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Volume 19

Winter 1979

Number 2

*Brigham Young University Studies*, 020170, is published quarterly, Fall, Winter, Spring, Summer, by Brigham Young University Press, Provo, Utah 84602. Second class postage paid, Provo, UT 84601.



# Brigham Young University Studies

*A Voice for LDS Scholars*

Volume 19

Winter 1979

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Published Quarterly by  
Brigham Young University Press  
Provo, Utah 84602



ISSN 0007-0106

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Printed in the United States of America.

6-79 5M 39670

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Subscription is \$8.00 for four numbers; \$14.00 for eight numbers and \$19.00 for twelve numbers. Single numbers are \$3.00. The rate to bona fide students and missionaries is \$6.40 for four numbers. All subscriptions begin with the current issue unless subscriber requests otherwise. Send subscriptions to Brigham Young University Press Business Office, 205 UPB, Brigham Young University, Provo, Utah 84602.

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# Guest Editor's Prologue

LaMar C. Berrett

Historians will never come to an end of researching in the area of LDS Church history. It is as the term says, "re-searching." And so with this issue of *BYU Studies*, we are presenting exciting new insights that come as a result of "re-searching" the Nauvoo period of Church history.

One of the most exciting journals of the Nauvoo period is that of Joseph Fielding. He is the missionary who wrote to his older brother in England, the Reverend James Fielding, and as a result, the missionaries used his chapel for preaching. The phenomenal mission of the Quorum of the Twelve to England came following this introductory letter.

Joseph Fielding's journal tells about his being one of the first to receive his endowment in the Prophet's upper room above the store. He was one of the few who discussed plural marriage and the Council of Fifty during Joseph Smith's lifetime. He wrote about opposition to Joseph's leadership, Sidney Rigdon, the Temple, and the final battle of Nauvoo. His journal covering the period 1841-1846 is a first-hand glimpse into this dynamic period. Andrew F. Ehat has added the footnotes to help the reader gain a clearer picture of Nauvoo during this time.

"Joseph Smith and Legal Process," by Dallin H. Oaks and Joseph I. Bentley, is a reprint of an article that appeared in the *BYU Law Review*. Because of its valuable insights, it was edited to meet the needs of the *BYU Studies* audience and published in this issue to benefit the thousands of readers of *BYU Studies* who have little access to the *BYU Law Review*.

In a poem, "To Mama," Linda Madsen Sheffield emphasizes the total devotion to the gospel of Phoebe Carter Woodruff, the wife of Wilford Woodruff.

For the archaeology student, Dale L. Berge gives an excellent treatise on how the archaeologist looks at the restoration of a Nauvoo residence, that of Jonathan Browning. It is an experiment in methodology and gives us an insight into a Mormon house of the Nauvoo period.

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Dr. Berrett, professor of Church history, is the director of the Church history area of the Religious Studies Center, Brigham Young University.



Then we have the regular feature, "The Historians Corner," with three very interesting historical notes.

Next is a letter from James Arlington Bennet, whom Emma Smith referred to as the "old arch hypocrite," to Joseph Smith, III, proposing a general creed and the use of Bennet's influence in establishing the Reorganization. Lyndon W. Cook gives commentary on the letter.

In the poem "Pioneers—The Lace-Maker" Sally T. Taylor expresses the dramatic change that came into the lives of many converts when they accepted the gospel and joined the body of the Saints in a frontier existence.

And last are two book reviews—Spencer J. Palmer's *The Expanding Church*, reviewed by Truman G. Madsen, and Monroe C. Beardsley and others' *History as a Tool in Critical Interpretation: A Symposium*, reviewed by Marden J. Clark.

The contributors to this issue have done their homework and will give delightful and enlightening reading to the followers of *BYU Studies*. We are happy to share this "re-search" with you.



