Chapter Six

“Missourians seem determined not to let us alone”

Several days before the Illinois Whig State Convention in December, Quincy attorney Orville Hickman Browning assured his longtime friend, Congressman John J. Hardin, that he needn’t worry about the August 1843 defeat of Cyrus Walker (due to the last-minute awarding of the Mormon vote to the Democrats) or even his own loss (with Mormon support) to Democrat Stephen A. Douglas. “We are nothing daunted by the disasters of the past year,” Browning wrote, “and do not despair of being able to give even this State to the Great Kentuckian.” Browning was certain that “Van Buren can never get the strength of the Democratic party in this State and there are certain courses operating which I think will certainly give Clay more than the strength of the Whig party.” The “more than the strength of the Whig party” in Browning’s electoral calculus was the increasing likelihood that the Mormons would support Henry Clay in 1844. His confidence was well founded.¹

As Browning wrote these lines, nearly two dozen men of Illinois (with the assistance of three sympathetic Missourians) were engaged in a double kidnap of a Mormon farmer and his son from the neighborhood of Nauvoo. Unless the Mormons discovered that the Illinois Whigs were behind the plot, it was anticipated that the outrage generated by the “Avery Kidnap,” as it became known, would prove sufficient, once and for all, to turn Joseph Smith against the Democrats and bring him firmly into the Whig camp.

The plan was deceptively simple. The Latter-day Saints lived under constant threat of attack by the Missourians, especially following the 1842 attempt on the life of former Missouri governor Lilburn W. Boggs (the individual who issued the infamous anti-Mormon “extermination order”), an act reportedly undertaken by one of Joseph Smith’s own bodyguards and carried out through his orders. It was feared that the Missourians might once again attempt to kidnap Joseph Smith and take him across the river to be tried for his alleged role in the crime.

Threat of an invasion from Missouri wasn’t the only concern. Newspaper articles and popular hearsay alleged that the Holy City of Nauvoo harbored numerous criminals, and even maintained that the prophet Joseph approved of (and participated

¹. Orville Hickman Browning to John J. Hardin, 4 December 1843, Hardin Papers, Chicago Historical Society. Emphasis added.
in) their illicit activities. If any of these stories could be proved, it would strike a convincing blow against Mormon claims of persecuted innocence. If facts were not available, they could always be manufactured.

The final shape of the Whig scheme more than likely was suggested by an editorial published in the Latter-day Saint *Nauvoo Neighbor*, responding to claims made by the *Quincy Whig* that some of Nauvoo’s resident outlaws were horse thieves.

The editor [of the *Quincy Whig*] “has had some ‘private conversation’ . . . about certain charges brought against the Mormons, particularly that of screening horse thieves. . . .”

Come, Mr. *Whig*, out with it, and let us know who it is that is found transgressing. Who knows but that, far fallen as we are, there yet may be virtue enough left to prosecute a horse thief! We have tried this more than once, and prosecuted them as far as Carthage; but no sooner do they arrive in jail there than we lose track of them. The lock of the door is so slippery, that it lets them all out. We presume, however, that it is on account of the honesty of the people. We are pleased to find that the *Whig* is in [on] the secret!2

In mid-November Ebenezer Richardson invited Philander Avery, a twenty-one-year-old Mormon farmer from Bear Creek, to accompany him to Warsaw, a small commercial town on the Mississippi about ten miles distant. Due to the burgeoning economic presence of Mormon Nauvoo to the north, which drew business away from the town, many of Warsaw’s four hundred residents were antagonistic towards the Latter-day Saints. Avery had no reason to distrust Richardson, however, as the two men had become friends when Avery’s family lived in Lee County, Iowa Territory, following the Mormon exodus from Missouri.

At Warsaw, Richardson and Avery were met by Captain Joseph McCoy of Clark County, Missouri. The young Avery was seized and bound, bundled aboard a small skiff tied up at the Warsaw dock, and conveyed across the Mississippi. When the men reached the Missouri shore, Avery was taken on horseback to Lewis County’s Monticello jail.

