore a just society, aptly named Zion, in part, through the rule of the judges, "as at first" perhaps in fulfillment of Isaiah's prophecy. In place of Moses's rule of ten, the Doctrines and Covenants directed that "teachers" be assigned to small groups of people to mediate any dispute within the religious community (20:53-55). If the teachers could not resolve the conflict, the disputants would submit a complaint to the bishop (a congregation's leader), specifically ordained to be a "judge in Israel to do the business of the church, to sit in judgment upon transgressors upon testimony as it shall be laid before him according to the laws" (Doctrine and Covenants 107:72). The bishops served as the functional equivalent of the judges in Israel for hundreds. If the bishop's court could not resolve the matter, either party could appeal to members of the stake high council court (Doctrine and Covenants 107:79), the functional equivalency of a Catholic diocese and comparable to the leader of a thousand in Israel. If the stake high council could not resolve the dispute, the disputant would appeal to the prophet, or First Presidency, the equivalent of the appeal to Moses, or the prophet (Doctrine and Covenants 107:79). With the church court hierarchical structure in place, the church courts played a critical role in the distribution of resources and the resolution of conflict within Zion throughout the nineteenth century.

Examples of Radical Church Court Cases

Land Cases within the Church Courts

When the Latter-day Saints began their migration to the Great Basin of the intermountain west the land was controlled by Mexico. They were leaving the populated areas of the United States after mobs murdered their prophet Joseph Smith and threatened their continued presence in Nauvoo, Illinois, where they had gathered to build their Zion. The Latter-day Saints left Nauvoo, Illinois, in late winter, 1845-46, stopped along the Missouri near present-day Omaha and Council Bluffs, in what they called "Winter Quarters," then arrived in the desolate Salt Lake Valley in July of 1847. In the process, the Latter-day Saints' "Mormon Battalion" enlisted in the Winter Quarter's area to fight in the Mexican-American War, in part to bring the Great Basin within the jurisdictional control of the United States. The land that later became Utah was acquired from Mexico with the Treaty of Guadalupe Hidalgo, signed February 2, 1848, officially ending the Mexican-American War. Congress did not organize Utah into the Territory of Utah until September 9, 1850, the same day the State of California was admitted into the Union.

Congress did not extend the federal land laws of preemption and homestead to Utah until 1869. From 1847 to 1869 no one in the Utah Territory had any way to acquire "legal" title to any land. They had, at most, squatter's rights, or adverse possession based upon first a history of physical possession or occupation, or the old adage "possession is nine-tenths of the law." Under the principle of adverse possession, the disseisor may dispossess the true owner of property by open, notorious, exclusive, continuous, and hostile claim of ownership against the true owner for the entire period of the statute of limitations. However, adverse possession did not operate against the state.

John Locke in his *Two Treatises of Government*, published in 1689, advocated the proviso that would allow for homesteading upon the principle that the "mixing of labor" with land may provide a basis for a claim of ownership, with the proviso, so long as "there is enough, and as good, left in common for others" (Locke: 2.25.27). Locke advocated as a natural rights principle:

> Though the earth and all inferior creatures be common to all men, yet every man has a *property* in his own *person.* This nobody has any right to but himself. The *labour* of his body and the *work* of his hands, we may say, are properly his. Whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his *labour* with it, and joined to it something that is his own, and thereby makes it his *property* (Locke: 2.5.3.3).

The Preemption Act of 1841 (27th Congress, Ch. 16, 5 Stat. 453 [1841]) provided the primary federal law for squatters to acquire public lands in many states consistent with the Lockean principle. Under specific criteria, the squatters on federal lands could purchase the land for $1.25 per acre before the land would be offered to the public through an auction. The squatter had to be (1) a "head of household," (2) a single man over 21 or a widow, (3) a citizen of the United States (or an immigrant applying for citizenship), and (4) an occupant on the claimed land for a minimum of fourteen months prior to applying for preemption. The person applying for preemption had twenty-one months to make payment.

The Homestead Act of 1862 (43 U.S.C. §§161-164 [1862] [repealed 1976]) permitted occupants to acquire 160 acres if they filed upon land and could establish that they were (1) a citizen of the United States, and (2) had settled as squatters upon unclaimed federal land, (3) were farming it for at least (4) five years. They had to file within seven years.

