

THE LATTER DAY SAINTS' MESSENGER AND ADVOCATE.

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ADDRESS.

As this No. commences the Latter Day Saints' Messenger and Advocate, it is necessary for us to make a few remarks, and also inform our friends of the course which will be pursued in its Editorial department.

The closing Vol. of the Star, or the ten last numbers were published at this place; and for the matter which they contain, or at least, the Editorial, we are responsible. If the principles are pure, the man who embraces them may be guided in the way of righteousness; but if not, and we have not warned our fellow men of the things of the kingdom of God, or have cried peace and safety, when destruction was near, then, at the great day of retribution, before an impartial Judge, we must answer for the blood of souls! Of these things, no man is more sensible than ourselves. But the reflection is otherwise. To be sure, our opponents have cried an alarm, and used every exertion to hinder the spread of truth; but truth has continued its steady course, and the work of the Lord has rolled on: and where darkness once held unbounded sway, and corruption prevailed undisturbed, the fruit of righteousness has sprung up and the children of men been made to rejoice with a joy unspeakable.

That this may continue to be the case we shall continue our exertions. We are aware that the work has just commenced: four years have been insufficient to warn all nations; this, in an ancient day was a work of many years. And though the word has been preached to thousands, and many obeyed, yet many millions are yet in ignorance; yes, many in darkness. The only marvel is, that God should have mercy on a corrupt generation, and

condescend to bring light and truth to light for their salvation. It is no marvel that men should reject it: this was always the case, because their deeds were evil.

Men labor for different objects, with a view to accomplish different purposes—some ambition, some pride, some money, and some power—but the few to save men. Only the few then have we had cause to expect, would show themselves friendly to the truth; only the few labor for that reward which is to be brought at the revelation of Jesus Christ; and of course, from them only could we expect countenance in the arduous undertaking to instruct men in those things which are to concern them hereafter!

In matters of controversy, as we said in the first No. of the Star published in this place, we say now. The saints anciently were exhorted to contend earnestly for that faith once delivered to those before them; but nothing is there said of controversy. It may be doubted by some, whether controversy upon any principle is correct, or ever resulted in good: be this as it may; but above all things, if men must contend upon religious matters, the greatest decorum and propriety ought to be observed! A heated zeal without knowledge may hurl thousands into a vortex irretrievable, and lay a foundation for future generations, the end of which may bring destruction and death!

With these reflections, then, we cannot but deem it unsafe for men to enter the field of controversy against their opponents in principle, except they are assured of the correctness of their own system: this would be dangerous; and to avoid the evil arising from such an order of things, we shall not attempt

The Latter Day Saints' Messenger and Advocate was first issued in October 1834 with Oliver Cowdery as editor. Cowdery served as the editor from October 1834 to May 1835 and again from April 1836 to January 1837. (© Intellectual Reserve, Inc. All rights reserved.)

John W. Welch

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OLIVER COWDERY AS EDITOR, DEFENDER, AND JUSTICE OF THE PEACE IN KIRTLAND

IN addition to sitting next to Joseph Smith in the highest councils of the young Church of Christ, Oliver Cowdery served in important positions in both public and ecclesiastic realms in the early days of the Church. During the Kirtland years, Oliver Cowdery's titles included Church historian and recorder, president of the Kirtland high council, editor, Democratic state convention delegate, justice of the peace, and Assistant President of the Church. It comes as no surprise, then, that one of the main streets in Kirtland was named Cowdery Street. As an editor and a lawyer myself, I am happy in this presentation to explore Cowdery's roles during the Kirtland period as editor, writer, defender, and justice of the peace.

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WRITER, EDITOR, AND DEFENDER

Oliver Cowdery was a gifted writer. When thinking about Cowdery's work as an editor and a justice of the peace, it is best to understand him first in the broader role of a writer. Indeed, it was his education and ability to write that brought him into contact with the Smith family and the translation of the Book of Mormon in the first place. And closely related to his ability to write well was his propensity to think cautiously and critically not only about religion but also about national political, economic, and cultural events. This broad sweep of knowledge and abilities enabled Cowdery to navigate Latter-day Saint and non-Latter-day Saint topics and circles effectively.