# “They Might Have Known That He Was Not a Fallen Prophet”— The Nauvoo Journal of Joseph Fielding

Transcribed and Edited by Andrew F. Ehat

In the early spring of 1836, Heber C. Kimball told his fellow apostle Parley P. Pratt to

Arise, . . . go forth in the ministry. . . . Thou shalt go to Upper Canada, even to the city of Toronto, the capital, and there thou shalt find a people prepared for the fulness of the gospel, and they shall receive thee, . . . and from the things growing out of this mission, shall the gospel spread into England, and cause a great work to be done in that land.<sup>1</sup>

With this specific direction, Parley took leave of his wife and went to Canada. He soon found John Taylor, a Methodist preacher in Toronto, and Isabella Walton, a devoted follower. They introduced him to Joseph, Mary, and Mercy Fielding, emigrants from England who had arrived in Canada only within the previous four years.<sup>2</sup> Initially cold to the apostle and his message, the Fieldings soon accepted it and were baptized into the Church on 21 May 1836.

Joseph Fielding was indeed “prepared for the fulness of the gospel” and was soon to become the key person in fulfilling Heber C. Kimball’s prophecy concerning the opening of the English Mission. During the next year Joseph’s knowledge of the newly restored gospel increased, and he desired to teach his family and friends in his native England. With the encouragement and aid of his sisters, Mary and Mercy, and of his friend John Taylor, Joseph

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Andrew F. Ehat is a researcher with the Religious Studies Center, Brigham Young University.

<sup>1</sup>Parley P. Pratt, *Autobiography of Parley Parker Pratt*, ed. Parley P. Pratt, Jr. (Salt Lake City: Deseret Book Company, 1938), pp. 130–31.

<sup>2</sup>Joseph Fielding, the fourth son and child of John and Rachel Ibbotson Fielding was born at Honidon, Bedfordshire, England, 26 March 1797. Mary, the sixth child, was born 15 April 1801, and Mercy Rachel, the ninth child, was born 15 June 1807. Joseph and Mercy emigrated to Canada 25 March 1832, and Mary followed two years later. They settled near Toronto, where Parley P. Pratt found them in 1836.

wrote to his older brother, the Reverend James Fielding, who was a Methodist minister in Preston, England. His letters expounded the doctrine of the Latter-day Saints, and Reverend Fielding, by reading the letters to his congregation, unwittingly prepared them for the beginning of Mormon missionary successes in England. During this time, Joseph Fielding moved to Kirtland and there received his missionary call from the Prophet Joseph Smith. On 13 June 1837, in company with Elder Willard Richards and Apostles Heber C. Kimball and Orson Hyde, Joseph Fielding went on the first LDS mission to England. He was forty years old and a priest in the Aaronic Priesthood.

Eight days after they arrived in Preston, Reverend James Fielding lost eight of his congregation to baptism by these Mormon missionaries. Although the Reverend himself was never baptized into the Church, the baptism of these members of his congregation began the phenomenal growth of the Church in England. Nine months later, on 8 April 1838, as the apostles prepared to return to the United States, they ordained and set apart Joseph Fielding as "Presiding High Priest" over the Church in England. He remained busy in this significant position for the next twenty-seven months and served tirelessly as president except for a brief one-week rest following his marriage to Hannah Greenwood on 11 June 1838. Even though some of the Twelve came to England in January 1840, Joseph Fielding continued to act in his position as president until his release on 6 July 1840. This release granted him the freedom he yearned for to do missionary work in his native place of Bedford and Huntingdon counties. Over the next thirteen months, he filled various missionary assignments until he was asked to begin preparations in August 1841 to lead a company of two hundred Saints to Zion. The trip from Liverpool to Nauvoo took two months and included stops at the port of New Orleans and the Mississippi river towns of St. Louis and Warsaw.

During the four-and-a-half years Joseph Fielding spent in England, he became one of the leaders of Mormonism. He recorded those years in meticulous detail in four volumes of his diary. When Joseph arrived in Nauvoo, being destitute of personal belongings and having to care for his wife and two young children, he did not take the time to record the monotonous struggle to provide basic necessities—a struggle which made him equal with all who were in Nauvoo.