One of Avery’s captors swore that he knew Philander “had stolen . . . McCoy’s horse and colt” and that his father had hidden them from the authorities. Richardson reminded his prisoner that in Missouri horse stealing was a crime punishable by “death or seven year’s imprisonment.” If Avery was to be set free, he had little choice but to testify against his own father. A menacing bowie knife added to the intimidation. In the space of a few hours, the men had what they were seeking: a signed affidavit by a professed eyewitness that Daniel Avery, Philander’s father, had stolen a horse and colt from Joseph McCoy’s Clark County farm four years earlier. Following his confession, Philander would linger in jail for several more weeks. With their bait safely in hand, the men prepared to set the trap.3

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Colonel Levi Williams of Green Plains, an Illinois militiaman and one of the leaders in the Hancock County anti-Mormon movement, took on the job of organizing a posse. The forty-nine-year-old former Kentuckian was tall, just under six feet, with a dark complexion. He wore buckskin clothes and kept his black hair long, colonial style, tied in a queue behind his head. Born in Madison County, Kentucky, in 1794, Williams moved to Kentucky’s northern Grant County in 1820, settling two hundred acres along Eagle Creek just outside of Williamstown. Williamstown, approximately halfway between Lexington and Covington (opposite Cincinnati on the Ohio River), was a welcome stopover for stagecoach traffic and circuit riders. It was here that Williams’s political identity was formed. He named a son born in 1829 after Henry Clay, and became closely associated with Abraham Jonas, who, in addition to being a prominent Grant County politician and Freemason, ran the only store in Williamstown.4

In 1832, Williams took his family to Illinois, traveling by flat boat down the Ohio and up the Mississippi River to Warsaw. For some months after their arrival in Hancock County, Williams and his family lived with a cousin, Wesley Williams, brother to Quincy attorney Archibald. Williams purchased land some six miles southeast of Warsaw in 1835, built a cabin, and plowed a 113-acre farm attached to a settlement then known as Whitney’s Grove. It was soon renamed Green Plains. The Williams home functioned as the local post office.5

Williams’s target, Daniel Avery, was a forty-five-year-old Mormon farmer, “a stout, athletic” man, but “slow-spoken.” Daniel worked land at Bear Creek with his wife, Margaret, and son, Philander. The elder Avery had been a witness to the anti-Mormon depredations in Missouri; his redress petition was among those submitted to Congress in 1840. Following the Missouri exodus Daniel was ordained president of the Elder’s Quorum at Montrose, Lee County, Iowa Territory. Within two years, the Averys had relocated across the Mississippi River to Hancock County, Illinois.

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5. Levi Williams enrolled in the company of Captain James White on 30 April 1832 (Whitney, The Black Hawk War, 467). Some sources say they arrived in 1831. Biographical Review of Hancock County, Illinois, 485, has the family arriving in 1832. Biographical Review of Hancock County, Illinois, 641–42. John Reid Williams purchased a 112.79-acre tract in 1835, Illinois State Archives, Springfield, Illinois land record 11246. Contrary to some reports (e.g. Littlefield, The Martyrs, 55), Levi was not the postmaster, nor was he a preacher, Baptist, Methodist, or otherwise.
Illinois. Bear Creek homesteaders with business in Warsaw had to pass through Green Plains.6

To ensure that the arrest of Daniel Avery went according to plan, Williams was joined in his enterprise by twenty-seven-year-old John C. Elliott, a Warsaw-area schoolteacher and a man known to be “perfectly devoid of fear.”

One morning Elliott remarked to Sisson Chase, a Mormon day laborer at the Freeman farm south of Warsaw where Elliott was staying, that he was “going a shooting turkies.” “What are you going to shoot them with?” inquired Chase. Elliott displayed a “brace of pistols and a large hickory cane.” “He could not kill turkies with such weapons,” thought Chase. “There is a certain cock I mean to take before night and they will do for that,” countered Elliott.7

Colonel Levi Williams, as the “principal,” together with his twenty-seven-year-old son John Reid Williams, John C. Elliott, William Middleton, and Captain Joseph McCoy, the last two of Clark County, Missouri, and about a dozen other Illinois men, “armed with pistols, dirks and bowie knives” converged on Vernon Doty’s mill in the Bear Creek precinct on the evening of Saturday, December 2, 1843. The men “served process” upon Daniel Avery, who was conducting business at the mill. It was almost two weeks since his son had disappeared.

