Chapter Seventeen

Wolf Hunts

“I did not help to kill Joe Smith, for I did not go to the jail with those who killed him.”

Thomas Sharp, Warsaw Signal, September 25, 1844

Even in the face of possible public exposure and the threat of impeachment proceedings by the Whigs in the Illinois legislature, Democratic governor Thomas Ford had little choice but to move forward with his proposed indictments against the men accused of murdering the Smith brothers. Events in Hancock County were rapidly escalating out of control.

In mid-September, flyers were distributed throughout the Military Tract inviting all armed men to participate in a “wolf hunt” scheduled to take place near Warsaw on the 26th and 27th of the month. The proposed wolf hunt was a common practice at the time used to rid the prairie of roving predators. This wolf hunt, however, was aimed at attacking Nauvoo and ridding Hancock County of the Mormons. When Ford was informed of this plan to harass the Latter-day Saints, he “thought it to be most advisable to call on some influential persons to raise 600 or 700 troops in this section of country.” The task would not be an easy one. Ford had been accused by the Whigs of having “used up” Abraham Jonas’s political capital in the weeks following the murders. Under such circumstances, few men with political aspirations would willingly come to his aid. Ford had little recourse now but to request the help, once again, of General John J. Hardin. “I have endeavored my dear Sir,” Ford wrote to Hardin, “with all the ingenuity in my power to keep this whole matter free from politics.” Ford promised that his entreaty for Hardin’s services would be kept “a strict confidence between us.”

Within days nearly five hundred Illinois volunteers from nine counties surrounding Hancock were placed under the command of Brigadier-General John J.

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Hardin. He was assisted by fellow Whig Major Edward D. Baker. The men gathered their forces and marched towards Nauvoo.

Impatient at the waiting game being played by the governor, the first writs against the men thought to be responsible for the murders of Joseph Smith were issued by Nauvoo’s municipal court even before Hardin and his troops reached the Holy City. John Taylor, now almost fully recovered from his wounds, swore out an affidavit in which he asserted that he “had good reasons to believe and does believe that Levy Williams [and] Thomas C. Sharpe——have been and were guilty of committing said criminal act.” Because the Quincy militia refused to accompany him to Warsaw without direct orders from the governor, Sheriff Minor Deming was unsuccessful in his attempt to arrest the two men. When Sharp and Williams learned that the writs were returnable at Nauvoo, they fled across the Mississippi and set up an encampment in Alexandria, Missouri.3

Nauvoo’s municipal court issued another writ for Joseph H. Jackson, also believed by the Mormons to be a participant in the murders. A non-Mormon, Jackson was a one-time associate of Joseph Smith (later linked with the Nauvoo dissidents) and author of an anti-Mormon tract published in Warsaw. Jackson, too, fled the state.

Additional Nauvoo writs were issued for Mormon dissidents William Law (Joseph Smith’s former counselor), his brother Wilson Law, Doctor Robert Foster, Charles A. Foster, and “one of the Higbees.” The five men, none of whom were in Carthage at the time of the murders, had settled in Hampton, Illinois, following the tragedy. They eluded capture by slipping away from the arresting officers at night, taking a boat “up to Port Byron, went on board of a boat in the morning, came down to Hampton, where the officers had remained, [and] came off the boat as [the arresting officers] went on.” The dissidents were yet at large.4

On September 28, General Hardin (accompanied by Thomas Ford) inspected the Nauvoo Legion. Many of the local officers paraded without weapons of any kind, a pointed reminder to the governor that he had disarmed the Mormon militia just prior to the Carthage massacre.

Departing Nauvoo following the military exercises, Ford prepared a force to invade Missouri and capture Sharp, Williams, and Jackson. Major Edward D. Baker was promoted to the rank of colonel to give him greater authority during his negotiations with the fugitives.