But December 1843 marked the beginning of a new chapter in his life—a month that he would long remember. On 9 December, Joseph Fielding, in company with William W. Phelps, Levi Richards, and Cornelius P. Lott, received his endowment.<sup>3</sup> These sacred ordinances, introduced by the Prophet Joseph Smith, were to have been administered in the Nauvoo Temple after it was dedicated. But the Prophet sensed that he might not live to see the Temple completed. He therefore felt justified in administering these ordinances to a small group of faithful individuals who would be competent to officiate in the temple ordinances whether or not he lived to see the Temple completed.<sup>4</sup> These ordinances were conducted by the Prophet Joseph Smith in the private homes and buildings in upper rooms dedicated to that purpose. Joseph Fielding was the twenty-third of thirty-six men who received the endowment during the lifetime of Joseph Smith. Hannah, his wife, received her endowment a month earlier on Wednesday, 1 November 1843, in company with Jennetta Richards, Leonora Taylor, Mary Ann Young, and Vilate Kimball, wives of apostles. Sister Kimball and apparently these other women received their anointings that evening in the Mansion House from Emma Smith,

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<sup>3</sup>Joseph Smith Journal as kept by Willard Richards, 9 December 1843, Joseph Smith Collection, Library-Archives, Historical Department of The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah (hereafter referred to as Church Historical Department).

<sup>4</sup>Though the Prophet Joseph Smith expected to administer the ordinances of the endowment only after the Temple was completed (see Joseph Smith, *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2nd ed. rev., 7 vols. [Salt Lake City: Deseret News, 1932–51], 4:608; hereafter referred to as *HC*), yet he gave two reasons for introducing the ordinances privately before the dedication. The first reason he gave was that he was commanded of God to introduce the ordinances, and the second was that he had premonitions that he might be dead before the Temple's completion. Evidence for the first reason is found in Doctrine and Covenants 124:95, 97 and George Miller's letter to the *North Islander* dated 26 June 1855 in H. W. Mills, "De Tal Palo Tal Astilla," *Annual Publications—Historical Society of Southern California* 10 (Los Angeles: McBride Printing Company, 1917):120–21. Evidence for the second reason is found in the minutes of the 28 April 1842 Discourse of Joseph Smith in "A Book of Records Containing the Proceedings of the Female Relief Society of Nauvoo," pp. 36–37, Church Historical Department, and Bathsheba W. Smith's recollection of possibly this very Relief Society meeting in "Recollections of the Prophet Joseph Smith," *Juvenile Instructor* 27 (Salt Lake City: George Q. Cannon & Sons Co., 1 June 1892): 345; Lucius N. Scovil letter to the Editor, *Deseret News Semi-Weekly*, 15 February 1884, p. 2 (see fn. 77 for excerpts from this letter); and the affidavit of Justus Morse dated 23 March 1887 in Charles A. Shook, *The True Origin of Mormon Polygamy* (Cincinnati: The Standard Publishing Company, 1914), p. 170.

wife of the Prophet Joseph.<sup>5</sup> Commenting in his journal on these events, Joseph Fielding says:

I have felt well increasing in Light and Knowledge and also in Joy having the Good Will and Confidence of my Brethren and feeling myself to be one with [them] in these things I feel myself blessed and honoured. [Pp. 22-23]

Others, such as Sidney Rigdon and William Law of the First Presidency, did not manifest the faith in Joseph Smith which Joseph Fielding did.

Joseph Fielding was thoroughly converted to the mission of Joseph Smith. He believed that the Prophet's introduction of the ordinances of endowment and of marriage for time and eternity (including plurality of wives) and his establishment of the "Kingdom of God" (viz. the Council of Fifty) were divinely inspired. Joseph Fielding's documentation of these developments is most significant owing not only to its very broad treatment of these subjects, broader than any other available journal, but also to the fact that most of this explicit treatment was penned in the lifetime of Joseph and Hyrum Smith. His record is neither a product of years of reflection nor a response to contrary claims; rather it is an extremely significant contemporaneous account.

While his journal contains strong sentiments in support of Joseph Smith written while the Prophet was alive, Joseph Fielding similarly expressed his belief that the Twelve Apostles had genuine right to lead the Church following Joseph's martyrdom. He could see that because the Twelve constituted the highest quorum of priesthood in the Church who had received the fulness of the ordinances of salvation and exaltation that they were the qualified body empowered to supervise the performance of those ordinances in the Nauvoo Temple. In comparing the ordinances as performed in the Temple by the Twelve Apostles with those which Joseph

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<sup>5</sup>Joseph Smith Journal as kept by Willard Richards, 1 November 1843, and Heber C. Kimball 1840-1845 Journal, "Strange Events," unnumbered p. 114, both in the Church Historical Department; and Helen Mar Whitney, *Plural Marriage as Taught by the Prophet Joseph Smith* (Salt Lake City: Juvenile Instructor Office, 1882), p. 14. Helen Mar Whitney, a plural wife of Joseph Smith, who received her endowment after the Martyrdom but before the dedication of the Nauvoo Temple, was the one who added the surname *Smith* to *Emma* in the quote from the journal of her father, Heber C. Kimball.



