Junius And Joseph

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Chapter Eleven

Retributive Justice

“This day the Nauvoo Expositor goes forth to the world,” Mormon dissident and reformer William Law wrote in his journal on Friday, June 7, “rich with facts, such expositions as make the guilty tremble and rage. 1000 sheets were struck and five hundred mailed forthwith. If the paper is suffered to continue it will set forth deeds of the most dark, cruel and damning ever perpetrated by any people under the name of religion since the world began.”

The Reform movement was initiated by church members hoping to promote change within the Church of Jesus Christ of Latter-day Saints “without a public exposition.” When private negotiations proved ineffective, and William Law and others were excommunicated without a proper hearing, the dissenters determined to accomplish their objectives through the deliberate exercise of their basic rights: freedom of speech, freedom of the press, and freedom to worship God as they saw fit. “We are aware,” the Reformers acknowledged in the Expositor’s premier issue, “we are hazardizing every earthly blessing, particularly property, and probably life itself, in striking this blow at tyranny and oppression.”

From the beginning of their opposition to Joseph Smith, the Reformed Mormon Church advocated repeal of the Nauvoo Charter. When the “opposition press” was set up in Nauvoo, and not in the safe havens of Carthage or Warsaw, some concluded that the Reformers intended more than a change in city government. As one observer noted, the Nauvoo Expositor was purposefully “designed as an engine to bring destruction upon the city of Nauvoo” and, ultimately, death to the prophet Joseph Smith and his brother Hyrum.

Even so, the preamble of the Expositor made it clear the schismatics were not opposed to many of Joseph Smith’s early teachings. “We all verily believe, and many of us know of a surety,” the preamble stressed, “that the religion of the Latter Day Saints, as originally taught by Joseph Smith, which is contained in the Old and New Testaments, Book of Covenants, and the Book of Mormon, is verily true; and that the

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pure principles set forth in those books, are the immutable and eternal principles of heaven.” Mormonism as initially formulated and practiced was an uplifting religious creed, the Reformers asserted: “Its precepts are invigorating, and in every sense of the word, tend to dignify and enoble man’s conceptions of God and his attributes [sic.]” Lately, however, concerns had arisen about Joseph’s control of land sales in Nauvoo and several doctrinal “innovations” introduced by the prophet. Most prominent among these was the troubling doctrine of the “plurality of wives.”

By the spring of 1844, Joseph Smith, his brother Hyrum, Brigham Young, Willard Richards, Heber C. Kimball, and several other church leaders were actively engaged in the practice of plural marriage. The justification for polygamy, or “the principle,” as it became known, was scriptural. Indeed, Joseph firmly believed the work he was engaged in involved the “restoration of all things,” including the ancient Hebrew custom of having “many wives and concubines.” Joseph, as the prophet, was the most

active polygamist. By spring of 1844, Joseph Smith had instituted plural marriages with more than thirty women. Eighteen of his wives were single when they entered into the “new and everlasting covenant” with the prophet; four were widows. Eleven of the women were married to other men at the time they became Joseph’s plural wives; the women continued to live with their first husbands in order to conceal their relationship (consummated or not) with the prophet.5

Not all of the women Joseph solicited submitted to his entreaties. The most publicly embarrassing refusal was Joseph’s attempt, in 1842, to marry Nancy Rigdon, daughter of counselor Sidney Rigdon, himself a vocal opponent of polygamy. At the time she was being courted by twenty-three-year-old Francis M. Higbee. By early 1844, Higbee had become an influential dissident. Jane Law, wife of former counselor William Law, was unsuccessfully propositioned by Joseph in the spring of 1844. The Reformers opposed these “abominations and whoredoms” because they were not “consonant with the principles of Jesus Christ and the Apostles.”6

Polygamy wasn’t the only issue. “Among the many items of false doctrine that are taught in the Church,” the Expositor maintained, “is the doctrine of many Gods... We do not know what to call it other than blasphemy, for it is most unquestionably, speaking of God in an impious and irreverent manner.” The Reform movement also opposed the practice of a “second anointing” (one of the “mysteries”) bestowed upon a select few at Nauvoo (especially members of the Anointed Quorum)—an “unconditional sealing up [to eternal life] against all crimes, save that of shedding innocent blood.” The Reformers requested “all those holding license to preach the gospel, who know they are guilty of teaching the doctrine of other Gods above the God of this creation... and all other doctrines, (so called) which are contrary to the laws of God, or to the laws of our country, to cease preaching, and to come and make satisfaction, and have their licenses renewed.”

