Junius And Joseph

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Chapter Three

“To Save the District for the Whigs”

In 1843, the economy of Illinois had not yet recovered from the economic decline of the late 1830s. The state suffered from a crushing public debt burden brought on by a succession of Democratic administrations and the limitations of a barely functioning money economy with almost no gold or silver coin in circulation. Paper currency was accepted only at a steep discount. These conditions favored a Whig revival with a promise of “relief and reform.”

When congressional redistricting was completed in early 1843, Illinois was divided into seven nearly equal precincts. John J. Hardin’s drive to represent Illinois’s newly formed Seventh Congressional District, which included Springfield, the state capital, was seen as an opportunity by the Whigs to deliver Illinois from “the fangs of Loco-focism,” locofoco being a popular term for Democrats named after a strike-anywhere friction match.1

To prevent party infighting, Springfield Whigs Abraham Lincoln, Edward D. Baker, and John J. Hardin had agreed to be “successively nominated and elected to Congress.” Eighteen-forty-three was Hardin’s year to run. The canvass was uneventful. Hardin’s greatest challenge was how to overcome hoarseness from “riding in the hot weather of the day, and then speaking for five or six hours in the evening.” Other Whig aspirants for Congress were not so fortunate.2

In western Illinois’s new Sixth District the Whigs chose as their candidate Cyrus Walker, a criminal defense attorney from Macomb, McDonough County. Walker was an older Kentucky gentleman, regarded as “the peer of the leading lawyers” at Springfield and widely considered the best chance to “save the district for the whigs.” A Whig “of the Henry Clay school,” (the two men knew each other from the Lexington bar) Walker was not an office seeker. His three terms in the Kentucky House of Representatives had eliminated any desire for an active political career. Now, however, with larger party interests at stake, Walker could no longer refuse to run.3

The Democrats expected to retain the counties they had secured in the previous election—including the Mormon-controlled county of Hancock, with its decisive bloc of more than one thousand votes in the city of Nauvoo alone—and selected a young lawyer, Joseph P. Hoge, of Galena, “talented, energetic, and a good stump speaker” to go against Walker.4

The Whig strategy for the Sixth District also depended upon the Mormon vote. Walker’s trunk “was full of letters from all parts of the district,” one acquaintance recalled, “urging him to allow the use of his name for congress.” This correspondence included two letters from Joseph Smith, the Mormon prophet, who “pledged the Mormon vote to Walker, if he would allow his name to be used, but would not agree to vote for any other whig.” Walker had been one of Smith’s defense counsel (together with O. H. Browning, and others) in 1841 during an unsuccessful extradition attempt by Missouri authorities. Several supportive letters came from George Miller, a well-to-do farmer and fellow Freemason who had been a “brother elder” with Walker in Macomb’s Presbyterian church prior to Miller’s conversion to Mormonism. In the end it was “at the earnest solicitation of the leading Whigs in the Galena District” that Walker “consented to become a candidate for Congress.” Cyrus Walker’s success in Mormon-dominated Hancock County was at first limited. Then a circumstance arose which virtually assured his victory.5

On Tuesday, June 13, a grand jury indictment against Joseph Smith—on the old charge of treason against the state of Missouri and for having “fled from justice”—was signed by the governor of Missouri and forwarded to Springfield, Illinois. On that same day Joseph Smith and his wife Emma departed Nauvoo to visit her sister who lived near Dixon, Illinois, some two hundred miles to the north.6

Illinois’s Democratic governor Thomas Ford issued a writ for Joseph’s arrest on Friday, June 16. By previous arrangement the papers were delivered to the Hancock County constable, Harmon T. Wilson, and took effect the next day.

Apparently ambivalent about the forces he was unleashing, late that night Governor Ford informed Judge James Adams “he was obliged to issue a writ for Joseph

4. Gregg, History of Hancock County, 291.
and that it would start tomorrow.” Adams, who had converted to Mormonism several years earlier and was their champion in the capital, dispatched an express rider to Nauvoo. He arrived on Sunday evening. William Clayton and Stephen Markham, Joseph’s clerk and bodyguard, departed Nauvoo after midnight to warn the prophet of his impending arrest. After riding hard for sixty-six hours they reached Dixon the following Wednesday.7

The prophet would not stay safe for long. Disguised as Mormon elders “seeking the Prophet Joseph,” Constable Harmon T. Wilson of Hancock County, Illinois, and Sheriff Joseph Reynolds of Jackson County, Missouri, arrested Smith on June 22 and took him to a tavern near Dixon’s Ferry, where he was placed under close guard. William Clayton returned to Nauvoo with word that Joseph had been captured.8