Smith had administered to him, Joseph Fielding testified:

On Friday, the 12th [of December 1845] I and my Wife received our Endowment having formerly received it in the Days of Joseph and Hiram but it is now given in a more perfect Manner because of better Convenience, the 12 are very strict in attending to the true and proper form . . . ministering in the Temple and teaching the way of Life and Salvation. [Pp. 75, 77]

His spontaneous and unsolicited witness is valuable confirmation that the Twelve were "very strict in attending to the true and proper form" that the Prophet had previously laid down in private councils.

Joseph Fielding's journal clarifies Joseph Smith's calling as a prophet and also offers a specific yet sweeping survey of key moments in the Nauvoo era in their context. It affords us first-hand glimpses of the struggle for survival in Nauvoo; of the unlawful seizure of Joseph Smith near Dixon; of the growth of opposition to the Prophet's leadership by the Fosters, the Higbees, and the Laws and the results of that opposition; of the Martyrdom and general and personal grief that followed; of the Church's rejection of Sidney Rigdon's "guardianship" proposal; of the initiation of ordinance work in the Nauvoo Temple; of the abandonment of the Temple with the forced exodus of the Saints from Nauvoo; and of the "Battle of Nauvoo" which completed that expulsion. All these events are recorded by a man full of faith in the gospel and devotion to the latter-day work.

All five volumes of Joseph Fielding's journals are preserved in the archives of The Church of Jesus Christ of Latter-day Saints in Salt Lake City, Utah. The first four volumes cover Fielding's 1837–1841 mission to England, and Volume 5 covers his years in Nauvoo and briefly his life in the West through 1859. The first 104 pages of that journal are transcribed here as they appear in the original, including all parentheses. Editorial additions to aid the flow of ideas are bracketed.<sup>6</sup> Page numbers, as Joseph Fielding

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<sup>6</sup>Josephine Burton Bagley (a granddaughter of Joseph Fielding), W. Lester Bagley, Roe Barlow Barker (a great granddaughter), and Howard Barker, in 1963, printed in ditto form two hundred typewritten copies of the five journals of Joseph Fielding for use by the family. In that edition, they at times supplied words to clarify the meaning of the text, and in many cases I have included these in the transcription.

numbered them in the journal, appear in the text in brackets before the first word of that page. Where Joseph Fielding did not number a page, I have supplied the number in parentheses within brackets as, for example, [(2)]. As the journal measures only four inches wide and 6¼ inches high, page numbers appear frequently. The asterisk (\*) indicates a change in ink color.<sup>7</sup> Additions written between the lines are included as they appear in the journal. Cross-outs are also left as they appear.

