
Mortal Enemies: Mormons and Missourians 1839–1844

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Introduction

THE MORMONS AND Missourians were unable to disengage from the hatred that would define their 1838 conflict in Missouri. And the Mormon attempt to obtain redress from Missouri in Washington the following December would bring only disillusionment as President Martin Van Buren said he had no power to intervene in their behalf, and a Congressional Judiciary Committee would deny their petition for redress three months later. As the Mormons believed the Constitution was inspired by God with the president and Congress as its caretakers, this official dereliction of federal duty would be taken by the Mormons as complicity in their persecution.

The post-Missouri gathering of the Mormons in Illinois was massive. While becoming more and more insular, they nevertheless welcomed the non-Mormon adulation that politicians heaped upon them to obtain their votes. These dichotomies would have dire consequences.

The Missourians wanted to put their Mormon experience behind them but could not do so because of the continuing barbarous accounts by the Mormons of murders of unarmed men and children. Missouri officials and Mormons alike denied contributing to the recent conflict, as both felt the need to defend their honor against what they considered to be lies made by a dishonorable people. Governor Lilburn Boggs would initiate an extradition attempt for Joseph Smith, and Governor Thomas Reynolds would aggressively try several times to get Illinois governors Thomas Carlin and Thomas Ford to return Smith to Missouri for punishment.

Missouri's efforts to reclaim Smith were unsuccessful both because provisions in the Nauvoo Charter made extradition difficult and because the actions of Democrats Stephen A. Douglas and Thomas Ford prevented extradition, albeit for different political reasons.

The most dramatic extradition attempt came in June 1843 when Smith and his family were visiting with Emma's sister, Elizabeth Hale Wasson, near Dixon, Illinois, in Lee County, over 150 miles northeast of Nauvoo. After being arrested by a Missouri sheriff and a sheriff from Carthage, Illinois, Smith managed to obtain a writ of *habeas corpus*, which prevented a swift extradition. He also engaged the services of Cyrus Walker, a highly capable Whig lawyer who was campaigning nearby for the United States Congress. Desperation led to a "Devil's bargain" in which Smith promised Walker his vote in the August 1843 election in exchange for his legal defense. Politicians of both parties believed this promise guaranteed the Mormon vote to the Whig candidate. The trial was adjudicated before the Nauvoo municipal court, and after a three-hour speech by Walker, Smith was released from custody. After Governor Ford was pressured to use the Illinois militia to capture Smith, a deal was made by a Ford representative and a leading Hancock County Democrat that the militia would not be used if the Mormons voted for Walker's democratic opponent Joseph P. Hoge. On August 6, 1843, Smith told the assembled Mormons he would keep his promise and vote for Cyrus Walker. He explained, however, that his brother Hyrum had a testimony that the Mormons should vote for Joseph Hoge and advised that Hyrum's spiritual enlightenment be followed. The Mormon vote propelled Joseph Hoge to victory in the election.

This article will document the hateful relationship between the Mormons and Missourians from April 1839, when Joseph Smith and his companions left Liberty Jail, until the suicide of Missouri Governor Thomas Reynolds in February 1844. But this clash of cultures is only part of the story. The pandering by the Democrats and Whigs for Mormon votes is equally important.

* * *

The four-month incarceration in Liberty Jail ended on April 6, 1839, when Joseph Smith, Lyman Wight, Caleb Baldwin, Hyrum Smith, and Alexander McRae begin a two-day walk under tight security to Gallatin, Missouri, to undergo a preliminary investigation. Judge Austin A. King and the anti-Mormon jury were portrayed in the LDS *History of the Church* as "being drunk together."¹ Historian Alex Baugh described the twenty men who composed the grand jury as "a sad group of frontier characters," three of whom had participated in the Hawn's Mill massacre the previous October 30.² The trial judge was Thomas C. Burch, who had prosecuted the

1. See the accusation that both the grand jury and Judge Austin A. King were drunk and disorderly in Joseph Smith, et al, *History of the Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 7 vols., 2d ed. rev. (Salt Lake City: Deseret Book, 1978), 3:309–10. Cited hereafter as Smith, *History of the Church*.

2. Alex Baugh, "We Took a Change of Venue to Illinois': The Gallatin Hearing and the Escape of Joseph Smith and the Mormon Prisoners, from Missouri, April 1839," in Susan Easton Black and Richard E. Bennett, eds., *A City of Refuge: Quincy, Illinois* (Salt Lake City: Millennial Press, 2000), 37.

Richmond hearings³—his objectivity was questioned by the Mormons. Apparently Burch was aware that the Missouri legislature, at the urging of Mormon lawyers,⁴ had granted the Mormons a “petition changing venue to Boone County.” Nevertheless, the investigation continued with the Mormons being indicted for “murder, treason, burglary, arson, larceny, theft, and stealing.” After the indictments were presented, the court complied with the “legislative directive” and turned the Mormon prisoners over to the Daviess County sheriff for transfer to Boone County.⁵

The Mormons left Gallatin on April 12 under the supervision of Daviess County sheriff William Morgan and guards William Bowman, John Brassfield, John Pope, and Wilson McKinney. The Mormons were in a two-horse wagon with the guards mounted on horseback. On the evening of April 16 near Yellow Creek in Chariton County, it became apparent that the prisoners would be allowed to escape. Joseph Smith said: “The second evening after our departure the guard got intoxicated, we thought it a favorable opportunity to make our escape.”⁶ Historian Donna Hill reconstructed the chain of events and said, “the sheriff showed them the mittimus, which was made without date or signature. He said he had been told not to show it and never to reach Boone [County].”⁷ Lyman Wight, in an affidavit presented to the Nauvoo municipal court on July 1, 1843, said Sheriff Morgan showed him the mittimus and explained it “had neither day or date to it, and said the inhabitants of Daviess county would be surprised that the prisoners had not left them sooner; and said he, ‘By G—, I shall not go much further.’” Wight added “the guards took a spree, [drinking] while the balance helped us to mount our horses, which we purchased of them, and for which they were paid.”⁸ In the same venue, Hyrum Smith testified he was also shown the unsigned and undated mittimus and was told by Sheriff Morgan that Judge Birch never told him to deliver the captives to Boone County. After Morgan said he was going to bed, he added: “you [Mormons] may do as you have a mind to.”⁹

3. See Stephen C. LeSueur, “‘High Treason and Murder’: The Examination of Mormon Prisoners at Richmond, Missouri, in November 1838,” *BYU Studies* 26, no. 2 (Spring 1986): 3–30.

4. See Roger D. Launius, *Alexander William Doniphan: Portrait of a Missouri Moderate* (Columbia: University of Missouri Press, 1997), 70.

5. Edwin Brown Firmage and Richard Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830–1900* (Urbana, Illinois: University of Illinois Press, 1988), 77.

6. “Extract. From the Private Journal of Joseph Smith Jr.,” *Times and Seasons* 1, no. 1 (November 1839): 7. Also cited in Karen Lynn Davidson, David J. Whittaker, Mark Ashurst–McGee, and Richard L. Jensen, eds., *Histories, Volume 1: Joseph Smith Histories, 1832–1844* (Salt Lake City: Church Historian’s Press, 2012), 483.

7. Donna Hill, *Joseph Smith: The First Mormon* (Midvale, UT: Signature Books, 1977), 255.

8. “Testimony of Lyman Wight,” Smith, *History of the Church* 3:449.

9. “Testimony of Hyrum Smith.,” *Ibid.* 3:423. Mark A. Scherer, *The Journey of a People: The Era of Restoration, 1820–1844* (Independence, MO: Community of Christ Seminary Press, 2013), 337, wrote: “No one knows whether they actually escaped or were simply released. But Joseph Smith III, in his memoirs, recalled a visit from

According to the 1882 *History of Daviess County, Missouri*, Sheriff Morgan and ex-Sheriff Bowman were brutalized by citizens of Gallatin after they reported the prisoners had escaped. Believing the Mormons had paid for their release, they “rode the sheriff on a rail and Bowman [was] dragged over the square by the hair of his head.”¹⁰ Significantly, Sheriff Morgan filed a statement that on July 6, 1839, that Joseph Smith and the four other Mormons had escaped without his “connivance consent or negligence.”¹¹ Historian Roger Launius concluded the fact that the Mormons had not been pursued lent “credence to the idea that state officials allowed them to get away, ending the whole unpleasant episode.”¹² Historian Robert Bruce Flanders also acknowledged that the Mormons had been allowed to escape but profoundly added that the act should not “be confused as a grant of amnesty.”¹³

After six days, the five “escapees” safely arrived at Quincy, Illinois. They arrived as area residents were conducting a program of humanitarian relief to provide, food, clothing, shelter, and employment for the many traumatized and desperate Mormons who had recently been driven from Missouri.¹⁴ Within days of Joseph Smith’s April 22nd arrival, the process of land purchase began. By September 1839 the Mormons had settled a beautiful area on a horseshoe bend in the Mississippi River some fifty-seven miles north of Quincy. The tiny settlement, located near the head of the Des Moines rapids, would soon be renamed Nauvoo. Hancock County had roughly five thousand residents at the time the Mormon refugees began arriving. Robert Flanders described the area as “on the road to nowhere and stagnant.”¹⁵ Historian Donald Q. Cannon explained that by the end of 1839 the Mormons “had successfully fled from

two men at Nauvoo, Illinois, who demanded eight hundred dollars and the replacement of a horse as payment for the escape, suggesting the prisoners had bribed the guards.” See Alex Baugh’s convincing account in “We Took a Change of Venue to Illinois,” 42–48, that the Mormons negotiated a monetary settlement with the guards. Ebenezer Robinson in “Items of Personal History of the Editor,” *Return* 2, no. 4 (April 1890): 243, remembered “a few weeks” after the arrival of Joseph and Hyrum Smith at Quincy, Illinois, he witnessed “the sheriff at Quincy, making Joseph Smith, jr., a friendly visit, and received pay for the horses.”

10. *The History of Daviess County, Missouri* (Kansas City: Birdsall and Dean, 1882), 206.

11. Statement of William Morgan in Stanley B. Kimball, “Missouri Mormon Manuscripts in Selected Societies,” *BYU Studies* 14, no. 4 (Summer 1974): 470–72.

12. Launius, *William Alexander Doniphan*, 71.

13. Robert Bruce Flanders, “Dream and Nightmare: Nauvoo Revisited,” in F. Mark McKiernan, Alma R. Blair and Paul Edwards, eds., *The Restoration Movement: Essays in Mormon History* (Independence, MO: Herald House, 1979), 143. For an overview of how Missourians justified the expulsion of the Mormons, see Leland H. Gentry and Todd M. Compton, *Fire and Sword: A History of the Latter-day Saints in Northern Missouri, 1836–39* (Salt Lake City: Greg Kofford Books, 2011), 485–546.

14. Articles in Black and Bennett, *A City of Refuge: Quincy, Illinois*, are excellent on the Mormon exodus from Missouri and on their acceptance and assistance by the compassionate people in the greater Quincy, Illinois area.

15. Flanders, “Dream and Nightmare,” 153.

Missouri, identified a location for gathering in Illinois, purchased land, organized the Church in the area and constructed several buildings.”¹⁶

The thousands of Mormons who flocked to Nauvoo were essentially from the northern states. Thus, their establishment of a theocratic society was foreign to the “old settlers” who were imbued with the Jacksonian philosophy of political and religious independence. Robert Flanders explained that frontier settlers did not like large-group immigration, as it often led to “provincial and parochial distinctions.”¹⁷ In this sense, the population the Mormons encountered in Illinois’s Hancock and Adams Counties as well as the Iowa Territory would have been suspicious, as rumor and printed matter had labeled the newcomers as religious fanatics. When many non-Mormons encountered the Mormon post-Missouri insularity, their fears became realized. Such religious and cultural differences on the frontier invited conflict. Historian Susan Easton Black has reported that the Nauvoo population grew from 100 in 1839 “to about 4,000 in 1842, rose to about 12,000 in 1844, and stood at about 11,000 in 1845.”¹⁸

It was in this initial period of draining swamps, confronting poverty and sickness, keeping the church financially solvent, and supervising the building of the new Mormon community that Joseph Smith felt the necessity to obtain redress from the state of Missouri. Historian Richard Lyman Bushman said that Smith wanted to stimulate the federal government to “conduct an inquiry and judge for itself” on the Mormon question¹⁹ since the Mormons believed that the Constitution had been inspired of God and guaranteed protection to all citizens.²⁰

A considerable portion of the letter written by Joseph and Hyrum Smith, Lyman Wight, Caleb Baldwin, and Alexander McRae in Liberty Jail, on March 20, 1839, would not be printed in sections 121–123 in the LDS D&C. In this excluded portion the Constitution would be referred to in endearing terms as “a glorious standard” that was “founded in the wisdom of God.” Accordingly, many Mormons reasoned that the United States Government, the administrators of the document, would compel Missouri officials to redress their losses. Their intent was signaled by the suggestion in LDS D&C 123:1–5 that the Mormons assemble “knowledge of all the sufferings and abuses put upon them by the people of this State [Missouri],” to include both personal losses and libelous publications.”²¹

16. Donald Q. Cannon, “The Founding of Nauvoo,” in Larry C. Porter and Susan Easton Black, eds., *The Prophet Joseph Smith: Essays on the Life and Mission of Joseph Smith* (Salt Lake City: Deseret Book, 1988), 250.

17. Robert Bruce Flanders, *Nauvoo: Kingdom on the Mississippi* (Urbana: University of Illinois Press, 1975), 19–21.

18. Susan Easton Black, “How Large Was the Population of Nauvoo?,” *BYU Studies* 35, no. 2 (1995): 93.

19. Richard Lyman Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 390.

20. See LDS D&C 101:77–80 and RLDS D&C 98:10e–h.

21. Smith, *History of the Church*, 3:302.

The first number of the *Times and Seasons*, edited by Don Carlos Smith and Ebenezer Robinson at Commerce (later named Nauvoo), contained an excerpt from Joseph Smith's journal which blamed "the authorities" of Missouri for persecution of the Mormons and maintained: "the blood of the innocence, even of *children*, cry for vengeance upon them." Smith rhetorically asked if the citizens "of this vast republic" would tolerate "the hearts of widows, orphans and patriots, to be broken, and their wrongs left without redress?" Responding in the negative, he invoked the "genius" of the constitution to awaken American patriotism "to stop this unlawful and unholy procedure; and pray that God may defend this nation from the dreadful effects from such outrages."²²

Joseph Smith, Sidney Rigdon, Elias Higbee, and Orrin P. Rockwell left Nauvoo on October 29, 1839, for Washington "to lay before the Congress of the United States, the grievances of the Saints while in Missouri."²³ Dr. Robert D. Foster joined the group in route and nursed Rigdon, who was ill with malaria. He and Rockwell would remain in Ohio with Rigdon while Smith and Higbee hastened to Washington. Arriving on November 28, the two obtained their short audience with President Martin Van Buren the following day. The standard account, an excerpt from a December 5 letter by Joseph Smith and Elias Higbee to church leaders, reported president Van Buren saying, "what can I do? I can do nothing for you,—if I do anything, I shall come in contact with the whole State of Missouri."²⁴

While Smith was seeking redress, the serialized publication of Parley P. Pratt's "A History, of the Persecution, of the Church of Jesus Christ, of Latter Day Saints in Missouri" began in the December *Times and Seasons*. It would be the lead item in monthly issues through October 1840.²⁵

Departing Washington on December 21, Smith traveled to visit the Mormons in Philadelphia, leaving Elias Higbee to carry on the battle in Washington. With the assistance of Illinois senator John Young, Higbee was able to argue the Mormons' case before a joint committee of senators and representatives. His effort was vigorously counterattacked by the Missouri members of Congress, who blamed the disturbances on the Mormons. Using the issue of "state's rights," this counterargument

22. "Extract From the Private Journal of Joseph Smith Jr.," *Times and Seasons* 1, no. 1 (November 1839): 9, emphasis retained.

23. See Clark V. Johnson, ed., *Mormon Redress Petitions: Documents of the 1833–1838 Missouri Conflict* (Provo, UT: Religious Studies Center, Brigham Young University, 1992).

24. Joseph Smith Jr. and Elias Higbee to Hyrum Smith and High Council, December 5, 1839, LDS Church History Library, Salt Lake City, Utah. Firmage and Mangrum, in *Zion in the Courts*, 81, said, "But from the time of *Barton v The Mayor and City Council of Baltimore* in 1833 (US 32:243), the Supreme Court held that the Bill of Rights, including the First Amendment, was a limitation only upon the Federal Government. Van Buren's forbearance, therefore, was constitutionally sound."