Several lawyers offered legal assistance to the prophet, and at first were refused admittance by the arresting officers. Cyrus Walker, who was campaigning in the neighborhood at the time, was eventually permitted to consult with the prisoner. Walker consented to represent the Mormon leader on the condition that Smith would deliver him the Mormon vote in the upcoming congressional contest. This

was agreed. A writ of habeas corpus in behalf of the prophet was secured, which released him from custody and permitted the prophet’s case to be reviewed by a justice of the peace. Joseph intended the hearing to take place before his own Mormon-friendly municipal court of Nauvoo.

On June 29, word reached Nauvoo that the prophet would return to the Holy City “the next day and wanted the band to meet him.” Joseph arrived with his attorneys (Cyrus Walker among them) sitting in a “buggy followed by stage and carriages” sporting the arresting officers, sheriff Reynolds and constable Wilson, displayed like trophies of war. Two rows of horses, about forty in all, completed the entourage. An “immense [sic] carnival of people met the cavalcade” and escorted the general to his house.

After resting for a time the prophet spoke to those who had given him such a joyous welcome. “The congregation is large,” the prophet began, addressing the thousands of Saints assembled in the grove near the temple site, eager to hear of his recent exploits. “I shall require attention . . . I meet you with a heart full of gratitude to Almighty God; and I presume you all feel the same . . . Thank God, I am now a prisoner in the hands of the municipal court of Nauvoo, and not in the hands of Missourians. It is not so much my object to tell of my afflictions, trials, and troubles as to speak of the writ of habeas corpus, so that the minds of all may be corrected. It has been asserted by the great and wise men, lawyers and others, that our municipal powers and legal tribunals are not to be sanctioned by the authorities of the state.” (Complaints had arisen that the municipal court of Nauvoo was taking upon itself more powers than were actually granted to it by the state of Illinois.) “Relative to our city charter, courts, right of habeas corpus, etc., I wish you to know and publish that we have all power; and if any man from this time forth says anything to the contrary, cast it into his teeth.”

“There is a secret in this,” Joseph assured his audience. “If there is not power in our charter and courts, then there is not power in the state of Illinois, nor in the congress or constitution of the United States, for the United States gave unto Illinois her constitution or charter, and Illinois gave unto Nauvoo her charters, ceding unto us our vested rights, which she has no right or power to take from us.” He repeated his point for emphasis. “All the power there was in Illinois she gave to Nauvoo; and any man that says to the contrary is a fool.” No one in the vast crowd disagreed with this assessment.

“I have no doubt but I shall be discharged by the municipal court,” he went on. “Were I before any good tribunal, I should be discharged, as the Missouri writs are illegal, and good for nothing—they are ‘without form and void’ . . . Go ye into all the world and preach the gospel. He that believeth in our chartered rights may come here and be saved; and he that does not shall remain in ignorance. If any lawyer shall say there is more power in other places and charters with respect to habeas corpus than in Nauvoo, believe it not.”

He had more proof of his legal position. “I have converted this candidate for congress,” Joseph declared, pointing to Cyrus Walker, seated next to him on the stand, “that the right of habeas corpus is included in our charter. If he continues converted, I will vote for him.”

The prophet related the circumstances of his arrest at Dixon and the refusal of the officers, initially, to grant him the privilege of applying for a writ of habeas corpus. “I pledged my honor to my counsel that the Nauvoo city charter conferred jurisdiction to investigate the subject; so we came to Nauvoo, where I am now prisoner in the custody of a higher tribunal than the circuit court. The charter says that ‘the city council shall have power and authority to make, ordain, establish, and execute such ordinances not repugnant to the constitution of the United States, or of this state, as they may deem necessary for the peace, benefit, and safety of the inhabitants of said city.’ And also that ‘the Municipal Court shall have power to grant writs of habeas corpus in all cases arising under the ordinances of the city council.’ The city council have passed an ordinance ‘that no citizen of this city shall be taken out of this city by any writ, without the privilege of a writ of habeas corpus.’”

