

Speaker says militia leader betrayed Joseph Smith

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George M. Hinkle was the LDS Church's own Benedict Arnold. As the colonel of the Mormon-controlled Caldwell County militia in 1838, Hinkle made a secret deal to hand over his own leaders, including the Prophet Joseph Smith, to their sworn enemies.

In recent years some historians have tried to rehabilitate Hinkle's reputation — arguing that his motives were to prevent bloodshed between the Mormons and non-Mormons in Missouri. But 19th-century legal documents purchased at a public auction last month tell a story that confirms Hinkle's darker motives.

Jeffrey N. Walker spoke about the legal cases of Joseph Smith on Friday at the University of Utah LDS institute during the J. Reuben Clark Law Society's annual conference. Walker, assistant managing editor for the Joseph Smith Papers project, said he was present at the auction at Spink Shreves Galleries in New York City on Jan. 28 when the 24 documents of Smith vs. Hinkle were purchased for the LDS Church. His discussion of the lawsuit at the conference was the first public announcement of the contents of this previously unknown legal case.

The lawsuit's roots began when Hinkle sold his Far West, Mo., home to LDS Presiding Bishop Edward Partridge and moved to De Witt, Mo. Partridge later sold it to Joseph Smith. Joseph and his family were living in Hinkle's old home when the Missouri militia arrested Joseph Smith.

After Hinkle delivered Joseph Smith to the state militia, Joseph was almost executed — but Gen. Alexander W. Doniphan refused to carry out the orders.

Hinkle betrayed Joseph Smith on Nov. 1, 1838. The documents testify that on that same winter day, Hinkle came back to his old home and kicked Joseph Smith's wife and children out of the house.

He took the household belongings, furniture, books and clothing. Hinkle also took Joseph Smith's horse, saddle and bridle.

Emma Smith came in tears with her children to the home of Lucinda Harris. Harris testified that Hinkle came by and threatened Emma Smith again and told her to "leave the country."

Hinkle sold Joseph Smith's horse, saddle and bridle to Samuel Bogart, the head of the non-Mormon Ray County Missouri State Militia.

A month later the prisoners were being transferred to Liberty Jail. Joseph Smith saw Bogart riding on a horse with Joseph Smith's saddle. Bogart told him he had sold the horse to someone named Wilson, but that he would be willing to buy it back for Joseph Smith for \$200.

Bogart wouldn't give up the saddle, however. He wanted to keep it as a souvenir.

Hinkle was excommunicated from The Church of Jesus Christ of Latter-day Saints in Quincy, Ill., in March 1839. He later moved to Iowa Territory — across the river from Nauvoo, Ill., and started his own church, the Church of Jesus Christ, the Bride, the Lamb's Wife.

The lawsuit against Hinkle came later, in August 1841, more than two years after Joseph had escaped his captors in Missouri. Joseph Smith sued Hinkle to recover the cost of the stolen items.

Several people testified that Joseph Smith's captors told Hinkle they were going to kill Joseph. Hinkle believed he would be "safe" in taking the property.

Walker said this response changes the perspective on Hinkle's motivation. He knew he was likely delivering Joseph Smith to his death and profited from the event.

Joseph Smith won the case but was awarded only \$200 — the value of the horse, saddle and bridle. The record did not have testimony of third parties about the other things that were stolen, according to Walker.

The purchased documents are one of the most complete sets of documents from any of the more than 200 legal cases Joseph Smith was involved in over his lifetime, Walker said. "These documents are a fascinating addition to understanding Joseph's legal entanglements and show him as a plaintiff not just a defendant," Walker said. "Most of Joseph's cases have him as the defendant."

According to Walker, the purchased documents were being picked up from the Dallas office of Spink Shreves Galleries at about the time he was speaking at the conference Friday morning. He said the case documents will be included as part of the legal series in the Joseph Smith Papers. The church is also making plans to make these and other auction documents available soon. "The church acquiring them allows them to be in the public," Walker said. "There is nothing secret in them."

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