25. See Todd Compton's examination of Pratt's History in *A History of the Latter-day Saints in Northern Missouri*, 569–70.

dashed Mormon hopes for redress. The Judiciary Committee thus ruled against the Mormons on March 4 and advised that they seek redress instead in Missouri courts.²⁶

Historian Marvin S. Hill has said that the Mormons' failure to obtain concessions from federal officials made the Mormons believe they were "culpable."²⁷ Historian Kenneth W. Winn has added: "Members of the church became obsessed with the wrongs they had suffered, and in their circumscribed world, their sense of injury remained ever fresh, reverberating from the pulpit to the flock and back again, coloring all of their subsequent thought and action."²⁸

Smith arrived back at Nauvoo on March 4.²⁹ Venting his frustration, he complained that "personal clamor and personal aggrandizement" had characterized the politicians he encountered in Washington. Concerning Van Buren, he said, "may he never be elected again to any office of trust or power." He added that "visions of the Almighty" foretold "the end of this nation" if it continued to abuse its citizens.³⁰ On April 7, the second day of general conference, a resolution was passed which defiantly proclaimed that the actions of the judiciary committee were unconstitutional and subversive.³¹

In late April a visitor from Montrose, Iowa, presumably David W. Kilbourne,³² was given a tour of Nauvoo along with a personal interview with Joseph Smith. He reported on the encounter as follows:

Before he had heard the story of our wrongs, said the indignant Prophet, Mr. Van Buren gave us to understand that he could do nothing for the redress of our grievances, lest it should interfere with his political prospects in Missouri. He is not as fit, said he, as my dog, for the chair of state; for my dog will make an effort to protect his abused and insulted master, while the present chief magistrate will not so much as lift his finger to

26. See Firmage and Mangrum, *Zion in the Courts*, 80–83; Marvin S. Hill, *Quest for Refuge: The Mormon Flight from American Pluralism* (Salt Lake City: Signature Books, 1989), 101–3 and Scherer, *The Journey of a People*, 372–74.

27. Hill, *Quest for Refuge*, 103.

28. Kenneth H. Winn, *Exiles in a Land of Liberty: Mormons in America, 1830–1846* (Chapel Hill: The University of North Carolina Press, 1989), 156.

29. Elias Higbee wrote Joseph Smith on February 26 that the Judiciary Committee had rejected the Mormon petitions and decreed: "redress can only be had in Missouri." Smith, *History of the Church*, 4:88.

30. *Ibid.*, 4:89.

31. *Ibid.*, 4:107.

32. David Wells Kilbourne (1803–75) platted the town of Montrose in 1837, ran a general store, was a Justice of the Peace, was affiliated with a New York company in selling land and was postmaster. His anti-Mormon letters in period newspapers and a biography by a son provide valuable insight into the Nauvoo period. See biographical statement by Warren A. Jennings and several letters about the Mormons in "Two Iowa Postmasters View Nauvoo: Anti-Mormon Letters to the Governor of Missouri," *BYU Studies* 11, no. 3 (Spring 1971): 275–91.

relieve an oppressed and persecuted community of freemen, whose glory it has been that they were citizens of the United States.

Although the article gave valuable insight on the expansion of Nauvoo, it acknowledged the disturbing reality the Mormons “hold in their hands a fearful balance of political power,” which, if misused, would: “surround our institutions with an element of danger, more to be dreaded than an armed and hundred-eyed police.”³³

Even as Smith was dealing with his disappointments, trouble was brewing in the Mississippi River “bottoms” some eight miles below Warsaw where it was alleged that a discovered cache of stolen property had been stolen by Mormons from Missourians. Missourians staked-out the site and captured Mormons Alanson Brown, James Allred, Benjamin Boyce, and Noah Rogers on July 7 as they approached the area. They were taken to Tully, Lewis County, Missouri, where they were “beaten, humiliated, and temporarily incarcerated.”³⁴

In retaliation, the furious Mormons drafted preambles and resolutions on July 13 alleging that Missourians had not “slaked their thirst for blood and plunder” and were determined to resume their course of persecution. Governor Lilburn Boggs was blamed for banishing “unofening thousands” without trial or evidence. Unidentified Missourians were charged with “sending their gangs of murdering banditti, and thieving brigands, to reak further vengeance and satisfy their insatiable cupidity.” These accusations included the charge that the Missourians were returning to their previous strategy of concealing property and maintaining it was stolen by Mormons.³⁵ The protests were sent to Illinois governor Thomas Carlin with the request that he intervene in their behalf with Governor Boggs of Missouri.³⁶

The *Quincy Whig* not only printed the minutes of the Mormon meeting, preambles and resolutions, but editor Sylvester M. Bartlett³⁷ also editorialized that three of the Mormons were actually hunting horses when they accidentally encountered

33. “A Glance at the Mormons,” *Boston Courier* 14 (July 16, 1840), “From the Alexandria Gazette,” no copies of the *Gazette* are extant. Republished in *The North American and Daily Advertiser* 2 (July 22, 1840): 1, Philadelphia; *The Friend: a Religious and Literary Journal*, July 25, 1840; *The Sun*, July 28, 1840, New York City; *Supplement to the Courant* 6 (August 29, 1840): 139–40, Hartford Connecticut; and the *Quincy Whig* 3, no. 25 (October 17, 1840): 1, no. 25, Quincy, Illinois.

34. See July 13, 1840 affidavits of Alanson Brown and James Allred in *Times and Seasons* 1, no. 9 (July 1840): 141–42, for representative denials of the kidnapped Mormons.

35. Untitled, *Times and Seasons* 1, no. 9 (July 1840): 142–43. This was reprinted under the heading: “Public Meeting at Nauvoo,” in the *Quincy Whig* 3, no. 12 (July 18, 1840): 2.

36. Smith, *History of the Church*, 4:159–60.

37. Sylvester M. Bartlett was editor for a Galena, Illinois, newspaper before becoming editor of the *Quincy Whig* in mid-1838, remaining so until his death in 1851. An 1882 Quincy history stated: “Mr. Bartlett was a practical printer, and as editor soon attained the highest rank, for both courage and talent. He is remembered by the old Whigs of the County with undying affection.” His editorials reflected his fierce conservative beliefs. See Henry Asbury, *Reminiscences of Quincy, Illinois—Containing Historical Events, Antecedents, Matters Concerning Old Settlers, and Old Times Etc.* (Quincy, IL: D. Wilcox and Sons, Printers, 1882), 75.

the Missourians. One of the Mormon “victims” was described as a “very respectable old gentleman, whose gray hairs should have protected him from insult.” Bartlett graphically described the torture administered to the Mormons and added that he was encouraged by reports that Governor Carlin would ask the Missouri governor to extradite the kidnappers to Illinois for judgment.³⁸

In essence, Bartlett, a Whig editor, was attacking the democratic governor of Missouri and asking the democratic governor of Illinois to intervene in favor of the Mormons whose votes the Whigs were coveting. Such behavior was not unusual in mid-nineteenth-century Illinois. Charles M. Thompson, an expert on early Illinois politics, has written that newspapers of the era were not successful if they were moderate in pursuing their political agendas. Editors, according to Thompson, “espoused or opposed issues with unreasonable vehemence and abused and slandered when occasion required.”³⁹ The Mormons were yet to feel the full wrath of the Illinois newspaper fraternity.

In a July 24 letter to Governor Boggs of Missouri by several individuals from Tully, including probable kidnapper H. M. Woodyard, alleged that Smith taught that “it was proper to steal from the Missourians and that he would even recommended it until they had recovered as much as they lost which amounted to \$300,000.”⁴⁰ An undated letter submitted by “Many Citizens of Tully” published in the *Quincy Whig* justified the harsh treatment of the Mormons because they were said to be thieves. Maintaining that they “know nothing” about the kidnappings and torture, the letter authors nonetheless alleged that Smith had said, “in [the] presence of our citizens . . . that he authorized stealing from them.”⁴¹

Within months Alanson Brown, one of the kidnapped Mormons, was accused by the Mormons of being a “notorious” thief and was driven from Nauvoo.⁴² Although the authors found no specific evidence documenting that the three other kidnapped Mormons were thieves, J. Christopher Conkling, in *A Joseph Smith Chronology*, acknowledged that Brown was a thief and implied that some of the others may also have been stealing from the Missourians: “At this time there was a crime wave along the banks of the Mississippi, and many criminals would join the church

38. “Gross Outrage,” *Quincy Whig* 3, no. 12 (July 18, 1840): 2.

39. Charles M. Thompson, “Elections and Election Machinery in Illinois 1818–1848,” *Journal of the Illinois State Historical Society* 7, no. 4 (January 1915): 380.

40. H. M. Woodyard and others to Lilburn W. Boggs, July 24, 1840. Missouri Historical Society Library, Independence [sic; St. Louis], Missouri. Cited in Kenneth W. Godfrey, *Causes of Mormon Non-Mormon Conflict in Hancock County, Illinois, 1839–1846*, PhD diss., Brigham Young University, 1967, 157.

41. “The Tully Affair,” *Quincy Whig* 3, no. 13 (July 25, 1840): 2–3.

42. After the furor over the kidnappings had subsided, Alanson Brown was discovered by the Mormons and driven from Nauvoo for stealing. See “Beware of Thieves,” *Times and Seasons* 2, no. 4 (December 15, 1840): 256. Brown was later jailed in Brown County for stealing. After breaking jail, he stole a horse in Fulton County and was rearrested in McDonough County. See “Brown the thief,” *Warsaw Signal* 2, no. 24 (September 3, 1845): 2.

as a cover. When the four Mormons are kidnapped, Joseph protests loudly to Governor Carlin about Governor Boggs of Missouri. However, when the supposed theft is investigated, the cache of goods is found to be entirely too large to be a frame-up the Mormons had claimed it was, and Governor Carlin begins to act less favorable towards the Saints.”⁴³

With the Mormons in “crisis mode,” Smith had to determine how his followers should vote in the upcoming August 2, 1840 election since Hancock County races would determine who would serve as county commissioner, sheriff, and state representative. Hancock County historian Thomas Gregg has stated that Joseph Smith had several hundred votes under his control, and his political favor was sought by both parties. However, their recent treatment by the Democratic administrations in Missouri and Washington made the abandonment of the Democrats for the Whigs an easy choice. As a result, the Whig ticket for county commissioner, sheriff, coroner, and state representative swept into office on the backs of the Mormon vote. As a harbinger of future political conflict, Smith intervened to have Martin Hopkins of Fountain Green replaced by John F. Charles of Carthage in the election for state representative. According to Gregg, “the autocrat at Nauvoo had declared he wouldn’t support him.”⁴⁴ Whig John T. Stuart was elected to the Twenty-Seventh Congress for the Third District, comprising Hancock and twenty-nine other counties. The Hancock vote was 1,725 for Stuart, 523 for Ralston.⁴⁵

Simeon Francis,⁴⁶ the Whig editor of the *Sangamo Journal* at Springfield, Illinois, wrote in his August 7 issue: “We readily give place below to the proceedings of a public meeting held at Nauvoo[,] Hancock County.” He referred to the kidnappings by Missourians as an “inhuman outrage” and said that three of the Mormons were simply hunting horses when they were captured. He graciously referred to the other Mormon as “a very respectable gentleman” and described how three captives were whipped until they confessed, “to save their lives.”⁴⁷

43. J. Christopher Conkling, *A Joseph Smith Controversy* (Salt Lake City: Deseret Book, 1979), 144.

44. Thomas Gregg, *History of Hancock County, Illinois together with an Outline History and a Digest of State Laws* (Chicago: Chas. C. Chapman & Co., 1880), 272. Susan Sessions Rugh explained in “Conflict in the Countryside: The Mormon Settlement at Macedonia, Illinois,” *BYU Studies* 32, nos. 1–2 (Spring 1992): 158, Hopkins, an owner of the general store, selected by the Fountain Green community, was pressured by “party leaders” to withdraw from the race for state representative. She then stated: “One does not have to guess how Hopkins’s townspeople felt about Joseph’s control of the local political scene.”

45. Theodore Calvin Pease, *Illinois Election Returns 1818–1848* (Springfield: Trustees of the Illinois State Historical Library, 1923), 122. George R. Gayler, in “The Mormons and Politics in Illinois 1839–1844,” *Journal of the Illinois State Historical Society* 49, no. 1 (1956): 48–66, provided an overview of how Mormon bloc voting contributed to conflict in Hancock County.

46. Simeon Francis is best known for being a personal friend and supporter of Abraham Lincoln and a fiercely competitive Whig. See [No author], *History of Sangamon County, Illinois* (Chicago: Inter-State Publishing Co., 1881), 214–17.

47. “Another Outrage upon the Mormons,” *Sangamon Journal* 9 no. 39 (July 31, 1840): 2.

The September 12 *Quincy Whig* stated that an Illinois officer had successfully delivered a demand to Boggs to extradite the Tully kidnappers to Illinois and that Boggs had agreed to turn an unknown number over to Illinois officials.⁴⁸ According to this account, Carlin met with Boggs's representatives on Sunday, September 6, and agreed to "give up Messers. Smith and Rigdon, to the Missouri authorities." Bartlett, the *Quincy Whig* editor, blasted the two democratic governors for "the fine scheme between them." He opined that the Missouri governor "is perfectly willing to give up the Tully rioters, to be tried by our laws, if in return, the Governor of Illinois, will surrender up two citizens of this State, to be sacrificed by a Missouri mob." He further stated that even if Boggs protected them:

The prejudices against their Society, originating in foul injustice and official persecution, so deeply affect the minds of the people of Upper Missouri, that a trial for crimes alleged against them, would be a mere mockery—a farce. Their cases are all *pre-judged*. Even if tried and acquitted, the mob would not leave them to go harmless from the State. Under this view of circumstances, the Governor should have reflected more than *two hours* before he consented to give up Smith and Rigdon. If he gives them up, he gives them up as *victims* for a sacrifice, and their families will see them no more.⁴⁹

An untitled article in the September 1840 *Times and Seasons* explained that Boggs "made a demand on Governor Carlin of Illinois, for J Smith, jr. S. Rigdon, L. Wight, P. P. Pratt, Caleb Baldwin, and Alanson Brown, as fugitives from justice." After Carlin ordered the arrest of these men, this account simply said that the Mormons "were gone from home, and the Sheriff returned, of course, without them." After excoriating the Missourians, the article concluded with this statement:

He [Boggs] has no business with them, they have not escaped from justice, but from the hands of a cursed, infuriated inhuman, set, or race, of beings who are enemies to their country, to their God, to themselves and humanity.—They loath Christianity and despise the people of God, they war against truth and inherit lies; virtue they tread under their feet, while vice with their ten thousand offsprings is their welcome associate, therefore, men on whom Missouri has no claim she cannot no she *never shall* HAVE.⁵⁰

Jeffrey Walker, a historian on the early Mormon use of *habeas corpus*, explained the warrant, not being served, was "consequently returned to Governor Carlin."⁵¹

48. In "Missouri and Joseph Smith," *Times and Seasons* 4, no. 16 (July 1, 1843): 243, John Taylor editorialized: "When a demand was made upon the Governor of Missouri, by Governor Carlin of this State for the persons who kidnapped several Mormons, were they given up by that State? No."

49. "The Mormons," *Quincy Whig* 3, no. 30 (September 12, 1840): 2, emphasis retained.

50. Untitled, *Times and Seasons* 1, no. 11 (September 1840): 169–70, emphasis retained.

51. See explanation of Missouri charges against these men in Jeffrey N. Walker, "Habeas Corpus in Early Nineteenth-Century Mormonism: Joseph Smith's Personal Bulwark for Personal Freedom," *BYU Studies Quarterly* 52, no. 1 (2013): 34–36.

In an undated message in the same number of the *Times and Seasons*, John C. Bennett, an opportunist who had helped the Mormons secure the Nauvoo Charter and who was briefly mayor, major general in the Nauvoo Legion and member of the Mormon hierarchy, savagely attacked Lilburn Boggs for attempting to extradite Smith and his companions. After calling Boggs's father "the devil," his complaints against the Missourians included allegations that Mormon women had been violated and that children had been shot and scalped. Bennett added that, "Missouri has too long bathed her hands in crimson gore, and drank the blood of the innocent" and warned, "the avenging of blood will not be procrastinated—for her plains shall be bleached with the bones of the slain and her rivers flow with blood, before another massacre will be suffered."⁵²

On October 4 at general conference, steps were initiated that would provide the Mormons a legal barrier to prevent extradition to Missouri. A motion was accepted "to draft a bill for the incorporation of the town of Nauvoo, and other purposes." Joseph Smith, John C. Bennett, and Robert B. Thompson were designated as a committee to implement the motion, and Bennett was appointed "delegate, to urge the passage of said bill through the legislature."⁵³

On November 2 the Mormons voted as a bloc for Whig William Henry Harrison in the presidential election. Historian George R. Gayler has explained that the Mormon gathering had pushed the Hancock county vote total to 1,976. Martin Van Buren received 624 votes compared to William H. Harrison's 1,352 votes.⁵⁴ Social historian Annette P. Hampshire has written that this use of political muscle left some non-Mormons with "a sense of outraged powerlessness."⁵⁵

Lilburn Boggs addressed the Missouri Legislature on November 17, 1840—his final day as governor—and used the opportunity to condemn the Mormons and cleanse his own reputation. He acknowledged that "the unpleasant difficulties" were over, as the "infatuated and deluded sect" had left the state. He acknowledged that his state now stood condemned because of the Mormons' allegations:

Industriously propagated throughout the Union, the most exaggerated details of our difficulties and the foulest calumnies against our citizens. In some of our eastern cities, missionaries of their creed were employed daily in making converts to their cause by proclaiming the cruelty which they alleged they had endured at the hands of our authorities. The report of our alleged barbarities has not been confined to our union, but even at this day in Europe they are made the ground work of proselyting, and their

52. "For the Times and Seasons. Burglary! Treason !! ARSON !!! Murder !!!," *Times and Seasons* 1, no. 11 (September 1840): 165–67, emphasis retained.