Avery told the men to stand off.

“We have a writ.”

“I will not resist legal authority,” responded Daniel. But as the intruders prepared to take him, he became defiant. “I understand you: you will take me to Warsaw, and there pass me over the river to Missouri,” he said.

“Lay hold of him,” one man shouted. “God damn him, lay hold of him: there’s no use of parleying.”

Colonel Williams, “with a large bowie-knife in his hand” along with several others, forced Avery to comply, “telling him . . . that his life would be taken if he did not submit.” As he was being secured with silk handkerchiefs, Avery cried out to two men standing nearby.

“Tell my friends where I am gone.”

“Hold your peace,” Colonel Williams commanded. “It is of no use.”8

About midnight Avery was propelled into a launch, securely bound, and sent across the river accompanied by five men. He would never forget their names: William Middleton, William Clark, Joseph McCoy, John C. Elliott, and Charles


8. Andrew Hamilton and James Hamilton affidavit, 20 December 1843, in Smith, History of the Church 6:123.
Coolidge. The skiff landed on the south side of the mouth of the Des Moines. After unloading the boat of its illicit cargo, Elliott, Coolidge, and Clark returned to Illinois. Missourians Middleton and McCoy took the prisoner to the jail in Palmyra, Missouri. A blacksmith “ironed” him “to the middle of a great chain that was fast to the floor.” There he would remain, without heat, with little light and poor food, for two weeks.

On Sunday evening at the Freeman farm outside of Warsaw, Sisson Chase asked Elliott “if he had caught his turkey.”

“Yes,” said Elliott, “a Mormon Elder.”

“Who was he?”

“Daniel Avery.”

“Did you have writs or authority to take Mr. Avery?”

“We all had writs,” replied Elliott.

Chase wasn’t sure if Elliott meant the men had legal papers authorizing Avery’s arrest or if they had simply taken him by force of arms.9

Nauvoo citizens held a public meeting the following Thursday. Affidavits were collected on the kidnap and sent to Illinois governor Ford. Resolutions were passed responding to the recent kidnaps perpetrated (so the citizens believed) “to keep up a system of persecution against the Church of Latter-day Saints, for the purpose of justifying the said State of Missouri in her diabolical, unheard of, cruel and unconstitutional warfare against said Church.” There was also a rumor that “the Governor of Mo. [had] issued another writ for President Joseph Smith & [was] about to make an appeal or demand of the Governor of Illinois.” The Saints prepared for an invasion from across the Mississippi.10

As an added legal protection, the Nauvoo Municipal Council passed “An extra ordinance for the extra case of Joseph Smith and others.”

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.

... And be it further ordained that the preceding section shall apply to the case of every and all persons that may be arrested, demanded, or required upon any charge founded in the aforesaid Missouri difficulties.11


“Missourians seem determined not to let us alone”

The *Nauvoo Neighbor* attempted to reassure the citizens of the Holy City by claiming that the depredations by the Missourians could be controlled and that the actions of the municipal council were within the law. “What are we to say about these kidnappers who infest our borders and carry away our citizens—those infernals in human shape? . . . Great God! Has it come to this, that freeborn American citizens must be kidnapped by negro drivers [slave catchers of Missouri]?” The Whig plan was working.12

After reviewing the circumstances of the “Avery Kidnap” and the legal documents supplied to him by the Mormons, Governor Ford believed that the remedies available to the Saints were few. “If a citizen of the State has been kidnapped, or if property has been stolen from this State, and carried to the State of Missouri,” the governor wrote to the prophet Joseph, “those who have done either are guilty of an indictable offense.” But, he went on, “the constitution and the laws have provided no means whereby either the person or property taken away can be returned, except by an appeal to the laws of Missouri. The Governor has no legal right to demand the return of either.”13

