

Letter from David Whitmer to Nathan West Concerning Caldwell County, Missouri, Property Once Owned by King Follett

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Filed away in the David Whitmer Collection at the Reorganized Church of Jesus Christ of Latter Day Saints (RLDS) Archives is an inconspicuous, handwritten copy of a November 1849 letter from David Whitmer to Nathan A. West.¹ In this carefully worded letter, Whitmer responded to West's inquiry about a legal title to land once owned by the late Mormon elder King Follett.² One senses from reading the letter that although David was trying to be helpful to his friend, he wanted to distance himself legally from liability in a decade-old property question.

This letter is historically significant and interesting for a variety of reasons. First, there are few surviving letters from David Whitmer written during the first ten to fifteen years after he separated himself from The Church of Jesus Christ of Latter-day Saints.³ Second, this retained copy, and most probably the dispatched original, was handwritten by Oliver Cowdery—just a little more than three months before he died. As such, it is the last-known handwriting of Mormonism's Second Elder.⁴ Third, the letter's cautious, legalistic wording is not from the mind of David Whitmer but was composed by Oliver Cowdery, the lawyer. As such, it is the only example of his legal writing from his fourteen-month stay in Richmond.⁵ Fourth, the items discussed in the letter evidence the confused state of affairs existing in Far West, Missouri, at the time the Latter-day Saints were forced to flee the state in 1839.⁶

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The recipient of the letter, Nathan Ayers West, was King Follett's son-in-law. After the loss of his first wife in September 1835, Nathan married Adeline Louisa Follett in March 1836 at Clay County, Missouri.⁷ With the main group of Latter-day Saints, the Wests and Folletts moved to the northern Missouri county of Caldwell by 1838. Sometime before April 1838, David Whitmer, either as a private individual or as president of the Church in Missouri, signed a promissory note to King Follett for an undisclosed sum of money. To settle the note, Follett received the title to a tract of land in Caldwell County, probably in or close to the Mormon settlement of Far West. Follett's name is listed on the Mirabile township portion of the Caldwell County plat record for forty acres, which was registered on 13 February 1837.⁸ Whether this is the property in question cannot be determined because the deed books were destroyed when the county courthouse burned in April 1860.

The Folletts stayed in Far West until the spring of 1839 when they were forced to leave the state. As they were leaving Missouri in mid-April 1839, King Follett "was dragged from his distressed family" and arrested on trumped-up charges of robbery.⁹ Elder Follett was imprisoned in Richmond and Columbia with Parley P. Pratt and was one of the last Latter-day Saints to be released from state custody. On 11 May 1839, living safely in Illinois and while her husband was in jail, Louisa Follett filed a redress petition in which she claimed an \$800 privation in 1838–39 for "loss in land and buildings not getting the value of them on the account of being obliged by the Mob to leave the state."¹⁰ By October 1839, King Follett had his trial, and the charges being unsubstantiated, he was set free.¹¹

The question that seems difficult to answer is What happened to the deed or title for King Follett's land in Caldwell County? David Whitmer's response provides some possible clues, and the historical record fills in other gaps leading to some possible conclusions. David conferred with his brother John,¹² who was one of the Church's land agents in Far West. John recalled preparing a deed to the property and delivering the same to King Follett. Responsibility for filing the deed with the county recorder rested with the recipient—King Follett. Whether Follett registered the deed in the county records is unclear. As suggested in David's letter, King Follett may have turned the land over to the Church's "Committee on Removal," which possibly sold the land.

In January 1839, with Joseph Smith and other Church leaders in jail, Brigham Young made a motion in a public meeting to organize a committee to assist the destitute Saints leave the state.¹³ A covenant of support was drawn up, which stated that the removal committee would "to the extent of all our available property" sell such assets "for the purpose of providing

means for the removing from this state of the poor and destitute who shall be considered worthy.”¹⁴ Over three hundred Latter-day Saints in Far West signed the covenant. Unfortunately, we cannot tell whether King Follett was a subscriber. His name is not on the incomplete published list of supporters.¹⁵