Because of the hostile relationship with the federal government and the Church of Jesus Christ of Latter-day Saints, the first federal land laws did not extend to Utah until 1869, twenty-two years after the Church had first made the Great Basin Kingdom their home. In the interim the Church organized land distribution consistent with their vision for a Zion-like community distinct from either the Preemption or Homestead models. Brigham Young, the prophet after the martyrdom of Joseph Smith, declared from the beginning of the Great Basin settlement that "no man should buy land . . . but every man should have his land measured off to him for city and farming purposes what he could till." The city plats were divided into ten-acre blocks, each containing eight lots of 1¼ acres. The settlers would receive their lot by lottery for $1.50, which covered the cost of surveying and recording the land. In 1847, the very year the Latter-day Saints entered the Salt Lake Valley, Brigham Young had a survey completed for Salt Lake City (Lund and Spendlove).

Once the land designations had been given by the Church, all disputes over land title were handled by ecclesiastical courts in the Great Basin. Although scholars have examined the initial church court control over such disputes, they have assumed that "the United States did not so much end the colonization system as did the Mormons themselves, for they developed an apparatus which was designed to cease as soon as secure title to land could be achieved" (Raber: 38-39).

To the contrary, Mormon land policies continued under the purview of the ecclesiastical courts both prior to and after 1869 – the watershed year during which both the federal land laws were extended to the Great Basin and the transcontinental railroad was completed in Utah. Mormon customary rules, not unfettered priesthood discretion, provided the key to ownership from the earliest times, and these rules continued in fact after the land office was set up in 1869. This is not to suggest that the church courts handled land disputes in a formal or mechanistic manner in accordance with Mormon canon law, but rather simply to establish that Mormon custom regarding entitlement claims to land was a more important factor in determining the outcome of specific disputes than civil law. Even with established Mormon practices, community-based results dominated church court results.

For example, the Great Salt Lake High Council heard a land dispute on September 7, 1849, involving a claimant with prior occupancy in conflict with a claimant predicated on priesthood grant. By advice of the prophet Brigham Young, no one was supposed to claim title without being "assigned an inheritance" by the prophet or his designated bishop in the area. The court expressed disapproval over a member going "on his own to Cottonwood Creek before the Presidency arrived to give us our inheritances." Nonetheless, since the claimant had acquired squatter rights "before any bishops or wards" had been organized to distribute land in an orderly manner, the church court ruled that she was subject to the prior customary "squatter's rule" that "each man's claim shall be his own and we will recognize each other's claims." The stake president's chastisement of the bishop-grantee claimant illustrates the reconciliation efforts of the church courts: "I don't believe all this that we are contending

for is worth 2 cents – it's all right that [the bishop grantee] got his authority all right. . . . A proposition was never made by [the bishop grantee] to sister [squatter occupant] to buy her out but the course is to root and drive her out of there. . . . Our decision will force a compromise upon them and this ought to have been done in the first place" (1849, Folder 12).

Priesthood influence over land disposition did not disappear with the extension of federal land laws as soon scholars have supposed. After 1869, when patents to land became available by preemption or homestead, representative members or "trustees" acquired all the land that they lawfully could, and then transferred immediately the land to the prior occupants for the proportional costs it took to receive a federal land patent. An 1870 response to a dispositional conflict is typical: "We hold ourselves in readiness to deed to our brethren who justly claim land covered by our patent, on their paying the cost of said land, interest on the money advanced and other actual expenses. And we will abide the decision of our Brethren in relation to the distribution of the land" (1870, Folder 6).

An 1884 case filed before the Box Elder High Council further indicates the continuance of Mormon land policies beyond the "epochal" 1869 date, when the federal land laws had been extended to the Utah territory. The case presented a direct conflict between priesthood-directed allocation of land to Native Americans and legal claimants under the federal land laws. A member acting as representative for the Native Americans complained that RH had taken advantage of governmental land laws in defrauding "some unknown [Native Americans]," for whom priesthood leaders had set aside certain lands. One high council speaker stressed the preeminence of the kingdom of God over legal entitlements: "We are here as men interested in the welfare of the Kingdom of God. The law of the land may suffer a person to do certain things that justice and equity will not support and that is the position [RH] occupies. He has taken advantage of the law to defraud the Indians of the land inside the enclosure."

Another high council speaker commented that "we are not charging [RH] with a breach of law, but of justice." Even the speaker assigned to represent RH could only say that "as an American citizen [RH] had a right to claim that land, but as a brother in the church . . . he should have consulted [the bishop] in regard to the claiming of the land." The court unanimously sustained the decision requiring that RH "relinquish all claims to the [subject land] inside of the enclosure known as the [Native American] farm." On appeal to the First Presidency, President Taylor, sustaining the high council decision, explained that "he had no fellowship for Brethren that would hedge up the way of the [Native Americans]" (1884, Folder 25).