53. Smith, *History of the Church*, 4:205.

54. Gayler, "The Mormons and Politics in Illinois," 50–51.

55. Annette P. Hampshire, *Mormonism in Conflict: The Nauvoo Years* (New York: Edwin Mellen Press, 1985), 64–65.

orators have it to their interest to distort the facts into a persecution, which in every religious excitement that has always been found the most effective weapon of conversion.

Blithely attempting to shift all the blame onto the Mormons for the 1838 hostilities, Boggs acknowledged that “intestine commotions ... mingled with religious fervor” had resulted in hardship and distress among the Mormons but reassuringly said that the “constituted authorities” of Missouri did not “willfully or cruelly oppress” them. He alleged that the Mormons had established an independent government, had violated Missouri’s laws, and not only “drove the inhabitants of an entire county from their homes” during inclement weather, but also ravaged their crops and destroyed their dwellings.” He went on to add that he had been given no choice but “to interpose and exercise the powers with which he was invested, to protect the lives and property of our citizens, to restore order and tranquility to the country and maintain the supremacy of laws.”⁵⁶

An editorial by Simeon Francis in the *Sangamo Journal* on November 27 quoted portions of Boggs’s November 17 address and said that the public actions Missouri had taken against the Mormons had made it too late in the day to “reverse the opinion” that the Missourians were in the wrong.⁵⁷ Responding to Boggs’s address, Don Carlos Smith, editor of the *Times and Seasons*, expounded, “The THING whose name stands on the head of this article is not a stranger to our people,” he is a murderer “of the innocent.” After comparing him with demons, Nero, and the devil, Don Carlos closed with “Farwell, Nero! Farewell, LIBBURN!! Injustice and cruelty have met together, fiends and demons have kissed each other.”⁵⁸

The Nauvoo Charter went into effect on February 1, 1841.⁵⁹ John C. Bennett became mayor and Joseph Smith, a city councilor. Frank E. Stevens, a biographer of Stephen Douglas, gave particular credit to the twenty-eight-year-old Illinois Secretary of State and Sidney H. Little, a Whig state senator from the counties of McDonough and Hancock, for passage of the charter. Stevens added that Douglas and

56. Governor Lilburn W. Boggs, “Third Biennial Message,” comp. and ed., Beul Leopard and Floyd C. Shoemaker, *The Messages and Proclamations of the Governors of the State of Missouri* (Columbia: State Historical Society of Missouri, 1922), 1:387–88.

57. “Missouri,” *Sangamo Journal* 10, no. 5 (November 27, 1840): 2.

58. “Lilburn W. Boggs,” *Times and Seasons* 2, no. 5 (January 1, 1841): 264–65, emphasis retained.

59. The charter was previewed in “An Act to Incorporate the City of Nauvoo,” *Times and Seasons* 2, no. 6 (January 15, 1841): 281–86. For historical discussion on the charter, see: Richard E. Bennett and Rachael Cope, “A City on a Hill”—Chartering the City of Nauvoo,” *John Whitmer Historical Association—2002 Nauvoo Conference Special Edition*, 17–40; John Dinger, “Joseph Smith and the Development of Habeas Corpus in Nauvoo, 1841–1844,” *Journal of Mormon History* 36, no. 3 (Summer 2010): 135–71; James L. Kimball, Jr., “A Wall to Defend Zion: The Nauvoo Charter,” *BYU Studies* 15, no. 4 (Summer 1975): 491–97; Kimball, “The Nauvoo Charter: A Reinterpretation,” in Roger D. Launius and John E. Hallwas, eds., *Kingdom on the Mississippi Revisited* (Urbana: University of Illinois Press, 1996): 39–47; and Jeffrey Walker, “Habeas Corpus in Early Nineteenth-Century Mormonism,” 4–97.

Little “are entitled to all the doubtful credit of these laws [contained in the Nauvoo Charter], there is no room for doubt.”⁶⁰ Thomas Ford said in his memoirs that John C. Bennett “flattered both sides with the hope of Mormon favor; and both sides expected to receive their votes.”⁶¹ Andrew F. Smith, Bennett’s biographer, explained that politicians of both parties were pressured not to oppose the charter as it breezed through the Legislature.⁶²

Historian Kenneth W. Godfrey said in his dissertation that the municipal court at Nauvoo was unique in that one municipal judge would be “the elected mayor” while each of the aldermen would serve as associate judges.” This arrangement, according to Godfrey, “enabled the Mormons to maintain greater control over the judiciary and helped prevent problems from arising as had occurred in Missouri.”⁶³

The Mormons believed that two sections in their charter granted them authority to legally prevent the extradition of Joseph Smith from their city. Section 13 read, “The City Council shall have exclusive power within the city ... to pass such ordinances as may be necessary and proper for carrying into execution the powers specified in this act; *Provided* such ordinances are not repugnant to the Constitution of the United States, or of this State.” The Mormons came to interpret this to mean that their municipal city council could issue ordinances that provided them protection while non-Mormons regarded them as repugnant.

Section 17 read, “The Municipal Court shall have power to grant writs of habeas corpus in all cases arising under the ordinances of the City Council.” The Mormons interpreted this to mean that Nauvoo’s City Council could issue writs of *habeas corpus* to override documents issued by other courts. Godfrey explained, “The Mormons maintained the Nauvoo court had power to grant writs in all cases arising under the ordinances of the city council. But Gentiles countered Mormons used the municipal court to avoid trials under non-Mormon jurisdiction, which was probably true.”⁶⁴

Section 25 of the charter authorized the formation of a military unit that came to be known as the Nauvoo Legion. Although beyond the scope of this article, the

60. Frank E. Stevens, “Life of Stephen Arnold Douglas,” *Journal of the Illinois State Historical Society—Double Number* 16, nos. 3–4 (October 1923–January 1924): 340–41. The previous year Douglas had taken the lead in preventing the repeal or modification of the portion of the Constitution of Illinois which provided that “all white male inhabitants, above the age of 21 years, having resided in the State six months preceding the election, shall enjoy the right of an elector.” See Stevens, *ibid.*, 332–36. See also Firmage and Mangrum, *Zion in the Courts*, 94. The retention of liberal voting requirements was favorable to the Mormons.

61. Thomas Ford, *A History of Illinois: From Its Commencement as a State in 1814 to 1847* (Chicago: S. C. Griggs & Co., 1854, reprinted by Applewood Books), 263.

62. Andrew F. Smith, *The Sainly Scoundrel: The Life and Times of Dr. John Cook Bennett* (Urbana: University of Illinois Press, 1997), 60.

63. Godfrey, “Causes of Mormon Non-Mormon Conflict,” 137, emphasis retained.

64. *Ibid.*

fact that Joseph Smith was given the rank of Lieutenant General and “commanded the largest militia in the state,” greatly intensified non-Mormon concern.⁶⁵

On Sunday, May 6, 1841, Stephen Douglas, now a justice of the Illinois Supreme Court and Judge of the Fifth Judicial Circuit that included Hancock and Adams Counties, made a social call at Nauvoo and addressed the congregation. He praised the Mormons for their accomplishments and thanked them for “conferring him the freedom of the city.” Cyrus Walker,⁶⁶ a veteran Whig lawyer with political ambitions, joined Joseph Smith and the politically ambitious Douglas on the stand. Walker “spoke much in favor of the place [Nauvoo], the industry of the citizens &c., and hoped they would continue to enjoy all the blessings and privileges of our free and glorious constitution.” Smith, approving of their spurious remarks, praised them for “laying aside all party strife” and for treating the Mormons with “courtesy, respect and friendship.” Describing this significant event in a letter to the *Times and Seasons*, Smith wrote, “Judge Douglas has ever proved himself friendly to this people, and interested himself to obtain for us our several charte[r]s.” The letter also described Walker as a veteran lawyer who also “ranks high” because of his distinguished career. He was praised for being “one of the most able and profound jurists in the state.”⁶⁷

It was probably during this visit that Judge Douglas appointed John C. Bennett as Master-in-Chancery for Hancock County. Andrew Smith, Bennett’s biographer, explained that the “position was an important one because its holder often performed duties of a judge of the Supreme Court of Illinois.”⁶⁸ Thomas Sharp⁶⁹ was quick to respond in the *Warsaw Signal* that “Judge Douglass [*sic*] has committed an

65. Richard E. Bennett, Susan Easton Black, and Donald Q. Cannon, *The Nauvoo Legion in Illinois: A History of the Mormon Militia, 1841–1846* (Norman, OK: The Arthur H. Clark Co., 2010), 127. In addition to this extensive work, see Hamilton Gardner, “The Nauvoo Legion, 1840–1845: A Unique Military Organization,” *Journal of the Illinois State Historical Society* 54, no. 2 (Summer 1961): 181–97 and “An Ordinance organizing the Nauvoo Legion,” *Times and Seasons* 2, No. 3 (February 15, 1841): 321–22.

66. A native of Rockbridge County, Virginia, Walker was born on May 14, 1791. He studied law at Greensburg, Kentucky, and after being a “circuit riding” lawyer was elected a member of the Kentucky House of Representatives in 1817, 1825, and 1826. Anti-slavery views hastened his 1833 removal to McDonough County, Illinois. He became a well-known Whig lawyer. His biographer, John R. Hallwas, said that his political reputation might have continued to rise “if he had not become associated with the Mormons.” John R. Hallwas, *Western Illinois Heritage* (Macomb: Illinois Heritage Press, 1983), 112.

67. “To the Editors of the *Times and Seasons*,” *Times and Seasons* 2, no. 14 (May 15, 1841): 414. According to John Hallwas, Walker and Douglas were “rival political leaders who genuinely disliked each other.” Hallwas, *Western Illinois Heritage*, 112.

68. Smith, *The Life and Times of John Cook Bennett*, 73. In an untitled notice in the *Times and Seasons* 2, no. 14 (May 15, 1841): 421, it was noted: “Dr. John C. Bennett has been appointed Master in Chancery for this county by Judge Douglas.”

69. Thomas Sharp was born in September 1818 at Mount Holly, New Jersey, to Methodist parents and attended Dickerson College where he studied law. After arriving at Warsaw, Illinois, in September 1840, he purchased the *Western World* with a partner. By the time he changed the newspaper’s name to the *Warsaw Signal* in the spring of 1841, he was an emerging anti-Mormon. Shortly thereafter he used his newspaper to direct antipathy toward the Mormons and would become one of the five men tried for murdering Smith. He remained at Warsaw where

error in countenancing and encouraging such a man by the gift of a responsible office." Bennett, according to Sharp, "came here followed by evil report—he joins a sect and advocates a creed in which no one believes he has any faith."⁷⁰ Frank E. Stevens, Stephen Douglas's biographer, cynically said: "Once safely seated upon the bench, and made master of the Mormon circuit, Douglas made it his first business to clinch the Mormon vote by an act in which no Whig could divide honors. He appointed as a Master-in-Chancery, the same Dr. Bennett, who had become alderman and major general of the legion, and thereafter, the Mormon vote became a pretty safe Douglas asset."⁷¹

On June 4 Joseph Smith paid a social visit to Governor Carlin at his home in Quincy. Smith was treated with respect but was unaware that Carlin was in possession of a writ, or warrant, submitted by the new governor of Missouri, Thomas Reynolds,⁷² for his arrest and extradition to Missouri. After he left the governor's home, Adams County sheriff Thomas King, Quincy Constable Thomas Jasper, and a posse including an unidentified Missouri official arrested Smith at Bear Creek twenty-eight miles south of Nauvoo. The next day, after being returned to Quincy, Smith encountered Judge Stephen Douglas, who had arrived that afternoon on the steamer *Monsoon*. Douglas "agreed to give a hearing on the writ" in Monmouth, Illinois, where he would be holding circuit court. A writ of *habeas corpus* was obtained from Charles A. Warren, the Adams County Master-in-Chancery, which blocked the immediate extradition to Missouri. Historian John Dinger has opined that in light of Douglas's previous friendly relationship with his defendant, "It is likely then, that he provided Smith with legal advice and obtaining the writ of habeas corpus."⁷³

On June 6 Smith was taken by the arresting party overland to Nauvoo, thereby missing a concerned party of Mormons who had hastened from Nauvoo to Quincy in a skiff. The following day Smith, his captors, and an entourage of Mormons set out for Monmouth seventy-five miles northeast of Nauvoo. After camping "on the road" they found Monmouth in a state of excitement the morning of June 8. The citizens, according to the *History of the Church*, were in a frenzy to see the prophet,

he served as mayor, practiced law and became a county judge. See Dallin H. Oaks and Marvin S. Hill, *Carthage Conspiracy: The Trial of the Accused Assassins of Joseph Smith* (Urbana: University of Illinois Press, 1975), 57–58.

70. "Appointment," *Warsaw Signal* 2, no. 2 (May 19, 1841): 2. Reasons for Thomas Sharp becoming an anti-Mormon are explained in Marshall Hamilton, "Thomas Sharp's Turning Point: Birth of an Anti-Mormon," *Sunstone* 13, no. 5 (October 1989): 20–21 and "Money-Diggersville"—The Brief, Turbulent History of the Mormon Town of Warren," *John Whitmer Historical Association Journal* 9 (1989): 54–55.

71. Stevens, "Life of Stephen Arnold Douglas," 342.

72. For biographical and historical information on Thomas Reynolds see: Perry McCandless, "Reynolds, Thomas (1794–1844)," *Directory of Missouri* (Columbia: University of Missouri Press, 1999): 646–47 and T. Berry Smith, "Governor Thomas Reynolds," Beul Leopard, A. M. and Floyd C. Shoemaker, A. M. comp. and ed., *The Messages and Proclamations of the Governors of the State of Missouri, Volume 1* (Columbia: The State Historical Society of Missouri, 1922): 441–526.

73. Dinger, "Joseph Smith and the Development of Habeas Corpus in Nauvoo," 142.

but Smith would be unable to preach as requested that evening, as he was technically still a prisoner.⁷⁴

His defense team included prominent Whig lawyers O. H. Browning and Cyrus Walker during the June 9 trial. Historian Jeffrey Walker has explained that the prosecution and defense lawyers spent considerable time arguing about the relevancy of the indictments and of Mormon testimony concerning their persecution.⁷⁵

Browning emerged a Mormon hero for his two-hour address condemning Missouri for persecuting the Mormons and for the injustice of returning Smith to Missouri. He cried:

Great God! have I not seen it? Yes my eyes have beheld the blood stained traces of innocent women and children, in the drear winter, who had travelled hundreds of miles barefoot, through frost and snow, to seek a refuge from their savage pursuers. Was a scene of horror sufficient to enlist sympathy from an adamant heart. And shall this unfortunate man, whom their fury has seen proper to select for sacrifice, be driven into such a savage band, and none dare to enlist in the cause of justice? If there was no other voice under heaven ever to be heard in this cause, gladly would I stand alone, and proudly spend my latest breath of an oppressed American citizen.⁷⁶

It may have come as a surprise on June 10 when Douglas sidestepped emotional issues set forth by both parties but based his decision on the history of the writ. That is, he ruled, “That the writ being once returned to the Executive by the sheriff of Hancock county was dead, and stood in the same relationship as any other writ which might issue from the Circuit Court, and consequently the defendant could not be held in custody on that writ.” He stopped short of ruling on the issues behind the indictment and declared that they required further study.⁷⁷ This victory did not mean that Governor Reynolds could not submit another writ for Smith’s extradition to Missouri.

Thomas Sharp signaled his displeasure with the trial results by saying, “it is said that Mr. Browning’s eloquence, in describing the persecution of the Mormons, on the trial of Joe Smith, at Monmouth, last week, drew tears from the eyes of Judge Douglass [*sic*]. *Quere*—Were there any onions about.”⁷⁸ Having the last word, Smith

74. “The Late Proceedings,” *Times and Seasons* 2, no. 16 (June 15, 1841): 447 and Smith, *History of the Church*, 4:364–66.

