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Article Title: John Ahmanson vs. Brigham Young: A Nebraska Legal Controversy, 1859-1861

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Article Summary: John Ahmanson traveled with a Mormon handcart train to Salt Lake City in 1856. An early winter forced the travelers to store their luggage in an old cabin in Nebraska Territory so they could walk on unencumbered. Ahmanson had to sue Brigham Young to recover his belongings.

#### Cataloging Information:

Names: John Ahmanson, Brigham Young, William Kimball, Heber Kimball, Niels Anderson, E P Brewster, J R Meredith, John I Redick, Samuel F Lockwood

Place Names: Salt Lake City, Utah; Florence and Devil's Gate, Nebraska Territory; Fort Laramie, Wyoming

Witnesses for Ahmanson: Peter Peterson, Samuel Parks, Samuel Fernandez

Witnesses for Brigham Young: Franklin Dewey Richards, John Chislett, James Gray Willie, John Alexander Hunt, John Swenson, Millen Atwood, David Orson Calder, Hiram Bradley Clawson,

Keywords: John Ahmanson, Perpetual Emigration Fund, handcart, Brigham Young, William Kimball, Niels Anderson

Photographs / Images: John Ahmanson; sketch of Mormons crossing the plains with handcarts; painting of Council Bluffs (formerly Kanesville), Iowa, in the early 1850s by George Simons; Omaha in the middle 1850s (*Frank Leslie's Illustrated Newspaper*)

Appendix: Ahmanson property held at Devil's Gate



*John Ahmanson.*

# John Ahmanson vs. Brigham Young: A Nebraska Legal Controversy, 1859-1861

*By Charles W. Martin*

The Ahmanson name is a familiar one in Omaha. William and Robert Ahmanson, now living in California, are officers and directors of the H. F. Ahmanson Company, a holding company owning savings and loan and insurance companies and the Ahmanson Foundation. The foundation gave money to construct the Ahmanson Law Center at Creighton University. The H. F. Ahmanson Company owns the National American Insurance Company, which has its home office in Omaha. William and Robert's father, the late Hayden W. Ahmanson, was president of National American for many years. Hayden's father, William H. Ahmanson, founded the company. But this account is about John Ahmanson,<sup>1</sup> William H. Ahmanson's father, who was the first of the family to come to Omaha.

John Ahmanson was born April 7, 1827, in Smoland, Sweden. At the age of 6, he was taken by a farmer with whom he lived until he was 18 years old. He then worked as a bookbinder for four years. In 1849 he emigrated to Denmark. A year later, while living in Copenhagen, John Ahmanson became acquainted with Mormon missionaries Erastus Snow<sup>2</sup> and G. P. Dykes.<sup>3</sup> He was much impressed with Erastus Snow, and late in 1850, he was converted, and helped organize a Mormon congregation in Copenhagen. In 1851, John Ahmanson was ordained an elder by Erastus Snow and was sent to Norway to help establish the church there.<sup>4</sup> In Norway, Ahmanson was arrested on the grounds that Mormonism was a political system which aimed at creating a rule in the country, a "state in the state." Finally, in 1853, Ahmanson was released from jail, and he returned to Denmark. The jailer's daughter, Grete Sophie Fjeldstad, had fallen in love with him. She followed him to Copenhagen, and on

December 9, 1853, they were married. In 1856, they decided to emigrate to Salt Lake City.

By 1848 the Mormon Church was sending many missionaries to Europe, promising the good life and redemption at God's chosen place of Zion, the gathering place, Salt Lake City, Utah.<sup>5</sup> They succeeded so well that thousands of enthusiastic converts clamored for the privilege of going to the promised land.

In 1850, Brigham Young had incorporated the Perpetual Emigration Fund,<sup>6</sup> a revolving fund to be used for transporting the faithful to Zion. Those who were financially assisted, were to repay the loan after arriving in Utah, where public work would be provided. But by 1855 the Perpetual Emigration Fund was spending more than it was taking in. That year the total emigration from Europe was 4,225 people, and of these 1,161 had been transported by the fund at a cost of approximately \$150,000. And that fall was one of distress in Utah.<sup>7</sup> A grasshopper plague had descended upon the fields and insects had eaten up every green thing. Because of grasshoppers and drouth the 1855 harvest had been cut in half. The result was a marked falling off of tithes and donations to the Perpetual Emigration Fund. Rather than curtail foreign immigration, the Mormon leadership devised a new plan for overland migration—by handcart.

"I have been thinking how we should operate another year," wrote Brigham Young in September, 1855. "We cannot afford to purchase wagons and teams as in times past. I am consequently thrown back upon my old plan—to make handcarts, and let the emigration foot it, and draw upon them [the carts] the necessary supplies, having a cow or two for every ten. They can come just as quick, if not quicker, and much cheaper.—A great majority of them walk now, even with the teams which are provided."<sup>8</sup>

Franklin D. Richards, head of the European mission, wrote from Liverpool, England: "When ancient Israel fled from bondage into the wilderness, they had not even the privilege of taking provisions for their journey, but had to trust to the good hand of the Lord for their daily bread.—The Lord can rain manna on the plains of America just as easily as He did on the deserts of Arabia, or as He sent quails into the camp of the Saints on the Mississippi River in 1846. Ancient Israel traveled to the promised land on foot, with their wives and little ones. The Lord calls upon modern Israel to do the same."<sup>9</sup>

This new plan having been conceived, proclaimed, and accepted, was put into execution. All applicants for passage to America under the handcart plan, were to be accompanied by

a deposit of one pound for each person over 1 year old. Each was to furnish his own bed, bedding, and cooking utensils.<sup>10</sup> Of course those who could afford it, could travel on their own in wagon trains to the promised land.