A Cache Valley boundary controversy further illustrates the priority given to church over civil claims. The stake president in 1881 publicly announced that members were to respect Mormon over federal boundary lines. The announcement prompted one member, TD, to file a quiet title action in federal court to enforce a boundary predicated on the federal survey and incorporated into his patent. The "church" claimant, CR, filed an action in the church court for TD's action in going to the "ungodly" to resolve the dispute. The church court disfellowshipped TD, and also ordered the Mormon attorney who represented him, George Marsh, to pay fifty dollars to the civil defendant, CR, for expenses he had incurred in unsuccessfully defending the civil action. Marsh appealed to the First Presidency, claiming that

CR had had two Mormon attorneys representing him, and that as an attorney he ought not be punished for fulfilling his professional responsibilities. The First Presidency, however, sustained the high council's decision that members ought "to adhere to the rules of the church and settle all our difficulties by arbitration," and that Mormon attorneys ought not to aid and abet disobedience to priesthood counsel in land matters (1885, Folder 18).

Nor did church court jurisdiction wane as soon as the federal government extended civil courts to the Great Basin wilderness. In a case filed on June 6, 1884, WJ attempted to introduce his patent to a contested parcel of land in a hearing before a bishop's court. The bishop refused to receive the patent as relevant evidence stating that "they were not trying the law but the equity of the case." The bishop explained: "There has been a standing rule among us ever since the first settlement of these valleys that when a man entered a piece of land on those claims the entry man always gives them their portion by their paying their proportion of the expense of entering." Following this practice, the bishop ordered WJ to deed to EC the disputed forty acres and ordered EC to pay WJ the proportional cost of filing at $1.25 per acre plus $1.75 per acre extra which WJ had incurred in proving title before the government.

Some years later WJ appealed the legal action after an editorial in the *Deseret News* of January 25, 1896, which appeared to deny any inclination on the part of the Church to claim any jurisdiction over the adjudication of land disputes. Nonetheless the high council affirmed the earlier decision and on June 20, 1900, the First Presidency sustained the bishop's judgment which had favored Mormon customary claims over federally established title to land (1890, Folder 1). The church courts facilitated the distribution of land on a basis very different than either the federal Homestead or Preemption laws would permit. The smaller units of land in the city permitted the congregation members to socialize together in the city, while farming at the perimeters of the city. Control over land distribution facilitated the cause of Zion differently than the federal land laws would provide.

Water Disputes

Water disputes within Zion received the same exclusive and unique conflict resolution within the church courts. In the desert climate of the Great Basin, water was life. The common-law doctrine of riparian rights, whereby water rights required land ownership adjoining the stream from which the water naturally flowed, did not fit the needs of the broader community in a desert climate. Upon entering the valley, Brigham Young announced an alternative system of principles governing water rights including: (1) the public ownership of the streams, (2) the public construction of cooperative irrigation projects, (3) the assignment of water rights in the cooperative projects, and (4) the adoption of "beneficial use" as the guiding distribution principle in place of riparian "natural" rights to the adjoining streams (Roberts: 3: 269; Arrington: 53). The Church implemented these "cooperative" or community-oriented principles suited for the desert climate of the Great Basin through the church courts, wherein these principles controlled conflict resolution. As soon as practicable, the "beneficial use" principles became the basis of public legislation (1852 Utah Laws, sec. 38) and city grants, but even then the church courts continued to control water conflicts amongst the Saints based upon these principles.

For example, in 1868 the Salt Lake High Council held that Tooele retained jurisdiction of certain surplus waters not beneficially used by a bishop who previously had been granted the

water rights to benefit the community (1868-69, Folder 1). In an 1897 case a bishop's court specifically recognized that "L & G did acquire a water right by making use of unappropriated water and such water is theirs by virtue of its use" (1897, Folder 5). The Utah Supreme Court decided in *Monroe v. Ivie* (Utah 535 [1880]) in 1880 that the free appropriation of water on the basis of beneficial use was open to all, consistent with what had grown out of the practice of the Saints from the beginning of the establishment of Zion in the Great Basin.

Even where the result may be the same after the norms had been adopted into legislation, church courts were preferred by the religious leaders for many "religious community oriented" reasons. For example, in resolution of a water-rights case filed in 1880 that continued for almost a decade, the Summit High Council's decision had allocated one-third of the disputed water to WA and two-thirds to NP. NP later moved into Salt Lake Stake, possibly "to avoid the decision being enforced as we believe." When WA tried to exercise his water rights, NP sued him before the Third District Court. In response WA preferred charges against NP "for unchristian-like conduct in suing me before the Third District Court of Utah." The high council ordered NP "to withdraw the suit and if [WA] had damaged him proceed against him by church law." The council also ordered NP to pay WA $50 for the costs WA had incurred defending the civil suit (1884, Folder 14 [27]).