75. Walker, “Habeas Corpus in Early Nineteenth-Century Mormonism,” 36–39.

76. “Letter from the Editor,” *Times and Seasons* 2, no. 16 (June 15, 1841): 449, emphasis retained.

77. Smith, *History of the Church*, 4:370. Jeffrey Walker in “Habeas Corpus in Early Nineteenth-Century Mormonism,” 38–39, explained: “It was undisputed that the arrest warrant used was the same warrant initially issued by Governor Carlin and returned to him after the legal officer failed to find Joseph Smith in Nauvoo.”

78. Untitled, *Warsaw Signal* 2, no. 6 (June 16, 1841): 2, emphasis retained.

submitted a \$685 itemized bill to Adams County for expenses incurred during his period of incarnation.⁷⁹

Even though the second extradition attempt ended in failure, the Mormons would have been on keen alert for any suspicious activity. On November 13, 1841, Smith presented an ordinance to the Nauvoo City Council, authorizing the prosecution of individuals guilty of vagrancy, disorderly conduct, public drunkenness and other inappropriate activities. Significantly, it also addressed the identification and possible punishment of “suspicious persons” with “no fixed place of Residence, or visible means of support, or cannot give a good account of themselves.”⁸⁰

December opened with a discouraged Thomas Sharp chastening anti-Mormons of the region for not participating in a November 20 anti-Mormon meeting at Carthage. Sharp complained that those who did attend manifested “little feeling.” Dejectedly, he said, “politics are dead” in the county and would remain so until the people determined to stand up to Joseph Smith.⁸¹

The Democrats’ state convention met at Springfield on December 5 and nominated Senator Adam W. Snyder for governor and John Moore for lieutenant governor. Joseph Smith announced in the *Times and Seasons* two weeks later that Snyder and Moore had honorably served the Mormons in securing the Nauvoo Charter and “with such men at the head of our State Government,” the Mormons would have nothing to fear. Speaking for his church, Smith wrote, “we care not a fig for *Whig* or *Democrat*” and specified, “we shall go for OUR TRIED FRIENDS, and the cause of *human liberty* which is the cause of God.” Writing that Stephen Douglas was a “*Master Spirit*,” Smith added, “*his friends are our friends*.” Mormons, in this context, were willing to “cast their banners on the air, and fight by his [Douglas’s] side in the cause of humanity and equal rights—the cause of liberty and the law.” After reiterating that “Snyder and Moore are *known* to be our friends,” Smith concluded by saying, “they *have* served us and we *will* serve them.”⁸²

Examining this political manifesto, Robert Flanders observed that it set the “Church upon a complex and hazardous political course.”⁸³ Many Whigs believed that Douglas either manipulated Smith to switch political parties or that he released him from custody in exchange for the Mormon vote. Brigham H. Roberts countered the latter: “Judge Douglas however, was impartial in his rulings, and gave the prisoners the full protection he was entitled to both under the law and the procedure of his

79. Smith, *History of the Church*, 4:419–20.

80. John S. Dinger, ed., *The Nauvoo City and High Council Minutes* (Salt Lake City: Signature Books, 2011), 36–37.

81. “The Democratic Meeting,” *Warsaw Signal* 2, no. 30 (December 1, 1841): 2.

82. “State Gubernatorial Convention,” *Times and Seasons* 3 no. 5 (January 1, 1842): 651, emphasis retained.

83. Flanders, *Nauvoo: Kingdom on the Mississippi*, 226.

court.”⁸⁴ He added, “For while it is true that Judge Douglas, a leading Democrat of the state, if not then the leader of his party in Illinois, had recently rendered a decision favorable to the Prophet, liberating him from the clutches of Missouri, it should be remembered that the judge had but pronounced upon the course of the officers of the states of Missouri and Illinois and found that course at variance with the law, and there was no alternate but to set the Prophet free.”⁸⁵ Jeffrey Walker in his recent study on early Mormon use of *habeas corpus* concluded: “While some would argue that Douglas’s ruling was a political move to garner the Mormon vote and lacked legal merit, a review of the doctrine of *functus officio* was actually the legal ruling.” He further explained: “Justice Douglas’s ruling, while on a technical rather than a substantive basis, was in accord with established law.”⁸⁶

John Francis Snyder, son of Adam W. Snyder, frankly wrote: “To Stephen A. Douglas, then a justice of the Supreme Court, [the Democrats] delegated the management of the Mormons, and his blandishments were successful in turning the scale of the Mormon influence to his party.”⁸⁷ Frank E. Stevens, a Douglas biographer, argued that Joseph Smith, “In token of his sincerity,” for Douglas’s preventing his extradition the previous year, “issued his proclamation in the Nauvoo papers, declaring Judge Douglas to be a master spirit and therein exhorting his followers to vote for Adam W. Snyder the democratic nominee for Governor.”⁸⁸ Richard Lyman Bushman, in his 2005 biography of Joseph Smith, explained in 1841 that Douglas “was on a mission to recover them [the Mormons] for the Democrats.” This was accomplished, according to Bushman, in December 1841 when Smith said that the Mormons would vote for Douglas’s friends.⁸⁹

Thomas Sharp’s reaction to Smith’s proclamation included: “the wonderful document issued by the Prophet, directing his followers how to vote, has created great shaking amongst the dry bones of the politicians. On one hand, the Whigs say it is a high-handed and insolent production, and on the other, the Democrats say umph! scarcely knowing whether to approve or condemn.”⁹⁰ The *Peoria Register and Northwestern Gazetteer*, a Whig paper, noted: “As we at various times expressed ourselves

84. Brigham H. Roberts, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints*, 6 vols. (Provo, UT: Brigham Young University Press, 1965): 2:80.

85. *Ibid.* 2:124.

86. Walker, “Habeas Corpus in Early Nineteenth Century Mormonism,” 39.

87. John Francis Snyder, *Adam W. Snyder and His Period in Illinois History, 1817–1842* (Springfield, IL: The H. W. Rokker Co., Printers and Binders, 1903, digitally reproduced by the Library of Congress, n.d.), 341.

88. Stevens, *Life of Stephen Douglas*, 342.

89. Bushman, *Joseph Smith: Rough Stone Rolling*, 426–27.

90. “Jo Smith’s Proclamation,” *Warsaw Signal* 2, no. 38 (January 26, 1842), 2, emphasis retained. In “Chicago Democrat and the Mormons,” *Warsaw Signal* 2, no. 39 (February 2, 1842): 2, Sharp acknowledged his was a Democratic paper and then attacked the *Chicago Democrat* for repeatedly praising Smith’s announcement. His berating included: “Or who is there that, for party purposes, would be guilty of pampering the pride, and

pretty decidedly against political tendencies of this sect, when they were acting with the Whigs, we cannot be charged with sudden hostility now that their leader has gone over, horse, foot and dragoons, to our opponents.”⁹¹

Sylvester Bartlett printed Smith’s article in the January 22, 1842 *Quincy Whig* and took the Mormons to task. He said that Joseph’s decision to have the Mormons vote for the “locofoco” (democratic) candidates was “a high-handed attempt to usurp power.” He added that Smith’s action would “widen the breach which already exists between this people and those who are not of their faith.” After acknowledging the Mormons did have the right to vote as they pleased, he warned:

this *clannish* principle of voting in a mass, at the dictation of one man, and this man one who has acquired an influence over the minds of his people through a peculiar religious creed which he promulgates, is so repugnant to the principles of our Republican form of government, that its consequences and future effects will be disagreeable to think of—bitter hatred and unrelenting hostility will spring up, where before peace and good will had an abiding peace.⁹²

Simeon Francis of the *Sangamo Journal* printed Smith’s manifesto and warned that when Joseph Smith used his “religious influence” while wearing “Military garb” he “must look to the consequences.” He advised Smith to “let some Joshua, the son of Nun, lead the armies, and let him stick to interpretation and prophecy” because “his situation in Illinois, is far more dangerous than ever it was in Missouri.”⁹³ Smith’s political decision gave the Democrats and Whigs of Hancock County, who were united in anti-Mormon sentiment, a renewed sense of purpose, gave the Whigs a reason to hate, and gave the Democrats reason to both celebrate and be wary.

As winter faded and no apparent threat from Missouri materialized, a relative calm settled over Hancock County. To be sure, Thomas Sharp continued to beat the anti-Mormon drums, but the *Times and Seasons*, edited by John Taylor, wisely did not respond to much of Sharp’s rhetoric. This ended in mid-April with the advent of a second Nauvoo Newspaper, *The Wasp*, edited by William Smith, Joseph’s mercurial youngest brother. His arrogance matched that of Sharp but, unlike Sharp, frequently appeared to be devoid of common sense. As an example, his response was sharp to Sharp’s appeal in the *Warsaw Signal* to the anti-Mormons to select delegates to get out the vote for the approaching August elections. Calling him “*Thom-ass C. Sharp*” and labeling the nominating committee a “convention of *asses*,” he guaranteed

pandering to the influence of a man whose sole aim is to put both parties under his foot? For one, we say, let both parties stand aloof from all politico religious combinations.”

91. *Peoria Register and Northwestern Gazetteer*, January 21, 1842, cited in Flanders, *Nauvoo: Kingdom on the Mississippi*, 226.

92. “Joseph Smith, General of the Nauvoo Legion,” *Quincy Whig* 4, no. 39 (January 22, 1842): 2, emphasis retained.

93. “Citizens of Illinois—Read and Consider!” *Sangamo Journal* 10, no. 22 (January 21, 1842): 3.

to his enemy, “WE SHALL VOTE, *when, and for whom* we please.”⁹⁴ William also published articles in the April 23, April 30, and the May 21 issues of *The Wasp* titled “We Were Not The Aggressors,” which affirmed his belief that the 1838 “Mormon War” was unilaterally the fault of the Missourians.

This generally tranquil period ended when ex-Missouri governor Lilburn Boggs, then a candidate for the Missouri Senate, was shot through the window at his home at Independence, Missouri, on the evening of May 6, 1842. According to his biographer, “two balls penetrated his skull and lodged in the left side of his brain. One ball passed through the hollow of his neck and then out the roof of his mouth. The fourth ball lodged in the fleshy part of his neck.”⁹⁵ Although no one would be convicted of the attempted murder, circumstances pointed to Orrin Porter Rockwell, who had arrived in Independence with his family in February in order that his wife could be near her parents when she delivered her fourth child. By the time Sheriff Joseph H. Reynolds became convinced that Rockwell was the shooter, he could not be found. Rockwell arrived back in Nauvoo on May 14.⁹⁶

On that day D. W. Kilbourne, the postmaster at Montrose, now a bitter enemy of the Mormons, wrote Governor Reynolds that he had just received news that Lilburn Boggs “was murdered in his own house” and that “the awful deed had been committed by a follower of the wretched imposter *Joe Smith*.”⁹⁷ The third week of May began with Sylvester Bartlett saying “Mr. Boggs was governor at the time, and [was] no small degree instrumental in driving those [Mormons] from the State.” He aggressively added, “the Mormon Prophet, as we understand, prophesied a year or so ago, his death by violent means. Hence, there is plenty of foundation for rumor.”⁹⁸ William Smith printed Bartlett’s letter in *The Wasp* as well as a follow-up May 22 letter by Joseph Smith proclaiming his innocence in the Boggs affair and suggesting that the governor “fell by the hand of a political opponent.”⁹⁹

The charge that Smith had authorized the murder of Boggs intensified when John C. Bennett, now an avid anti-Mormon, wrote on July 22, 1842, from Carthage

94. “Great Mass Convention of the People of Hancock County,” *Wasp*, 1, no. 2. (April 23, 1842): 3, emphasis retained. See Jerry C. Jolly, “The Sting of the Wasp: Early Nauvoo Newspaper—April 1842 to April 1843,” *BYU Studies* 22, no. 4 (1982): 487–94. Thomas Gregg, in *The Prophet of Palmyra*, 179, characterized William’s attack on the Non-Mormons in *The Wasp* as “illiterate and vulgar.”

95. Robert Nelson, *Enemy of the Saints: The Biography of Governor Lilburn W. Boggs of Missouri* (Baltimore, MD: Publish America, 2011), 125. For general information on the attempted assassination, see “Monte B. McLaws, “The Attempted Assassination of Missouri’s Ex-Governor, Lilburn. W. Boggs,” *Missouri Historical Review* 60 (October 1965): 50–62.

96. Harold Schindler, *Orrin Porter Rockwell: Man of God, Son of Thunder* (Salt Lake City: University of Utah Press, 1966), 69.

97. Jennings, “Two Iowa Postmasters View Nauvoo,” 276–77, emphasis retained.

98. “Assassination of Ex-Governor Boggs of Missouri,” *Quincy Whig* 5, no. 4 (May 21, 1842): 3.

99. “Mr. Bartlett,” *Wasp* 1, no. 7 (May 28, 1842): 2.

to editor Simeon Francis at Springfield about his current perception of Mormonism. Among several sensational charges, Bennett alleged Joseph Smith had publicly “predicted or prophesied” in 1841 that Lilburn Boggs “should die by violent hands within one year.” Bennett maintained that he had asked Smith about Orrin Porter Rockwell to which the prophet had replied that Rockwell had “GONE TO FUL-FILL PROPHECY.”¹⁰⁰

The Mormons were aware that the controversy over the attempted assassination would be blamed on them and would likely elicit an extradition attempt by the Missourians.¹⁰¹ The Nauvoo City Council, with Smith officiating as mayor, passed “An Ordinance in Relation to Writs of Habeas Corpus” on July 5, 1842:

Sec. 1. ... no Citizen of this City shall be taken out of the City by any Writs, without the privilege of investigation before the Municipal Court, and the benefit of a Writ of Habeas Corpus, as granted in the seventeenth Section of the Charter of this City ... Be it understood that this Ordinance is enacted for the protection of the Citizens of this City, that they may in all Cases have the Right of Trial in this City, and not be subjected to illegal Process of their Enemies.¹⁰²

As Joseph Smith pursued his fallback strategy, his brother William continued to make enemies. Under the heading “Mormonism and Politics,” the July 9 issue of *The Wasp* announced that the Mormons were “the only people now living on the globe that profess to be led by *revelation*.” This was followed by:

Our rules we know to some see odd,
But blaming us is blaming God.

William concluded writing, “We hope to hear no more of the Mormons’ setting themselves up over the Government — They are the only people that will eventually support the Constitution of our beloved country.”¹⁰³

Bennett’s allegations were followed by the ex-governor submitting an affidavit on July 20 that set in motion the third attempt to extradite Smith. After stating that he had been shot in his home at Independence and had nearly died from his wounds, Boggs deposed, (spelling retained):

100. “To the Editor of the Journal,” *Sangamo Journal* 10, no. 47 (July 15, 1842): 2, emphasis retained. Bennett arrived in St. Louis by July 13 and spread his message about alleged Mormon misdeeds. He reiterated his claims that Joseph Smith and Orrin Porter Rockwell were complicit “in the attempted assassination of Governor Boggs.” See Smith, *The Life and Times of John Cook Bennett*, 104.

101. Andrew Smith (Ibid., 98) said that Francis, the editor of the *Sangamo Journal*, “had recently assailed Bennett only a few weeks earlier,” and believed that Bennett’s allegations “might be just what the Whigs needed to defeat the Democrats in the upcoming [August] election.”

102. See Dinger, “Habeas Corpus in Nauvoo,” 146–47; Walker, “Habeas Corpus in Early Nineteenth Century Mormonism,” 39–41 and Dinger, *The Nauvoo City and High Council Minutes*, 89–90.

103. “Mormonism and Politics,” *Wasp* 1, no. 13 (July 9, 1842): 2, emphasis retained.

he beleives and has good reason to beleive from Evidence and information now [in] his possession that Joseph Smith Com[mo]nly [cal]led the Mormon Prophet was Accessary before the fact of the intended Murder ... and the said Deponient hereby Applies to the Governor of the State of Missouri to make a Demand [on] the Governor of the State of Illinois to Deliver the said Joseph Smith Com[m]only Called the Mormon prophet to some person Autherised to receive and Convey him to the State and County aforesaid there to be dealt with according to Law¹⁰⁴

Two days later Missouri governor Thomas Reynolds composed a requisition to Illinois governor Thomas Carlin charging Joseph Smith with being a fugitive from justice and accessory before the fact in the attempted murder of Lilburn Boggs. Reynolds demanded “the surrender and deliver[y] [of] [t]he said <Joseph Smith> to <Edward R. Ford> who <is> hereby appointed as the agent to receive the said <Joseph Smith> on the [p]art o[f] this State.”¹⁰⁵ Ironically, on the same day, July 22, a committee of the Nauvoo city council sent a petition to Governor Carlin, asking him not to “issue a writ” for Smith.¹⁰⁶ The *Sangamo Journal* maintained that it was rumored that Governor Reynolds had submitted a requisition for Smith’s extradition but that friends of Judge Douglas had prevailed on Governor Carlin “not to give him up until after the election.”¹⁰⁷

Shortly before July 29, Joseph sent Emma to visit Governor Carlin at Quincy to request that he not comply with Governor Reynold’s demand. Eliza R. Snow and Amanda Barns Smith accompanied Emma and presented Carlin with a petition from the Relief Society. Amanda had not only lost her husband and son at Hawn’s Mill, but a second son had been crippled as well. She presumably testified to the terror of the experience.¹⁰⁸ Eliza Snow recorded on July 29, “The Gov[ernor] received us with much cordiality, and as much affability and politeness as his Excellency is master of, assuring us of his protection, by saying that the laws and Constitution of our country shall be his polar star in case of any difficulty. He manifested much friendship, and it remains for time and circumstance to prove the sincerity of his professions.”¹⁰⁹

104. Andrew H. Hedges, Alex D. Smith, and Richard Lloyd Anderson, eds., *Journals, Volume 2: December 1841–April 1843* (Salt Lake City: Church Historian’s Press, 2011), 379–80, cited hereafter as Hedges, *Journals, Volume 2*.