Under Oliver Cowdery's direction, the *Latter Day Saints' Messenger and Advocate* had three general characteristics: the newspaper was a communication hub for the Church, it related the history of early events in Church history, and it contained serial columns about theological ideas. The increased production and affordability of printing presses combined with the freedom of the press in the United States made it possible for the young church to involve itself in publishing its own material. During this time, periodicals became increasingly common throughout the country. For example, the editorial career of Edgar Allen Poe (a close contemporary of Joseph Smith) revolved around the emergence of numerous magazines. Although Poe died young at age forty, he had worked as an editor at the *Southern Literary Messenger*, *Burton's Gentleman's Magazine*, *Evening Mirror*, *Graham's Magazine*, and the *Broadway Journal*. Religious publications were just as popular. Concerning this aspect of publishing, Richard L. Bushman has written:

In putting their message in print, the Mormons were in step with every other Christian denomination of the day. An estimated 605 religious journals had been founded in America by 1830, all but 14 of them since 1790. . . . The “truth” sects—the Mormons, the Millerites, the Disciples of Christ, and the Universalists, each emphasizing doctrinal principles and a particular view of history—produced huge numbers of printed works, far out of proportion to their sizes. The Millerites printed four million pieces of literature in four years after 1839. Methodists and Baptists were just as eager to distribute devotional literature pointing souls toward religious conversion.¹

The Church newspapers in Missouri and Kirtland were very influential in shaping and disseminating Mormon thought. The revelations and sermons of Joseph Smith were the main sources of Mormon doctrine, but they were available only to a small number of members in the early 1830s. The Church newspapers helped to fill this void, reaching members of the Church spread throughout the United States and Upper Canada. Church newspapers would continue to be channels through which leaders could communicate guidance to members and through which information about general happenings in the Church could be shared.

Oliver Cowdery’s first direct involvement with publishing was likely his oversight of the publication of the Book of Mormon with Hyrum Smith. He even set some of the type himself, reportedly ten or twelve pages. In a letter to Joseph Smith, who at that time was in Harmony, Pennsylvania, Cowdery wrote, “It may look rather Strange to you to find that I have so soon become a printer.”²

Soon after the publication of the Book of Mormon, Cowdery was called to be the historian of the newly organized church.

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And in early June of 1829, Joseph Smith received a revelation in which Cowdery was told, “I speak unto you, even as unto Paul mine apostle, for you are called even with that same calling with which he was called” (D&C 18:9). While the specific calling may have been “to cry repentance” as did the Apostle to the Gentiles, Paul was also the most prolific of the first-century Christian writers. Although Joseph Smith was called the “first elder” and Oliver was called the “second elder” (D&C 20:3–4), Oliver Cowdery was called as “the first preacher of this church” during the organization of the Church on April 6, 1830 (D&C 21:12). In section 28, Cowdery was instructed to “declare faithfully the commandments and the revelations” unto the Church. He was to be “heard by the church in all things . . . concerning the revelations and commandments” (D&C 28:1–3). And this was to be done not only through public preaching but also through writing. But at the same time, he was instructed not to “write by way of commandment, but by wisdom” (D&C 28:5).

Oliver Cowdery was called to assist W. W. Phelps in Jackson County, Missouri, to establish a Church printing office. In assisting Phelps, a professional printer, Cowdery was “to copy, and to correct, and select” manuscripts for publication (D&C 57:13). In Missouri, Phelps established the first Church newspaper, the *Evening and Morning Star*, in February 1832. Then, in November 1831, Oliver Cowdery and John Whitmer were assigned to take the revelations for the Book of Commandments to Missouri, where Phelps would print them, making all three “steward[s] over the revelations” (D&C 67; 70:1–3).

In July 1833, the printing office in Missouri was ransacked and the printing press was destroyed, a symbolic strike on the Church’s ability to communicate. Instead of reestablishing printing operations in Missouri, Joseph Smith chose to relocate the

Church's printing enterprise to Kirtland. Frederick G. Williams was also called to oversee printing of Church publications with Cowdery in Kirtland. At the disbandment of the United Firm, Oliver Cowdery was given a lot next to the printing office, and he and Frederick G. Williams were given "the printing office and all things that pertain unto it" (D&C 104:29).

Ten issues of the *Evening and the Morning Star* were published in Kirtland, and then its name was changed to the *Latter Day Saints' Messenger and Advocate*, a publication that ran from October 1834 to September 1837. The paper was sixteen pages long and had two columns on each page. Oliver Cowdery served as the editor from October 1834 to May 1835 and from April 1836 to January 1837, for a total of eighteen months. John Whitmer served in the interim period, and Warren Cowdery served after January 1837. Oliver's first term as editor ended so that he could turn more attention to the publication of the 1835 edition of the Doctrine and Covenants and the 1835 Latter-day Saint hymnal, and his second term ended when he became a justice of the peace and a delegate to the state Democratic convention.