The first of the Perpetual Emigration Fund passengers for the 1856 season set sail from England on March 23, and the last on May 25. From November 30, 1855, to July 6, 1856, there were 4,395 emigrants who sailed to the United States, 2,012 of which were financed by the fund.<sup>11</sup> Of the emigrants, 2,397 were intending to travel to Utah, and the balance of just under 2,000 planned to locate temporarily in the United States in order to obtain means to complete their journey at a later date. The unfortunate part of this emigration was the late sailing of two shiploads of emigrants—the fourth and the fifth companies. The fourth company was the one in which John Ahmanson and his family traveled.

On April 23, 1856, 162 Mormons left Copenhagen on the steamship *Rhoda* for Liverpool, England.<sup>12</sup> John Ahmanson had been assigned as leader. They were on their long-wished-for journey to their Zion, Salt Lake City, Utah. They arrived in Liverpool, April 30, where they joined 608 English and Scottish Mormons. While in Liverpool, Franklin D. Richards, one of the 12 apostles of the New Zion and president of the European mission, designated Elder James G. White as president, and Millen Atwood, Moses Clough, and John Ahmanson as advisors for the trip to Utah. They sailed May 4 on the ship *Thornton*. Nothing of importance occurred on their long and stormy sea voyage unless, as Ahmanson wrote, "one would consider 6 deaths, 3 births, and 2 marriages important."

Forty days later, on June 14, they arrived in New York where they were met by Apostle John Taylor. Under his leadership, they went by train via Albany, Buffalo, and Chicago, then to the end of the railroad at Iowa City, which they reached on June 26. Upon their arrival there they were immediately employed in the manufacture of two-wheeled handcarts. Each cart weighed about 60 pounds and was designed for 5 people, each with 17 pounds of clothing, bedding and cooking apparatus.

Ahmanson had planned to go with a wagon train, but Franklin D. Richards had asked him to accompany the poor Danes with the handcart train, since he was the only one of them who had any ability to speak English. So Ahmanson made arrangements to put his wife, child, and part of his lug-

gage in Lars Madsen's wagon and the rest of his luggage with others, according to statements made by fellow traveler John Swenson.

The 4th Handcart Company, which consisted of about 500 people, broke camp at Iowa City July 16, 1856. It was divided into groups of approximately 100 persons each. To each 100 there were 5 round tents; 20 handcarts or one to every five persons; and one wagon drawn by 3 yoke of oxen to haul provisions and tents. John Ahmanson reported that the provisions were designed for a daily ration for each person of one pound wheat flour, 2½ ounces of pork, 2 ounces sugar, 2 ounces dried apples, ¼ ounce coffee, plus a little tea, soda and soap.

The 4th Company reached Florence, Nebraska Territory, August 11. Here they were delayed for repairs because "their carts were unfit for the journey across the Plains; some requiring new axles, and the whole of them having to have a piece of iron screwed on to prevent the wheel from wearing away the wood."<sup>13</sup> Here also they received a number of slaughter cattle which were to furnish them with meat for the rest of the trip. Animals were to be butchered as needed for food. John Ahmanson wrote that here many who knew the climatic conditions of the country thought they should stay and winter in Florence, but the prophet Heber C. Kimball's oldest son, William, then rode into camp and gave a speech wherein he sharply criticized those people of little faith and promised to shove all the snow that they would see on the trip to Salt Lake valley in his mouth.<sup>14</sup> Captain Willie then said he would continue the trip until he received orders from Brigham Young to halt. About 100 of their members dropped out, and the rest left Florence about August 18. John Chislett reported that their carts were more heavily laden, each cart having added to it one more sack of flour (98 pounds).

On September 3 somewhere in central Nebraska during a bad thunder and lightning storm, a nearby herd of buffalo stampeded and their oxen stampeded with it. John Chislett's description would place the disaster as occurring near present-day Shelton or Gibbon, just west of Grand Island; John Ahmanson's description places it nearer present-day Cozad. The storm occurred at night, and by morning the ox tracks had been erased. Although they spent three days searching for the animals, they never saw the oxen again. There were now only 12 oxen left besides the slaughter cattle consisting of cows and young stock. The result was that additional provisions had to be loaded on the handcarts.

John Chislett says they arrived at Fort Laramie about September 1-2. This, of course, is in error; he probably meant October 1-2. Here, expected provisions were not there for them. Because their present supply of provisions would not carry them through, they reduced their daily flour rations from one pound to three-quarters of a pound, and they resolved to try to travel faster. They continued this rate of rations until they reached Independence Rock, where they were forced to reduce the ration to 10 ounces a day. Traveling up the Sweetwater River the nights became colder. Chislett reported:

Our 17 pounds of clothing and bedding was now altogether insufficient for our comfort. Nearly all suffered more or less at night from cold. Instead of getting up in the morning strong, refreshed, vigorous, and prepared for the hardships of another day of toil, the poor Saints were to be seen crawling out from their tents haggard, benumbed, and showing an utter lack of that vitality so necessary to our success.

The old and the infirm began to die and soon it became unusual to leave a campground without burying one or more persons. Soon the young and the strong began to die. The sick had to be put in the wagons, and when camp was pitched these people had to be lifted from the wagon and carried to the fire; in the morning they were carried back again.

On Saturday, October 18, the first snow fell. They were expecting a relief party from Salt Lake, but it had not yet showed up. They struggled on. Next morning the snow was over a foot deep. Their oxen had strayed, and some had died. Five of the emigrants were found dead. The previous night all the remaining flour had been used. Two of the broken-down cattle were killed and butchered. This with a little hard bread that had been obtained at Fort Laramie was used for breakfast. For three days they remained at this camp on the Sweetwater while Captain Willie and a companion journeyed westward to search for the relief train. On the evening of the third day, October 21, Willie and the relief train from Salt Lake City arrived in camp. Fires were started by men of the relief train, and food was cooked. But help came too late for some; nine persons died that first night. Food, clothing, quilts, blankets, buffalo robes, and woolen socks were distributed. Joy and happiness returned to the forlorn group, prayers were said, and that night many slept in peace.