The dissenters also bridled at Joseph’s bold “attempt at Political power and influence, which we verily believe to be preposterous and absurd. We believe it is inconsistent, and not in accordance with the christian religion. We do not believe that God ever raised up a Prophet to christianize a world by political schemes and intrigue.” The Reformers allowed that Joseph could certainly “plead he has been injured, abused, and his petitions treated with contempt by the general government, and that he only desires an influence of a political character that will warrant him redress of grievances.” Despite their own claims of unjust persecution, they protested, “we care not—the faithful followers of Jesus must bear [abuse and injury] in this age as well as Christ and the Apostles did anciently.”7

Sylvester Emmons, the non-Mormon editor of the Expositor, wrote an introductory statement of principles. “We believe religious despotism to be incompatible with our free institutions,” he said. “In relation to [partisan] politics, whatever our own views may be upon the federal measures that now, or may, hereafter agitate the country,

5. Compton, In Sacred Loneliness. LDS scriptural passages on “many wives and concubines” include Doctrine and Covenants 132:37, 38, and 39. On the “new and everlasting covenant” see Doctrine and Covenants 22, 45:9, 131:2, 4, 6, and 19.
7. “Preamble” and “Resolution 14,” Nauvoo Expositor, 7 June 1844.
the *Expositor* will not be the exponent thereof; and all the strife and party zeal of the two great antagonistical parties for the success of their respective candidates for the Presidency, we shall remain neutral, and in an editorial capacity, inactive.”

Of greater concern was the rise of Joseph Smith’s independent political movement that “has sprung up in our midst, the leader of which, it would seem, expects, by a flourish of Quixotic chivalry, to take, by storm, the Presidential chair.” Once in the executive chair, Emmons noted correctly, Joseph planned to “distribute among his *faithful* supporters, the office of governor in all the different States, for the purpose, we presume, of more effectually consolidating the government.” Emmons himself was “disposed to treat” the movement “with a little levity, but nothing more.”

There remained one other crucial matter—the prophet’s controversial use of the right of habeas corpus—which Emmons believed was far more serious in its potential consequences than even Joseph’s political aspirations. A case in point was the matter of one Jeremiah Smith, who had been indicted for embezzlement. Arrested by a U.S. marshal who had tracked the fugitive to Nauvoo, Smith was released by Joseph’s municipal court on a writ of habeas corpus. That an accused federal fugitive could be protected and aided by Nauvoo civil authorities was an outrage. “It is too gross a burlesque,” submitted Emmons, “a subterfuge too low to indicate anything but a corrupt motive.” Jeremiah Smith, as it so happened, was a blood relation of the Mormon prophet.8

An article in the main body of the *Expositor* examined Joseph Smith’s bid for the presidency in more detail. “It appears to be a new rule of tactics for two rival candidates to enter into a discussion of their respective claims to that high office, just preceding an election,” the author noted. On May 29 the *Nauvoo Neighbor* had published the incendiary correspondence between Joseph Smith and Henry Clay. “If . . . any individual voter, who has a perfect right to know a candidate’s [sic] principles, should not be satisfied,” by a glance at his *Views* and this new correspondence, “he may further aid his inquiries, by a reference to the record of the grand inquest of Hancock County [where] Joseph Smith, the candidate of another ‘powerful’ party has two indictments against him, one for fornication and adultery, another for perjury. Our readers can make their own comments.”9

The approaching August elections were of more immediate concern. “Hiram Smith is already in the field as a [Democratic] candidate for the legislature,” Francis M. Higbee noted in an article addressed to the non-Mormon citizens of Hancock County. He prompted his readers to recall the events of the previous summer. “Will you support him, that same Hyrum Smith the devoted follower and brother of Joe, who feigned a revelation from God, directing the citizens of Hancock County to vote for J. P. Hoge, in preference to Cyrus Walker, and by so doing blaspheming the name of God? Will you . . . support a man like that . . . one who will trifle with the things of God, and feign converse with the Divinity, for the sake of carrying an election?”