Oliver Cowdery was a gifted writer. His prose was often imbued with poetic phrases and rhythms without being overly florid. His writing is careful and measured, yet passionate. He wrote, for example, of other people that "they possess all those shining virtues and ennobling traits of philanthropy and generous bearing that endears man to his fellow, and smooth our passage through this unfriendly world."³ A tone of wisdom and restraint is elegantly advised in his counsel that "if we neglect or refuse to notice every vile epithet that may be lavished upon us, our friends and our enemies may understand that it is not from a consciousness that our ground is not tenable, but from a knowledge of our own temper, we are sensible, that if we dip our pen in gall, bitter and grievous

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words will flow from it.”⁴ In a pithy aphorism, he wrote, “Truth certainly can lose nothing by investigation.”⁵ And as he stepped down from his editorship, he generously addressed his readers: “Those whose feelings I may have unjustly injured if any, I now ask their forgiveness and hope, through the mediation of the Son of God to find also in his blood a propitiation for all my sins, that I may retire with a conscious heart that he who died for me is yet my friend and advocate, and that through all my future life I may lie to his glory, walk in his paths, adorn his doctrine, and meet him in peace.”⁶

Oliver Cowdery’s editorial agenda was both informative and practical. In addition to lengthy theological and historical treatises, he published notifications of conferences, meeting minutes, deaths, marriages, mission reports, and more formal texts such as the Articles of Agreement of the Kirtland Safety Society⁷ and excerpts from the Lectures on Faith.⁸ Letters make up a large, if not the largest, portion of the content of the *Messenger and Advocate*. Official letters from W. W. Phelps in Missouri, for example, commonly appeared as well as letters from elders who were writing to give a report of their missionary activities away from Kirtland. The newspaper was also a means of issuing specific requests. One notice that is similar to others, for example, reads, “Elder Hiram Stratten is requested by the Presidents of the Seventies, to come to Kirtland without delay.”⁹

OLIVER COWDERY’S ARTICLES OF FAITH

Above everything, the newspaper was a source of newly forming Mormon discourse on a variety of subjects. In thinking about the influence of the *Messenger and Advocate* in shaping and communicating Mormon thought, Oliver Cowdery’s articles of faith

are an impressive example of this process. In 1834, in the first edition of the paper, Cowdery included a list of beliefs similar to the list that Joseph Smith would later write in 1842 to John Wentworth for the *Chicago Democrat*. Six of his nine statements correlate closely with all or part of Joseph's formulation (compare the following with Articles of Faith 1, 6, 9, 10, 11, and 13). Oliver's nine are as follows:

1. We believe in God, and his son Jesus Christ.
2. We believe that God, from the beginning revealed himself to man; and that whenever he has had a people on earth, he always has revealed himself to them by the Holy Ghost, the ministering of angels, or his own voice.
3. We do not believe that he ever had a church on earth without revealing himself to that church: consequently, there were apostles, prophets, evangelists, pastors, and teachers, in the same.
4. We believe that God is the same in all ages; and that it requires the same holiness, purity, and religion, to save a man now, as it did anciently; and that, as HE is no respecter of persons, always has, and always will reveal himself to men when they call upon him.
5. We believe that God has revealed himself to men in this age, and commenced to raise up a church preparatory to his second advent, when he will come in the clouds of heaven with power and great glory.
6. We believe that the popular religious theories of the day are incorrect; that they are without parallel in the revelations of God, as sanctioned by him; and that however

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faithfully they may be adhered to, or however zealously and warmly they may be defended, they will never stand the strict scrutiny of the word of life.

7. We believe that all men are born free and equal; that no man, combination of men, or government of men, have power or authority to compel or force others to embrace any system of religion, or religious creed, or to use force or violence to prevent others from enjoying their own opinions, or practicing the same, so long as they do not molest or disturb others in theirs, in a manner to deprive them of their privileges as free citizens—or of worshiping God as they choose, and that any attempt to the contrary is an assumption unwarrantable in the revelations of heaven, and strikes at the root of civil liberty, and is a subversion [*sic*] of all equitable principles between man and man.
8. We believe that God has set his hand the second time to recover the remnant of his people, Israel; and that the time is near when he will bring them from the four winds, with songs of everlasting joy, and reinstate them upon their own lands which he gave their fathers by covenant.
9. We believe in embracing good wherever it may be found; of proving all things, and holding fast that which is righteous.¹⁰