Joseph concluded his remarks. “There is nothing but what we have power over, except where restricted by the constitution of the United States . . . The constitution of the United States declares that the privilege of the writ of habeas corpus shall not be denied. Deny me the writ of habeas corpus, and I will fight with gun, sword, cannon, whirlwind, and thunder, until they are used up like the Kilkenny cats . . . And the great Elohim has given me the privilege of having the benefits of the constitution, and the writ of habeas corpus; and I am bold to ask for this privilege this day, and I ask, in the name of Jesus Christ, and all that is sacred, that I may have your lives and all your energies to carry out the freedom which is chartered to us.”

He looked over the vast audience. “Will you all help me? If so, make it manifest by raising the right hand.” The response by the thousands there gathered was unanimous, “a perfect sea of hands being elevated.” Joseph responded with pleasure to the spontaneous show of support. “Here is truly a committee of the whole,” he said proudly. He confided to lawyer Cyrus Walker, in a voice still loud enough for those close by to hear, “These are the greatest dupes, as a body of people, that ever lived,” he said, “or [else] I am not so big a rogue as I am reported to be.”

Joseph again gestured towards Walker before the assembled congregation. “I understand the gospel and you do not,” he said. “You understand the quackery of law, and I do not.”

Walker was presented to the gathering of Saints. His comments were brief. He stressed that “from what he had seen in the Nauvoo City Charter, it gave the power to try writs of habeas corpus.”
Joseph closed the meeting. “The lawyers themselves acknowledge that we have all power granted us in our charters that we could ask for—that we had more power than any other court in the state. For all other courts were restricted, while ours was not; and I thank God Almighty for it. I will not be rode down to hell by the Missourians any longer; and it is my privilege to speak in my own defense; and I appeal to your integrity and honor that you will stand by and help me, according to the covenant you have this day made.”

The Nauvoo municipal court commenced a hearing to consider Joseph Smith’s writ of habeas corpus on July 1. “After a patient investigation” (and the prophet’s homecoming oration firmly in mind) Smith was “discharged and the court adjourned.” Having achieved his goal of freeing the Mormon prophet, Walker’s election seemed certain.

The Fourth of July celebrations at Nauvoo were triumphant. The prophet addressed a crowd estimated to be some fifteen thousand strong. He told of his recent arrest and he spoke of politics. “With regard to elections, some say all the Latter-day Saints vote together, and vote as I say,” Joseph noted. “But I never tell any man how to vote or whom to vote for. But I will show you how we have been situated by bringing a comparison. Should there be a Methodist society here and two candidates running for office, one says, ‘If you will vote for me and put me in governor, I will exterminate the Methodists, take away their charters.’ The other candidate says, ‘If I am governor, I will give all an equal privilege.’ Which would the Methodists vote for? Of course they would vote en masse for the candidate that would give them their rights. Thus it has been with us.”

The 1842 Whig gubernatorial candidate, Joseph Duncan, the prophet noted, “said if the people would elect him he would exterminate the Mormons, and take away their charters. As to Mr. Ford,” a Democrat, “he made no such threats, but manifested a spirit in his speeches to give every man his rights; hence the members of the Church universally voted for Mr. Ford and he was elected governor.” (Joseph even named his favorite horse ‘Joe Duncan,’ so that he could literally whip the opposition.) Recent events, however, suggested that the Democratic governor Ford was not a true friend of the Latter-day Saints. “He has issued writs against me the first time the Missourians made a demand for me,” continued Joseph, “and this is the second one he has issued for me, which has caused me much trouble and expense.”

Walker was confident the tide had turned in his favor. A Whig victory in August appeared certain.

Within days, the Democrats unleashed a devastating counterattack. On July 7, an article appeared in the Illinois State Register charging Joseph’s arrest and Cyrus Walker’s appearance at Dixon as a “Whig conspiracy.” The evidence presented was convincing,
even if chiefly circumstantial. The article began by noting a letter apparently written early in the year “from the notorious John C. Bennett” (who had been expelled from the Mormon church in 1842 for alleged sexual improprieties) which urged the importance of reissuing an indictment against Joseph Smith for a nearly six-year-old charge of treason. “This charge had been made once before and afterwards abandoned by Missouri,” the paper noted. “This is the same charge on which Smith was arrested and carried before Judge [Stephen A.] Douglass and discharged two years ago. After that decision the indictment against Smith was dismissed and the charge wholly abandoned.” Bennett, however, after his public exposure and expulsion from Nauvoo, would not give up. It was widely considered that Bennett was “a mere tool in the hands of the Whig junto at Springfield,” a group that included Abraham Lincoln, Edward D. Baker, and John J. Hardin.