Another possibility is that the land was abandoned and seized by the Missourians. Follett’s name, along with his wife’s (Louisa Follett), daughter’s (Adaline Louisa West), and son-in-law’s (Nathan A. West), is on the Scroll Petition sent to the U.S. Congress in 1843 seeking redress for losses in Missouri. The petition referred to the fact that “Our property was seized by the Mob, or lawlessly confiscated by the State, and we were forced at the point of the Bayonet to sign Deeds of Trust relinquishing our property but the exterminating order of the Governor of Missouri is still in force and we dare not return to claim our just rights.”¹⁶

As mentioned above, Follett and family left Far West in mid-April 1839. To complicate matters further, the records of the removal committee were lost or destroyed when an armed mob attacked the committee’s offices in Far West on 18 April 1839.¹⁷ These events could possibly explain why there was no record of what happened to King Follett’s property or title.

Ten years later, in late 1849, Nathan West, like many scattered Latter-day Saints preparing themselves to go west, was living in Atchison County, Missouri, just across the southern Iowa state line.¹⁸ The possibility exists that West was administrator or executor of King Follett’s estate or that he and wife had inherited the property and were interested in securing title so they could sell the land and use the money to outfit a team and wagon for the overland trek to the Salt Lake Valley in the spring of 1850.

I have transcribed the letter, which follows, verbatim, retaining cross outs, underlining, original spelling, and punctuation. Angle brackets are used to designate inserted material. Spacing between paragraphs has been introduced for readability. The entire original document is in Oliver Cowdery’s handwriting.

Letter of David Whitmer to Nathan A. West
[26 November 1849]

Richmond, Ray County, Mo. Nov. 26, 1849.

Dear Sir:

Since you were at our place, as I promised you to do, I have seen my brother John, with whom I have conversed on the subject of his ~~making~~ <having made> a deed to the late King Follett, of certain lands in Caldwell County, in this State, in payment to said Follett, of a certain debt then owing by me to him, Follett, &c. My brother distinctly and perfectly <well>

recollects having made and delivered to Follett, a deed of the land above mentioned, and that he, Follett, ~~ae~~ received and accepted the same, as he said at the time, in accordance with his previous contract with myself; <and> at the time of receiving said deed, delivered to my brother, my note of hand¹⁹ which he had formerly held as evidence of my indebtedness to him, Follett. This note I have long since paid, and <am neither legally or morally indebted to any one in the transaction.>

Whether this deed was ever recorded, my brother does not know, as that was no part of his business to attend to; but he recollects, that some time after making said deed, he was enquired of by some one from Liberty—and he thinks either Arthur,²⁰ Samuels,²¹ or Miller,—but cannot, at this distance of time say positively who, respecting Follett's right or title to said land, and whether good, &c. My brother informed the individual making said enquiry, that he, my brother, entered said land, and made a deed to Follett, and that Follett's title was good.

My brother is of opinion, though he does not know it to be a fact, that Follett must [p.1] have put this deed into the hands of the Committee²² that were appointed to settle up business after the church left, and that they, this committee, disposed of this land to some person in Liberty. ~~He~~ <and> that the fact of giving the deed into the hands of said committee, had escaped the recollection of Follett. Though of these conjectures he has no further evidence, than the enquiry before stated as to Follett's title; but of the fact of having made and delivered a deed, as above stated, he has no hesitency in avering.

Respectfully, your old friend and Ob't. Serv't.

D. W.

Nathan West, Esq.}

[*wrapper notation, written sideways*]

Nathan West,

Linden,

Atchison County,

Mo.

Nov. 26, 1849.

Copy.

have for the world and the history of the
 world. It is now apparent to all who know
 after the manner of the world that they have
 enjoyed of the land to some purpose. It is
 that the first of them be seen in the
 case of old documents and records to be
 better of interest. Things of this nature
 are now no further evidence than the history
 of the world. I am not sure if they
 just of any value to be retained or not.
 as above stated, be an interesting account.
 I am, Sir,
 Dear Sir,
 Yours truly,
 (Signature)

Mr. Wm. B. Smith
 London
 1830
 1830
 1830

Notes

1. In David Whitmer Collection (P10, f2, item 29), Library-Archives, Reorganized Church of Jesus Christ of Latter-day Saints, Independence, Missouri. Reproduced by permission.