HISTORIAN

The history of the Church was a leitmotif in the *Messenger and Advocate* under Oliver Cowdery's supervision. He made this explicit in the first issue when he wrote that he would be including

history of the events in New York and Pennsylvania to which he was privileged. He wrote, “We have thought that a full history of the rise of the church of the Latter Day Saints, and the most interesting parts of its progress, to the present time, would be worthy the perusal of the Saints.—If circumstances admit, an article on this subject will appear in each subsequent No. of the *Messenger and Advocate*, until the time when the church was driven from Jackson Co. Mo. by a lawless banditti.”¹¹

Soon thereafter, John Whitmer was called to replace Cowdery as the official Church historian. Nevertheless, Cowdery continued to act as a historian. He was the only person other than Joseph Smith with firsthand knowledge of many of the founding events of the Restoration. Thus, it was only natural for him to write columns about the history of the Palmyra period of the Church.

Joseph Smith fully supported Cowdery’s efforts to publish his history and even offered to assist him with it. Cowdery said that Joseph Smith’s labor on the project and “authentic documents now in our possession” would give him the ability to write a historical narrative that was “pleasing and agreeable” to his readers.¹² Would that we had all the documents Cowdery was working from, as documents from the early years of the Church are so rare.

Oliver Cowdery included several serials in the form of letters originally sent to W. W. Phelps in Missouri describing the early spiritual experiences of Joseph Smith. Taken together, they constitute one of the earliest recorded histories of the Palmyra period. He was not able to cover the swath of history he had hoped (from the First Vision to the expulsion from Jackson County), but he was able to cover from the First Vision to the restoration of the Aaronic Priesthood. Cowdery’s history is invaluable because it contains details that are unique to it, and it is much more detailed than those accounts left by the Prophet himself. But

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because Cowdery writes that Joseph assisted him with the writing of this history, the division between Cowdery's and Joseph's versions may be a false construct. Either way, the following is a sampling of some of the unique insights provided in Cowdery's *Messenger and Advocate* letters.

Regarding the height of Moroni, Cowdery describes him relative to other persons. He writes, "The stature of this personage was a little above the common size of men in this age." Concerning Moroni's robe, Cowdery noted that it "had the appearance of being without seam."¹³

Joseph Smith was rather brief in describing the content of Moroni's instructions. Oliver Cowdery, however, adds several paragraphs of information that Joseph shared with him either verbally or through lost documents. The following is an excerpt from two paragraphs of Moroni's instructions to Joseph:

God has chosen the foolish things of the world to confound the things which are mighty; and base things of the world, and things which are despised, has God chosen; yea; and things which are not, to bring to nought [*sic*] things which are, that no flesh should glory in his presence. Therefore, says the Lord, I will proceed to do a marvelous work among this people, even a marvelous work and a wonder; the wisdom of their wise shall perish, and the understanding of their prudent shall be hid. . . . This cannot be brought about until first certain preparatory things are accomplished, for so has the Lord purposed in his own mind. He has therefore chosen you as an instrument in his hand to bring to light that which shall perform his act, his strange act, and bring to pass a marvelous work and a wonder. Wherever the sound shall go it shall cause the ears of men to tingle, and wherever it shall be proclaimed, the pure in heart

shall rejoice, while those who draw near to God with their mouths, and honor him with their lips, while their hearts are far from him, will seek its overthrow, and the destruction of those by whose hands it is carried. Therefore, marvel not if your name is made a derision, and had as a by-word among such, if you are the instrument in bringing it, by the gift of God, to the knowledge of the people.¹⁴

Concerning Joseph's thoughts at the Hill Cumorah, we know that Joseph was reminded of the "indigent circumstances" of his family when he saw the plates and was tempted to find a way to gain wealth from them. But Oliver's history places this temptation earlier than at the hill. He writes that Joseph was thinking about the pecuniary value of the "treasure" on the way to the hill because he had already seen the plates in vision. Cowdery devotes several paragraphs to this. Relating Joseph's experience, he writes, "And to use his own words it seemed as though two invisible powers were influencing, or striving to influence his mind." He goes on, "Here was a struggle indeed; for when he calmly reflected upon his errand, he knew that if God did not give, he could not obtain; and again, with the thought or hope of obtaining, his mind would be carried back to the former reflection of poverty, abuse,—wealth, grandeur and ease, until before arriving at the place described, this wholly occupied his desire; and when he thought upon the fact of what was previously shown him, it was only with an assurance that he should obtain, and accomplish his desire in relieving himself and friends from want."¹⁵

About the location of the plates on the hill, Oliver writes that they were deposited "on the west side of the hill, not far from the top down its side."¹⁶ He also provides an unusually detailed description of the cement box. Joseph's 1838 history described