“Our little force arrived at that place,” a mile above Warsaw, about noon on September 28, Ford would later write. “That night we were to cross to Missouri at Churchville [now Alexandria, and seize the accused there encamped with a number of their friends.” Sometime during the afternoon, Colonel Baker “visited the hostile encampment, and on his return refused to participate in the expedition, and advised all his [Whig] friends against joining it.” Ford knew he was powerless to force the

4. Upper Mississippian, 5 October 1844. Law, Nauvoo Diary [27 June 1844], in Cook, William Law, 60. Law’s final entry is dated 28 June 1844, followed by his views regarding Joseph Smith’s dissolute moral character.
issue. “There was no authority for compelling the men to invade a neighboring state,” Ford observed, “and for this cause, much to the vexation of myself and several others, the matter fell through.”

Colonel Baker had been successful, however, in using his influence with the men (as well as the governor) and “partly arranged the terms for the accused to surrender.” The conditions were unusual for men accused of a capital offense. Williams and Sharp were to be taken to Quincy for examination under a military guard; the attorney for the people was to be advised to admit them to bail, and they were to be entitled to a continuance of their trial at the next court at Carthage.” Ford wrote to the Mormons at Nauvoo: “Williams and Sharp have surrendered and will be sent to Quincy for trial. Jackson has not come over and is so very sick that we could do nothing with him if we had him. It will be necessary to get all the witnesses down as soon as possible.”

On October 2, Williams and Sharp’s defense counsel agreed to enter a recognizance. Williams and Sharp were to be freed on a nominal bail. Unlike the earlier case of the Smith brothers at Carthage, the phrasing of the new document made it amply clear that the accused refused to admit to any guilt in the affair. The wording was emphatic and uncompromising.

In appearing & entering into recognizance to appear to answer to any charge preferred against them, they do not make or intend to make any admission of probable cause to bind them over; but that it is done to save time, delay in consequence of the absence of witnesses, and for this reason only . . . in entering into said recognizance, [they] do so under a protestation of their entire innocence of their offence with which they are charged . . . but enter into said recognizance for no purpose whatever, than that above expressed.

Edward D. Baker and O. H. Browning, regarded as among the best lawyers and Whig politicians in the state, signed the document for the defendants. There could be no doubt that the Whigs were not only behind the murders but were also fully committed to protecting the men directly involved in the assassination conspiracy.

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7. Recognizance, Quincy, Illinois, 2 October 1844, Mormon Collection, Chicago Historical Society, microfilm, Regional Archives, Western Illinois University. A partial transcript can be found in Hill and Oaks, Carthage Conspiracy, 41. See also “Gov. Ford’s Agreement,” 30 September 1844, Hardin Papers, Chicago Historical Society. The state was represented by A. P. Bledsoe and Thompson Camplin.

Except for some difficulties with the state's attorney at Quincy, which ultimately were resolved to his satisfaction, Baker's job was finished. The newly elected congressman could now depart for the nation's capital knowing that the work of defending Sharp and Williams was left in the able hands of Orville Hickman Browning. As subsequent events would prove, collusion between the two sides in the case did not end with the release of Sharp and Williams.9

Browning's selection as the chief attorney for the defense would have been unexpected and perhaps even mystifying to the Mormons. Born in 1806 in Cynthiana, Harrison County, Kentucky, O. H. Browning was admitted to the Kentucky bar in 1831 and shortly thereafter moved to Quincy, Illinois, where he established a law practice in the Land Office Hotel. In those early years the town was small, with fewer than four hundred inhabitants.

Browning was elected to the Illinois Senate in 1836, where he met another young lawyer from Kentucky, Abraham Lincoln. The two Whigs became trusted friends; Browning's wife was Lincoln's personal confidant. When Lincoln visited Quincy he sometimes stayed with Orville's cousin, gunsmith Jonathan Browning, as Orville's house was too small to accommodate guests. In the early 1840s the gunsmith joined the Mormon church and moved to Nauvoo.10

O. H. Browning's interest in the Latter-day Saints began several years before his cousin's conversion. In the winter of 1838–39, Browning witnessed the expulsion of the Mormons from Missouri and their initial welcome by the citizens of Quincy. He became acquainted with Joseph Smith after the prophet's arrival in Quincy following his escape from Liberty jail in early 1839.