Higbee’s second charge went beyond local politics. “In supporting Hyrum Smith, you, citizens of Hancock County, are supporting Joseph Smith, for whom he (Hyrum) goes tooth and toe nails, for President of the United States. The question

may arise here, in voting for Joseph Smith, for whom am I voting? You are voting for a man who contends all governments are to be put down and the one established upon its ruins. You are voting for an enemy to your government . . . You are voting for a sycophant, whose attempts for power find no parallel in history. You are voting for a man who refuses to suffer criminals to be brought to justice . . . a man who stands indicted, and who is now held to bail, for the crimes of adultery and perjury; two of the greatest crimes known to our laws. Query not then for whom you are voting; it is for one of the blackest and basest scoundrels that has appeared upon the stage of human existence since the days of Nero, and Caligula.10

Joseph Smith lost no time in responding to the charges levied by the Expositor and called for an extraordinary meeting of the city council on Saturday June 8. Joseph “made a long speech in favor of having an ordinance to suppress Libels &c. in Nauvoo.” A committee was formed to draft a document which would “prevent misrepresentations and libelous publications, and conspiracies against the peace of the city.” The prophet also spoke to the desirability of “first purging the City Council.” Sylvester Emmons, a current city councilman, was suspended from council and “cited to appear at the next regular term of the Council on impeachment.”11

The “character of the paper and proprietors” were next attacked. Council of Fifty member Theodore Turley, a gunsmith who was later valued for his skill at producing dies for minting counterfeit coin, testified that William and Wilson Law “had brought Bogus Dies for him to fix.”12

“What good has Foster, and his brother, and the Higbee's, and Laws ever done?” Hyrum inquired of the council. “Who was Judge Emmons? When he came here he had scarce two shirts to his back, but he had been dandled by the authorities of the city.” Emmon’s “right-hand man” was Francis M. Higbee, “who had confessed to [Hyrum] that he has the P** [pox, syphillis].”

Joseph Smith, as mayor, went before the city council, arguing that the Expositor printing establishment should be declared a nuisance. He read aloud Sylvester Emmon’s editorial in the Expositor. “Who ever said a word against Judge Emmons until he attacked this council?” Joseph asked. “Or even against Joseph H. Jackson [a non-Mormon with close ties to the dissenters who claimed Joseph Smith was actively engaged in counterfeiting U.S. coin] or the Laws, until they came out against the city? Here is a paper that is exciting our enemies abroad . . . They make it a criminality, for a man to have a wife on the earth, while he has one in heaven, according to the keys of the Holy Priesthood.”13

William Law's affidavit describing Joseph's 1843 revelation on plural marriage was read, followed by several additional statements regarding the practice of polygamy at Nauvoo. Joseph protested “that he preach[ed] on the stand from the Bible, shewing the order in ancient days, having nothing to do with the present times.”

“I would rather die to-morrow and have the thing smashed,” Joseph said, “than live and have it go on, for it [is] exciting the spirit of mobocracy among the people and bringing death and destruction upon us.”

Hyrum concurred with his brother, and reaffirmed that the revelation on plural marriage referred to “was in reference to former days, and not the present time.” Joseph “said he had never preached the revelation in private . . . [and] . . . had not taught [it] to the anointed in the church in private.” The “truth” of his statements denying the practice of plural marriage were confirmed by many council members then present. Ironically, several of the men were themselves active polygamists.

Mayor Joseph Smith read Francis M. Higbee’s article from the *Expositor* and took offense at its strident language. “Is it not treasonable against all chartered rights and privileges, and against the peace and happiness of the city?” Joseph asked.

Hyrum expressed his support “in favor of declaring the *Expositor* a nuisance.”

“No city on earth would bear such slander,” John Taylor added. He was “decidedly in favor of active measures.” Referring to previous minutes of the municipal body, Taylor pointed out, “Wilson Law was president of this [Municipal] Council during the passage of many ordinances . . . William Law and Emmons were members of [the City] Council, and Emmons has never objected to any ordinance while in the Council,” he said. Judge Emmons, Taylor felt, was “more like a cypher, and is now become Editor of a libelous paper, and is trying to destroy our charter and ordinances.” Taylor read from the United States Constitution concerning freedom of the press. “We are willing they should publish the truth,” Taylor said. “But it is unlawful to publish libels; the *Expositor* is a nuisance, and stinks in the nose of every honest man.”

Mayor Joseph Smith read from the Illinois Constitution, Article 8, Section 12, “touching the responsibility of the press for its constitutional liberty.”

Citing the legal authority of Blackstone on private wrongs, another councilman pointed out that “a nuisance was any thing that disturbs [sic] the peace of a community,” and thus can be suppressed.