William Kimball, who had arrived with the relief train, took over the leadership of the group. Ahmanson derisively



*Sketch of Mormons crossing the plains with handcarts from Florence, Nebraska, to Salt Lake City, Utah, 1856. This train started from Iowa City and passed through Council Bluffs. Courtesy of Council Bluffs Public Library.*

wrote of him as "the snow profit [prophet]." They broke camp October 23 in the following order, according to John Ahmanson: (1) children at the head; (2) oldsters and sick who were still ambulant came next; (3) handcarts pulled by wornout men and women (Ahmanson called them "two-wheeled hell machines devised by Brigham Young"); then the (4) wagons closing up this sad parade.

Ahmanson reported that this order of travel did not last long because many were soon behind with the handcarts, being unable to keep up with the pace set by Kimball. He also reported:

A Dane named Niels Anderson, who during most of the trip was one of the strongest and bravest in the train, had been attacked by dysentery and on this day he had failed so much that he had been placed in the group of sick but who were ambulatory, and his wife had to pull their cart alone.

She had dropped back so Ahmanson helped pull her cart, but they could not catch up with the train. About noon they caught up with her husband who was toddling along almost helpless. His wife comforted him as best she could and gave him food. They stopped to wait. Finally Captain Levi Savage of the wagons arrived with an ox-wagon, but he refused to take Anderson because he said the wagon was already overloaded. Ahmanson wrote, "After a serious exchange of words with me, and after convincing himself that Anderson was not able to walk, he let him be put in the wagon."

Ahmanson and his party did not reach the campground until two hours after dark. The last ox wagon arrived about midnight; but as several handcarts still were missing, some wagons were sent out to help them, and it was 4:30 a.m. before the last ones were in camp.<sup>15</sup> Next morning, October 24, 14 of the Saints were found frozen to death in camp, Niels Anderson among them. Two more died later that day. They were all buried in a large square grave, which, on account of the cold, had to be chopped out of the ground with axes. This spot on Willow Creek about 14 miles east of South Pass has been marked by the Mormon Church.

After resting a day they traveled on. At South Pass they met another relief train with more food. On November 2 at Fort Bridger, they found many teams and wagons that had come to help, and from here on to Salt Lake City all were able to ride. They arrived at Salt Lake City on November 9, 1856. Of 400 members of the handcart company who left Florence, 67 died on the trail, and others died after reaching Salt Lake City.

John Ahmanson's wife and son were still on the trail in the wagon train following the handcart companies. Ahmanson wrote that on December 17 he headed east met the train with his wife and child at the foot of Little Mountain where a reunion took place. This wagon train under Captains John A. Hunt and W. B. Hodgett had arrived at Devil's Gate early in November in a raging blizzard. From November 4-9 they stowed the emigrants' goods they were carrying in an old fur traders' fort at that place. They left 17 men under Dan Jones to protect the property.<sup>16</sup>

During the winter John Ahmanson became bitterly dissatisfied with Mormonism and determined to leave as soon as possible. At first he planned early in the spring to leave for California with some Danes; but on account of "terrible threats," he changed his mind and decided to travel back to the eastern states in company with a larger group. He and his family finally secured passage with a merchant train consisting of 18 wagons belonging to a Mr. Samuel Fernandes from Weston, Missouri. They left Salt Lake City April 18, 1857, and reached Leavenworth, Kansas, on July 27. Enroute, he stopped at Devil's Gate to get his belongings that had been stored there the previous winter, but he was refused.<sup>17</sup>

Ahmanson settled in St. Joseph, Missouri, but apparently kept thinking about his personal belongings being held by the Mormons and finally decided to do something about it. About two years later, in 1859, he came to Omaha, then the capital of Nebraska Territory, which then included the portion of Wyoming in which Devil's Gate is located.

He obtained John I. Redick<sup>18</sup> as his attorney and on September 1, 1859, Redick appeared before Judge Augustus Hall<sup>19</sup> of the 1st Judicial District Court and asked for an order of attachment against the property of the Mormon Church. The claim was against "Brigham Young, as the Prophet, Seer, Revelator, President & Trustee in Trust for the Mormon Church." The petition stated that in May, 1856, Ahmanson was employed by the defendant to act in the capacity of captain and interpreter of a handcart train of Mormons from Liverpool, England, to Salt Lake City, Utah, and therefore was employed by Brigham Young from May 4 to November 9, 1856. For this service John Ahmanson claimed he had owing him the sum of \$300. Ahmanson additionally claimed \$900

due him because of Devil's Gate, Nebraska Territory, in October 1856, the defendant took from him

a set of household furniture, also a cow together with books, gold rings, etc., a list of the property being attached, and this property was wrongfully withheld by the defendant and was converted to the defendant's use.

Ahmanson claimed that in June, 1857, he called on the defendant's agent, a Mr. Jones,<sup>20</sup> at Devil's Gate to retrieve his property, and Jones informed him that Brigham Young had given him orders to keep the property and not surrender it to John Ahmanson. For these goods Ahmanson was demanding \$900, his estimate of their value. Ahmanson therefore requested a judgement against Brigham Young for the total of \$1,200 plus costs of the suit. He further stated that the Mormon Church had property in Douglas County that could be attached.

A summons was issued and delivered to Douglas County Sheriff, J. C. Reeves,<sup>21</sup> to notify Brigham Young that he was being sued for \$1,200 and unless he answered by October 17 (35 days later), the petition would be taken as true and judgement would be rendered accordingly. Also on the same day an order of attachment was filed and the sheriff was ordered to

attach and safely keep the lands, tenements, goods, chattels, stock, or interest in stocks, rights, credits, moneys and effects of the defendant in the county or as much thereof as would satisfy the plaintiff's claim.