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the box, saying, “The box in which they lay was formed by laying stones together in some kind of cement. In the bottom of the box were laid two stones crossways of the box.”¹⁷ Cowdery’s history adds the following details:

First, a hole of sufficient depth, (how deep I know not) was dug. At the bottom of this was laid a stone of suitable size, the upper surface being smooth. At each edge was placed a large quantity of cement, and into this cement, at the four edges of this stone, were placed, erect, four others, their bottom edges resting in the cement at the outer edges of the four came in contact, were also cemented so firmly that the moisture from without was prevented from entering. It is to be observed, also, that the inner surface of the four erect, or side stones was smooth. This box was sufficiently large to admit a breast-plate, such as was used by the ancients to defend the chest, &c. from the arrows and weapons of the enemy. From the bottom of the box, or from the breast-plate, arose three small pillars composed of the same description of cement used on the edges; and upon these three pillars was placed the record of the children of Joseph.¹⁸

Finally, Cowdery tells of a vision that Joseph received after being denied taking the plates: “He looked to the Lord in prayer, and as he prayed darkness began to disperse from his mind and his soul was lit up as it was the evening before.” In a most interesting passage, Cowdery goes on to say that

the heavens were opened and the glory of the Lord shone round about and rested upon him. While he thus stood gazing and admiring, the angel said, ‘Look!’ and as he thus spake he beheld the prince of darkness, surrounded by his innumerable

train of associates. All this passed before him, and the heavenly messenger said, "All this is shown, the good and the evil, the holy and impure, the glory of God and the power of darkness, that you may know hereafter the two powers and never be influenced or overcome by that wicked one."¹⁹

DEFENDER OF THE FAITH

In 1836, announcing the editorial plan for the *Messenger and Advocate*, Oliver Cowdery wrote, "On almost every page may be found some point leading to the great and essential plan of salvation."²⁰ He published these points in the forms of essays, treatises, and many letters. Even the most practical of letters would contain theological flourishes and praises of the Restoration. Because of these columns and Cowdery's own writings, one can sense the enthusiasm that Cowdery had for the Church. He had an optimistic, energized view of the future of the Church, and like other members, he felt that the Millennium was near and that the Saints would be vindicated against their enemies. Upon Cowdery's leaving the paper, John Whitmer wrote of his high regard for Cowdery and the strength of the newspaper under Cowdery's editorship and promised to continue its strength. "The principles of my predecessor have been faithfully written and ably defended," he wrote, "and it is only necessary to add, that the patrons of this paper will find mine to correspond with his."²¹

In his final editorial, Oliver Cowdery justified his decision not to respond to critics of the Church. Yet as an editor, he had taken a defensive posture a few times by writing rebuttals to the critics of the Church. He was particularly defensive of Joseph Smith, almost always referring to him as "our brother" or "this brother." In Cowdery's prospectus opening volume 3, for example, he refuted

charges that Latter-day Saints disbelieve the Bible and that any Mormon was to be seen as a “*false teacher and imposter*.” He calls the claims “false, unequivocally false!” and goes on to say, “We believe that sacred record from the evidence we have of its divine authenticity, and because we believe it a consistent book, when taken in its true meaning.”²²

Most famously, in March 1835, Oliver Cowdery published a response to the formidable Alexander Campbell’s 1831 editorial “Delusions,” which was published in Campbell’s *Millennial Harbinger*. Campbell had argued that the Book of Mormon was fraudulent because it contradicted biblical concepts and time lines, contained retroactive prophecies, mirrored contemporary theological ideas, and contained grammatical errors.²³ In Cowdery’s response to “Delusions,” he engaged Campbell on his own biblical ground and argued that the Bible did not delimit the priesthood to the tribe of Levi, give sole priority to Jerusalem as Zion, or allow for only one temple on the earth. Cowdery appealed to a broad assumption about God’s power, with which God could do whatever he wanted and was not circumscribed by men’s interpretations of biblical texts.²⁴

At the same time, Cowdery did engage in a scriptural repartee with Campbell, and it is interesting that most of the texts in debate between these two Christian Restorationists were Old Testament texts. Cowdery refuted Campbell’s claim that the temple in Jerusalem was the only location of temple worship in the biblical world, a position that would not be vindicated until twentieth-century archaeologists discovered numerous Jewish altars and “high places” throughout Israel and in Egypt. Cowdery appealed to Deuteronomy 33:17 to show that the doctrine of gathering was biblically based. Campbell had argued that the Aaronic Priesthood was viable only while the temple in Jerusalem

stood or until the Messiah came. Cowdery pointed out the logical inconsistencies in this position and then appealed to the Book of Mormon and what would become section 84 of the Doctrine and Covenants. In the end, Cowdery resisted quarreling over minor and sometimes silly arguments, a strong attribute of any good lawyer.