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<sup>7</sup>I have inserted asterisks at points in the original text where ink color changes occur. Pages 1–3 of the journal were written with brown ink. Beginning with the first word of p. 4 the ink changes to a lighter brown color. This light brown color continues until the word “out” on p. 23, where the comma is written in a slightly darker brown ink (not as dark as pp. 1–3). This portion of the text, written 12 June 1844 (two weeks and a day before the Martyrdom, 27 June 1844), continues in the same ink color until p. 36, at the word “Resistance.” Here the text ends in the middle of the line, and the 22 June entry begins indented in a new ink color. There are five reasons why I believe the material between pp. 23–36 was written on 12 June 1844. First, the material written up to the beginning of the 22 June entry reveals no knowledge of the impending Martyrdom. Second, on p. 31, when Joseph Fielding was writing the month when William Smith and Almon W. Babbitt received their endowments, he began to write “J[une],” the month he apparently was writing in, but he caught himself, and blotted out the “J” and wrote “May.” Third, on p. 32, he dates the entry in the same ink color as when he gives, for the first time at this sitting, personal reflections on his activities. Fourth, he uses in the last sentence of this entry the words “which was accordingly done on the 10th of this month June.” And fifth, word choice throughout the apparent three writing sessions up to this point argues for the contemporaneous nature of the recording. The text on p. 36, dated 22 June, continues in the same ink color until the word “did” on p. 38, where the comma begins the text in a lighter ink, greyish brown in color. It is conceivable that this portion was written on the twenty-fourth, after he had seen Hyrum Smith in the afternoon between 2:30 and 6:00. June 22 is the date of the governor’s letter requesting Joseph and the city council to stand trial in Carthage; therefore, Joseph Fielding could not have been writing on that day. Since all the details he writes at this sitting could have been obtained from Hyrum on the twenty-fourth when the decision was made to go to Carthage, Joseph Fielding must have used the twenty-second merely as a starting point to describe these events. Certainly, beginning with the comma in the new ink color, indicated on p. 38, the next twenty pages of the text were written after the Martyrdom. The ink color change that punctuates this lamentation of the death of Joseph and Hyrum is at the asterisk on p. 57, where the word “not” is a lighter ink color which continues until p. 68 with the word “the” in a slightly darker ink color. The entry dated “1846 January 4,” which begins p. 74, is written in a darker brown ink. At p. 79 there is an ink color change in the middle of his discussion concerning Theodore Turley, which he never finishes. Apparently, when he turned to his journal again on 29 January 1846, he decided to leave blank two pages so he could finish the account of the Turley incident and record his family temple ordinance data. Possibly on 13 July 1846 he did this, transcribing his notes on temple ordinance work onto pp. 80, 81, and the first line of 82, for he made the obvious mistake of dating the birth of his youngest son, Joseph, as 13 July 1846. Yet the “Book of Adoptions & Sealings of Parents & Children” for the Nauvoo Temple—the official record of these ordinances available in the Church Historical Department—lists the date of Joseph Fielding Junior’s birth as 13 June 1845. The entry dated “Feb. 18” on p. 83 begins the text written in black ink. The remainder of this transcription of the journal, which begins with “The Camp travailed . . .” on p. 86, was written after Joseph Fielding left Nauvoo, while he was on the trek west.



As time I have evidence enough that Joseph is not fallen, I have seen him after glory as I before saw the origin of Masonry, organize the Kingdom of God on the Earth and am myself a Minister of it in this. I feel myself highly honored but I feel grieved that at this time of the greatest Light and the greatest glory and Honor, Men of so much Knowledge and Understanding, should not themselves appear at the 44<sup>th</sup> our annual Conference here and continued 4 days Joseph's Discourse on the Origin of Man, the Nature of God and the Resurrection was the most interesting Matter of this time

and any one that I should not see in him the Spirit of Inspiration of God must be dark, they might have known that he was not a fallen Prophet even if they thought he was fallen. Elder Rigdon also spoke of Persecution he and Joseph passed through at the commencement of the work, many were appointed to go out through this Nation particularly on the subject of the electing of Joseph to the Presidency of the United States. I have attended the Grand Council and will call it, Elder Washworth has returned from Texas, the prospect of our obtaining Room to form a Colony there is fair.



Nauvoo Dec th, 1843<sup>8</sup>

It is now two years since I came to this Place and since I wrote any by way of Journal<sup>9</sup> the Reasons for this Neglect are my being so throng[ed] in providing for my Family and the Inconvenience under which I have labored, and as to myself I have had but little to write I landed in New Orleans early in 1841

November^at the head of about 200 Saints having had Peace and a good Passage, but at this Place I had a Fall from a Bridge, or Warf near 10 Feet onto the hard Ground

[(2)] which broke one or two of my Ribs and hurt my Knee very much I had just been to charter a Steam Boat and was returning to the Ship, this Fall was the severest hurt I had ever sustained I felt determined to make but little of it but I was long before I could rise from my Bed of myself, but the Master of me

the Boat was very kind letting ^ occupy one of the State Rooms for myself and Family we reached St Louis in eight days here we saw some poor faithless Saints something like Spiders Webs

[(3)] set to catch flies they came to us with fair Words as our best Friends, but their Council was that of Enimies, but did not prevail to stay any of our Company except two most of them had been to Nauvoo but had not Faith enough to live there, We took a Boat to Warsaw, the Water being too low to admit the Boat further, on our Way there, on Sunday, at Bro- G Millar,s Request I again spoke to the People; till we landed there (at Warsaw) the Weather was fine but while we waited the coming of some of the 12<sup>10</sup> the Weather