105. *Ibid.*, 380–81, angle brackets indicate handwriting on printed requisition form. William Law and James Sloan were sent by the prophet to Quincy. They were to deliver a letter to Governor Carlin reflecting the fear that Nauvoo might come under assault by the Missourians and asking permission to put the Nauvoo Legion on standby alert. This request was denied. Smith, *History of the Church*, 5:82–83.

106. Hedges, *Journals, Volume 2*:79.

107. “A rumor—holy Joe Demanded,” *Sangamo Journal* 10, no. 49 (July 29, 1842): 2.

108. Linda King Newell and Valeen Tippets Avery, *Mormon Enigma: Emma Hale Smith* (Urbana: University of Illinois Press, 1994), 121.

109. Eliza Snow Diary in Carol Cornwall Madsen, *In Their Own Words: Women and the Story of Nauvoo* (Salt Lake City: Deseret Book, 1994), 52–53.

The uncertainty surrounding Governor Carlin's compliance with any extradition demand did not deter Smith from monitoring and determining the Mormon political slate. He noted on July 27 that he had listened to different electioneering candidates at Nauvoo and had spoken afterwards."¹¹⁰ Politics had become more passionate and even deadlier since the Mormons had abandoned the Whigs for the Democrats. According to Robert Flanders the Whigs, the minority party in Illinois, may have been in disarray, but their factions would coalesce around former Illinois governor Joseph Duncan, who possessed an honorable reputation, was a good campaigner and was not associated with the granting of the Nauvoo Charter. As the Mormons were already committed to vote Democratic alongside an adversarial relationship with the Whigs, the latter evidently thought it made sense to "make anti-Mormonism in general and the repeal of the Nauvoo charters in particular the chief issues of the campaign."¹¹¹ Mormons had staked their political fortunes on Stephen Douglas's friend Adam W. Snyder for governor, but he unexpectedly died on May 14, 1842.¹¹²

The selection of Thomas Ford to replace Snyder had dramatic ramifications. John Moss, a nineteenth-century Illinois judge and historian, explained that Ford's candidacy was a blessing of sorts as Snyder was a sponsor of the Nauvoo Charter. Ford, on the other hand, had never served in the legislature. He had been "twice appointed state's attorney, and four times elected judge by the almost unanimous voice of the legislature; and at the time of his nomination for governor was engaged in the active performance of his judicial duties as a member of the supreme court bench, holding circuit court in Ogle County."¹¹³ Ford acknowledged in his memoirs that he was selected as Snyder's replacement because of his lack of political baggage and the belief that he could be controlled by party leaders.¹¹⁴

Without other options, the Mormons supported Ford in the August 1, 1842 election despite the fact that he had called Smith "an impostor and a scoundrel" and had pledged to revise or "support the repeal" of the Nauvoo Charter.¹¹⁵ Although the Mormon vote pushed Hancock County totals to 71 percent in Ford's favor, his state-wide winning margin made the Mormon vote inconsequential.¹¹⁶

110. Hedges, *Journals*, Volume 2:80.

111. Flanders, *Nauvoo: Kingdom on the Mississippi*, 228–29.

112. Snyder, *Adam W. Snyder and His Period in Illinois History*, 350. Joseph Smith's opinion of Duncan is presumably reflected by the fact he named a horse after him. Smith, *History of the Church*, 5:60.

113. John Moss, *Illinois, Historical and Statistical—Comprising the Essential Facts of its Planting and Growth as a Province, County, Territory and State* (Chicago: Fergus Printing Co, 1889), 447–49. Reproduced by BiblioLife, LLC.

114. Ford, *History of Illinois*, 271.

115. Flanders, *Nauvoo, Kingdom on the Mississippi*, 230.

116. Pease, *Illinois Election Returns*, 127.

The Mormon-supported candidates dominated the county election. With their support Jacob C. Davis of Warsaw won overwhelmingly in his run for the state senate. Ironically, he would later be one of five men tried for Joseph Smith's murder.¹¹⁷ Thomas H. Owens of Carthage, a primitive Baptist minister who was apparently neutral in the inter-county conflict, was elected state representative with 1,530 votes compared to 620 votes for the anti-Mormon candidate. William Smith won the other contest for representative by nearly a 3-to-1 majority, and non-Mormon William Backenstos was elected sheriff by a 1,493 to 789 vote.¹¹⁸ John T. Barnett, a non-Mormon who served on the Nauvoo City Council, was elected county commissioner by a large majority.¹¹⁹

Thomas Sharp responded in the *Warsaw Signal* that: "the old citizens of Hancock county are the humble subjects of his Royal Highness, Joe Smith. We are totally deprived of one of the dearest rights of freemen—the Elective Franchise."¹²⁰ The day following the election, Governor Carlin issued a warrant for the arrest of Orrin Porter Rockwell for "shooting ex-Governor [Lilburn W.] Boggs of Missouri with intent to kill on the evening of the 6th of May last and Joseph [Smith] with being accessory."¹²¹ Thomas Sharp observed: "The warrant was not placed in the hands of the officer until the latter part of last week; but whether there was any political maneuvering, as it is rumored, whereby the warrant was shifted off until the election we cannot say."¹²²

Thomas King, Adams County Undersheriff, headed a three-man delegation to Nauvoo to make the arrests on the morning of August 8. King was probably accompanied by James Pittman, Adams County Constable, and Edward Ford of Missouri. Smith's journal, recorded by William Clayton, said that following the arrests of Smith and Rockwell, "The city council convened immediately and issued a writ of Habeas Corpus to stop them from taking Joseph & Rockwell away without a trial here." It explained that Thomas King had argued against this decision, "not knowing wether [*sic*] this city had authority to issue such writ but after much consultation on the subject they finally agreed to leave the prisoners in the hands of the city Marshall and returned to Quincy to ascertain from the Governor wether our charter gave the city jurisdiction over the case."¹²³

117. Oaks and Hill, *Carthage Conspiracy*, 51, 55.

118. William Backenstos was brother of prominent Democrat Jacob B. Backenstos who would later support the Mormon cause in the legislature and as sheriff.

119. Election results cited in Rugh, "Conflict in the Countryside," 160.

120. "What is the Remedy?," *Warsaw Signal* 3 no. 5 (August 6, 1842): 2.

121. Hedges, *Journals*, Volume 2:81.

122. "Recent Attempt to Arrest the Prophet," *Warsaw Signal* 3 no. 6 (August 13, 1842): 3.

123. Hedges, *Journals*, Volume 2:81. The journal account is expanded in Smith, *History of the Church*, 5:87.

The perplexed officers hastened to Quincy for consultation with the governor and left the accused in custody of Nauvoo marshal Dimick B. Huntington. As historian Jeffrey Walker has explained, "Sheriff King took with him the original arrest warrant from Governor Carlin, as well as the writs of habeas corpus granted by the municipal court. Without the arrest warrant, there was no legal basis for Marshal Huntington to keep Smith and Rockwell in custody, and for that reason they were released."¹²⁴

Later that day the city council, presided over by vice-mayor Hyrum Smith, passed a more expansive ordinance dealing with *habeas corpus* entitled, "An Ordinance regulating the mode of proceedings in cases of Habeas Corpus, before the municipal court."¹²⁵ Historian John Dinger explained that the first section empowered the Municipal Court to "examine the process by which a writ, like an arrest warrant or extradition order, was issued." It also gave the court the ability to cancel a writ "if the correct process had not been followed." The second section authorized the Municipal Court to determine "if private pique, malicious intent, religious or other persecution, falsehood, or misrepresentation, contrary to the constitution of this State, or the constitution of the United States, the said Writ or Process shall be quashed & considered of no force or effect, & the Prisoner or Prisoners shall be released & discharged therefrom." Section three stated that if the mayor was unavailable an alderman could be appointed to chair the municipal court, and section four implemented the ordinance immediately.¹²⁶

When postmaster L. B. Fleak learned of the arrests at Quincy the evening of August 8, he joyously wrote Governor Reynolds, "Nothing can save Smith this time," and testified, "nine tenths of our Citizens will support the Sheriff."¹²⁷ Fleak would soon learn that the arrest attempt had failed. Thomas Sharp's lament of August 13 expressed the wishes of many:

Our citizens were in hopes that the scamp would be taken or else made open resistance; no termination of the affair could be less satisfactory than the one which has taken place. If he had resisted, we should have had the sport of driving him and his worthy clan out of the State *en mass*, but as it is we are mortified that there is no efficacy in the law to bring such a scamp to justice. We hope that our Executive will spare no effort hereafter to bring about this consummation so devoutly to be wished.¹²⁸

124. Walker, "Habeas Corpus in Early Nineteenth-Century Mormonism," 49.

125. The ordinance was published in the August 13 *Wasp*. "An Ordinance regulating the mode of proceeding in Cases of Habeas Corpus, before the Municipal Court," *Wasp* 1, no. 17 (August 13, 1842): 3.

126. Dinger, "Habeas Corpus in Nauvoo," 149–51.

127. Jennings, "Two Iowa Postmasters View Nauvoo," 280.

128. "Recent Attempt to Arrest the Prophet," *Warsaw Signal* 3, no. 6 (August 13, 1842): 2, emphasis retained.

A stressful period settled in as Smith went underground. He avoided a visit from the governor, hid from actual and imagined lawmen, and ran his church through his intermediaries. At an unknown time Orrin Porter Rockwell secretly left Nauvoo for New Jersey.

The *Times and Seasons* of August 15, contained an article entitled, “Persecution,” which reflected the Mormon hate for Lilburn Boggs, the innocence of Smith and Rockwell, and the authority of the Nauvoo Municipal Court. After describing Boggs as “a man who years ago issued an order to *exterminate* fifteen thousand men women and children in republican America,” the article catalogued a litany of his alleged criminal acts. The author of the article, presumably John Taylor, outlined the Mormon perception of rights guaranteed by the Nauvoo Charter as follows:

As to the writ of habeas corpus ... we believe that so long as it was not incompatible with the spirit and meaning of the constitution of the State, and of the constitution of the United States, its power was sovereign, as to the rights and privileges of citizens, granted to them by the city charter, having these express privileges in words as follows: “to make ordain, establish and execute all such ordinances, not repugnant to the constitution of the United States and of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of the city:—*and* the municipal court shall have power to grant writs of habeas corpus in all cases arising under the ordinances of the City Council.”¹²⁹

In a letter to L. B. Fleak at Keokuk, D. W. Kilbourne wrote from Montrose on August 12 that the Iowa Mormons were being strangely noncommittal. He observed: “Every old Rifle, Pistol, Cutlass, Knife etc among them is being put in order.”¹³⁰

Emma Smith implored Governor Carlin to put a stop to the efforts to extradite her husband to Missouri in a letter dated August 16, “but ought to have been the 17th.” She insisted that Joseph was innocent of the crimes he was alleged to have committed and said that she and her children had first-hand knowledge about Boggs’s persecution. Emma asked the governor to “spare my innocent children the heartrending sorrow of again seeing their father unjustly dragged to prison or to death.”¹³¹ Joseph had informed Emma by letter the previous day: “I have consulted wether [*sic*] it is best for you to go to Quincy and see the Governor; but on the whole, he is a fool; ... You may write to him, whatever you see proper, but to go and see him, I do not give my consent at present.”¹³²

129. “Persecution,” *Times and Seasons* 3, no. 20 (August 15, 1842): 886–89, emphasis retained. In “Persecution of the Prophets,” *Ibid.*, 3, no. 21 (September 1, 1842): 902–3, Boggs was listed with Herod and Nero as persecutors of the righteous.

130. Jennings, “Two Iowa Postmasters View Nauvoo,” 281.

131. Hedges, *Journals, Volume 2:III–14*.

132. *Ibid.*, 108.

Carlin politely replied to Emma on August 24 that the “constitution and laws” mandated that her husband be arrested. He assured Emma that Joseph would be fairly treated in Missouri courts and would receive “the fullest justice.”¹³³ In her response to Carlin on August 27, Emma reminded him that the Nauvoo Charter authorized the use of writs of *habeas corpus* to protect its citizens and that he had signed the authorizing document. She considered it ironic that Governor Reynolds was attempting to use the law to extradite her husband when “tyranny, treachery and knavery” characterizes “a great portion of the leading characters of the state of Missouri.”¹³⁴

During the last week of August Smith began spending considerable time at his home and even spoke from the stand by the temple on Monday August 29. His remarks included the condemnation of the oppressive conduct of Lilburn Boggs and Thomas Carlin. Thomas Sharp announced in his September 3rd *Warsaw Signal*: “It is now reduced to a certainty, that Smith is in Nauvoo.” According to Sharp, Smith publicly said: “*that he would not be taken* — that King and Pitman, [the officers charged with the arrest] were cowards and *could not take him*.”¹³⁵

At noon on September 4 three armed officers managed to slip up to the Smiths’ door when Joseph was eating with his family. The would-be arresters included James Pittman and Thomas King of Adams County and Governor Reynolds’ representative Edward Ford. When the armed officers asked to search the house, they were delayed by ex-apostle John F. Boynton as Smith slipped out the back and went into hiding.¹³⁶ Eliza Snow recorded in her diary the following day that the quiet interlude was broken by some eighteen or twenty men, “who are lying in wait, for the blood of the innocent.” Explaining the attempted arrest, she added:

Yesterday Pittman from Quincy and Ford from Mo. With another stranger arrived about one o’clock at the house of Prest. Smith, who having a moment’s notice, left the dinner table where he was seated and made his escape. Pittman enquired for him and ask’d permission to search the house. Mrs. S[mith] said she had no objection if he had the proper authority. Pitman said he had *no authority* but with her consent he proceeded to search, preceded [*sic*] by John Boynton and D[imick] Huntington, whom Mrs. S. requested to show them into the rooms.

After sundown, [Thomas] King, the Deputy Sheriff and his associate came in. King seem’d in an unpleasant humor—after enquiring for Prest. Smith spoke about searching the house, Mrs. S. mention’s authority—He said he had authority at any rate he and *his will* was good enough. Mrs. S. said she thought he could have no objections to telling

133. *Ibid.*, 127.

134. *Ibid.*, 130.

135. “Joe Smith’s Whereabouts,” *Warsaw Signal* 3, no. 9 (September 3, 1842): 2, emphasis retained.

136. See Bushman, *Rough Stone Rolling*, 478–79.

what he wanted Mr. S. for. He said in a surly tone that it would be time enough to tell that afterward.¹³⁷

L. B. Fleak may have been accurate when he wrote Governor Reynolds on September 6 that it would take “a regiment of Militia” to forcibly remove Joseph Smith from Nauvoo. He qualified this by saying that the Mormons “laugh at the idea of his being removed by a hundred men, in short they say that ‘Brother Joseph’ shall never be taken to Missouri.” He added that Reynolds should not expect much of Governor Carlin as he “is about half Mormon himself or at least appears so from his sycophancy when he meets those Smiths.”¹³⁸

The correspondence between Emma and the governor resumed on September 7 with Carlin expressing regret that he was caught in the middle of the Mormon-Missouri conflict. He responded forcibly to the Mormon belief that their charter could void legal processes from other courts:

The charter of the City of Nauvoo is not before me at this time, but I have examined both the charters, and city ordinance upon the subject, and must express my surprise at the extraordinary assumption of power by the board of Aldermen as contained in said ordinance! from my recollection of the charter it authorizes the Municipal Court to issue writs of Habeues [sic] Corpus in all cases of imprisonment, or custody, arising from the authority of the ordinances of said city, but that the power was granted, or intended to be granted to release persons held in custody under the authority of writs issued by the courts, or the executive of the State, is most absurd & ridiculous, and an attempt to exercise it, is a gross usurpation of power, that cannot be tolerated.