The sheriff on September 20 complied with the order by attaching a warehouse and land and the contents of what was known as the Mormon Mission.

On October 17 two attorneys for Brigham Young, E. P. Brewster<sup>22</sup> and J. R. Meredith,<sup>23</sup> filed a demurrer in District Court to Ahmanson's petition giving as their reason that the petition was improperly joined and did not state facts sufficient to constitute a cause for action.

The following spring, on March 13, 1860, E. P. Brewster, Brigham's attorney, was personally served a notice that depositions of witnesses would be taken by John I. Redick at the office of District Court Judge George Armstrong<sup>24</sup> on March 16, 1860, between the hours of 10 a.m. and 2 p.m. On that day there appeared at Judge Armstrong's office the attorneys for both Ahmanson and Young. Also present were John Ahmanson and his witnesses Peter Peterson and Samuel Fernandes, both of Platte County, Missouri.

Peter Peterson on being questioned by both the plaintiff's

and defendant's lawyers, stated he knew Ahmanson in Liverpool and traveled with him to Salt Lake and claimed Ahmanson was employed by Franklin D. Richards, one of Brigham Young's apostles, as captain from Liverpool to Salt Lake. Peterson thought the service was worth \$60 a month. He also knew of and had seen the personal property left in the cabin at Devil's Gate and thought it was worth \$900 or \$1,000.

Samuel Fernandes, in whose wagon train Ahmanson returned from Utah, said that for 10 years, he had been freighting across the plains to New Mexico and Salt Lake City. He stated that hired captains for his trains in the summer of 1856 had been paid about \$75 a month. He thought that being captain of a Mormon handcart train from Denmark to Salt Lake should be worth \$50-\$60 a month. He said he was present at Devil's Gate when Ahmanson demanded his goods, and the recognized agent of Brigham Young would not give them to him. The agent admitted that he knew the goods belonged to Ahmanson, but he had orders from Brigham Young to let no goods be taken by persons returning to the States. Fernandes said he saw the boxes in which the goods were stored, and they had Ahmanson's name on them.

John Ahmanson then testified. He said he had been employed on May 4 or 5, 1856, by Franklin D. Richards,<sup>25</sup> who was the head agent and president of the European mission of the Mormon Church at Liverpool, to take charge of the Danish company of a handcart train. He was recognized, he said, as the captain by all the agents from New York to Florence, Nebraska Territory, and on to Salt Lake. He said he thought his services while acting as captain, considering the privations and sufferings endured, were worth at least \$50-\$60 a month between May 1 and November, 1856. Ahmanson testified that in June, 1857, he demanded his property of John A. Hunt at Devil's Gate and was refused on Brigham Young's order. The following morning, he said, he took three witnesses with him and again demanded his property of Agent Hunt and was again refused. He demanded to see the property and open the boxes and trunk to take a list and determine the value of their contents in the presence of witnesses, but was refused. He reported that he never got any of the goods, and he believed Brigham Young had converted them to his own use and to that of the church. He felt the lowest value that could be placed on them would be \$900.

On June 5, 1860, there was a motion by attorneys Brewster and Meredith to dissolve the attachments on the Mormon Church property. Also in June the attorneys filed an answer wherein Brigham Young denied that he employed Ahmanson to act as captain and interpreter, and denied that he owed him \$300 or any other sum for such services. He also denied that he took any belongings from anybody at Devil's Gate in October, 1856, or that he was withholding anything from Ahmanson. Brewster and Meredith also filed depositions from Brigham Young's eight witnesses: James G. Willie, John A. Hunt, John Chislett, John Swenson, Millen Atwood, Franklin D. Richards, David O. Calder, and Hiram B. Clawson.

Immediately attorney Redick filed a motion to suppress these depositions because they had been taken without giving John Ahmanson prior notice; that they did not show where witnesses resided; that they were not remitted to the court as required by law; and that they were not sealed as required by statute; and that they were opened without the knowledge of either of the parties or by order of the court. On July 6, 1860, attorney Brewster asked the court to continue the case to the next term of court. His reason was that all of the witnesses for Brigham Young lived in Utah and there was not enough time to have their testimony retaken. The court agreed and notice was given on July 29 that the depositions of these witnesses would be taken in Salt Lake City on September 15, 1860.

Following is the background of the eight Young witnesses and a summary of their testimony.

(1) James Gray Willie<sup>26</sup> was the captain and leader of the 4th Handcart Company in which Ahmanson traveled.

(2) John Alexander Hunt<sup>27</sup> was the captain and leader of the wagon train that followed the handcart companies in which Ahmanson's wife and goods traveled.

(3) John Chislett<sup>28</sup> was a sub-captain in the 4th Handcart Company. He was in command of one of the five subdivisions known as "Hundreds." His command was similar to that of Ahmanson, who was in charge of the fifth Hundred.

(4) John Swenson<sup>29</sup> was a Scandinavian traveling in the Ahmanson Hundred from Liverpool to Iowa City. He apparently was also an independent traveler who paid his own way. From Iowa City to Salt Lake City he traveled in his own wagon in Captain Hunt's wagon train.

(5) Millen Atwood<sup>30</sup> was also a sub-captain in the 4th Handcart Company. He was captain of the first Hundred. Ahmanson stated that President Franklin D. Richards had appointed Atwood, as well as Moses Clough and John Ahmanson as the three advisors to Captain Willie for the trip to Utah.

Of these five witnesses for Brigham Young, all but Hunt knew Ahmanson from the start of the trip from Liverpool. Hunt met him in Iowa City. They all testified that the Danish travelers elected Ahmanson as their captain, that Brigham Young had nothing to do with it. They all said as far as they knew, no captain received any compensation; that the confidence of his fellow travelers and the honor of being elected was sufficient pay. Also, they said the captain was relieved of the more arduous duties, such as cleaning decks while on ship, and standing guard, hauling wood, and herding cattle while traveling overland.