In 1884, the Salt Lake High Council heard a case brought by thirteen complainants, including a nonmember who agreed to abide the church court's rule. They stated that "they do not approve the course pursued by [defendants] as members of the Church, in bringing suit against them unjustly and forcing them to defend their rights to water in the courts and putting them to unnecessary trouble and costs . . . they ask that they be required to desist from further prosecuting and make restitution." The high council agreed and ordered the defendants to pay $130 as "the expense which they had put the plaintiffs to in the case before the Third District Court" (1884, Folder 19). The Church thereby confirmed as unchristian behavior pursuing conflict resolution within state courts.

The church courts facilitated a radical approach to water law in a dessert community, provided a structure for collective irrigation efforts, and confirmed access to precious water on the standard of "beneficial use" rather than common law riparian rights. The distinctiveness of the water distribution administered through the church courts enhanced the collective efforts of the community settle land on which no one had previously settled.

Domestic Disputes

Church courts were also critical in resolving domestic conflict, especially conflicts within polygamous relationships that would not be handled in state courts. In 1856 the bishop recommended a divorce "on the ground that [JL] don't know enough to keep a wife – too big a fool. He is not fit to have a wife – for three years I caution[ed] all the girls against him. He had no just cause to put away his wife" (1856, Folder 3).

In an 1880 case the bishopric debated the propriety of recommending a divorce where no "legal ground" existed. One counselor "thought it would be wicked for the parties to live together with the feelings they had manifested towards each other." Bishop Burt concluded that though "the evidence brought forward was not sufficient to justify a divorce," Sister JS expressed such a spirit of hostility that he would recommend a divorce and "leave the matter

to the judgment of President Taylor" (1880, Folder 6). Similarly in an 1883 case a Fillmore bishop reported: "We consider in our opinion that it would not be wise to compel [MH] although her grounds are not just, to continue to be the wife of [CH] inasmuch as she claims that she does not now nor never did have any affections for him" (1883, Folder 6; see also 1886, Folder 8).

Default divorces became so regular that many stakes adopted a standard form such as one utilized in a divorce recommended in St. George in 1876:

> Know all Persons by these presents: that we the undersigned [MAM] and [MAX] his wife, before her marriage to him [MAK], do hereby mutually covenant, Promise and agree to Dissolve all the relations which have hitherto existed between us as Husband and Wife, and to keep ourselves Separate and Apart from each other, from this time forth.
>
> In Witness Whereof, We have Hereunto set our hands at *St. George, Utah* this *1st* day of *June* A.D. *1876*.
>
> Signed in the Presence of
>
> _____
>
> _____
>
> _____
>
> _____ (1875, Folder 6).[17]

The church courts also heard domestic cases involving polygamous marriages that the civil courts would not have considered. For example, because Mormons believe "temple sealed" marriages are for eternity, church courts heard divorce actions involving a deceased spouse where the surviving spouse subsequently decided a lifetime was enough (1881, Folder 5; 1888, Folder 11; 1884, Folder 10; 1885, Folder 11). This enabled sister Latter-day Saints to become sealed (married in the temple) to new husbands.

In another case filed on November 11, 1880, by a polygamous wife who had suffered abuse in the marriage from the husband and the other wife, the court directed the allocation of property and enjoined each member of the family from harassing any other member:

> In regard to the division of the house, we consider it only just that she should have, in connection with the rooms she already occupies, the room now occupied as a kitchen by the first family, together with the room now used as a bathroom. These being really necessary in our opinion to the ordinary comfort of herself and her children; this still leaving the much larger, and by far the better part of the house for the use of the other part of the family.
>
> And we hereby enjoin upon each portion of the family that they shall hereafter scrupulously avoid performing any act that will tend in any way to unnecessarily harass or annoy the other portion (1880, Folder 3).

[17] The same printed form was also used in 1879, Folder 3, and 1886, Folder 7.

An 1881 divorce recommendation involving a polygamous family, the bishop in his recommendation noted "we got her to wait almost a year with no reconciliation, therefore, we recommend she have one." To resolve the property distribution equitably, the bishop appointed

> three polygamists to ascertain the number of persons in his family and the amount of means he has on hand and report the amount [ST] shall have, how many children she shall keep and then make a report to the Presidency of the Stake for their approval of what is done. The Presidency of the Stake shall select a man that [HT] will approve of, who shall hold the property in trust for her and her children, and at her death or marriage the property so held shall go to her children in equal shares (1881, Folder 21).