Though speaking boldly, Cowdery always projected a tone of civility and tolerance. One sees this tone in the engagement with Alexander Campbell's "Delusions" and in his other writings. This is not to say that Cowdery was always demure and retiring. He could be as strong and combative as the level of the conflict required. But still, his posture was usually that given in an 1837 column titled "Judge After Hearing": "By liberality we do not merely mean giving to the poor, and alleviating the distressed, but a willingness to give each a candid hearing upon matters where a difference of opinion arise." Oliver urged his readers to seek to truly understand the viewpoints of others, and in an exception to the common jeremiads against "the world" and nonbelievers, Cowdery wrote, "We are happy to say, there are many honorable exceptions, as we are informed by elders from the east. Many houses, owned or occupied by other denominations, have been gratuitously furnished [for] our brethren while traveling among strangers to proclaim the gospel; and so far as we have been able to learn, when ever such has been the case, a general expression of good feeling has been manifested." He even spoke of a Methodist preacher being allowed to speak in the Kirtland Temple and a Campbellite preacher being permitted to speak there as well, although the latter event never materialized. He went on to offer an open invitation to ministers not associated with a specific sect to use the "house" when it was not "occupied by the society" there.²⁵ He also offered "a word to those who differ with us in sentiment.

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Your opposition in principle, if you are men and gentlemen, will never make you enemies to us, or create animosity in our bosom towards you; although we are not theological gladiators, and therefore, throw down the gauntlet to no man, but we shall pursue the even tenor of our way, fearless of liberty of replying or not, as we judge proper.”²⁶

Upon his final resignation as the editor of the *Messenger and Advocate*, Cowdery wrote a valedictory farewell similar to the one he had written at the end of his first term of service. To those who were critical of his work, he barbed, “It may be thought a small task to fill a small monthly sheet; to such I only recommend that they engage in it for one year.” After a discussion of the merits of the gospel and the usefulness of the newspaper in promulgating the Restoration, he assured his readers of his steadfastness in the cause: “It is only requisite for me to add that the doctrines which I commenced to preach some seven years since are as firmly believed by me as ever; and even though persecutions have attended, and the rage and malice of men been heaped upon me, I feel equally as firm in the great and glorious cause as when first I received my mission from the holy messenger.”²⁷

JUSTICE OF THE PEACE

Oliver Cowdery served as the justice of the peace in Kirtland, Ohio, from June to September 1837. In this short period of time, he heard a large number of cases—230 in all. Cowdery was elected on April 29, 1837, beating the other candidate, Samuel Gore, by a vote of 211 to 2. He was commissioned on May 15, 1837. (The date makes me wonder if, on this occasion, he thought of a prior commissioning on May 15, eight years earlier.)²⁸

The votes were taken in the little schoolhouse in the flats. Cowdery replaced Ariel Hanson, an irritator of the Mormons. As justice of the peace, Oliver Cowdery's tenure was characterized by efficiency, equanimity, and decisiveness.

Cowdery's docket as justice of the peace has survived and is housed in the Huntington Library in Pasadena, California. The docket was transcribed in 1989 and is shelved in the Howard W. Hunter Law Library at Brigham Young University.²⁹ It contains not only Cowdery's judgments but also some of the cases heard by Frederick G. Williams and Warren A. Cowdery, who were also justices of the peace in Kirtland.

Several civic duties fell on the shoulders of nineteenth-century justices of the peace. They did not hear cases that involved serious crimes or large financial costs, but instead the justices handled smaller claims and facilitated public government, such as acting as public notaries. During the tenures of Williams and Cowdery, their cases were limited to sums of one hundred dollars each, although exceptions to this limit are found in the Kirtland docket. These justices had jurisdiction over Kirtland Township, in which Kirtland Village was located.³⁰

The duties of the justice of the peace were standardized through handbooks that were available throughout Ohio.³¹ These publications made it possible for an elected justice of the peace to learn the customs of the profession once elected and to provide legal continuity throughout the townships across the state. Joseph R. Swan's *Treatise on the Law Relating to the Powers and Duties of Justices of the Peace and Constables*, for example, included sections on topics as basic as "Number of Justices in Each Township," "When and How Elected," and "Term of Office." But the majority of the text was much more complicated, describing almost every issue that might arise before a justice of the peace,

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including contracts, conveyances, election certification, business partnerships, oath administration, holding formal court hearings, and processing legal documents.