He concluded that if Smith were his “own son” and he knew him to be innocent that he would “surrender him to the legally constituted authority to pronounce him innocent.”¹³⁹

The ante was raised when a messenger arrived from Quincy on October 2 stating that Governor Carlin had offered a reward of \$200 each for Smith and Rockwell. The same day mail brought news that Governor Reynolds had offered a \$300 reward for each of them as well.¹⁴⁰

Many rumors circulated among the anti-Mormons about the whereabouts of Smith. Some said he was in Wisconsin; others that he was in Texas or Canada. L. B. Fleak wrote Governor Reynolds on October 5 that he was in league with a “Mormon

137. Eliza Snow diary, in Madsen, ed., *In their Own Words: Women and the Story of Nauvoo*, 54–55, emphasis retained. William Clayton wrote, “John Boynton happened to be the first person discovered by the Sheriffs and they began to ask him where Mr. Smith was. He answered that he saw him early in the morning; but did not say that he had seen him since.” Hedges, *Journals, Volume 2*:125.

138. Jennings, “Two Iowa Postmasters View Nauvoo,” 282–83.

139. Hedges, *Journals, Volume 2*:151–53.

140. *Ibid.*, 160.

Judas” who would prepare the way for the kidnapping of Smith from his house by “resolute fellows” who would bring him to Keokuk in a small boat. Smith was to be secreted in the third story of Fleak’s house until he could be taken by steamer to St. Louis.¹⁴¹

William Clayton noted in Joseph Smith’s journal on October 5 that Judge Stephen Douglas, who was holding circuit court at Carthage, warned Sidney Rigdon and Elias Higbee that Governor Carlin had or would issue an illegal writ against Joseph Smith. The plan was to have Smith come to Carthage “to get acquitted by Habeas Corpus before Douglas, and having men there waiting with a legal writ to serve on Pres[iden]t Joseph as soon as he was released under the other one and bear him away to Missouri.” Clayton also recorded in Smith’s journal two days later that Elias Higbee had told him that he and Rigdon had been informed: “many of the Missourians were coming to unite with the Militia of this State, voluntarily and at their own expense; so that after the court rises at Carthage if they don’t take Prest Joseph there, they will come and search the city &c. It is likely that this is only report.”¹⁴²

Relief was signaled after Sidney Rigdon wrote Justin Butterfield on October 17 concerning the legality of Carlin’s attempted extradition of Smith. Butterfield was U.S. attorney for the district of Illinois but apparently was responding to Rigdon in his capacity as practicing attorney. He explained to Rigdon in an October 20 letter from Chicago that the case against Smith was flawed in several respects. This included, “The person to be surrendered up must be a fugitive from the State to which it is attempted to surrender him. Second, He must be a fugitive *from justice*; in other words he must have been in the State when and where the crime was committed and have fled from that State to evade being apprehended and tried for that crime.”¹⁴³

Wilford Woodruff, apostle and alderman, recorded: “We spent several days in the city Council passing a law relative to writ of Habeas Corpus. After it was passed Smith felt secure to stay at home as the law protected him as well as all citizens.”¹⁴⁴ Woodruff was referring to Smith presiding over the city council in his home from November 7–12 to write a nineteen-section protective ordinance that refined and added to previous ordinances. These provisions guaranteed the right of any person “detained for any criminal or supposed criminal matter” to secure a writ of *habeas*

141. Jennings, “Two Iowa Postmasters View Nauvoo,” 284–85, emphasis retained.

142. Hedges, *Journals*, Volume 2:161–62, emphasis retained. See also, Richard S. Van Wagoner, *Sidney Rigdon: A Portrait of Religious Excess* (Salt Lake City: Signature Books, 1994), 314.

143. “Letter to Sidney Rigdon, Esq., Chicago, Oct. 20th 1842,” *Times and Seasons* 4 no. 3 (December 15, 1842): 33–36, emphasis retained.

144. Scott G. Kenney, ed., *Wilford Woodruff’s Journal, 1833–1898*, typescript, 9 vols. (Midvale, UT: Signature Books, 1983–85), November 7–12, 1842, 2:191. Cited in Dinger, “Habeas Corpus in Nauvoo,” 152.

corpus. It also authorized the imprisonment from six-to-twelve months and a fine of at least \$500 for persons presenting an “illegal writ.”¹⁴⁵

Although Smith’s routine at Nauvoo gradually returned to normal, Governor Carlin’s order for his arrest had to be nullified for him to be truly free. To complicate matters, Governor Thomas Ford had pledged during his campaign to modify the Nauvoo Charter and would carry through with his threat in his inaugural address on December 8: “A great deal has been said about certain charters granted to the people of Nauvoo. These charters are objectionable on many accounts, but particularly on account of the powers granted. The people of the state have become aroused on the subject, and anxiously desire that those charters should be modified so as to give the inhabitants of Nauvoo no greater privileges than those enjoyed by others of our fellow citizens.”¹⁴⁶

The following day Representative Davis of Bond County introduced a bill to repeal the Nauvoo Charter, but it could not gain momentum because many legislators were unwilling to publicly take stands against the Mormons’ political clout. The House of Representatives voted 46 to 13 against repeal, while the Senate voted to table it.¹⁴⁷

During a friendly December 14 visit with a Mormon delegation at Springfield, Judge Douglas advised that Smith should petition the new governor to revoke Thomas Carlin’s “writ and proclamation.” The delegation, with Whig attorney Justin Butterfield in their employment, met with Governor Ford, who consulted with six Illinois Supreme Court Justices about the legality of Governor Carlin’s attempt to arrest Smith and return him to Missouri. Ford, in a letter to Joseph Smith dated December 17, 1842, declined to nullify his predecessor’s warrant because of his uncertainty that he could do so legally. He instead advised him to come to Springfield for a “Judicial investigation.” After reading Ford’s letter, Butterfield wrote Smith to come to Springfield “without delay.” He assured him he would be secure and pledged to see him “safely delivered” from his arrest.¹⁴⁸

Smith was arrested on the requisition from Missouri by Wilson Law on December 26 and started for Springfield with some forty Mormon attendants the following day. He received another writ, and after being rearrested at Springfield, Justin Butterfield petitioned U.S. District Court Judge Nathaniel Pope for a writ of *habeas*

145. Dinger, in *Ibid.*, 152–55, examined the impact of the ordinance and reproduced most of the sections of the ordinance.

146. “Gov. Ford’s Inaugural Address,” *Sangamo Journal* 12, no. 17 (December 15, 1842): 1.

147. See Glen M. Leonard, *Nauvoo: A Place of Peace, A People of Promise* (Salt Lake City: Deseret Book, 2002), 307.

148. See Hedges, *Journals, Volume 2*:173–81. Illinois Supreme Court Justice James Adams of Springfield concurred in a December 17 letter for Joseph to “make no delay in coming before the court at this place for a discharge under a *habeas corpus*.” Smith, *History of the Church*, 5:206.

corpus. Pope, in turn, issued a hearing for January 2, 1843.¹⁴⁹ On that occasion, Butterfield argued that Smith was innocent as he was not a fugitive from justice and could not be accessory to the attempted murder since he “was in Nauvoo when the attack was made on Lilburn W. Boggs.”¹⁵⁰

Pope’s January 5, 1843, decision held that Governor Boggs’s July affidavit was deficient because it did not specifically allege that Smith had committed a crime in Missouri, and since he was not charged with committing a crime, he could not legitimately be deported to Missouri. Pope concluded: “Therefore he did not flee from the justice of the State of Missouri, nor has he taken refuge in the State of Illinois.” Accordingly, he was released from custody.¹⁵¹

When Smith went to get trial documents from Governor Ford the next day, he was advised to “refrain from all political electioneeri[n]g.”¹⁵² He may have had Ford’s advice in mind when he published in the January 28 *Wasp*: “I have, of late had repeated solicitations to have something to do in relation to the political farce about dividing the county but as my feelings revolt at the idea of having anything to do with politics, I have declined in every instance in having any thing to do on the subject. I think it would be well for politicians to regulate their own affairs. I wish to be let alone, that I might attend strictly to the spiritual welfare of the church.”¹⁵³ Smith’s acquittal did not set well with area anti-Mormons, as it reinforced the belief that politicians gave him preferential treatment.¹⁵⁴

On March 1, 1843, L. B. Fleak wrote to Governor Reynolds that he was hearing rumors to the effect that the Mormons would make an attempt on his life if he issued another requisition for Smith’s arrest.¹⁵⁵ Two days later, Orrin Porter Rockwell was arrested at St. Louis.

On March 4 the Illinois House of Representatives voted 58 to 33 to modify the provisions of the Nauvoo Charter that involved *habeas corpus*. The Senate refused to

149. Dinger, “Habeas Corpus in Nauvoo,” 158.

150. See Hedges, *Journals*, Volume 2:210.

151. Dinger, “Habeas Corpus in Nauvoo,” 161–62. For in–depth information of January 2–5 events see Hedges, *Journals*, Volume 2:209–34; Walker, “Habeas Corpus in Early Nineteenth–Century Mormonism,” 59–71; and “Circuit Court of the U. States For the District of Illinois,” *Times and Seasons* 4 no. 5 (January 16, 1843): 65–71.

152. Hedges, *Journals*, Volume 2:235. Ford detested Smith’s lack of political acumen. Concerning his recent release at Springfield, he said in his memoirs: “Smith was too ignorant of law to know whether he owed his discharge to the law” or to his Whig lawyers and the Whig judge. Ford, *History of Illinois*, 314.

153. “To the Editor of the Wasp,” *Wasp* 1 no. 39 (January 28, 1843): 3.

154. The relationship between the Mormons and area Non-Mormons is noted in William Shepard, “Marshaled and Disciplined for War’: A Documentary Chronology of Conflict in Hancock County, Illinois 1839–1845,” *John Whitmer Historical Association Journal* 33, no. 2 (Fall/Winter 2013): 79–131.

155. Jennings, “Two Iowa Postmasters View Nauvoo,” 287–88. Fleak wrote Reynolds on March 20 the Mormons were on to his “watching them closely” and acknowledged they had been feeding him disinformation. *Ibid.* 288–89.

act on the measure by a vote of 17 to 16 on March 6.¹⁵⁶ John Taylor, the editor of the *Wasp*, stoically said:

What reliance can be placed upon a Legislature that will one session grant a charter to a city with 'PERPETUAL SUCCESSION,' and another session take it away. We expect *however* that this honorable body believe in the common adage, 'promises and pie crusts are made to be broken;' and we have sometimes ourselves seen boys crying for their marbles again, after they have given them away.¹⁵⁷

On March 17 Smith wrote Richard Blennerhassett of St. Louis about providing legal help for Rockwell. Smith's clerk Willard Richards recorded: "a report is circulated that that new indictments have been found in Mo. again[s]t Joseph. Hyrum [Smith]. & some 100. others on the old. subject."¹⁵⁸

Joseph Smith and some hundred Mormons took a pleasure cruise on the Mormon-owned *Maid of Iowa* on May 10 but he could not disembark at Fort Madison or Burlington, Iowa, because the territorial governor refused to comply with Judge Pope's acquittal.¹⁵⁹ Eight days later, on May 18, Smith and William Clayton made their way from the Mormon settlement at Macedonia to Carthage where they paid taxes and lunched with Jacob B. Backenstos, a Hancock County Democrat leader, and Judge Douglas, who happened to be holding court in the city. Clayton recorded in his journal:

After dinner the President and Judge had conversation concerning sundry matters. The President said "I prophecy in the name of the Lord God that in a few years this government will be utterly overthrown and wasted so that there will not be a potsherd left" for their wickedness in conniving at the Missouri mobocracy. The Judge appears very friendly and acknowledged the propriety of the Presidents remarks.¹⁶⁰

In this atmosphere of seeming tranquility, forces were at work that would lead to another extradition attempt. John C. Bennett's correspondence with Sam Owens, a

156. Hedges, *Journals*, Volume 2:294n551 and "House of Representatives," *Wasp* 1, no. 46 (March 15, 1843): 2.

157. Untitled editorial by John Taylor, *Wasp* 1, no. 46 (March 15, 1843): 2, emphasis retained.

158. Hedges, *Journals*, Volume 2:312.

159. Smith, *History of the Church*, 5:385.

160. George D. Smith, ed., *An Intimate Chronicle: The Journals of William Clayton* (Salt Lake City: Signature Books, 1995), 104. In 1854 an expanded account of Clayton's May 18 journal entry was copied into the draft history of Joseph Smith, as from his journal, which allegedly has Smith saying: "Judge you will aspire to the presidency of the United States; and if you ever turn your hand against me or the Latter-day Saints, you will feel the weight of the hand of Almighty upon you; and you will live to see and know that I have testified the truth to you; for the conversation of his day will stick to you through life." The draft was worked shortly thereafter into Manuscript History, Book D-1, pp. 1552-53, LDS Church History Library. It was then printed in the *History of the Church*, 5:393-94. James B. Allen, in *No Toil Nor Labor Fear: The Story of William Clayton* (Provo, UT: Brigham Young University Press, 2002), 114-15, said the Douglas prophecy may have been contributed years later by Clayton or may exist in some recording by Clayton which "has not come to light."

leader of the anti-Mormons in Independence, Missouri, motivated Owens to influence the Daviess County Circuit Court to submit a requisition on June 5 to Governor Reynolds to secure Smith's extradition to Missouri on the former charge of treason. In a letter to Governor Ford on June 10, Owens said that a warrant would be forthcoming from Governor Reynolds.¹⁶¹ Ford issued a new warrant on June 17, and Sheriff Joseph H. Reynolds of Independence and Harmon T. Wilson of Carthage went to Nauvoo to make the arrest. They found, however, that Joseph, Emma, and their children had left Nauvoo on June 13 for Inlet Grove, Lee County, Illinois, some two hundred miles north of Nauvoo to visit Emma's sister Elizabeth Wasson.¹⁶²

At Springfield, Judge James Adams, a baptized Mormon and personal friend of Joseph Smith, learned from Governor Ford about his intention to issue the warrant and sent an express to warn Smith at Nauvoo.¹⁶³ In response, William Clayton and Stephen Markham set out to warn him at Lee County on the 18th. After a frantic trip to Inlet Grove, they advised him of the impending danger on the evening of June 21, but Reynolds and Wilson, disguised as Mormon elders, arrested him on the 23rd. After physically and verbally abusing him and threatening Markham, the arresting officers stopped at nearby Dixon to change horses when townspeople intervened and gave Smith the chance to contact the Lee County Master-in-Chancery and to send for Cyrus Walker who was electioneering in the area for the office of Illinois Representative for Congress. J. Christopher Conkling, in his *Joseph Smith Chronology*, explained: "During this time [Stephen] Markham swears out a writ against Reynolds and Wilson for threatening his life. The two are then arrested on two counts: for threatening Markham's life and for illegally arresting and threatening Joseph." Reynolds and Wilson as well as Smith were all locked up overnight so that the complications could be sorted out the next morning.¹⁶⁴

Things moved rapidly on the 24th according to the *LDS History of the Church* as Smith sent William Clayton to Nauvoo to "send assistance." The Lee County Master-in-Chancery arrived and issued a writ of *habeas corpus* on behalf of Joseph Smith to be served before Judge John D. Caton of the 9th Judicial Circuit at Ottawa, Illinois, forty miles from Dixon. On his arrival, Cyrus Walker said he was too busy to represent Smith unless he promised him his vote. With little choice, Joseph agreed to Walker's offer.¹⁶⁵ Apparently, the Lee County Court then issued a writ against

161. Smith, *Life and Times of John Cook Bennett*, 136–37 and Smith, *History of the Church*, 5:422–23.

162. Newell and Avery, *Mormon Enigma: Emma Hale Smith*, 148.

163. Kent L. Walgren, "James Adams: Early Springfield Mormon and Freemason," *Journal of the Illinois State Historical Society* 75 (Summer 1982): 133.

164. Conkling, *A Joseph Smith Chronology*, 191–92.

165. Smith, *History of the Church* 5:444. This account explained that because Smith considered Walker "the greatest criminal lawyer in that part of Illinois," he promised him his vote. It failed to acknowledge that Walker was one of Smith's lawyers at Monmouth in June 1841. Walker is quoted as saying: "I am now sure of my election,

Reynolds and Wilson for “private damage and false imprisonment” and “were held to bail in ten thousand dollars each, and they had to send to Missouri for bondsmen.” They were placed in the custody of Sheriff James Campbell of Lee County until the matter was resolved. As with Smith, they obtained a writ of *habeas corpus* to be discharged before Judge Caton and then rode thirty-two miles to spend the night at Pawpaw Grove.