They all testified that their luggage had to be left at Devil's Gate in an old fur trader's cabin because of the snow and cold and the lateness of the season. It was up to each one individually to leave his own goods and that neither Brigham Young nor any of his lieutenants had anything to do with it. They also reported that the following spring each of them went out and got his own personal belongings without any trouble. No one prevented them from getting their own goods.

(6) The sixth witness, Franklin Dewey Richards<sup>31</sup> was president and head of the European Mission. He was also in charge of putting 3,000 Mormon emigrants into ships and settling other related business. Upon the completion of this task, he was released from his European Mission and with other elders, he left Liverpool July 26. Richards and his group, traveling in carriages and light wagons, caught up with and passed the Willie company shortly after they had lost most of their oxen in the stampede. Richards promised to send back supplies from Salt Lake City to those still on the trail.

Richards reported he was an agent for Brigham Young in a church capacity but not as a ship's broker. If anyone had employed people for Brigham Young, it would have been he. He said he knew Ahmanson but he neither employed nor engaged him to work for Young, nor for himself, nor for anyone else. He stated Ahmanson was elected by a show of hands to preside over the Scandinavian emigrants to see that

they kept everything clean and in good order, and to settle differences among them. No man in that capacity, he said, ever got wages nor asked for any. He said Young had nothing to do with those companies who left goods at Devil's Gate, and that in the spring of 1857, each person made his own arrangements to get, or have brought out, his own goods.

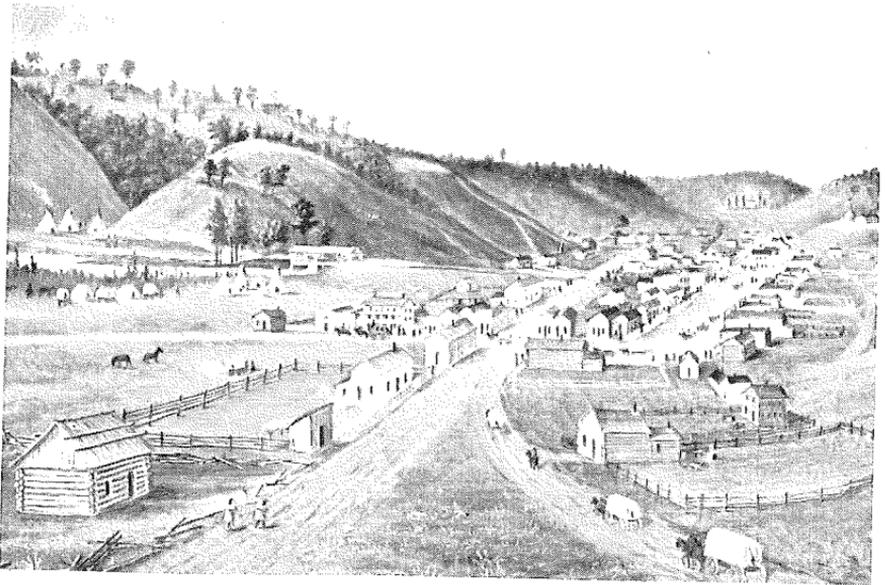
(7) The seventh witness, David Orson Calder,<sup>32</sup> reported that he did not know John Ahmanson. He said he was chief clerk for Brigham Young in his capacity of president and trustee of the Mormon Church, and that Young had never received goods or luggage belonging to John Ahmanson. He reported that since he had charge of books and business matters, he would have certainly known if any had been received. He also knew from a variety of circumstances that Young did not hold himself responsible for goods left at Devil's Gate in 1856.

(8) The last deposition was that of Hiram Bradley Clawson,<sup>33</sup> the private business agent and bookkeeper for Brigham Young. He did not know Ahmanson. He reported that Young did not receive goods in 1856 or since belonging to Ahmanson; that all goods received by Brigham Young were placed in his charge and could not have been received without his knowledge.

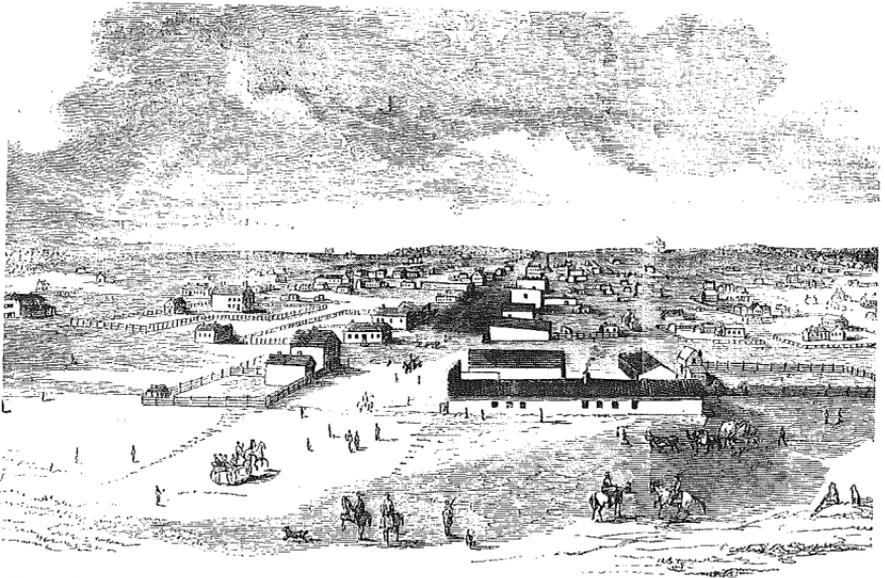
These depositions were filed with the court October 13, 1860. On November 28, 1860, the case came to trial in the District Court. Andrew J. Poppleton,<sup>34</sup> one of the members of the bar, presided in place of Judge Augustus Hall. The jury was not able to agree on a verdict, and the case was continued until the next term of court.