Although Cowdery would later work professionally as a lawyer in Tiffin, Ohio, legal credentials were not required for a person to serve as a justice of the peace. Instead, the citizens looked to elect a person whom they perceived to possess the qualities of equanimity, intelligence, and general good reputation. As one historian has written, "The chief qualification of a Justice of the Peace was honesty, wisdom and common sense, and the human elements in the administration of justice was paramount."³² Cowdery's time as editor of the *Messenger and Advocate* made him an especially public figure, giving voters the opportunity to judge his fairness through not only his Church sermons and administration but also through his writings.

The qualifications of a justice would apply especially to Cowdery and Williams, who were not only civic officials but also religious leaders. As they likely knew everyone or nearly everyone living in their jurisdiction, they would have had to navigate interpersonally sensitive waters almost daily. Taking sides in a case risked the disaffection of the losing party from the Church, and inversely, a victory in court being seen as influenced by the Church because of the justices' church positions.

Frederick G. Williams III has researched his namesake ancestor and the role of justices of the peace in early nineteenth-century Ohio, providing valuable information about the period. He has written the following concerning Cowdery's time as justice of the peace: "Of the 94 days he was a [justice], Oliver Cowdery went without holding court on only 31 of those days, including 3 missed days in June, 11 missed days in July, 10 missed days in August, and 7 missed days in September. That means that on

many days he held multiple proceedings; for example, nine on Friday June 30th, twelve on Saturday June 24th, and seventeen on Saturday June 17, 1837. Saturday was a popular day to hold the proceedings; no cases were ever held on Sundays.”³³

The majority of Cowdery’s cases involved debt collection. During three months, for example, Cowdery only had ten cases that did not involve disputes over debt. Three of the cases involved fraud, two involved larceny, two involved assault and battery, one involved trespassing, one involved the unlawful oppression by color of office, and one was a quiet title action. Fifty-four of the defendants were required to post bail, averaging \$41.87 a person. The bail was most often posted by pledging real property. Other costs were incurred when one came before the justice of the peace. The justice was usually paid twenty-five cents per case and more than that if the case was extensive. Transcripts, summons, subpoenas, and other legal procedures also had prices attached ranging from ten cents to twenty-five cents a piece.³⁴

Oliver Cowdery’s most notable case involved the standoff in the Kirtland Temple on August 14, 1837. Brought before him as a case of “assault and battery and riot,” Cowdery was to adjudicate one of the most tense moments of early Mormon history. Joseph Smith and Sidney Rigdon were gone, but Oliver Cowdery was there, and Joseph Smith Senior was presiding as the President of the Kirtland high council. Mother Smith and Eliza R. Snow were also present that day and would both later write about the incident.

Joseph Smith had demanded that Frederick G. Williams issue a search warrant for Warren Parrish’s home, as he suspected that Parrish was embezzling money from the Kirtland Safety Society. Williams refused to give the warrant, and Parrish and others became hostile toward the Church leaders. The group brought guns

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and bowie knives into the Kirtland Temple during a meeting, and when comments were made about Parrish and other dissenters from the stand, Parrish and his supporters tried to take the stand to reply. They were turned back, so Parrish tried to pull Father Smith off the stand himself, for which William Smith carried Parrish down the aisle. John Boynton drew his sword and threatened to run William through. Parrish, Boynton, and the rest then left the temple.

Apparently, the apostates went directly to state officials, for the next day, August 15, Warren Parrish preferred charges of riot, and the State of Ohio commenced a suit against nineteen defendants in Kirtland. The trial was held two weeks later on August 25–26. This case was an exception to Cowdery's more mundane days spent in adjudicating debt disputes. The historical record does not say where Cowdery usually held court; but in this case, his court convened in the Thadist Episcopal Society church building, a location large enough to house all of the witnesses and the audience. During two days with hearings that ran late into the evening, some seventy witnesses were called—twenty-two by the state, forty-eight by defense. At the end of the second evening, the verdict was announced “after mature deliberation upon the law and evidence.” Cowdery decided “that the charge against them was not sustained, and they were therefore discharged.”