Joseph Smith found Ford’s “milk-and-water” response to the Avery Kidnap unacceptable. The prophet applied to Congress for protection, recommending that the Nauvoo Legion be considered U.S. troops. This time his efforts would not fail. “I prophecy by virtue of the Holy Priesthood vested in me in the name of Jesus Christ,” Joseph Smith told his followers with certain assurance, “that if Congress will not hear our petition and grant us protections they shall be broken up as a government and God shall damn them. There shall nothing be left of them, not even a grease spot.”14

About a dozen men under Constable King Follett departed Nauvoo the evening of Sunday, December 17, and rode to Schrench Freeman’s farm. Just before daybreak the men rousted John C. Elliott from his bed. Thinking the Mormon Danite band was upon him, Elliott braced for an armed confrontation. King Follett read the writ for his arrest. Elliott asked to go before the nearest magistrate at Warsaw. Follett refused.15

Word soon spread that Elliott had been arrested. Green Plains was a scene of preparation and anticipation. Men gathered their arms. What would happen if the governor

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did not sanction their course of action, one man asked. “Damn the Governor!” chorused the men. “If he opens his head [mouth], we will punch a hole through him! He dare not open his head! We will serve him the same sauce we will the Mormons.”

Follett and his men took their prisoner to Nauvoo. Not far behind, thirty armed men pursued the Mormon posse for several miles before turning back to Green Plains.

Elliott’s hearing was held in Nauvoo on Monday afternoon, December 18. Justice Aaron Johnson presided at the meeting, which occupied the large second-story assembly room over Joseph Smith’s red brick store. The Nauvoo clerk of court headed the entry in his docket book, “Kidnaping.”

Sisson Chase was called to the stand. His testimony revealed that the kidnap of the Averys was just a trial run for much bigger game. Chase recalled that John C. Elliott “said that Joseph Smith was a bad man, that he would be taken—I said that they had tried it before but had failed—he said that they would not fail this time, that a plan was in operation that would succeed—that he would be popped over [killed].”

Joseph Smith, acting as chief justice, “asked what [more] was said about him.” Elliott’s counsel objected. Smith felt “he had a right to hear concerning himself.” The court decided “it might be heard inasmuch as other Mormons were mentioned.”

Chase detailed once again what he knew about “the design of Missouri” to take the prophet Joseph and “some three or four more.” Chase was dismissed.

Stephen Markham was sworn in. As one of the men in the party that arrested Elliott, Markham recalled that he “heard Mr. E. say that he assisted in taking Daniel Avery—that there was nine of them engaged in it, six belonging to Illinois and three to Missouri. He was taken in this county.” As far as Markham knew, Elliott did not make any threats. “Not to me,” insisted Markham, “only in taking him. He swore he would shoot us, and pointed his pistol. I told him to stand or I would shoot him if he offered resistance—that we were officers of the peace—had a writ for him—that if he gave himself up he should be civilly treated.” Markham said Elliott could identify the other conspirators, and was willing to “assist in taking the leaders, McCoy, Clark, Williams and his son . . . there was nine in [the] company.”

King Follett took the stand. Constable Follett confirmed Markham’s testimony, stating that Elliott “confessed to me that he had been guilty of kidnapping—he said he was led into it by others—did not know what he was doing. He said there was Mr. Clark who was far more guilty than he, and wanted me to take them; I said I could not do it—I had no authority. He acknowledged the whole circumstance and said he would do so to the court.”

The judge turned to Elliott and asked if he had any pleas to make. “Not at this time,” he responded.