On October 16, 1861, Elias P. Brewster, attorney for Brigham Young, asked for a continuance to the next term of the court, because Young was in Salt Lake City. Brewster said Young would be needed as a witness, and if present could prove he was not liable. The request was denied.

On November 1 the case came to trial before Judge William F. Lockwood.<sup>35</sup> Ahmanson's attorney introduced as a witness Samuel Parks, who claimed he had known Ahmanson since 1856. He also knew Franklin D. Richards, the agent of Brigham Young and the Mormon Church in 1856. He stated that he lived in Salt Lake City for two or three years and was an elder in the Mormon Church. He claimed he had in his



*George Simons' oil painting of Council Bluffs, Iowa (formerly Kaneshville) in the early 1850s. Kaneshville, named for Thomas Leper Kane, was a station on the Mormon migration route across the Plains. Courtesy of Joslyn Art Museum, Omaha, Nebraska.*



*Omaha, capital of Nebraska Territory in the middle 1850s, from November 6, 1858 issue of Frank Leslie's Illustrated Newspaper. John Ahmanson in 1859 filed suit in Omaha for return of his property stored at Devil's Gate, Nebraska Territory (now Wyoming).*

pocket the printed (in Latin) authority of Richards. The defendant's attorney requested the court to direct the witness to produce the document, but the court refused. Parks then testified that Young and the Mormon Church were the *same thing*; that Young was the body; that his followers were the branches, numbering about 60,000 persons in 1860; and that they called Brigham their God.

John Ahmanson then testified. He said he was well acquainted with Brigham Young and had known him since 1856, that Young was the prophet and trustee in trust for the Mormon Church. Ahmanson had also known Franklin D. Richards and John A. Hunt since 1856. They, he testified, were agents of Brigham Young in a church capacity and the authority of Richards was in writing or in print; that Hunt was appointed at a meeting of the Mormon Church in Salt Lake City in the spring of 1857 to go to Devil's Gate and get the goods of the emigrants left there the fall before. There were, he testified, about 1,000 members of the church present when the appointment was made verbally by Heber Kimball. Brigham Young was present but had not commented, Ahmanson said.

Ahmanson said he first became acquainted with Richards in 1856 at Ahmanson's home in Copenhagen and that Richards was one of the apostles of the Mormon Church. He met Richards again en route to Liverpool, where Richards employed him as interpreter and captain of a handcart train from Liverpool to Salt Lake City. When Richards employed him, he told Ahmanson he was the agent of Brigham Young. Here Brigham's attorney W. A. Little, objected, stating this was all hearsay, but the court overruled the objection.

Ahmanson then recalled leaving his goods—together with equipment of others—at Devil's Gate and that when he returned in the spring he found them in the possession of John A. Hunt, who refused to give them up. Over objections of attorney Little, Ahmanson stated that Hunt, on refusing to let him have the goods, said that Young had forbidden him to give goods to emigrants returning to the States. Ahmanson then presented an itemized list of his goods with a value attached to each item.\* He finished his testimony by stating: "Brigham Young and the Mormon Church are the same thing. I know no

\*See Appendix—Schedule A

difference. He is the body of the Church and the members are the branches, and the people call him God.”

Next the depositions of Ahmanson's and of Brigham Young's witnesses were read. When Ahmanson was recalled to the stand, he stated:

I know the character and reputation of Brigham Young, James Gray Willie, John Alexander Hunt, John Chislett, John Swenson, Franklin D. Richards, Millen Atwood, David C. Calder, and Hiram B. Clawson for truth and veracity in the community in which they live, and their reputation and character in that regard is bad, and from that reputation I would not believe them under oath.

In answer to a question from attorney Redick, Ahmanson answered: “According to the teachings of the Mormon Church, its members are not allowed to testify against the Church or any of its officers, and if one of its members should so testify—according to their teachings he would lose his soul's salvation, and endanger, if not lose, his life.” This testimony in regard to the teachings of the church was strenuously objected to by attorney Little. Witness Samuel Parks was again called to the stand. He also testified that the defense witnesses were unreliable, and he would not believe them under oath.

On November 2, 1861, the jury found for John Ahmanson and awarded him \$1,297.50. On November 27 Brigham Young's attorney moved for a new trial, but his motion was overruled by the court. About two years later on August 21, 1863, Brigham Young's attorney took the case to the Nebraska Territorial Supreme Court. Finally, four years and seven months after the start of the court fight, Brigham Young and John Ahmanson came to an agreement outside the court. On April 22, 1864, the record of the District Court states: “This day came the parties in this cause by their respective attorneys and settled the same on these terms: Plaintiff Ahmanson pay all costs not already paid, and the defendant Young pay plaintiff in cash one thousand dollars and discharge judgment and costs.”

John Ahmanson continued to live in Omaha, first as a hardware merchant, then as a grocer. At the age of 40 he went to Chicago to study homeopathic medicine, then returned to Omaha to practice. He died August 17, 1891, and is buried in Prospect Hill Cemetery.