Browning served as one of Joseph's defense attorneys during an extradition attempt by Missouri in 1841. Although Joseph Smith was set free on a legal technicality, the prophet never forgot Browning's eloquent plea in his behalf. It was the memory of this episode that likely prompted Joseph's final request for Browning's services on June 27, 1844. This time, however, Joseph's request went unheeded.

The circuit court at Carthage opened on October 21 and would last through the 25th. The grand jury "composed exclusively of men who were not Mormons" inquired into the death of Joseph Smith. A list of nearly sixty individuals for possible indictment in the crime was presented to the body.11

William Daniels and Benjamin Brackenbury came forward as eyewitnesses. Daniels, newly baptized into the Mormon church, had earlier submitted (before his

10. Browning and Gentry, John M. Browning, 16.
11. Nauvoo Neighbor, 6 November 1844, quoted in Oaks and Hill, Carthage Conspiracy, 60, note 7. Several efforts have been made to compile a listing of the men involved in the assault on the Carthage jail. Each is problematic. The earliest surviving list is that of William Clayton's Nauvoo Journal 2 [28 June 1844], in Clayton, Intimate Chronicle, 135–36, which makes no distinction between the men thought to have been involved in the conspiracy and those who were present at the jail. Sheriff Jacob Backenstos's list of "Those active in the massacre at Carthage" was compiled (contrary to many published assertions) in 1846 (Lundwall, Fate of the Persecutors, 269–71, Smith, History of the Church 7:142–45, Journal History, 29 June 1844, 2). Willard Richards also attempted to compile a "Listing of the mob at Carthage," (Lundwall, Fate of the Persecutors, 271, Smith, History of the Church 7:146, Journal History, 29 June 1844, 2). The date of his compilation is uncertain. Richards incorrectly places several of the Nauvoo dissidents at the scene.
conversion) an affidavit to a justice of the peace in Nauvoo. His testimony on the Fourth of July was straightforward and without embellishment. It read, in part, “That your said affiant saw Joseph Smith leap from the window of the jail, and that one of the company picked him up and placed him against the well curb and several shot him, Col. Williams exclaiming, ‘Shoot him!’ and further your affiant saith not.”

His October testimony was more detailed. Daniels testified that Warsaw militia leaders Jacob C. Davis, William N. Grover, and Mark Aldrich “the night before the Smiths were killed” selected twenty men to “go and kill Joseph and Hiram Smith in jail.” And when the troops were disbanded by Colonel Levi Williams around noon on June 27, some of the men returned to their homes, “but most of them went on toward Carthage.” When they were within four miles of the town a messenger from the Carthage Greys came out bearing a letter signed, “Carthage Grays.” Aldrich read it to the men. “Now is a delightful time to kill the Smiths,” it said. “The governor is gone to Nauvoo, and there is nobody in Carthage, but what can be depended upon.”

Daniels testified that when the men reached Carthage, “Col Williams came up from another direction to the men and told them to go into the jail, for the guard wouldn’t hurt them. They then seized the guard and held them, and others rushed into the jail.” Daniels further testified that after Joseph fell from the window Colonel Williams ordered the men to “shoot the God d——d scoundrel (or rascal).” Smith was propped up against the well curb by a member of the mob. “They then shot him.”

Daniels identified several of the men who had stormed the jail. “I saw a number come out of the jail — these were wounded. One man they called John Mills [Wills] was shot in the right arm in the wrist, he said he had shot Hiram Smith—and Joe had shot him. A man called William Voras was wounded in the left shoulder. A man the name of Gallagher was grazed on the side of the face. I saw a man the name of Allen, a cooper, shooting with [the] others.”

Daniels admitted that he had been offered a bribe of “$2,500 if I would leave the state so as not to testify against the men who killed the Smiths — $1,500 in money and $1,000 in real estate in New York. This was made me in Quincy. I do not expect to receive any remuneration for coming here to give testimony. I have never been offered anything to come and testify against the men who killed the Smiths.” It was soon rumored that the Mormons had offered Daniels $1,000 to testify against Sharp.