Hyrum “believed the best way [to be rid of the nuisance] was to small the press [sic] and ‘pi’ the type.”

After considerable discussion, Councilman Warrington, who “did not belong to any church or any party,” spoke up. He “thought it might be considered rather harsh for the council to declare the paper a nuisance, and proposed giving a few days limitation and assessing a fine of $3,000 for every libel and if they would not cease publishing libels to declare it a nuisance and said the statues made provisions for a fine of $500.”

Orson Spencer, a Mormon alderman, disagreed. He considered the *Expositor* a nuisance, and did not think it “wise to give them time to trumpet a thousand lies, their property could not pay for it; if we pass only a fine or imprisonment, have we any confidence that they will desist? None at all! We have found these men covenant breakers with God! With their wives!!”
William W. Phelps reported on his investigation of the “constitution, charter, and laws.” The Municipal Council of Nauvoo, he said, had “the power to declare that office a nuisance” and that “a resolution declaring it a nuisance is all that is required.”

One man provided testimony that “Francis M. Higbee, and Wm. Law, declared they had commenced their operations, and would carry them out, law or no law.” Stephen Markham reported that “Francis M. Higbee said the interest of this city is done, the moment a hand is laid on their press.”

On Monday afternoon, an “ordinance concerning Libels” was approved by Nauvoo’s City Council, followed by a resolution (which passed “unanimously, with the exception of Councillor Warrington”) declaring the Nauvoo Expositor a public nuisance. “The Mayor is instructed to cause said printing establishment and papers to be removed without delay, in such manner as he shall direct. Passed June 10th, 1844.” The time was 5:30 p.m.

Joseph “immediately ordered the marshal to destroy it without delay.” Joseph also instructed Jonathan Dunham, Major General of the Nauvoo Legion, “to assist the Marshal with the Legion if called upon to do so.”

At the time the resolution was approved, William Law and several other dissidents were at the county seat. That morning, Law, Dr. Foster, and Charles Ivins “went to Carthage. It was the day of the sale of lands for taxes.” The dissidents had been invited “by twenty five of the most respectable citizens in Carthage vicinity” to “deliver a lecture or more” at the court house, “on the subject of Nauvoo legislation, usurpation &c. &c.” Law advised restraint, “allowing the law to have its course.” He “was told that [his] press would be destroyed, but [said he] did not believe it. [He] could not even suspect men of being such fools,” Law claimed. The citizens “urged [him] to come to Carthage with the press immediately.”

Francis M. Higbee, who had remained in Nauvoo, received word that the press might be in danger. “If they lay their hand upon it or break it,” Higbee promised the informant, “they may date their downfall from that very hour.”

About sundown, some two hundred Nauvoo police and citizens gathered at the temple site, where the men organized and then proceeded to the Expositor office a few blocks distant. Two hours later, Marshal J. P. Green filled out the return. “The within-named press and type is destroyed and pied according to order, on this 10th day of June, 1844, at about 8 o’clock p.m.” The marshal and his men continued to the Nauvoo Mansion where Joseph Smith greeted them. After Green “reported that he had removed the press, type, and printed papers and fixtures into the street and fired them,” the prophet addressed the men. He “told them

14. For citations to the Council Minutes, see note 11.
15. William Law, Nauvoo diary, 10 June 1844, in Cook, William Law, 55–56. William Law, Interview, in Cook, William Law, 126. Lyndon Cook, referring to Law’s diary entry for 11 June 1844, notes, “Some strike-outs and interlineations in the diary suggest that portions of the document may have been written with substantial hindsight.” (56, note 47). While it is apparently true that neither the Laws nor Fosters were in Carthage on the day of the murder of Joseph Smith, William Law also effectively covers the trail of his involvement in the conspiracy, claiming to the end of his life that he knew of no movement to assassinate the prophet.
they had done right.” They had executed his orders as required of him by the city council. Joseph was adamant. He would never submit, he said, “to have another libelous publication . . . established in this city . . . I [care] not how many papers there [are] in the city if they would print the truth but [I] would submit to no libel[s] or slander from them.” The men cheered the prophet and returned to their homes.17