The availability of church courts was also important to the security of polygamous families in the area of estate planning. Where a father of a polygamous family died intestate, the Mormon rule was that the wives and all the children share and share alike. In one case where CL died intestate, apostles John Henry Smith and A. H. Lund acted as arbitrators between all the claimants. They ordered that the four wives each receive $600 and the 54 children each receive $375. The only non-equal treatment afforded any of the parties was allowing one wife to retain property previously deeded to her "in consideration of the large number of minor children she has to rear and educate" (1899, Folder 6).

None of these conflicts within polygamous families could have ever been resolved effectively in civil courts because state courts that did not recognize polygamous relationships. The church courts served as a means of perpetuating a unique form of family relationships for most of the nineteenth century.

Contract Cases

Contract disputes were also commonly filed in church courts and resolved consistent with religious, not legal, norms. As believers in covenant theology, the Latter-day Saints understood the moral responsibility of keeping promises and the correlative principles of justice. At the same time concepts of mercy, compassion, and generosity also served as important moral responsibilities as well. Church courts attempted to reconcile these conflicting normative principles often deciding cases very differently than the secular courts would have decided.

For example, church courts frequently required compassionate compromise of otherwise legally binding contractual debts. In an 1884 case, AR leased his flock of 1,425 sheep to WB in 1876 with a contract specifying annual payment in lambs, wool, and mutton. WB secured the contract by taking out a mortgage on his property of $2,850. When a bitter first winter killed all but 285 sheep, AR gave WB five years to make up the losses. Seven years later, in 1884, AR brought an action in a bishop's court against WB for $536.50 in wool that had not been delivered.

While the bishop acknowledged that WB owed the money to AR, he refused on the religious principles of "forgiveness" to order payment:

> We have this to say, [1880] was our year of jubilee, the Church by unanimous vote at the general conference in April 1880 empowered its Trustee-in-Trust

> to cancel *honest debts* to the amount of thousands of dollars, the people were advised through the Presidency of the Church and the Apostles to take the same course one towards another; and brother [AR] shall extend mercy to Brother [WB] so shall God have mercy upon and bless him and his posterity after him.

AR, not in a merciful mood, appealed to the stake. The high council agreed with the bishop that the harsh winter of 1876-77 and the jubilee year were good reasons for AR to cancel the debt. That became the court's order despite AR's initial reluctance to forgive a debt (1884, Folder 1).

Similarly, in an 1854 case, AS complained that she had not fully understood a contract that she had signed with DK and now felt that he was treating her unjustly. The bishop declared the contract invalid and reprimanded DK for attempting to "swindle a poor person in the ward." DK asked forgiveness and promised to do better in the future, after which the court "received his acknowledgement and fully forgave him" (1854, Folder 4). Here the contract creditor became the repentant sinner, despite the legal validity of the debt.

In another case, a widow, AD, and her son, JD, of Sevier County contracted with FG to file on eighty acres of land they wished to homestead in Beaver. AD and JD had signed an agreement to transfer forty acres to FG for a nominal fee as his wage for the service, but now protested that they had not understood the contract, that they had trusted FG to treat them fairly – which did not mean taking half the land – and asked the Sevier Stake High Council to rescind the decree FG had already received in probate court.

The stake president and high council decided that the mother and son were "not . . . fully competent to attend [to] their business" and hence recommended that FG pay them the full value of the land transferred to him minus the expenses he had incurred in going to Beaver to file on the land for them (1882, Folder 6).

In several interesting cases, church courts acknowledged the legitimacy of the contract interest rate but urged the claimant to apply a lower rate as an expression of kindness and commitment to the community of Zion. For example, in an 1894 case, the Logan High Council successfully urged the complainant to forgive the accrued interest and accept a lower interest rate for the balance owing (1894, Folder 10). In another case, the creditor followed a church court's recommendation to excuse half the accrued interest on a note and compromise the balance. In that case, President Lorenzo Snow personally paid the claimant, and the defendant later paid Snow when he was financially able, thus demonstrating the flexibility of a system that accommodated both justice and mercy (1898, Folder 2).

In another case, DB brought an action against SS in 1885 for "suing me at law and making me pay expense" on a contract claim. While the high council recognized the contractual debt as owing and ordered the debtor to pay the amount of the debt, the court also awarded the defendant $46 representing his court costs and attorney fees that he had incurred defending the legal action (1885, Folder 25).