Furthermore, according to the intercepted letter, Bennett insisted that his Missouri agent “go to the [Missouri] Judge and never leave him until he appoints a special term of the court; never suffer the court to adjourn until an indictment is found against Smith for treason; . . . go immediately to the Governor and never leave him until you get a demand on the Governor of Illinois for Smith’s arrest, and then, despatch some active and vigilant person to Illinois for a warrant . . . and then let him never come back to Missouri without Smith.” With the exception of the unforeseen complication that Joseph would be successful in having the warrant examined before a friendly court, Bennett’s description of the proposed kidnap drama was remarkably accurate.

The Register went on to claim that Reynolds, “after he had obtained the custody of Smith at Dixon refused to employ a democratic lawyer and insisted upon having a whig lawyer of inferior abilities [Walker] simply upon the ground as he stated that the democrats were against him.” And, “let it also be borne in mind,” the paper continued, “that Cyrus Walker the whig candidate for congress miraculously happened to be within six miles of Dixon when Smith was arrested, ready and convenient to be employed by Smith, to get him delivered from custody.” The paper stressed that Walker succeeded because that was part of the plan.

“It is true that the evidence is circumstantial,” the Register concluded. “But it is strong. Positive evidence of such a dark laid conspiracy could not be expected. Nevertheless, circumstantial as it is, so strong is the force of it, that many a man has been convicted of capital offences upon evidence not more conclusive.”

Joseph and Hyrum Smith. Nauvoo temple (incomplete at their death in 1844) in background. Courtesy of the Church Archives, the Church of Jesus Christ of Latter-day Saints.
By early August it was rumored that Hyrum Smith, Joseph’s older brother, himself an able politician, had promised the Mormon vote to Democratic candidate Joseph P. Hoge in exchange for his own Democratic seat in Congress the following term. In concert with this appealing offer, a leading Democrat in Springfield quelled Mormon fears of an armed attack against the city of Nauvoo by pledging the state’s “militia should not be sent against them . . . if the Mormons voted the democratic ticket.”

Sensing a clear Democratic victory with Mormon support, candidate Hoge (in company with Hyrum) called on Joseph Smith at his office in Nauvoo. There Hoge “acknowledged,” somewhat belatedly, “the power of the Mormon Habeus Corpus.”

The two candidates gave stump speeches at Nauvoo in the early evening of August 1. These were little more than verbal sparring matches during which time Hoge and Walker “politically castigate[d] each other.” Walker’s speech was brief as usual. He was followed by Hoge, who spoke “for over two hours, having lit candles for the purpose.” The two men would remain in Nauvoo until polling day, almost a week later, “making speeches, caressing and flattering” the Mormon voters, angling for approval from the people they knew would decide their political futures.

On August 2, the *Nauvoo Neighbor* published two letters—one in support of Walker, the other supporting Hoge—and counseled the Saints about the upcoming election:

> We would suggest the necessity of unanimity, after weighing the matter over, and fixing on the man the best calculated to represent their interests in Congress for it can answer no good purpose that half the citizens should dis-franchise the other half, thus rendering Nauvoo powerless as far as politics are concerned. In this city we have one interest alone and should not be divided.

Under the editorship of John Taylor, one of the twelve apostles and a member of the Nauvoo city council, the *Neighbor* clearly supported Hoge, described in its pages as a man who favored “Equal Rights, and Equal Privileges . . . now and forever.” The communication by “A Democrat” roundly attacked Walker’s character and actions. “What reasons have you to support [Walker]?” it asked. “Is it because he defended Joseph Smith in his late arrest [at Dixon], as a Lawyer, and obtained Five Hundred Dollars for his services?”


John Taylor, Mormon apostle and editor of *Nauvoo Neighbor* and *Times and Seasons.* Courtesy of the Church Archives, the Church of Jesus Christ of Latter-day Saints.

On Saturday evening, two days before the elections of August 7, Hyrum Smith took the stand at the grove. He addressed “a large concourse of people” who had gathered. With obvious authority as the church’s patriarch and the prophet’s elder brother, Hyrum told the assembled “how to vote, and whom to support if they considered their own interest and good of the place.” He “advised them to go for Hoge.”

William Law, Joseph’s counselor in the First Presidency of the church, silent until now, strongly objected to Hyrum’s action but was kept from the stand. It was nearly dark when he was finally able to address the congregation. Law “stated that to his certain knowledge the Prophet Joseph was in favor of Mr. Walker and that the prophet was more likely to know the mind of the Lord on the subject than the patriarch.” When Law showed “the people how shamefully they had treated Mr. Walker . . . they began to shout” for the Whig candidate. “I am as obedient to revelation as any man,” continued Law. “Bro. Hyrum does not say he had a revelation.” Many in the crowd agreed.