They learned on the 25th that Judge Caton was out of state and therefore returned to Dixon. At Nauvoo some 175 heavily armed Mormons set out to intercept Smith before he could be removed to Missouri. Some boarded the *Maid of Iowa* and searched vessels; one overland party set out for Peoria and another for Monmouth.¹⁶⁶

The following day Smith’s strange group progressed forty miles. Walker and two other Smith lawyers monitored events to protect their employer. Markham did the same to protect Smith. Reynolds and Wilson, armed with pistols, were technically holding Smith under arrest but were, in turn, being held under arrest by Sheriff Campbell. Two Mormons from one of the overland parties encountered Smith’s party near Genesee on June 27 and Joseph reportedly said, “I am not going to Missouri this time. These are my boys.”¹⁶⁷

After other Mormons joined the party on the 29th, Reynolds and Wilson were disarmed and the decision made by Smith and his lawyers to forgo a trial at Quincy under Judge Douglas in favor of a trial by the Nauvoo Municipal Court. Unaware of the change of dynamics, Wilson Law and a frantic group of Mormons, aware that they were closing in on Smith’s party, approached the village of Oquawka on the Mississippi River where they had imagined that Smith was being loaded onto the ferry. The Albert Perry Rockwood journal captured the near hysteria as he quoted Wilson Law saying: “We must overhaul them before they can get on the ferry-boat to cross the river, and we must take the stand that Joseph should not be taken over the river: therefore prepare ourselves for your best licks; for if Joseph goes into Missouri, they will kill him, and that will break us up, as our property in Nauvoo will become useless or of no value.” The account continued with Rockwood recording: “We put our animals at their full speed and charged in with drawn swords, our guns and pistols cocked and primed, ready to attack.” The citizens were terrified by the Mormon action. They called the Mormons “the destroying angels.”¹⁶⁸

and Joseph Smith has promised me his vote, and I am going to defend him.” George R. Gayler, in “Attempt by the State of Missouri to Extradite Joseph Smith, 1841–1843,” *Missouri Historical Review*, 58, no. 1 (October 1963): 33n46, documented a Non-Mormon source confirming this statement.

166. Bushman, *Rough Stone Rolling*, 506.

167. Smith, *History of the Church*, 5:449. The words are based on the 1854 recollection of Peter W. Conover, LDS Church History Library.

168. For “Rockwood’s Account of the Second Division of the Expedition to Relieve the Prophet,” see Smith, *History of the Church*, 5:454–56.

When word reached Nauvoo of Joseph's imminent return, vice-mayor Hyrum Smith assembled the municipal court and passed an ordinance that gave Nauvoo officials the duty to require "strangers" to "give their names, former residence, for what intent they have entered or are tarrying in the city, and answer such other questions as the officer shall deem proper or necessary."¹⁶⁹

When Smith, Sheriffs Reynolds, Wilson, and Campbell, three lawyers, and Mormon escorts arrived at Nauvoo at noon Friday, June 30, they were greeted by adulating thousands, bands, and a cannonade. John Needham, a twenty-four-year-old English convert wrote: "The city was alive to see our brother and friend; we shouted him welcome and shed tears of joy to see him again delivered from his enemies."¹⁷⁰ Shortly after arriving, Joseph told the municipal court, "The writ of habeas corpus granted by the Master-in-Chancery at Dixon was made returnable to the nearest court having jurisdiction; and you are that court."¹⁷¹ His release from custody was a foregone conclusion but was delayed to the next morning, as Joseph Reynolds and Harmon Wilson were his dinner guests at 5 p.m. An hour later his address to thousands of joyous Mormons included that if the "Laws & Constitution" of the United States are not enforced for their protection, "we will claim them from higher power from heaven & from God Almighty." The Nauvoo Charter, according to Smith, was guaranteed by the United States and Illinois Constitutions, and he would protect it "at the point of the Bayonet & Sword." He added that he would not deal with arresting officers as charitably in the future but might "act with Almighty Power."¹⁷²

That evening "at home before the Lawyers," Smith said, "I prophecy in the name of the Lord God that Governor Ford by granting the writ – again[s]t me. has damned him[s]elf politically and eternally and his carcass will stink on the face of the earth and be <as the carcass is that to> food for the carrion crow & Turkey buzzard.[""]¹⁷³

Reynolds and Wilson, having endured enough, left Nauvoo for Carthage, "threatening to raise the militia" and forcibly remove Smith from Nauvoo.¹⁷⁴ After a three-hour speech by Cyrus Walker before the municipal court on July 1, Smith was released on a writ of *habeas corpus*. Critics would say the Mormon court had overruled a warrant submitted by the Governor of Illinois. Cyrus Walker was dispatched

169. Dinger, "Habeas Corpus in Nauvoo," 163. This ordinance was influenced by rumors circulating in Nauvoo that strangers and "suspicious persons" were observed in the city on June 26–28. One rumor held that some had warrants for the arrest of Parley Pratt, Lyman Wight, and Alexander McRae. See Andrew H. Hedges, Alex D. Smith, and Brent M. Rogers, eds., *Journals, Volume 3: May 1843-June 1844* (Salt Lake City: Church Historian's Press, 2015), 40-41, cited hereafter as Hedges, *Journals, Volume 3*.

170. See Maureen Carr Ward, "John Needham's Nauvoo Letter: 1843," *The Nauvoo Journal* 8, no. 1 (Spring 1996): 38–42.

171. Smith, *History of the Church*, 5:461.

172. Kenney, *Wilford Woodruff's Journal*, 2:248, 251.

173. Hedges, *Journals, Volume 3*:48. This prophecy is not printed in the *History of the Church*.

174. Smith, *History of the Church*, 5:473, 478.

at an unknown time to meet with governor Ford and explain the legality of Smith's release by the Nauvoo court.¹⁷⁵

In its July 1, 1843, edition, the *Times and Seasons* reviewed previous murderous acts against the Mormons by the Missourians. It also extolled the powers granted by the state in the Nauvoo Charter that had authorized the release of Joseph Smith. John Taylor, however, treaded lightly on Governor Ford for issuing the arrest warrant. He and all concerned were aware that Ford had the authority to use the Illinois militia to take Smith by force. Taylor concluded his message by rhetorically asking, "if Joseph Smith be given into her [Missouri's] hands illegally?" He answered: "Never! No Never!! NO NEVER!!!"¹⁷⁶

It is against this backdrop that the Whigs and Democrats prepared for the August 7 election for Congressional Representative in the newly formed Sixth District. The election was vitally important, as the winner would represent Hancock and fifteen other counties.¹⁷⁷ Although the Mormons appeared to be committed to vote for Cyrus Walker, the Democrats emphasized that a Whig victory could mean that the militia would be used to secure Joseph Smith's arrest and extradition.

The political divisiveness between the competing political parties was emphasized by John Bailache, the Whig editor, writing in the *Alton Telegraph and Democratic Review*, "Both sides [political parties] are truckling like whipped puppies to secure the Mormon strength, and the law and its officers are treated with contumely and contempt. A more disreputable state of things never before existed in a free and enlightened government." After saying the Mormons "throw themselves in the market like cattle for sale" as elections approach, Bailache concluded: "And when justice is attempted to be visited upon them, the arm of the law is found to be too short to reach them. Politicians and Demagogues not only court but fear them, solely in consequence of their political power and strength; and attempt to disguise it as we may, the Mormons are now a privileged sect in this boasted land of equal rights."¹⁷⁸

175. George R. Gayler, "A Social, Economic, and Political Study of the Mormons in Western Illinois, 1839–1846, A Revaluation," PhD diss., Indiana University, 1955, 204–5. Ford, in *History of Illinois*, 315, sarcastically said that Cyrus Walker: "appeared as his counsel, and made a wonderful exertion, in a speech of three hours long, to prove to the municipal court, composed of Joe Smith's tools and particular friends, that they had the jurisdiction to issue an act on the writ under the ordinance of their city."

176. "Missouri and Joseph Smith," *Times and Seasons* 4, no.16 (July 1, 1843): 241–43, emphasis retained. The defiance of Missouri is represented in a letter by J. Hall, a citizen of Independence, who said that Joseph H. Reynolds had received reprehensible treatment in Illinois and that the actions of the Nauvoo court in releasing Joseph Smith were illegal. He angrily said that if Governor Ford did not cooperate with his state, he should "be impeached." Calling the Mormons a "lawless banditti," he maintained "it will be but a small matter to raise volunteers enough here to raze the city of Nauvoo to the ground." "Independence, Mo, July 23 [1843]. My dear old friend," *Nauvoo Neighbor* 1, no. 17 (August 23, 1843): 2.

177. See Pease, *Illinois Election Returns*, 140.

178. "Joe Smith," *Alton Telegraph & Democratic Review* 8, no. 29 (July 15, 1843): 2. An example of the dislike of Joseph Smith by area Whigs is this quote from a letter by George Rockwell, a Warsaw druggist, to his father on

During the brief window when some Whig newspapers hoped the Mormon vote would propel Walker to victory, Ford explained that the anti-Mormons, “entirely ceased their accustomed abuse.”¹⁷⁹ For example, Thomas Gregg, the editor of the *Warsaw Message*, printed a conciliatory message on July 12 which included the statement that “many sound lawyers entertain the opinion that their [Nauvoo] charter confers this power” to issue writs of *habeas corpus*.¹⁸⁰ The *Quincy Whig*’s Sylvester Bartlett vigorously attacked the Democrats for saying that the Whigs had anything to do with the arrest of Smith. In the July 12 issue he printed a glowing account by an unidentified individual from Quincy concerning the July 4th celebration at Nauvoo. The visitor said he was respectfully greeted by members of the Nauvoo Legion and was impressed by the appropriate prayers, music, and patriotic presentations. The visitor said: “I never saw a more orderly, gentlemanly, and hospitable people than the mormons.”¹⁸¹ Quincy, in Adams County, was in the Fifth Congressional District and would vote on August 7, along with seven other counties, for a Representative—Democrat Stephen Douglas was running in a tight race against Whig Orville H. Browning.

Arriving at Nauvoo on July 2, Judge James Adams noted that Reynolds and Wilson were agitating against the Mormons and were petitioning Governor Ford to send a posse to retake Smith.¹⁸² Ford wrote to Reynolds on July 6, indicating that he had dispatched his personal representative, Mason Brayman,¹⁸³ to Nauvoo to collect information relative to Reynolds’s request that the militia be used to arrest Smith. The letter made it plain that the militia would not be used until he had evaluated “authentic and unquestionable information.”¹⁸⁴ Brayman arrived at Nauvoo on the 7th and reviewed a massive amount of material furnished by the Mormons relative

August 3, 1843: “had it not been for their [the Mormons] political influence in favor of loco-focoism [Democrats] their leader Joe Smith would long before now have expiated for his crimes on the Gallows.” George Rockwell to Dear Father, typescript, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah.

179. Ford, *History of Illinois*, 319.

180. “Joseph Smith, The Mormon Prophet,” *Warsaw Message* 1, no. 25 (July 12, 1843): 3. Gregg purchased the *Warsaw Signal* from Thomas Sharp and changed its name to the *Warsaw Message*, which he published from January 7 through February 1, 1844. He was decidedly anti-Mormon but was generally able to express himself in a gentlemanly manner.

181. “Trip to Nauvoo on the 4th,” *Quincy Whig* 6, no. 12 (July 12, 1843): 3.

182. Hedges, *Journals*, Volume 3:48-49.

183. Born in Buffalo, New York, in 1813, Brayman published *The Buffalo Bulletin* in 1834–35. After being admitted to the bar in 1836, he served as city attorney of Monroe, Michigan, in 1838 before relocating to Springfield, Illinois, where he practiced law and became a confidant of Governor Ford. After engaging in railroad enterprises, he rose to the rank of brevet major-general in the Civil War. After resuming his railroad enterprises, he served four years as the governor of Idaho and died at Kansas City in 1895. See article by W. L. D. Ewing and George R. Weber, “The Visit to Springfield of Richard M. Johnson, May 18–20, 1843,” *Journal of the Illinois State Historical Society* 13, no. 2 (July 1920): 208.

184. Smith, *History of the Church*, 5:492.

to Smith's release by the Nauvoo Municipal Court on July 1.¹⁸⁵ Though Brayman's date of departure is unknown, on July 8 Smith sent affidavits to Ford attesting that he had been arrested without cause.¹⁸⁶

Soon thereafter Hancock County Democratic leader Jacob B. Backenstos arrived at Springfield and met with Brayman as the governor was away on business. Backenstos's mission was to seek assurances that the governor would not use the militia to arrest Smith. He left Springfield with a confidential message for Joseph Smith dated July 29.¹⁸⁷ In the meantime, Governor Ford had informed his counterpart in Missouri on July 26 that he would not use "a detachment of militia" to rearrest Smith.¹⁸⁸ He explained later that "mature consideration" led to this decision because "the writ had been returned as having been fully executed by the delivery of Joe Smith to the Missouri agent."¹⁸⁹

Smith's journal, kept by Willard Richards, mentioned that Democrats Joseph P. Hoge¹⁹⁰ and Cyrus Walker were campaigning in Nauvoo on August 1 and that "Hoge acknowledged the power of the Mormon Habeas [*sic*] Corpus." Richards also noted: "News arrived from the Gov[ernor] that the writ was retu[rn]ed & killed" and explained, "The news above refer[r]ed to was a private communication from Mr Bra-man [*sic*] to Joseph by Mr Backenstos and not [from] the gov[ernor]."¹⁹¹

Brayman's letter informed Smith that he was surprised to learn on July 7, when he had arrived at Nauvoo on his previous fact finding mission, that some were suspicious of Governor Ford's motives. He assured Smith that the governor had harbored no unkind feelings toward him when he issued the writ for his arrest. Governor Ford, according to his representative, did so "with reluctance" because he was bound by law. Smith was informed that the writ had been returned to the governor and was inoperative. Brayman opined that Ford would "issue no more writs." He pledged that the governor was not "Holding a rod over" the Mormons to influence their vote. He

185. *Ibid.*, 493.

186. *Ibid.*, 497.

187. Omer (Greg) W. Whitman and James L. Varner, "Sheriff Jacob B. Backenstos: 'Defender of the Saints,'" *Journal of Mormon History* 29, no. 1 (Spring 2003): 155.

188. "From the State Register— Illinois and Missouri," *Nauvoo Neighbor* 1, no. 18 (August 30, 1843): 2. See also Smith, *History of the Church*, 5:533.

189. Ford, *History of Illinois*, 317.

190. Born in Steubenville, Ohio, on December 15, 1810, Hoge moved to Galena, Illinois, in 1836 and began practicing law. He represented Hancock and fifteen other counties in the Sixth Congressional District in the 28th and 29th Congresses but did not stand for renomination in 1846. He instead moved to San Francisco, California, in 1853 where he ran unsuccessfully for the Senate in 1869. He was a superior court judge when he died in 1891.

191. Hedges, *Journals, Volume 3*:70–71. Ford, in *History of Illinois*, 316, said Walker and Hoge were asked by the Mormons "in a public assembly" if the Nauvoo municipal court could legally "issue writs of habeas corpus in all cases of imprisonment." After stating they both "gave their solemn opinion in favor of the power," Ford said "the Mormons were deluded by men who ought to have known and did know better."

reassuringly added: “The idea that Gov. Ford ever intended to call out the Militia is so perfectly absurd, that no one, but a half crazy politician, whose only hope of success depended on his efforts to inflame your people, against the executive, would have resorted to it, and it is quite certain that he had no such desire.” After reassuring Smith that the governor was looking forward to the time when “vexatious persecution” against the Mormons would be no more, he added: “Vote, preach, pray, and worship God as you please, and, so that you violate no law, you have nothing to fear from the executive or his advisors.” Brayman emphasized that the message was his opinion but reassuringly said he was certain that the governor held similar beliefs.¹⁹²

The August 2 *Nauvoo Neighbor* contained a short statement by John Taylor that advised the Mormons not to divide their votes in the upcoming election. This was followed by solitary endorsements for Walker and Hoge. Walker was extolled by “A. K” as a “man of stability” whose “fixed and established principles” that were developed during his thirty years as a lawyer made him a solid candidate. Hoge was depicted by pseudonymous writer “A. Democrat” as a young lawyer in a progressive party who was independent and would be a “faithful servant” to all of his constituents. This spokesman effectively pointed out that Walker had been well compensated with \$500 when he had represented Joseph Smith as counsel at Monmouth.¹⁹³

Taylor then published a letter by a person using the pseudonym “One of the Olden Times” that compared recent speeches made by Hoge and Walker at Nauvoo and strongly advocated the election of Hoge. Significantly, the author belittled Walker’s explanation that his defense of Smith had tarnished his reputation among the Whigs and at the same time pretended that he believed in the principles of the Democrats:

He [Walker] prefaced his address with a piteous cry of what he should lose by his defence of Joseph Smith, and what Mr. Hoge, would gain, therefore he thought the people of Nauvoo ought to support him. But he forgot to explain why he voted for Jo Duncan for Governor, an open hostile enemy of the Mormons. He was as silent of the tomb of the silent dead upon this subject. He advocated all the federal whig measures, and said he was a democratic whig! ... To cap the climax of all, he claimed to be a Jackson democrat!!! He certainly presumed more upon the ignorance and credulity of the people than any man I ever saw, or else he must be *ignorant* himself.¹⁹⁴

On Saturday evening, August 5, two days before the election, there was a dramatic showdown at the stand near the temple before hundreds of Mormons when Hyrum Smith and William Law publicly clashed over who should receive the Mor-

192. Confidential letter of Mason Brayman to Joseph Smith, July 29, 1843, emphasis retained. Transcribed by H. Michael Marquardt. Original at the Community of Christ Library–Archives, Independence, Missouri.