The court declared that John C. Elliott was to “be held to bail in the sum of 3000 dollars [and] to appear on the first day of the sitting of the county court at Carthage”

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the following May.18

Joseph Smith, again acting as chief justice, rose to speak. “The gentleman [El-
liott] was a stranger,” Smith observed. “He might not be able to get bail,” Joseph went
on, and “suggested the propriety of the bond being reduced.” Given the nature of the
crime, the court thought this inadvisable. Elliott was discharged into the custody of
the sheriff.19

Another writ was issued. Joseph Smith had sworn an affidavit before Justice of
the Peace Robert D. Foster, “that one John Elliot of said county is guilty of a breach
of the peace for this, that on or about the second instant, the said John Elliot did use
threatening language concerning your deponent . . . ”

Sisson Chase was once again sworn in. He testified that “in conversation I had
with [Elliott] he carried the idea that a conspiracy was formed against Joseph Smith
and others, and that some of them would be shot . . . He carried the idea that there
was a conspiracy against [Joseph Smith’s] life, and said we have a plan in operation
that will pop him over.”

Several lawyers and justices spoke “pertaining to the outrageous proceedings of
Missouri. The diabolical conduct of those wretches who could be engaged in destroy-
ing and kidnapping their fellow men was portrayed in glowing colors.” Joseph Smith
rose to speak, making “an eloquent speech upon the subject.” The prophet “manifested
mercy towards his enemies,” lifting up his hands “towards heaven” and declaring “that
if Missouri came against us any more he would fight them & defend his rights.”20

In the middle of the prophet’s presentation an express rider arrived with dis-
tressing news: an anti-Mormon mob was collecting at Warsaw and around the home
of Colonel Williams in Green Plains. (A Nauvoo warrant for Williams’s arrest had
been returned unendorsed.) Messengers had been sent into Missouri to “reinforce
the mob.”

Joseph withdrew his action. He told the court he would “forgive Elliot and the
2 men who followed him from 4 ½ miles below Warsaw and take them home give
them supper and lodging and breakfast and see that they were protected.” Elliott was
discharged into Smith’s custody.21

Nauvoo was put in a state of high alert. The editor of the Nauvoo Neighbor in-
formed his readers that “we have received information that Mr. John Elliot is now

18. Sisson A. Chase testimony, 18 December 1843 (“Kidnapping,” Nauvoo Neighbor, 20 December 1843). Elliott was not the only person willing to perform the deed. “[Mr. Thompson told a group of Mormons missionaries that he would not mind shooting] Joe Smith and said if there was any chance of him being elected that there was a man not far off [himself] that would shoot him . . . there was no chance of him [Smith] taking his seat in Washington.” James Burgess, Diary, 3 March 1844, quoted in Godfrey, “Causes of Conflict,” 66. Stephen Markham testimony, 18 December 1843, in “Kidnapping,” Nauvoo Neighbor, 20 December 1843. King Follett testimony, 18 December 1843, in “Kidnapping,” Nauvoo Neighbor, 20 December 1843. John C. Elliott testimony, 18 December 1843, in “Kidnapping,” Nauvoo Neighbor, 20 December 1843.
in the Carthage jail, where, no doubt, he will be safely kept. We have also received information that the celebrated mober, Col. Williams, with his possey, have left for Missouri.”22

Still, fear and uncertainty prevailed in the Holy City. “I suppose you will hear that there is trouble among us before you get this,” one woman wrote on December 21.

The Missourians seem determined not to let us alone. They keep kidnaping our people. It is not safe for them to go out of Nauvoo . . . The civil authorities have taken one of the kidnapers; he is under three thousand dollars bond; we are going to send to our governor to have him send to the governor of Missouri for the release of our people. I expect he will not give them up unless our governor will give up Joseph Smith. I don’t think they will ever have the pleasure of taking him. God will ere long come out in vengeance against them.23

With no firm evidence to keep him in prison any longer, Daniel Avery was released from his confinement on Christmas Day. He arrived in Nauvoo about sundown, “so crippled from the iron bondage and hard usage of Missouri, that he [was] hardly able to walk.”24