Not to be undone, Hyrum rose and took the stand a second time. He told the people he knew with a certainty how they were to vote the coming Monday, for “he had sought to know, and knew from knowledge that would not be doubted, from evidences that never fail, that Mr. Hoge was the man, and it was for the interest of this place and people to support him.” He raised both arms and held up an election ticket (“printed on yellow post office wrapping paper”). “Thus saith the Lord,” Hyrum proclaimed, giving his words the stamp of heavenly approval, “those that vote this ticket, this flesh colored ticket, this Democratic ticket, shall be blessed; those who do not, shall be accursed.” A resounding cheer went up from those present. The Mormons were to vote for Hoge.

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The prophet took the stand at the Sunday meetings. He would not preach at that time, he said, but would wait until the following Sunday. He would speak instead about the coming election. “I have not come to tell you to vote this way, that way, or the other in relation to National matters,” the prophet began. “I want it to [go] abroad to the whole world that every man should stand on his own merits. The Lord has not given me Revelation concerning politics. I have not asked Him for one. I am a third party [and] stand independant and alone. I desire to see all parties protected in their rights. In relation to Mr. Walker, he is a Whig candidate, a highminded man. Mr. Walker has not hung onto my coat tail to gain his election as some have said. I am going to give a testimony, but not for electioneering purposes. Before Mr. Walker come to Nauvoo rumor come up that he might become a candidate for Congress. Says I, he is an old friend, [and] I will vote for him. When Mr. Walker come to my house, I voluntarily told him I was going to vote for him. When I dictated to him the laws of Nauvoo,” in relation to writs of habeas corpus, “he received them on my testimony.” Walker, continued the prophet, “withdrew all claim to your vote and influence if it will be detrimental to your interest as a people.”

Joseph let the meaning of what he had just said settle in the minds of those present and shifted to his real concern, the possibility of dissent within his own ranks. “I never authorized Brother Law to tell my private feelings,” he called out, “and I utterly forbid these political demagogues from using my name henceforth and forever.” Now certain he had their attention, the prophet went on. “Brother Hyrum tells me this morning that he has had a testimony to the effect it would be better for the people to vote for Hoge . . . I never knew Hyrum to say he ever had a revelation and it failed. Let God speak and all men hold their peace.” Joseph turned the stand over to Hyrum who once again “explained at some length concerning the election.” The crowd dispersed and “runners” from surrounding counties returned to their congregations with a clear message—vote Democratic. First abandoned, Walker’s fate was now sealed.

On Monday in Nauvoo, “The polls were crowded . . . from the time they opened ‘till they closed, and Hoge, Hoge, Hoge, was all the rage.” The prophet and Mr. Walker “rode to the polls together.” As promised, Joseph voted for Mr. Walker. Of the 1,191 votes cast in the Holy City, 1,092 went for Democrat Hoge. There was now little doubt about the outcome of the contest.

At one Nauvoo polling location (“which gave Hoge 495 majority”) the voting proceeded so slowly that men were returning to their farms without casting their vote. This would have been disastrous to the Hoge camp. Beginning at noon additional clerks were called in, and rather than recording the vote in the presence of the voter as was required by law, “the ticket was taken by one of the Judges who called

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out the name of the voter, while one of the clerks wrote it upon the back of the ticket, and then deposited it, afterwards to be recorded.” Some called for a declaration that the vote was invalid. None was forthcoming. 24

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, Carroll, 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. 25

Similar evidence of Mormon electoral control was noted in Adams County to the south. The final tally of votes confirmed that most of the Saints in the Fifth District had voted for Quincy attorney O. H. Browning, a longtime friend to the Mormons, as “there was not sufficient time, or it was neglected, to send orders from Nauvoo into the Quincy district to effect a change there.” Even with Mormon support, Browning was defeated by his old Democratic adversary, Judge Stephen A. Douglas, who garnered 51 percent of the vote. 26

When the votes in the 1843 congressional race were counted, John J. Hardin became the only Illinois Whig to gain a seat in U.S. Congress. Joseph Smith’s power over the ballot box in Hancock County presented an almost insurmountable challenge with the result that Hardin found himself fighting an uphill battle for Whig political control of the state in 1844.