193. “For the Neighbor,” *Nauvoo Neighbor* 1, no.14 (August 2, 1843): 2.

194. “To the Editor of the Neighbor,” *Ibid.*, emphasis retained.

mon vote—Hoge or Walker. According to an 1887 remembrance by Law, a deal was made in which Hyrum would support Hoge in exchange for receiving a seat in the Illinois Legislature. Law also maintained that Hyrum said he had a revelation “that the people should vote for Mr. Hoge” and that Law “showed the people how shamefully they had treated Mr. Walker.”¹⁹⁵

Following Parley P. Pratt’s preaching at the stand the next day, Joseph Smith told the assembled crowd that he was not going to tell them how to vote, proclaiming, “The Lord has not given me Revelati[o]n conc[e]rning politics.” Acknowledging that Cyrus Walker was “a high minded man,” Smith said that he had promised to vote for him and would do so. Walker’s fate was sealed when he added, “Bro[ther] Hiram tells me this morn[i]ng that he has had a testimo[n]y that it will be better for this people to vote for hoge. & I never never kn[e]w Hiram [to] say he ever had a revelation & it failed.” Smith then added that he had never “told Bro[ther] [William] Law to tell my private feeli[n]gs,” presumably referring to their discussions about his initial pledge to vote for Walker. He further commented that Governor Ford’s issue of a writ for his arrest was an action “of the head and not of the heart” and authorized those present to affirm that he was “a personal friend of gov[ernor] ford.” Hyrum then “explai[n]ed at some length. concring [concerning] the election.”¹⁹⁶ Historians Robert Wicks and Fred Foister, summarized the election results as follows:

When the votes were counted it became clear that Walker had maintained a solid lead over Hoge outside of Nauvoo, with an 895 vote majority in thirteen counties—Henry, Knox, Mercer, Ogle, Stark, Warren, Jo Davies, Stephenson, Winnebago, Carol, Whiteside, Rock Island, and Henderson. Hoge led in two counties, Lee and McDonough, with a majority of only 114 votes. Hancock County figures were 2,088 in favor of Hoge, and 733 (chiefly non-Mormon votes outside of Nauvoo) in favor of Walker. The Mormon bloc vote had determined the contest.¹⁹⁷

Although the Mormons voted for Whig O. H. Browning in Adams County, Democrat Stephen Douglas won to become a U. S. Representative with 53 percent of the vote.¹⁹⁸ It has been assumed by various historians that the Mormons simply “forgot” to inform their Mormon brethren to vote for Douglas. Robert W. Johannsen,

195. Wilhelm Wyle Interview, March 20, 1887, Shullsburg, Wisconsin with William Law. See Lyndon W. Cook, *William Law: Biographical Essay, Nauvoo Diary, Correspondence, Interview* (Orem, UT: Grandin Book Company, 1994), 125. See Ford’s description of the public clash between William Law and Hyrum Smith in *History of Illinois*, 318-19.

196. Hedges, *Journals, Volume 3*:72-73. See Flanders, *Kingdom on the Mississippi*, 236-39 for a critical view of the election and Leonard, *Nauvoo: A Place of Peace, a People of Promise*, 298-300, for a defense of the manner in which the Mormons bloc voted for Hoge.

197. Robert S. Wicks and Fred R. Foister, *Junius & Joseph: Presidential Politics and the Assassination of the First Mormon Prophet* (Logan: Utah State University Press, 2005), 47.

198. See Ford, *History of Illinois*, 320 and Flanders, *Nauvoo: Kingdom on the Mississippi*, 239.

a leading Douglas authority, wrote: “the rumor circulated that Ford himself had influenced the Mormons to vote against Douglas because the governor recognized in Douglas a potential rival for the United States Senate.”¹⁹⁹

Historian John Hallwas opined: “Probably no episode of the Mormon sojourn in Illinois so clearly displayed the subversion of the democratic process through the intrusion of religious authority into politics. The Smiths were anxious to direct Mormon voting, and their followers were willing to obey.” He added: “The election ended Walker’s political career, not only because of his defeat, but because his cooperation with the Mormons caused many of his Whig followers to turn against him—so great was their dislike of Joseph Smith.”²⁰⁰

Ford, in a lengthy letter to Governor Reynolds on August 14, said that he did not authorize the use of a “detachment of militia” to assist in the arrest of Joseph Smith until he made a careful study of all aspects of Joseph Smith’s arrest and release.” Ford’s recapitulation of events seemed straightforward except for his claim that the Mormon relief force exhibited no “arms of any description” and there was no “military or warlike array.” In this he was incorrect. He maintained that he was prevented by Illinois law from calling out the militia except in situations involving a requisition from the president, a threatened invasion of the state, or an extreme emergency. He added that he had issued a writ for Smith’s arrest, resulting in his delivery to a Missouri agent. He emphasized, “No process, officer, or authority of this state *has been resisted* or interfered with.” He affirmed that he had “fully executed the duty which the laws” imposed on him.²⁰¹

Presbyterian minister Milton Kimball wrote to a “Brother Badger” from Warsaw on the 25th of August, “I recently heard with my own ears, these heartless leaders, tell the Mormons that they had a revelation from the Lord to tell them how they should all vote. They one and all believed it, and voted in obedience to the pretended revelation.”²⁰² On September 8, Charlotte Havens, a non-Mormon residing at Nauvoo, wrote family members that the Mormons followed Hyrum Smith’s revelatory claim to vote for Hoge “like sheep following the bell sheep over a wall.”²⁰³

The *Bloomington Herald* on September 8, 1843, quoted the *Burlington Hawk-Eye* as saying, “The late refusal on the part of GOV. FORD to issue a new writ in com-

199. Robert W. Johannsen, *Stephen A. Douglas* (New York: Oxford University Press, 1973), 123.

200. Hallwas, *Western Illinois Heritage*, 113–14. The Hoge victory did immeasurable harm to the Mormons. Thomas Ford correctly said, “from this time forth the Whigs generally and a part of the democrats determined upon driving the Mormons out of the state.” Ford, *History of Illinois*, 319.

201. “Executive Department, Springfield, Illinois, August 14, 1843,” *Nauvoo Neighbor* 1, no. 18 (August 30, 1843): 2, emphasis retained. See also Smith, *History of the Church*, 5:533–36.

202. Roger D. Launius, “American Home Missionary Society Ministers and Mormon Nauvoo: Selected Letters,” *Western Illinois Regional Studies* 8, no. 1 (Spring 1985): 29.

203. Charlotte Haven, “A Girls Letters from Nauvoo,” *Overland Monthly* 17, Second Series (January–June 1891): 636.

pliance of the Governor of Missouri for Joseph Smith, has awakened a spirit which we fear may end in blood shed. The Missourians, 20,000 in number it is said, stand ready to cooperate with the Illinoisans.”²⁰⁴

A petition of the Mormon residents of Hancock County dated November 28, 1843, was submitted to the 28th United States Congress and referred to the Judiciary Committee the following April. Titled “Memorial of inhabitants of Nauvoo in Illinois, praying redress for injuries to their persons and properties by lawless proceedings of citizens of Missouri,” it chronicled crimes against them by the Missourians and asked the Congress to force the state to grant them redress as they had “repeatedly appealed to the Missouri authorities in vain.” The petition alleged that “the exterminating order of the Governor of Missouri is still in force and we dare not reclaim our just rights.”²⁰⁵ The petition received no action.

Orrin Porter Rockwell’s Missouri incarceration came to an end at Independence on December 13 when a jury found him guilty of escaping from jail and sentenced him to “five minutes imprisonment in the county jail.” He arrived at Nauvoo on Christmas day.²⁰⁶ Historian George Gayler suggested this release “must have been a bitter pill for the Missouri Authorities to swallow.” He explained that since they had “failed to extradite [Joseph] Smith for trial in Missouri, they were forced to free the man that was most universally accepted as the attempted assassin” of Lilburn Boggs.²⁰⁷

In spite of the growing regional antagonism between Mormons and their enemies, several months passed during 1843 without conflict. This changed on December 2 when Mormons Daniel Avery and son Philander from the Bear Creek area were kidnapped by Missourians from Clark County and Illinoisans from Green Plains in Adams County. Accused of stealing horses, they were forcibly removed to Missouri where Philander managed to escape. But his father received brutal treatment until his release on a writ of *habeas corpus* on December 25.²⁰⁸

Joseph Smith responded on December 7 by sending a personal letter, affidavits and resolutions protesting the kidnapping of the Averys to Governor Ford and asked for protection against aggression by Missourians. After asking Ford if he could call out a portion of the Nauvoo Legion to protect the Mormons, he said he had just learned that Governor Reynolds would make another demand for him.²⁰⁹

204. “Anti-Mormon Convention,” *Bloomington Herald* 3, no. 44 (September 8, 1843): 3.

205. See Lyman D. Platt, “1843 Petition to the United States Congress,” *Nauvoo Journal* 1 (1989): 32–52 and Smith, *History of the Church* 6:84–88.

206. See Launius, *Alexander William Doniphan*, 81–82.

207. Gayler, “A Social, Economic and Political Study of the Mormons,” 207.

208. Smith, *History of the Church*, 6:99, 122–23, 145–48 and Dinger “Habeas Corpus at Nauvoo,” 164–65.

209. See Smith, *History of the Church*, 6:100–101. Governor Ford denied the request to activate the Nauvoo Legion.

Historian John Dinger has aptly written: “The Saints in Nauvoo were terrified by the kidnapping, realizing that the same fate could befall [Joseph] Smith.” The City Council passed a “Special Ordinance in the Prophet’s Case, vs Missouri” on December 8. It reviewed Missouri efforts to have Smith arrested and extradited and how he had been lawfully released from custody. Recognizing additional attempts could be forthcoming for his arrest, the ordinance included the following:

Be it ordained by the City Council of the City of Nauvoo, according to the intent and meaning of the Charter for the “benefit and convenience” of Nauvoo, that hereafter, if any person or persons shall come with process, demand, or requisition, founded upon the aforesaid Missouri difficulties, to arrest said Joseph Smith, he or they so offending shall be subject to be arrested by any officer of the city, with or without process, and tried by the Municipal Court, upon testimony, and, if found guilty, sentenced to imprisonment in the city prison for life; which convict or convicts can only be pardoned by the Governor, with the consent of the Mayor of said city.²¹⁰

The Avery kidnappings marked a milestone of sorts as neither kidnappings nor extradition attempts were made during the remainder of Joseph Smith’s life. Governor Reynolds would have an even shorter lifespan, as he committed suicide in his office on February 9, 1844. Tying a strong twine to the trigger of a rifle with the opposite end around his thumb, he shot himself in the head.²¹¹ Historian George Gayler wrote that Reynold’s suicide, “could be traced, in part, to despondency over his many failures to extradite the Mormon Prophet.”²¹² Though this assessment may have some merit, his “suicide note” painted a broader picture of serious mental illness: “In every situation in which I have been placed, I have labored to discharge my duties faithfully to the public; but this has not protected me for the last twelve months from the slanders and abuse of my enemies, which has rendered my life a burden to me. I pray God to forgive them and teach them more charity.”²¹³

It is unknown if Reynolds would have further pursued the extradition of Joseph Smith had he lived. Based on Governor Ford’s emphatic rejection of his last request that the militia be used to capture Smith, he may have realized the futility of continuing the effort. The remainder of his term was filled by a Democrat, Meredith Miles Marmeduke. Another Democrat, John Cummings Edwards, became governor in November 1844.

210. See Dinger, “Habeas Corpus in Nauvoo,” 165 and Smith, *History of the Church*, 6:105–06. This ordinance was repealed on February 12, 1844.

211. “Death of Gov. Reynolds,” *Warsaw Signal*, New Series no. 3 (February 28, 1844): 2.

212. Gayler, “A Social, Economic and Political Study of the Mormons,” 207. See “Suicide of Gov. Reynolds of Missouri,” *Quincy Whig* 6, no. 44 (February 21, 1844): 2.

213. “Death of Gov. Reynolds,” *Warsaw Signal*, New Series no. 3 (February 28, 1844): 2. Thomas Sharp recently reacquired the newspaper from Thomas Gregg and resumed publication of the *Warsaw Signal*.

To be sure, verbal skirmishes between the Mormons and Missourians continued with threats and proclamations. They were made, however, without expectation of violent confrontation. One gets the feeling that each side was content to ruminate on past conflicts rather than to relive the terror of their 1838 encounters.

Conclusion

The “escape” of Joseph Smith and four other Mormons from Missouri authorities in April 1839 signaled that the Missourians wanted to bring their “Mormon period” to a close. They not only had to borrow money to pay the militias, but they also had to deal with internal dissension over the manner in which the Mormons were treated. Moreover, they had to defend their treatment of the Mormons on the national scene as accounts of their actions against the Mormons circulated throughout the nation.²¹⁴ Instead of going quietly, the Mormons added to their embarrassment by publicizing the violence associated with their forced removal from Missouri before the president and Congress. Possibly more distasteful to the Missourians were the stories spread by hundreds of Mormons across the United States and England, portraying the people of Missouri as frontier ruffians. Governor Boggs and Governor Reynolds apparently decided that their best option was to have Smith returned to Missouri where a trial would disclose his own level of guilt for causing the 1838 conflict.

Historian Stephen C. LeSueur has correctly stated, “Both the Mormons and Missourians believed the Mormon War had resulted from an unlawful conspiracy by the other to seize property and power.”²¹⁵ As in most conflicts, the antecedents of violence were selectively remembered, and personal contributions to conflict were ignored. This reality spawned what John R. Hallwas and Roger D. Launius defined as the “myth of persecuted innocence.”²¹⁶ Richard Bushman has aptly written: “When the Mormons thought of Missouri, they did not remember looting houses or burning stores. They believed that they had acted solely in their own defense. They were the victims.”²¹⁷ Most certainly, the Missourians as well believed that they had acted only defensively and were victims.

214. See, for example, criticism in the *Baltimore Patriot*, quoted in the *Jefferson Weekly* (Albany, NY) 1 (December 8, 1838): 343–44: “If Mormons can thus be hunted like wild beasts and driven from place to place like outlaws, why cannot Shakers, New Harmony men, or any other social community of peculiar habits and organization? If any person has committed an offence against the law, he should be tried and condemned by the laws but to exile a whole community thus (saying nothing of the [Hawn’s Mill] Massacre) when it is admitted that the mass or rabble among them are ‘more sinned against than sinning,’ appears to us to be a most flagrant violation of the rights of American citizens and a most dangerous precedent.” Gentry and Compton, *Fire and Sword*, 503.

215. Stephen C. LeSueur, *The 1838 Mormon War in Missouri* (Columbia: University of Missouri Press, 1987), 245.

216. Hallwas and Launius, *Cultures in Conflict*, 300.

217. Bushman, *Rough Stone Rolling*, 390.

James L. Kimball Jr. said that the Mormons believed the Nauvoo Charter “would provide a peaceable kingdom free from the violence and harassments of Missouri officials.”²¹⁸ Although the optimism about not being harassed by Missouri did not last, yet provisions of the charter turned out to be a means to prevent Joseph Smith from being extradited. Just as the charter was given life by politicians who were competing for Mormon allegiance, participation in politics became a way of life for the Mormons. Their acceptance of political favors transitioned into a system in which Smith would determine who should be the recipients of the Mormon vote. Smith’s political decisions would add to the determination of the antagonists to oppose the Mormons. Robert Flanders wrote, “The most far-reaching consequence for Mormon life in Illinois was the church’s involvement in a complex process of political action. Nothing could have been more typically American than their use of the power of their numbers, actual and potential. Nor could anything have been more hazardous.”²¹⁹

The authors do not believe that their findings and interpretations are the last words on the several subjects covered in this article. They are nevertheless hopeful that new venues have been opened for consideration. They gratefully acknowledge the assistance of Joseph Johnstun in this project.

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218. Kimball, “A Wall to Defend Zion, 496.

219. Robert Bruce Flanders, “The Kingdom of God in Illinois: Politics in Utopia,” in Launius and Hallwas, *Kingdom on the Mississippi Revisited*, 149.