One must wonder, as an elected peacemaker, might Oliver Cowdery be able to bring peace to Kirtland through this case? Temporarily, perhaps. But the die was cast, and the fractures and frictions in Kirtland were too deep. This scuffle in the Kirtland Temple and the ensuing legal humiliation for the plaintiffs were only the first blusters of the torrential storms looming on the horizon. But justices of the peace, after all, were supposed to make peace. “They were the peace makers of the community. In the

vast majority of cases, the Justice of the peace was the mediator and caused litigants to compose their differences and to become friends and neighbors.”³⁵ But this resolution did not happen in Cowdery’s case, at least not on this occasion. There is no indication that he tried mediation, arbitration, reconciliation, or accommodation. He simply let the two large groups line up and shoot accusations at each other. And when the verbal assaults were over, he declared the Church-leader defendants the winners, even though having to issue such a verdict (correct though it likely seemed) may have left him feeling quite uncomfortable. Only two weeks later, on September 15, 1837, Oliver prematurely resigned as justice of the peace and left Kirtland for Missouri.

In conclusion, Oliver Cowdery was an influential person in the Kirtland period, not only in the highest councils of the Church but also in the councils of the community. As the editor of the *Messenger and Advocate*, he was in the communication center of the Church and used this position to build the faith of the members. As editor, he earned a reputation as a well-informed, articulate, and tolerant citizen, qualities that likely contributed to his electability as a justice of the peace. And although he served only a brief time as justice of the peace, his service in this capacity would have made him aware of legal procedures and practices that he would soon encounter with even more vitriol during the next chapter of his life in Missouri.

NOTES

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1. Richard Lyman Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 183–84.

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2. Bushman, *Rough Stone Rolling*, 80.
3. *Messenger and Advocate*, October 1836, 395.
4. *Messenger and Advocate*, February 1837, 458.
5. *Messenger and Advocate*, October 1836, 394.
6. *Messenger and Advocate*, August 1837, 548.
7. *Messenger and Advocate*, January 1837, 441.
8. *Messenger and Advocate*, May 1835, 122–28, 164–66.
9. *Messenger and Advocate*, November 1836, 400.
10. *Messenger and Advocate*, October 1834, 2.
11. *Messenger and Advocate*, October 1834, 13.
12. *Messenger and Advocate*, October 1834, 13.
13. Joseph Smith—History 1:31; *Messenger and Advocate*, February 1835, 79.
14. *Messenger and Advocate*, February 1835, 79–80.
15. *Messenger and Advocate*, July 1835, 157.
16. *Messenger and Advocate*, October 1835, 196.
17. Joseph Smith—History 1:52–53.
18. *Messenger and Advocate*, October 1835, 196.
19. *Messenger and Advocate*, October 1835, 198–99.
20. *Messenger and Advocate*, October 1836, 385.
21. *Messenger and Advocate*, June 1835, 137.
22. *Messenger and Advocate*, October 1836, 385.
23. Alexander Campbell, “Delusions,” *Millennial Harbinger* 2, no. 2 (February 1831): 84–96.
24. John W. Welch, “Oliver Cowdery’s Response to Alexander Campbell,” in *Oliver Cowdery: Scribe, Elder, Witness*, ed. John W. Welch and Larry E. Morris (Provo, UT: Maxwell Institute, 2006), 221–39.
25. *Messenger and Advocate*, October 1836, 395–96.
26. *Messenger and Advocate*, February 1837, 458.
27. *Messenger and Advocate*, August 1837, 548.
28. Kirtland Trustees Minutes, Book 1 (1817–38), 153, and *Painesville Republican*, May 25, 1837.

Oliver Cowdery as Editor, Defender, and Justice of the Peace in Kirtland

29. *Oliver Cowdery's Docket, Kirtland, Geauga County, Ohio: June 14, 1837 to September 15, 1837*, transcribed by David R. Benard under the supervision of John W. Welch (Provo, UT: Brigham Young University, April 28, 1989).
30. Frederick G. Williams, "Esquire Williams, Justice of the Peace," unpublished manuscript in possession of the author, November 19, 2004.
31. For examples, see Abram Van Vleet, *The Ohio Justice and Township Officers' Assistant* (Lebanon, OH: 1821); Joseph R. Swan, *A Treatise on the Law Relating to the Powers and Duties of Justice of the Peace and Constables, in the State of Ohio, with Practical Forms* (Columbus, OH: I. N. Whiting, 1837); Humphrey H. Leavitt, *The Ohio Justice's Guide* (Steubenville, OH: J. Turnbull, 1843).
32. *A History of the Courts and Lawyers of Ohio*, ed. Carrington T. Marshall (New York: American Historical Society, 1934), 489.
33. Williams, "Esquire Williams," 32–33.
34. Williams, "Esquire Williams," 31.
35. Marshall, *A History of the Courts and Lawyers of Ohio*, 490, cited in Williams, "Esquire Williams," 5.