While the church courts on some occasions were more merciful than the law would have required, in other cases the courts were more exacting than the law would have allowed. In many cases the church courts enforced "just" obligations that would have been unenforceable

in a court of law on technical grounds such as a statute of limitations defense. The church court explained that for Mormons "an honest debt is never outlawed in the eyes of justice" (1887, Disfellowship File, Folder 10). This principle is illustrated in an 1879 case. AF had loaned LC 100 pounds in London to be repaid in two months. LC used the money to help his family and others to emigrate; those he assisted gave LC notes for their share of the expenses. LC died shortly after reaching Utah, and AF asked LC's widow, JC, to pay the debt. JC offered to assign the emigration notes to AF, but AF insisted on cash. JC protested that she had no cash. Her husband had left no estate, and she had already mortgaged her home to pay for funeral expenses.

The bishop's court ordered JC to pay AF $50 and to assign him the emigration notes for the balance of the debt. AF appealed, and the stake president, after reviewing JC's finances, ordered payment in full, explaining, "I believe that [JC] is amply able to meet this note and take up the obligation of her husband, and make him honorable and [AF] glad that he trusted an honest man in Utah. . . . Still I would ask [AF] not to be harsh or in a hurry, but give [JC] time." The Quorum of the Twelve affirmed the decision (1879-80, Folder 2).

For similar reasons, the church courts enforced honest debts that had been discharged in bankruptcy until 1908, when the tension between state and church courts over contractual matters prompted President Joseph F. Smith to refer the matter to a committee of apostles. In a report dated October 15, 1908, the Council of Twelve Apostles recommended the discontinuance of reliance upon church court proceedings to resolve issues of debt:

> First: We recommend that church courts be not used as agencies for the collection of ordinary debts. Such debts would be collected as provided by civil law, but if a member of the church shall unjustly, and in an unchristianlike manner, bring his brother before the civil courts, or if there be an element of fraud or dishonesty on the part of a member who owes a debt, which he refused to pay, either would be liable to trial for his fellowship in the church by the Bishops Court or High Council.
>
> Second: Where church members have been adjudged by the civil courts to be bankrupt, and after having made settlement with their creditors, as provided by law, become financially able, at a later date to meet their former obligations, or any part of them, they should do so. Moral suasion should be used, and every consistent effort made to persuade them to settle with their former creditors, but if they still claim the exemption which the civil law guarantees, the Church courts shall not be used to enforce compliance with this moral obligation.
>
> Third: The recommendation made in regard to bankrupts applies also to church members whose notes or accounts have become outlawed, it being always understood that if there be an element of fraud or dishonesty on the part of a member who becomes bankrupt, or whose notes or accounts have become outlawed he would be liable for his fellowship before the courts of the church.

This policy statement ushered in a more limited role for the church courts in the twentieth century for contractual disputes, a practice that has continued to the present.

While the church courts were available for conflict resolution amongst the saints, their Zion or community-oriented standard for contract conflict resolution enhanced the religious vision of a people seeking oneness even in the midst of inevitable conflict.

Tort Cases

The church courts throughout the nineteenth century also handled all sorts of tortious claims. In an 1897 case, JW, a church member and an editor of a local newspaper, had published a series of articles criticizing county officials for excessive public expenditures. When JN, also a church member, was elected deputy sheriff, JW published another editorial claiming that JN was best known as a local loafer and would be a terrible sheriff. JN thereupon came to JW's office, broke up his furniture and "whipped him for it." A few days later, JN quietly confessed judgment in probate court and was fined $10.

Unsatisfied with the modest probate judgment, JW filed a complaint against JN before the bishop's court of Paris Ward. The bishop reproved JN for his cowardly conduct and ordered him to pay $40 in damages. JN bought one of JW's notes to pay the fine but JW refused to accept it when JN tendered it. JN consequently was disfellowshipped for failure to comply with the court's judgment. JN appealed to the high council. The stake president "sharply reproved [JW] for publishing the offensive article," but told JN that he should obtain redress "in a lawful manner . . . instead of breaking the law by a criminal assault upon his brother." The council ordered JN to confess his guilt publicly on Sunday, November 14, 1897, and also censured the Mormon probate judge for collaborating to minimize the seriousness of JN's offense (1897-99, Folder 1).

The tort of allowing your animals to damage the crops of another member was a frequent target of church court proceedings. In an 1852 case, AT was accused of allowing his cattle to graze in the common wheat and corn fields, contrary to the community rule that animals were excluded until after harvest. When AB threatened to take AT before the bishop's court, AT assaulted him. The bishop lectured AT for his unchristian-like conduct, fined him $25 for misconduct, ordered him to pay AB $20 for the damage caused by his animals and for the assault, and instructed him to obey the communal rule about keeping animals out of the fenced field. The stake high council affirmed the decision, though it substituted public confession for the fine (1852, Folder 13).