2. King Follett (1788–1844) was born at Winchester, Cheshire, New Hampshire, and was living in Cayahoga County, Ohio, in 1831 when he joined the Mormon Church. He moved to Jackson County, Missouri, where he and the other Latter-day Saints living there were driven out of the county by a local mob in 1833. Follett and his family lived in Clay County, Missouri, from 1833 to 1836. He went to Kirtland, Ohio, briefly in 1836 when he received his anointing in the Kirtland Temple and was ordained a seventy. King Follett lived in the northern Missouri county of Clay, where he received title to the land discussed in this letter. The Folletts lived in the Mormon town of Far West from 1838–39. In the spring of 1839, being driven once more, this time from the state of Missouri, King Follett was arrested and imprisoned for six months before being released. He soon joined his family in Nauvoo, Illinois. On the morning of 9 March 1844, while King Follett was walling up a well, a bucket of rock fell on him, killing him. In early April 1844, in honor of this deceased elder, the Prophet Joseph Smith preached the “King Follett discourse” to a large gathering of Saints in Nauvoo. See Dean C. Jessee, ed., *The Papers of Joseph Smith*, 2 vols. to date (Salt Lake City: Deseret Book, 1989–92), 2:544; Milton V. Backman Jr., and Keith W. Perkins, eds., *Writings of Early Latter-day Saints and Their Contemporaries, A Database Collection*, Excerpts, 2nd ed., rev. and enlarged (Provo, Utah: Religious Studies Center, 1996, Electronic Edition) and Joseph Smith Jr., *History of the Church of Jesus Christ of Latter-day Saints*, B. H. Roberts, ed., 6 vols., 2nd ed., rev. (Salt Lake City: Deseret Book, 1978), 6:248–49 (hereafter cited as HC).

3. David Whitmer was baptized and ordained an elder in June 1829. He was one of the Three Witnesses to the Book of Mormon and, on 6 April 1830, was among the six people who organized the latter-day Church of Christ. He served in various leadership positions in the Church from 1830–38, including being president of the Church in Missouri. In March–April 1838, David, along with his two counselors (W. W. Phelps and John Whitmer) in the Missouri presidency were removed from office for alleged misconduct and disobedience. David Whitmer was tried by the Far West, Missouri, high council and excommunicated on 13 April 1838. He left Far West in June 1838 and settled in Richmond, Ray County, Missouri, where he lived for the remaining fifty years of his life. See Richard Lloyd Anderson, *Investigating the Book of Mormon Witnesses* (Salt Lake City: Deseret Book, 1981), 67–77.

4. Nowhere on the two-page manuscript copy (see reproductions accompanying this article) does it indicate that Oliver Cowdery was the letter’s scribe or author. When I first examined this letter in the summer of 1998, I was immediately struck by the fact that the handwriting was Cowdery’s and that it was written so close to his untimely death. Only later, after transcribing and editing this letter, did I realize that the legal ideas and wording were Oliver’s, not David’s.

5. On 7 March 1849, a month and a half after he arrived in Richmond, the Ray County Circuit Court admitted Oliver Cowdery to the county bar as a practicing lawyer. See entry in Ray County Circuit Court Record, Book C (1848–1856), 140. In spite of this action, there is no evidence that Oliver actually practiced law in Ray County during the time he lived there. This may be due, at least in part, to his declining health. He, his wife Elizabeth, and their only daughter, Maria Louise, lived with Elizabeth’s parents, Peter

Sr. and Mary Whitmer. Oliver, surrounded by family and friends, died at their home on 3 March 1850.

6. Brief surveys of the Saints' exodus from Missouri are in Leland Homer Gentry, "A History of the Latter-day Saints in Northern Missouri from 1836–1838" (Ph.D. diss., Brigham Young University, 1965), 402–42 and Stephen C. LeSueur, *The 1838 Mormon War in Missouri* (Columbia, Missouri: University of Missouri Press, 1987), 234–44.