Upon his arrival in Nauvoo that evening, William Law discovered that the “unthinkable” had occurred. “[W]e rode over our type, that they scattered in the street, and over our broken office furniture,” he later recorded. Upon further inquiry, Law was told by Charles A. Foster and Francis M. Higbee, who had attempted to prevent the men from entering the Expositor press building, that “The Marshal had the office door broken upon by sledges, the press & type carried out into the street and broken up, then piled the tables, desks, paper &c on top of the press and burned them with fire.” The destroyed property included “fifteen hundred pounds of printing type, four hundred reams of paper, twenty five kegs of ink.” If any resistance was offered, the marshal had been instructed to “burn the houses of the proprietors.” The two-story brick building “had been perfectly gutted, not a bit had been left of anything.” The destruction was more horrible than Law had imagined it would be, a clear sign that his life was in danger.18

William Law took his family to his brother’s home for the night and prepared to depart the Holy City. “While we had people packing our things at my house, we rode, my brother and I, through the city in an open carriage, to show that we were not afraid.” They were leaving behind considerable property. William Law had a “steam flouring mill at Nauvoo—and several dwelling houses—the one in which he . . . resided being a fine two story brick home.”19

On June 11, the William and Wilson Law families left Nauvoo on a steamboat “laden with men, women & children. With horses, waggons, furnitures, etc.” and proceeded to Burlington, Iowa. There Law “intended to secure quarters for the women & children & return to Nauvoo to fight if necessary.” In Nauvoo that night “two attempts were made to fire his mill & house.”20

Francis M. Higbee remained in Nauvoo. “He was very sorry,” he said, for they had “set up the press for the destruction of the city,” and now that the press was destroyed, “he meant to kill Joseph Smith and Hyrum Smith.”21

Charles A. Foster departed Nauvoo for Warsaw where he wrote an account of the destruction of the Expositor press for Warsaw Signal editor Thomas Sharp.

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17. Davis, Authentic Account, 13, reads, “six o’clock p.m.” Smith, American Prophet’s Record, 489 [10 June 1844].
21. Joseph Jackson affidavit, 21 June 1844, in Smith, History of the Church 6:524. This is not the same individual as the infamous Joseph H. Jackson.
I hasten to inform you of the UNPARALLELED OUTRAGE, perpetrated upon our rights, and interests by the ruthless, lawless, ruffian band of MORMON MOB-OOCRATS, at the dictation of that UNPRINCIPLED wretch, Joe Smith. We were privately informed that the CITY COUNCIL, which had been in extra session, for two days past, had enacted an ordinance in relation to libels, providing that any thing that had been published, or any thing that might, be published tending to disparage the character of the officers of the city should be regarded as LAWLESS. They also declared the “Nauvoo Expositor” a “nuisance,” and directed the police of [the] city to proceed immediately to the office of the Expositor, and DESTROY the PRESS and also the MATERIALS by THROWING them into the STREET!!.

If any resistance were made, the officers were directed to demolish the building, and property, of all who were concerned in publishing said paper; and also take all into custody, who might refuse to obey the authorities of the City. Accordingly, a company consisting of some 200 men, armed and equipped, with MUSKETS, SWORDS, PISTOLS, BOWIE KNIVES SLEDGE-HAMMERS, &c, assisted by a crowd of several hundred minions, who volunteered their services on the occasion, marched to the building, and breaking open the doors with a sledge hammer, commenced the work of destruction and desperation. They tumbled the press and materials into the street, and set fire to them, and demolished the machinery with a sledge hammer, and injured the building very materially. We made no resistance; but looked on and felt revenge, but leave it for the public, to avenge this climax of insult and injury.22

Later that day Foster took the steamer Osprey to St. Louis where he prepared a longer account of the affair for the St. Louis Evening Gazette.23

That same evening, a thousand miles to the east, Jeffersonian gatherings were held in New York City and Petersborough, New Hampshire. Fifty men, twenty women, and “a few boys” attended the New York City meeting, held at the Bowery’s Military Hall. Parley P. Pratt was the featured speaker. He struck out against men like Martin Van Buren and Henry Clay for not supporting legislation compensating the Saints for their losses in the Missouri persecutions. “Are not the members of Congress murderers and robbers, as accessories after the fact, when, after coming to the knowledge of these things, they still fellowship Missouri and refuse redress?”

Pratt concluded his remarks with another question. “Who then shall we vote for as our next President? I answer, General Joseph Smith of Nauvoo, Ill. He is not a Southern man with Northern principles, nor a Northern man with Southern principles, he is an Independent man with American principles, and he has both knowledge and disposition, to govern for the benefit and protection of ALL. And what is more, HE DARE TO IT, EVEN IN THIS AGE, and this can scarcely be said of many others.