In an 1855 action, AP presented a complaint before a court conducted by a seventy's quorum that LE had damaged his crops by letting cows trespass in the Big Field. AP, in a conciliatory mood, offered to forego damages if LE would promise to keep his cattle out of the field. Both parties asked the other's pardon for harsh words, promised to do better in the future, and "shook hand of fellowship" (1855, Folder 3).

Many critics of the Mormon practice of plural marriage would be surprised to learn that unauthorized polygamy constituted the tort of sexual misconduct within church courts. In two 1883 cases, Bishop Despain of the Granite Ward, the author's great-grandfather, disfellowshipped one man for "having a girl married to him by a justice of the peace [while] he was living with a wife whom he married in the Endowment House." Bishop Despain also

disfellowshipped another man for the same offense of having "married a wife by Gentile law [while] he was living with a wife whom he married in the House of the Lord" (1883, Disfellowship File, Folder 4 [3 and 4]). At least five other similar cases are recorded (Disfellowship Files: 1884, Folder 2; 1886, Folder 3; 1893, Folder 3; 1898, Folders 10 and 11; Stirling: 1889: 242).

There are no reported cases accusing women of prostitution. But there are three cases of men brought before church courts for associating with women "of ill repute." In an 1881 case, a man was disfellowshipped for "harboring a woman of immoral character 'not a member of the church' and affording her shelter as his wife and refusing to put her away, knowing her immoral practices" (1881, Disfellowship File, Folder 3). In 1883 another man was disfellowshipped for associating with prostitutes (1883, Disfellowship File, Folder 1). And in 1897 a church court disfellowshipped another man for "lewd and lascivious conduct with a woman of ill repute in a public saloon" (1897, Disfellowship File, Folder 5).

These cases critical of immoral conduct inconsistent with the sanctity of marriage, including polygamous marriages, further demonstrate the breadth of church court jurisdiction in aid of the cause of and principles of Zion. No activity was beyond the reach of church court's jurisdiction, and the importance of the community always played a role in resolving the dispute, often in a different way a civil court resolution would have provided.

The Persistence of the Church Court System against the Changing Political and Socio-Economic Forces of Modernity

Consistent with the principles of kritarchy (rule of the judges), the church court system in the nineteenth century condemned members from suing "before the ungodly" and enforced actions for "unchristian-like conduct" in suing other members for any cause outside the church courts throughout the nineteenth century. This sanction compelled members of the Church of Jesus Christ of Latter-day Saints to seek resolution within the community for far longer a period of time than anyone would suppose.

An action and response to a January 19, 1880, case filed against Zerubbabel Snow for suing a member in a civil court is illustrative. Zerubbabel Snow had served as one of the first associate justices of the federal court in territorial Utah, appointed on September 2, 1850. He had practiced law for many years in actions filed between or against nonmembers filed in civil courts. Nonetheless Judge Snow was charged with unchristian-like conduct in 1880 for filing a civil suit against a member of the Church. His unsuccessfully claimed that he had a right to sue in civil courts, but he confessed his willingness to comply with church directives if he were wrong:

> I [Zerubbabel Snow] have heard that we were not permitted to go to law with each other except before the Church. I have been a member fifty-two years last May; up to this time I have never preferred a charge against a brother except this time; and if I am in error now, I ought to pay Brother [CC] everything that he as lost, but if I am not then I ought not to pay him one dime.

The church court on January 19, 1880, ordered the respected Judge Snow to dismiss the civil action and pay the costs of the civil suit for his "unchristian-like conduct" in "suing before the ungodly" (Firmage and Mangrum: 264-66).

Another case, initially filed in 1882 and concluded on May 13, 1885, when President Taylor affirmed the high councils' decision, affirmed the unchristian-like conduct of suing a brother before the ungodly. The church court action was filed against a Mormon attorney, George Marsh, who had successfully pursued an action on behalf of a civil litigant for filing an unjust claim in the civil courts against a church member. Despite urging that he had taken an oath as a lawyer to serve as an adversary on behalf of his client, and despite the fact that church members Franklin S. Richards and Judge R. W. Williams had unsuccessfully defended the Mormon defendant in the civil action, the Box Elder High Court condemned Marsh for "wrongful [sic] counseling, aiding and abetting" an unrighteous member in an unrighteous suit. The court specifically found that the attorney, George Marsh, "has not acted wisely in laboring to aid a wicked man in evading rights and justice," and ordered him to pay the civil defendant $50 for unchristian-like conduct in successfully pursuing the claim in a secular court in behalf of an undeserving litigant (Firmage and Mangrum: 271-72).