7. Nathan West married his first wife, Mary Smith Hulet on 11 October 1828 (See Nathan Ayres West Individual Record, FamilySearch[®] Ancestral File, www.familysearch.org). According to an obituary, written by editor John Whitmer, Mary died "In Clay Co. Mo. on the 6th of September [1835]." Editor Whitmer continued, "MRS. MARY WEST, consort of Elder Nathan West, after an illness of about eight days, aged—. Sister West embraced the new and everlasting covenant in 1831, and has been a firm believer in the work of the Lord ever since; she died having obtained a bright hope of a glorious resurrection—her death was sweet unto her." See *Messenger and Advocate* 2 (October 1835): 207–8. Nathan's second wife, Adeline Louisa Follett, was the oldest child and daughter of King Follett and Louisa Tanner. See entry for King Follett in *Early LDS Membership: LDS Collectors Library 97 Electronic Library*, Susan Easton Black, comp. (Provo, Utah: Infobase, 1996).

8. See Clark V. Johnson, ed., *An Index to Early Caldwell County Land Records* (n.p.: privately printed, n.d.), v, figure 12 (Plat of Mirabile Township), 50. The plat records are located in the county recorder's office in Kingston, Caldwell County, Missouri.

9. As described by fellow LDS prisoner Parley P. Pratt, the robbery charge against Follett "meant that he was one of a posse who took a keg of powder from a gang of ruffians who were out against the Mormons." See Parley P. Pratt, *Autobiography of Parley P. Pratt* (Salt Lake City: Deseret Book, 1979), 226, emphasis in original.

10. Louisa Follett, Individual Affidavits, Historical Department of The Church of Jesus Christ of Latter-day Saints (HDC), Salt Lake City; published in Clark V. Johnson, ed., *Mormon Redress Petitions: Documents of the 1833–1838 Missouri Conflict* (Provo, Utah: Religious Studies Center, Brigham Young University, 1992), 201 (201–2). Original spelling retained.

11. See HC 4:17.

12. During the 1836–38 time period, John Whitmer served as a counselor to his brother David in the Church presidency in Missouri. Also, in August 1836, John and the other counselor, W. W. Phelps, each purchased large tracts of land from the federal government. The land was later platted out as the city of Far West.

13. See minutes and entries related to this committee in HC 3:250–55, 261–63, 274–75, 284–85, 308–9, 315, 319, 322–23.

14. The support covenant is published in HC 3:251.

15. See HC 3:251–54.

16. See Scroll Petition in Johnson, *Mormon Redress Petitions*, 565–614; the Folletts' and Wests' names are on page 589.

17. This attack is described in HC 3:322–23. According to an entry in HC 3:323, "During the commotion this day, a great portion of the records of the [removal] committee, accounts, history, etc., were destroyed or lost, so that but few definite items can be registered in their place."

18. For example, Samuel W. Richards and his small family were also living temporarily in Atchison County in 1849. Earlier that year, Oliver Cowdery, his wife, and their only daughter stayed with the Richards family after being waylaid by a two-week-long snowstorm. Whether Cowdery had any interaction with Nathan West while in Atchison County or discussed this property title question is not known. See Maurine

Carr Ward, ed., *Winter Quarters: The 1846–1848 Life Writings of Mary Haskin Parker Richards* (Logan, Utah: Utah State University Press, 1996), 34–35.

19. That is, promissory note.

20. Most likely Michael Arthur, a non-Mormon businessman from Liberty, Clay County, Missouri, who sympathized with the oppressed Saints. In late November 1838, he wrote a letter to the Clay County state representatives relating the harassment of the Latter-day Saints in upper Missouri by marauding armed bands and suggesting placement of a twenty-five-man guard unit along the Caldwell County line. See M. Arthur letter, 29 November 1838, published in HC 3:213–14.

21. Probably Edward M. Samuel, also a non-Mormon businessman in Liberty, Clay County, Missouri. For a brief description of Samuel and his mercantile business, see Peter H. Burnett, *An Old California Pioneer* (Oakland, California: Biobooks, 1946), 29. Burnett, who later became the first governor of California, worked for Samuel in Liberty from 1832–33.

22. Committee on Removal.