## APPENDIX

*Schedule A*—Account of property belonging to me John A. Ahmanson and of me in company with an Independent train of Emigrants, deposited at "Devil's Gate" in the winter of 1856, and when I with family in the spring of 1857 on our way to the States passed the named place where my property was deposited, it was unlawfully taken or robbed, in the presence of myself and 3 witnesses of men thereto authorized by Brigham Young the Prophet, Seer and Revelator, President & Trustee in Trust for the Mormon Church in Utah & throughout the whole world. Specified list of the property taken at "Devil's Gate":

1 coat of heavy superfine cloth	\$50	1 wool do	6
1 do do	30	6 fine linen shirts	48
1 do do	20	2 do do	7
1 do do	5	9 fine linen bosoms	9
1 pr pantaloons	15	12 do do collars	6
1 do do	15	1 large silk comfort	5
1 do do	10	4 neck handkerchiefs (silk)	10
1 waistcoat embroidered attask	15	2 pr gloves	8
1 do do	12	2 flannel shirts	3
1 do do	8	4 pr of stockings	3
2 pr of drawers	3	1 pocket handkerchief	7
2 pr of India rubber shoes	3	needle work	
		6 do do - common	3
1 pr slippers	1	1 collar with bosom &	
2 gold buttons	12	undersleeves needlework	5
2 breast pins of gold	10	3 pr undersleeves & collar	5
1 breast pin silver	2	4 pr of stockings	4
1 gold ring with stones	10	2 pr drawers	3
5 Likenesses in daguerreotype	30	2 pr gloves	4
1 Box of stationery Books	50	1 pr of Lady's boots	4
Ladies clothes etc.		4 pr linen bed sheets	32
1 Lady cloak of fine cloth	50	2 pr cotton do	6
1 do do Parametta	12	1 tablecloth needlework	5
1 double shawl of wool	15	3 do do	10
1 silk mantilla	20	9 small do	9
1 French merino dress	20	2 unfinished tablecloths &	
1 do do	15	one bedspread needlework &	
1 white dress	12	materials for same	25
1 collar & muff of fur	5	12 linen towels	10
1 parasol	5	2 tight woman's waists	2
1 do	4	Different articles of	
4 white skirts	12	baby clothes	25
		1 looking glass	3
6 linen chemise	18	2 unfinished dresses	7
2 night gowns	4	2 large embroiderings	30
12 do caps	5	4 different pieces of embroi-	
1 castor Hat	10	deries with materials	10

Different articles & materials for sewing, needlework, etc.	30	1 brass skillet	5
12 yards of sheeting	3	3 Leather trunks	30
1 looking glass	1	1 cow	25
2 coffee cups & saucers	1	Total Sum	\$900
5 pr of knives & forks	3	Weston, Mo. 21 March 1859	
		John Ahmanson	

## NOTES

1. A short biography of John Ahmanson was published in the book, *Pen Sketches of Nebraskans*, by A. C. Edmunds (Lincoln, Nebraska; R & J Wilbur, Omaha, 1871.)

2. Erastus Snow was born November 9, 1818, in St. Johnsbury, Vermont. He was a member of the original Mormon group of pioneers to go to Salt Lake, leaving Winter Quarters in April, 1846. In February, 1849, he was ordained into the Quorum of the Twelve Apostles. In October, 1849, he was sent on a mission to Denmark. He arrived in Copenhagen, June 14, 1850. He died in Salt Lake City, May 27, 1888.

3. George P. Dykes was born December 24, 1814, in St. Clair County, Illinois. He was a member of the Mormon battalion, 1846-1847. In 1849, he was called as a missionary to Great Britain. He then accompanied Erastus Snow to Denmark. He died in Zenos, Maricopa County, Arizona, February 25, 1888.

4. In his book *Vor Tids Muhamed*, Ahmanson reported that in Norway the Mormons made good progress. Many were converted. But suddenly resistance developed from the state government. Norwegian law required that all dissenters (those wanting to leave the state church) must first apply to the government. If the government decided that the sect to be joined was Christian, the request would be granted, but not otherwise. The group of Mormon elders was arrested and jailed at Frederiksstat because the theological facility to which the government presented the case decided that Mormonism was a political system which aimed to rule—a state within the state.

5. "To build their new empire" in Utah, the Mormons "realized that they would need more workers and an increased population." Accordingly they sent word to the "Saints abroad to gather to the new Zion." The general epistle issued by church leaders on December 23, 1847, stated: "We say emigrate as speedily as possible to this vicinity." *Handcarts to Zion*, the Far West and the Rockies Historical Series, 1820-1875. Vol. XIV, Arthur H. Clark Co., 21-22.

6. This fund was first used to help those on the Missouri frontier to reach Utah. Later it was used to help Mormons from Europe to migrate to Utah. During the nearly 40 years it operated, it assisted 50,000 people. *Handcarts*, 23-24.

7. The large emigration in 1855, coming at the same time as the drouth and the grasshopper plague, resulted in a strained economy and food rationing in Salt Lake City. *Ibid.*, 27-28.

8. This quotation was written in a letter dated September, 1855, from Brigham Young to Franklin D. Richards, president of the European mission. The letter was published in the December 22, 1855, issue of the *Millennial Star*, a Mormon paper published in Liverpool, England. *Ibid.*, 29-31.

9. Franklin D. Richards' remarks were published as an editorial in the *Millennial Star* of March 1, 1856. *Ibid.*, 35-36.

10. These instructions were printed in the *Millennial Star* of January 12, 1856. *Ibid.*, 39.

11. The figures are from the Latter-Day Saints Emigration Report, November 30, 1855-July 6, 1856. *Ibid.*, 46-47.

12. Information obtained from John Ahmanson's book, *Vor Tids Muhamed*, 17.

13. The quotation was by J. H. Lately, writing from Florence on August 14, 1856, and published in the *Millennial Star*.

14. John Chislett, a sub-captain reported that they entertained the idea of making winter quarters on the Elkhorn River, Wood River, or at some other location in Nebraska. The decision was finally left in the hands of the elders. There were four men in the company who had previously crossed the plains to Utah: Willie, Atwood, Savage and Woodward. Also present were William H. Kimball and George D. Grant, both elders in the church. All but Levi Savage were in favor of going on. *Handcarts*, 96-97.

15. John Chislett wrote: "There were so many dead and dying that it was decided to lie by for the day. In the forenoon I was appointed to go around the camp and collect the dead. I took with me two young men to assist me in the sad task, and we collected together, of all ages and both sexes, thirteen corpses, all stiffly frozen. We had a large square hole dug in which we buried these thirteen people, three or four abreast and three deep. Two others died during the day, making fifteen in all buried in that campground."