[(4)] broke\* and the Winter set in with a Snow Storm, so that in 2 or 3 Days we came to Nauvoo in a Sleigh, some of our Company came on feeling anxious to see this Place and the Prophet; the Council of our Brethren of the 12 Brother Willard Richards and others was that some of us should stop at Warsaw thinking at that time of forming a Branch there accordingly some remained there, but afterwards that Place was given up on account of the unfriendly disposition of the People there

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<sup>8</sup>Joseph Fielding 1841-1859 Journal, p. 1, Church Historical Department. Apparently, Joseph Fielding first began the journal at the other end of the book. The text begins: "Nauvoo December 1843," and except for the omission of a few words, it is the same as the first page of the final draft of the journal. There is no apparent reason why he turned the book over and began the journal again.

<sup>9</sup>He completed his fourth journal with an entry dated 10 October 1841 while aboard the ship *Tyrian* before his arrival in New Orleans. See Joseph Fielding 20 February 1841-10 October 1841 Diary, p. 86, Church Historical Department.

<sup>10</sup>This is an example of the emerging executive role the Twelve Apostles were instructed to assume. Joseph Smith said in August 1841 at a special conference only a few months before the arrival of Joseph Fielding and his company: "...the time had come when the Twelve should be called upon to stand in their place next to the First Presidency, and attend to the settling of emigrants and the business of the Church at the stakes, and assist to bear off the kingdom victoriously to the nations" (HC, 4:403). For more detailed discussions of the role of the Twelve see D. Michael Quinn, "The Evolution of the Presiding Quorums of the LDS Church," *Journal of Mormon History* 1 (1974):26-31, and T. Edgar Lyon, "Nauvoo and the Council of the Twelve," in *The Restoration Movement: Essays in Mormon History*, ed. F. Mark McKiernan, Alma R. Blair, and Paul M. Edwards (Lawrence, Kan.: Coronado Press, 1973), pp. 178-81.



[5] ~~We paid~~ Lorenzo Young<sup>11</sup> for 4 Dollars brought us to Nauvoo, the Day was very cold as we rode over the Prairy, we were compeled at times to get out and walk to warm ourselves, but it was with great Pain that I got off and on the Sleigh on account of my hurt Bro L. Young had kindly took me and my Family to his House soon after we landed in Warsaw he and his Wife were very kind to us—when we came within 2 Miles of our Journey,s End, we began to see the Effects of that Industry for which the Saints

&

[6] are so remarkable Fences of Rails^of Pickets, Houses and gardens on the Edge of the Prairie, such as we [had] not before seen, This said Bro Y[oung]. is Nauvoo, but we had two Miles to go yet, so extensive was this Settlement of the Saints, become in so short a time! We soon passed the sacred Place, and Foundation of the Temple, the Arches of the Vault Windows were not all finished, The Sight of this though by the Light of the Moon only gave me peculiar feelings, the Idea that it was done at the special Command of the Almighty was a new thing in this Age, it seemed to fill the mind [with] Solemnity, and to give a sacredness to the

[7] whole Place, how many Houses of God as they were called have I seen in building, but there is none in the whole World except the one in Kirtland<sup>12</sup> and this one that was built at the Command of God, This Thought at once leads the Mind back through the long Darkness which has covered the Earth by

since the Days of the Apostles wherein God has not spoken to Men either Visions or by Dreams, or by Urim or by Prophets, the Seers and Prophets have been covered, and to the Promises of God, that he would renew the Covenant, gather Israel, and establish his Kingdom on the Earth, no more to be destroyed

[8] We soon reached the House of my Sister now Widow Thompson Her Husband R B Thompson<sup>13</sup> had departed this Life in the August of that year, in expectation of my coming he had prepared a House for me but had not finished it, and instead of finding in him a Friend on my arrival I found a Widow that stood in need of a Friend, I was still so unwell as not to be able to cut the smallest Stick, and Business was then dul and but little to do, and I, with my Family found myself in but poor Circumstances, not having had

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<sup>11</sup>This was Lorenzo Dow Young, younger brother of Apostle Brigham Young.