22. Charles A. Foster to Thomas Sharp, 11 June 1844, in Warsaw Signal, 12 June 1844.
Come then, O Americans!
Rally to the Standard of Liberty.
And in your generous indignation trample down
The Tyrant’s rod, and the Oppressor’s crown,
That you proud eagle to its height may soar,
And peace triumphant reign for-ever more.”

The following day Horace Greeley’s *New York Tribune* sharply criticized the organizers (who had promoted the political meeting as a nonsectarian gathering) because “reference was made to [Mormonism’s] peculiar opinions upon religious tenets.” This the editor of *The Prophet* denied. He also disagreed with the *Tribune* that Elder Pratt “denounced Henry Clay or any other men as murderers because they would not pledge themselves to support ‘OUR PRETENSIONS.’” On the contrary, Pratt “denounced only as murderers” those men (including “the President and members of Congress”) who had “aided or abetted murder in Missouri” by “refusing just and lawful redress and protection, when, as officers of this Republic, it was in their power to have done otherwise.” By doing nothing to help the Latter-day Saints in their tribulations, national political leaders had become their active persecutors.

The Petersborough, New Hampshire, political meeting resolved that only “the watchful energies of a virtuous people . . . are capable of maintaining, or worthy of enjoying the blessings of free institutions.” The political system was near its breaking point, the conveners concluded. “[W]e will by all lawful ways and means endeavor to reform the abuses of trust and power in every department of the government, and rear the fallen standard of equal rights and universal liberty to every soul of man.”

“[I]n all his publications and public acts,” one resolution asserted, General Joseph Smith, “has exhibited a largeness of soul, an indifference of thought, a decision of character, a bold genius, a philanthropic and patriotic spirit, a statesman’s views, and all the qualities that might render him worth the suffrages of a free and enlightened people.”

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The *Nauvoo Neighbor* published an *Extra* on June 12, heading its description of the *Expositor* affair “Retributive Justice,” an undisguised reference to the Biblical principle that all “sin must be balanced . . . with equivalent punishment and suffering.” The men behind the opposition press were characterized as a “knot of base men . . . blacklegs and bogus-makers [counterfeitors].” Despite the fact that the *Expositor* presented no fact that was untrue and no assertion that was unsubstantiated, the destruction of the newspaper was justified on the grounds it was “filled with libels and slanderous articles upon the citizens and City Council from one end to the other.” The church had suffered enough, the article went on, claiming that the paper had vilified and slandered “the innocent inhabitants of this city,” with the intent of raising another mob “to drive and plunder us again as they did in Missouri.”

these circumstances, and given the “pressing cries and supplications of afflicted innocence” by local citizens, the city council had no choice. The Neighbor asked, “Why start presses to destroy rights and privileges, and bring upon us mobs to plunder and murder? We ask no more than what belongs to us, the rights of Americans.”

Foster’s letter describing the Expositor incident was published in the Warsaw Signal on June 12. Thomas Sharp finally had the opening he had been waiting for. “We have only to state, that this is sufficient!” Sharp editorialized. “War and extermination is inevitable! Citizens ARISE, ONE and ALL!!!—Can you stand by, and suffer such INFERNAL DEVILS! To rob men of their property and rights, without avenging them. We have no time for comment, every man will make his own. LET IT BE MADE WITH POWDER AND BALL!!!”

Constable David Bettisworth and Dr. Thomas Barnes, both of Carthage, arrived in Nauvoo to serve process that afternoon. The writs had been sworn out by Francis M. Higbee. Joseph Smith, Hyrum Smith, William W. Phelps, John Taylor, and “a number of others” were indicted “for riot, in breaking the press of the Nauvoo Expositor.” Joseph Smith pointed out that the writ stated that the case could be heard before the issuing magistrate “or some other justice of the Peace of said County.” He would not leave the Holy City. The Mormons were prepared, Joseph said, “to go to trial before Esqr Johnson” of Nauvoo, “for that was their privilege allowed by the Statute.”

Bettisworth objected. He intended to take the Mormons before Justice Morrison in Carthage, “the man who issued the writ,” an indication of just how far the Reformers and their confederates were willing to distort the law in order to fulfill their own objectives of thwarting the Mormon prophet. Joseph Smith was expert at playing that game, too. “Do you intend to break the law?” he asked. Joseph and Hyrum called “upon all present to witness” that they offered to go “before the nearest justice of the peace” and to “witness where the officer broke the law” if he attempted to prevent them from exercising their rights.