Benjamin Brackenbury, a non-Mormon youth of Nauvoo who drove the militia baggage wagon from Warsaw to Golden Point, confirmed much of Daniels’ story. Brackenbury testified that immediately after the murders of Joseph and Hyrum,
A number came from the Jail and got into the wagon, among whom was Grover, Mills, Voras, Gallagher and 2 of the Chittendens. Grover said they had killed the Smiths, and Joe struck him twice with his fist. Mills, Voras and Gallagher were wounded. Went on a piece and told them I could not haul so many, some got out, left five in wagon. Sharp came up and said the Smiths were both dead, for he had hold of one since the men left the jail. I went on to Warsaw. I knew it was Col. Williams I saw at the Jail horseback, and cannot be mistaken, for I knew him whilst I was stopped near the jail. Jacob Davis and some others drove past towards the Jail and the same ones returned to Warsaw with us.

Brackenbury’s main weakness as a witness was his fondness for the bottle. “I drank liquor that day,” he admitted, “whenever I felt like it. Do not know that I was drunk, but drank enough to feel pretty well.” (In fact, whiskey had been provided to the men that day, “to make them brave.”) 18

Even with potentially tainted corroborative testimony, the grand jury handed down its indictments. In all, nine men were charged with the murders: Levi Williams, Colonel, Fifty-ninth Regiment Illinois militia; Mark Aldrich, Major, Warsaw Independent Battalion; William N. Grover, Captain, Warsaw Cadets; Jacob C. Davis, Captain, Warsaw Rifle Company; John Wills, militiaman, wounded; William Voras, militiaman, wounded; Gallagher, militiaman, wounded; Allen, militiaman; and Thomas Sharp, anti-Mormon editor of Warsaw Signal. The case file was labeled Levi Williams et al, recognition that, with the exception of Thomas Sharp, the writs were directed at members of the Warsaw militia. Williams was the highest-ranking officer charged with participation in the crime.

Once the grand jury had determined who would be held accountable for the murders (and more important for those actually involved in the killing, who would not), the Mormons were pleased that the state was finally taking some action in the matter. And, the anti-Mormons were relieved that more men were not implicated by what they regarded as perjured testimony. After all, how much could a wagon driver and an eleventh-hour conscript possibly know about the larger conspiracy?

Attachments and subpoenas were issued for witnesses in the case. On account of supposedly poor conditions at the Carthage jail the defendants were “discharged until [the] time of trial,” scheduled for the following May. With a delay that could only have been intentional, the June 27, 1844, inquest “upon the bodies of Joseph and Hyrum Smith” (signed by a dozen men who were potential witnesses in the case) was filed in the Carthage courthouse only after the October grand jury had concluded its main business. The prosecution would never get the upper hand. 19

18. Benjamin Brackenberry [as given], October 1844 grand jury testimony, P13, f41, Community of Christ Archives. Brackenberry also said, “[Afterwards] Sharp came up and said the Smiths were both dead, for he had hold of one since the men left the jail.” Jeremiah Willey statement, 13 August 1844, LDS Archives, Oaks and Hill, Carthage Conspiracy, 46–63.

19. People vs. Levi Williams . . ., Indictment for murder of Joseph Smith and Hyrum Smith, 26 October 1844, in Hancock County, Illinois, Courthouse, Record Book D:207. See also Golding, “A Research Aid,” 139–41, and “Indictments,” Warsaw Signal 30 October 1844. Inquest upon the bodies of Joseph and Hyrum Smith, 27 June 1844, in Lundwall, Fate of the Persecutors, 276–77. According to the published versions of the inquest it was filed either October 23 or October 25, 1844, and was
On November 1, the Democratic *Illinois State Register* reviewed the recent grand jury actions in Hancock County. “... This anti-Mormon jury has had the honesty to indict both Mormons [for the destruction of the *Expositor*] and anti-Mormons [for the murder of Joseph Smith] for alleged violations of law,” it noted. The editor reminded his readers “that the Whig papers of Illinois said that nothing would be done with those men for this outrage.” The same issue of the *Register* published “Mr. Clay’s [1843] Letter to the Mormons.” Both articles were written with the intent of distancing the Mormons from the Whig cause. The presidential election was only four days away.\(^{20}\)

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