Conclusion

Few have ever heard of or appreciated the significant role the church courts of the Church of Jesus Christ of Latter-day Saints played in forging a radical vision of society, known as Zion, in the nineteenth century. The church courts facilitated a unique distribution of land in the Great Basin; introduced a novel form of water rights in a desert environment based upon beneficial use rather than common law riparian rights; assisted in the amicable resolution of contract disputes based upon equitable principles rather than formalistic entitlement claims; resolved tort claims to serve the broader interests of the community; and mediated family conflicts within polygamous families that could not be resolved in the civil courts. The church courts enforced their exclusive jurisdiction for members of the Church by characterizing as unchristian-like conduct members of the Church suing other members in civil courts. The radical use of the church courts waned as the vision of building Zion in the Great Basin diminished at the onset of the twentieth century, but the persistence of the jurisdiction of the church courts over an extended period involving a broad basis of subject matter demands respect for the distinctiveness of the effort to achieve Zion.

Bibliography

Arrington, Leonard

1958 *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830-1900*. Cambridge: Harvard University Press.

Brooks, Juanita

1969 *On the Mormon Frontier: The Diary of Hosea Stout 1844-1861*. 2 vols. Salt Lake City: University of Utah Press.

Firmage, Edwin, and Richard Collin Mangrum

1988 *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830-1900*. Urbana: University of Illinois Press.

Hansen, Klaus

1967 *Quest for Empire: The Political Kingdom of God and the Council of Fifty in Mormon History*. East Lansing: Michigan State University Press.

Hyde, Orson

1859 "Self-Government – Constitution of the United States – Church Government, Etc." *Journal of Discourses* 6: 150-58.

Jensen, Therald N.

1938 "Mormon Theory of Church and State." Ph.D. dissertation. University of Chicago.

Locke, John

1689 *The Two Treatises of Government*. London: A. Millar et al.

Lund, Jennifer L., and J. Clifton Spendlove

1997 *A Guide to Salt Lake City in 1870: The City Model*. Salt Lake City: Museum of Church History and Art.

Powell, Jay E.

1970 "Fairness in the Salt Lake County Probate Court." *Utah Historical Quarterly* 38: 256-62.

Pratt, Orson

1856 "The Kingdom of God." *Journal of Discourses* 3: 70-74.

Raber, Michael Scott

1978 "Religious Polity and Local Production: The Origins of a Mormon Town." Ph.D. dissertation. Yale University.

Roberts, B. H.

1936 *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints*. 6 vols. Salt Lake City: Deseret Book Company.

Stirling, James Dunn

1886-90 "Letterbook, 1886-1890, Salt Lake Stake High Council Proceedings." LDS Church Archives.

Taylor, John

1880 "The Perpetual Emigrating Fund – How to Settle Difficulties – Should Be Governed By the Laws of God – Cooperation and Brotherly Kindness – The Proper Training of Children." *Journal of Discourses* 20: 102-9.

1882 "The Privileges of the Saints, Etc." *Journal of Discourses* 22: 217-23.

Thatcher, Moses

1884 "Hatred Towards Saints – Its Cause – Hope of the Saints – Constitutional Rights – Loyal Intentions." *Journal of Discourses* 25: 113-16.

Young, Brigham

1856a "Instructions to the Bishops – Men Judged According to Their Knowledge – Organization of the Spirit and Body – Thought and Labor to Be Blended Together." *Journal of Discourses* 3: 243-49.

1856b "Lawyers, and Those Who Practice Attending Law Courts, Rebuked – A Curse Pronounced Upon All Who Love Litigation and Do not Repent." *Journal of Discourses* 3: 236-41.

1856c "Preaching – Necessity of the Saints Having Confidence in Those Over Them – Necessity of Wisdom in Dealing With Those Who Are Dead to Good Works – Ignorance of Worldly Philosophers – The Principle of Life As Shown in the Dissolution of Organized Matter." *Journal of Discourses* 3: 272-79.

1856d "Remarks on a Revelation Given in August, 1831 – General Instructions." *Journal of Discourses* 3: 333-44.

1872 "Gathering the Saints – The Providences of the Lord – Uselessness of Non-Producers – Arbitration Better Than Courts – Feed not Fight the Indians – Paying Tithing." *Journal of Discourses* 14: 78-91.

1873 "The Order of Enoch." *Journal of Discourses* 15: 220-29.