George T. M. Davis wrote to Congressman John J. Hardin from his office in Springfield on December 29. “Another source of excitement has grown out of the kidnapping of two Mormons by the Missourians from the neighborhood of Nauvoo, and the refusal of Gov. Ford upon the request of the Mormons . . . to demand them of the authorities of Missouri.” Two Mormon delegations “have been down here to see Ford,” Davis said, “both of whom have gone home very much incensed . . . Joe has lately made a most violent public speech against [Democratic presidential hopeful] Van Buren among the Mormons, and declared he ‘would swallow a bull horns and all’ before he would vote for Van Buren.” Davis believed Joseph Smith’s animosity towards the Missourians, Governor Ford, and Van Buren opened the door to the Whigs. He noted that the Saints had recently requested fifty subscriptions (“for one year”) to the Sangamo Journal, a leading Illinois Whig newspaper. Davis had cautioned the editor of the journal “not to come out and fluff the Mormons but rather to pass them bye sub silentio,” he informed Hardin. “This however is between ourselves,” Davis cautioned. Davis’s use of the term sub silentio referred to the legislative practice of accepting (or passing) legislation without a formal reading; in other words, without analysis. Davis believed this was the best editorial approach to dealing with the Mormons during the coming campaign. Not surprisingly, when the Sangamo Journal reported on the Avery

affair, the headline read simply, “The Kidnapping near Nauvoo.” There was no finger-pointing or editorializing.25

For the remainder of the presidential campaign G. T. M. Davis fully intended to be the main source of reporting on Mormon affairs. “You will see an article I wrote upon the subject of [the] kidnapping in this weeks Telegraph,” Davis continued in his letter to Hardin, “and can tell me in your next how it meets your views. I feel now more confident than ever that we can carry the Mormon vote for Mr. Clay if the Whig papers will only act circumspectly and [not] to go to praising them too quick. The Mormons themselves do not require this.”26

G. T. M. Davis’s article, “Kidnapping—Unheard-of Out-Rage” first appeared in the Alton Telegraph, and was soon copied or excerpted in newspapers throughout Illinois and the Union. Not yet privy to Davis’s Mormon strategy of deflecting blame for the affair away from the Whigs, Thomas Gregg, editor of the Warsaw Message, criticized the Telegraph for its blanket condemnation of the kidnap. Gregg agreed with the Telegraph, “that the conduct of the so-called ‘kidnappers’ was reprehensible.” Even so, Gregg concluded that Davis and Bailhache went too far in their criticism of the affair, as “there is more excuse for them than the editors of the paper seem to appreciate.”27

On January 10, 1844, a “large and respectable meeting of the citizens of Hancock County” was held in the Carthage courthouse. Resolutions proposed by Walter Bagby, Colonel Levi Williams, and others were “unanimously adopted.” The citizens expressed outrage that the Nauvoo authorities were “continually passing ordinances in derogation of the laws and Constitution of the State of Illinois and of the United States.” These actions by the municipal authorities of Nauvoo under the command of Joseph Smith, “the most foul-mouthed blackguard that was ever commissioned by Satan to vex and torment the children of men,” left the Old Citizens with but two alternatives—to submit themselves to Mormon “tyranny and oppression,” or to exercise “a bold and fearless resistance.”

The minutes of the meeting, together with relevant documents—Nauvoo City ordinances, Mormon resolutions attesting to the “innocence of Jo Smith” in the Missouri troubles—were to be published in the Warsaw Message. Gregg was requested to furnish “1000 copies of his paper containing said documents, over and above a sufficiency to supply his subscribers; and we bind ourselves to purchase said extra copies.”

The Warsaw Message: Extra Edition was published on January 17. Many subscribers would have been startled to read, in capital letters at the head of the minutes, and at the end, surrounded by an ample border of white so that it could not be missed: “John C. Elliott, Secretary.”28

When the grand jury met to consider the accusations against Elliott in the Avery kidnap, the case file was found empty. The court ordered “that the said defendant be

discharged from his recognizance herein and that he go hence without delay.” The lock on the door of the Carthage jail was slippery indeed.29

At the time the Avery kidnap was being reported in leading newspapers across the country, national presidential contenders were penning their responses to Joseph’s November inquiry into their candidacies and their positions regarding Mormonism’s Missouri grievances. With the increasing likelihood of additional acts of violence against the Latter-day Saints, Joseph Smith contemplated an even more ambitious political strategy.