16. Dan Jones, one of the rescue party sent out from Salt Lake City, stayed at Devil's Gate at Seminoe's abandoned trading post to protect the emigrants' personal property that was stored there from the Hunt and Hodgett wagon trains, during the winter of 1856-1857. With him were two young men from Salt Lake City and 17 teamsters from the wagon companies.

17. John Ahmanson's personal belongings, along with property of all the others, had been stored in an abandoned trading post, built prior to 1855 by Basil Lajueness (also known as Seminoe) and abandoned before the fall of 1856. *Fort Laramie and the Pageant of the West, 1834-1890* (A. H. Clark, 1938).

18. John I. Redick was born in Wooster, Ohio. He came to Omaha in 1856, opened a law office, and was a successful trial lawyer. He died April 3, 1906, aged 79 years.

19. Judge Augustus Hall was born in Batavia, New York, on April 29, 1814. He was admitted to the bar in 1836 in Ohio. In 1844 he moved to Keosauqua, Iowa, where he became a noted trial lawyer. In December, 1857, he was appointed judge of the 1st Judicial District of the Nebraska Territory. He died in 1861, aged 47 years.

20. See Note 16.

21. J. Cameron Reeves came to Omaha in 1854 from Missouri. The latter part of that year he built a dwelling in Park Wild. Alfred Sorenson in his *The Story of Omaha*, says he was Omaha's second permanent settler. Reeves quarried and hauled limestone from A. D. Jones' quarry near 1st & Martha Streets, to both territorial capitols and other prominent early buildings. He was elected the first sheriff of Douglas County and served from 1856 through 1859. He died January 29, 1893, aged 70 years.

22. E. P. Brewster was an early lawyer in Omaha. He died January 6, 1865, aged 40 years.

23. John R. Meredith was born April 15, 1820 in Gettysburg, Pennsylvania. He located in Omaha in 1858, where he practiced law. He was one of the founders of the Presbyterian Church in Omaha. He died October 21, 1880.

24. George Armstrong was born August 1, 1819, in Baltimore, Maryland. He came to Omaha in 1855. In 1860 he was probate judge of Douglas County. He was the fifth mayor of Omaha. He was also one of Omaha's first contractors. In partnership with George C. Bovey, he built such early buildings as the territorial capitol, the first Douglas County courthouse, and the Pioneer Building.

25. Franklin Dewey Richards was born in Richmond, Massachusetts, on April 2, 1821. He was ordained a High Priest May 17, 1844, at Nauvoo, Illinois. He went to England in 1846, and presided over a mission in Scotland. In February, 1848, he led a group of Saints to Salt Lake City. On February 12, 1849, he was ordained into the Quorum of the Twelve Apostles, and in October of that year, he returned to England, where he presided over the church's affairs, and where he established the Perpetual Emigration Fund. He died in Ogden, Utah, on December 9, 1899.

26. James Gray Willie was born November 1, 1814, in Taunton, Somersetshire, England. He emigrated to the United States when 22 years old, and joined the Mor-

mon Church in February, 1842, then moving to Salt Lake City in 1847. During 1852-1856 he filled a mission in Great Britain. He returned to Salt Lake City in charge of the fourth Handcart Company. He died in Mendon, Utah, on September 9, 1895.

27. John Alexander Hunt was born May 16, 1830, in Gibson County, Tennessee. He joined the Mormon Church and moved to Utah in 1850. In 1852 he went to Great Britain to fill a Mission. He returned to Utah in 1856 and was in charge of the last wagon company to cross the plains that season, his company suffering nearly as much as the late handcart companies. In 1857 he had charge of a mail station at Devil's Gate, at the Seminoe trading post location. He died January 23, 1913, at St. Charles, Idaho.

28. John Chislett, like John Ahmanson, left the Mormon Church. He later wrote of his experiences in crossing the plains in Willie's Handcart Company.

29. The author could find no information on John Swenson.

30. Millen Atwood was born May 24, 1817, in Wellington, Connecticut. He was one of the pioneer Mormon group who went to the Salt Lake valley in 1847. Called on a mission to Europe, he left Utah on September 16, 1852. He returned to Utah in 1856, traveling with the Willie Handcart Company. He died in Utah on December 17, 1890.

31. See Note 25.

32. David Orson Calder was born June 18, 1823, in Thurso, Caithness, Scotland. He was baptised into the Mormon Church in August, 1840, by Orson Pratt. He left Scotland in 1851 and finally arrived in Salt Lake City in 1853. He was a bookkeeper for the Trustee-in-Trust of the church. He became the chief clerk in May, 1857, which position he held until December, 1867. He was territorial treasurer in 1856-1860.

33. Hiram Bradley Clawson was born November 7, 1826, in Utica, New York. After the death of his father, his mother joined the Mormon Church, and the family moved to Nauvoo, Illinois in 1841. He emigrated to Utah in 1848. He worked in the office of Brigham Young, and was soon put in charge of his entire personal business. In addition, he became a partner of a large department store. Later, he managed the church store, the ZCMI.

34. Andrew J. Poppleton was born July 24, 1830, on a farm in Tray Township, Oakland County, Michigan. He came to Omaha in 1854, where he opened a law office. He later became general attorney for the Union Pacific Railroad, a position he held for 24 years. He died September 24, 1896.

35. William F. Lockwood was born April 1, 1822, in Norwalk, Connecticut. He studied and practiced law in Ohio before moving to Omaha in 1856. In 1857 he moved his law office to Dakota County. In 1861, he was appointed associate justice of the Territorial Court for the Third Judicial District. He held the position until 1867, when Nebraska became a state. Shortly after, he returned to Ohio. He died on February 9, 1901, in Sandusky, Ohio.