The Nauvoo Municipal Court assembled in the Seventies Hall later that afternoon. “Much testimony was brought to the point & the Court discharged J[oseph Smith] . . . and assessed the costs to F. M. Higbee the complainant.” The writ was endorsed, “honorably discharged.” The men accused of the destruction of the Expositor press were free. Higbee was charged with malicious prosecution and ordered to pay court costs.

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28. Warsaw Signal, 12 June 1844. Also, “Further particulars from Nauvoo,” in the same issue: “we have conversed with a gentleman of undoubted veracity, who was in Nauvoo, and present in the council room.” Sharp claims his life was threatened by Hyrum Smith. See also Martha McConnell Walker [Fountain Green] to Martha Walker [Fannettsburg, PA], 18 June 1844. “The press spoke freely and last week it was burned to the ground, and a reward offered to any man or set of men that would burn the Warsaw press.” Walker Papers, Regional Archives, Western Illinois University. Similarly, Davis, Authentic Account, 40–41. Smith, History of the Church 6:463–64, 500.


Hancock County citizens held a public meeting in Carthage the next day. Thomas Sharp claimed he was alerted by an informant present at the Nauvoo City Council hearings that “Hyrum Smith did, in the presence of the City Council and the citizens of Nauvoo, offer a reward for the destruction of the printing press and materials of the Warsaw Signal, a newspaper also opposed to his interests.” Sharp was incensed. This “public threat made in the Council of the City” of Nauvoo, he said, “is sufficient, in connection with the recent outrage, to command the efforts and the services of every good citizen to put an immediate stop to the career of the mad prophet and his demoniac coadjutors.”

With this latest provocation, manufactured or not, the citizens of Hancock County, Illinois, declared they were prepared to “co-operate with [their] fellow-citizens in this state, Missouri and Iowa, to exterminate, utterly exterminate the wicked and abominable Mormon leaders, the authors of our troubles.” A Committee of Resolutions was formed, made up of some of the more prominent men in Hancock County. They included the anti-Mormons Colonel Levi Williams, Samuel Williams, Elisha Worrell (uncle of Franklin Worrell), John M. Ferris, and George Rockwell. The Nauvoo dissidents were represented by Chauncey L. Higbee and George Robinson (Sidney Rigdon’s son-in-law).

Walter Bagby addressed the meeting. He “spoke long and eloquently upon the course of our grievances.” The “time was at hand,” he said, “when we [are] individually and collectively called upon to repel the innovations upon our liberties.” Places of encampment should be designated, “at which to rendezvous our forces, that we may be ready when called upon for efficient action.” Armed conflict was inevitable.

Dr. Barnes expressed his frustration “that the persons charged with the writs were duly arrested, but taken from the officers and on a writ of habeas corpus from the Municipal Court, and discharged, and the following potent words entered upon the records—honorably released.” Carthage attorney Onias C. Skinner proposed that a vote of thanks be “tendered to Dr. Barnes for volunteering his services in executing said writs.” This was passed. Francis M. Higbee, one of the Nauvoo Reformers and a proprietor of the now-defunct Expositor, was “loudly called for” and gave a history of the Mormon “problem.”

The Committee of Resolutions made their report. Places of military encampment were established at Warsaw, Carthage, Green Plains, Spilman’s Landing, Chili, and La Harpe. Further, it was agreed to send a “deputation of two discreet men . . . to Springfield” to persuade the governor to intercede in order to bring to justice the destroyers of the Expositor press. Skinner and Bagby were chosen “to bear the resolutions adopted by this meeting to his Excellency the Governor, requiring his executive interposition.”

“Our City and adjacent country contains some excitable elements at present,” Lyman O. Littlefield wrote from Nauvoo on June 13. His letter was addressed to the New York editor of The Prophet and echoed the language of the Nauvoo Neighbor. The Nauvoo Expositor, Littlefield asserted, was declared a nuisance, “very properly and legally . . . the mayor was forthwith ordered to have it removed.” Himself a witness to the destruction, Littlefield noted “the building was literally gutted of its contents

which was thrown into the street and burned. While the blaze sent up its lurid light into the darkening atmosphere, making visible the calm, reconciled countenances of four or five hundred people, many of whom had been left homeless by Missouri incendiaries; we involuntarily exclaimed, “This is but retributive justice!”32