<sup>12</sup>The Olive Leaf revelation to Joseph Smith of 27 December 1832 commanded the building of a "house of prayer, a house of fasting, a house of faith, a house of learning, a house of glory, a house of order, a house of God" (D&C 88:119). Six months later, the Prophet received a revelation specifying the size of the structure (see D&C 95). At a conference two days later, 3 June 1833, "Joseph Smith, Jun., Sidney Rigdon and Frederick G. Williams [were appointed] to obtain a draft or construction of the inner court of the house" (HC, 1:352). The Temple was completed in the late winter of 1835–1836 and dedicated to the Lord, 27 March 1836 (HC, 2:410ff.).

<sup>13</sup>Mercy Rachel Fielding and Robert Blashel Thompson were married 4 June 1837 in Kirtland, Ohio, by the Prophet Joseph, a month before Joseph Fielding left for his mission to England. Thompson was born 1 October 1811 in Great Driffield, Yorkshire, England, emigrating to upper Canada in 1834. He was a scribe of the Prophet at his death 27 August 1841. On 11 August 1843, Mercy Rachel Thompson was sealed to the Church Patriarch Hyrum Smith, the day before he read to the Nauvoo High Council the revelation authorizing such plural relations. See 20 December 1880 Statement of Mercy Rachel Thompson, Church Historical Department.

[9] Mony sufficient to bring me here; as soon as<sup>^</sup> could I began to busy myself in doing little things for my Sister and when the River had froze I got an Ax and went onto the Island to cut Wood for I could not live in Idleness, but it as I could well

was as ~~en~~ much <sup>^</sup> do to cross the River and return, with Pain and Weariness I cut 3 or 4 Cords but before I could get it sold or get it away it was taken away; so my Labor was vain. I wrought some Days for Bro Hyrum,<sup>14</sup> who proposed to let me have some of his Land to

[10] farm on Shares, he to find a Team &c and have half the Produce, and as nothing better opened for me I undertook this, and on the first of April 1842 we left Sister Thompson,s and went to live in a small log House near the Land I had to occupy, for Labor done for Bro Hyrum he furnished us with some Flour and Pork, we soon began to plant Potatoes, Beans &c and thought that with care and economy we would do till we could [have] Corn of our own, Bro. Hyrum found my Team with Corn &c till we got some of our own.

[11] It was late when I began to plough the Work was bad and far off from the House (ie) the further Part of it, and the Plough was bad, and I must say I felt discouraged at having thus to begin the World again as we say, in such different Circumstances to what I was in when I left it to go to England, I sowed 8 Acres with Oats which grew finely but as it was late when they were sown Rain came on just [as] they got ripe and beat them down so my half did not pay me for trouble in gathering them

[12] But early in Summer we received a Loan of Money to some Amount from my Wifes Brother, George Greenwood in England, entirely unasked for and unlooked for ~~for~~ and soon after another Sum of the same Amount, in all several hundred Dollars at first we felt troubled at this not knowing how we could lay it out so as to secure it to him who sent it but it was in great kindness that [he] sent it and in Mer[c]y that the Lord led him to send it, for we should have been poorly of[f]

[13] if it had not been so—With this i purchased 20 acres of Land on the Prairie in its Wild State at Eight Dollars per Acre with a Tax Title, I engaged a Brother in the Church to furnish me 1200 Rails for fencing it at three Dollars per 100 to be good ones, and delivered on the Land, and to be paid for in Cash, which is not common here, some of the Money I paid before hand, but the Rails were far from being good ones At this [I] felt grieved and refused to pay the same Brother for 2 or 3 Days Work done for me by his Lad & Oxen

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[14] at this he felt agrieved, I told him if 2 Men would lo<sup>^</sup>k at the Rails and should then say that I ought to pay him, I would do it at once but this he would not allow, and so the Matter stands I soon after bought other Rails (far better) at 2 Dols to be paid in only part Cash this I think was the first thing

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<sup>14</sup>This was Hyrum Smith, brother of the Prophet Joseph Smith. Mary Fielding, Joseph Fielding's sister, was married to Hyrum 24 December 1837 in Kirtland, Ohio, following the death of Hyrum's first wife, Jerusha Barden, who died 13 October 1837 after giving birth to their sixth child.



in which I ever differed with a Brother—There being some Demur about the Title of my Land I did not begin to build upon it that year but continued on Brother Hyrums

[15] Land another year, but the question about the Title being settled, in the year 43 I got a House up on the Land, and dug a good Well 21 feet deep and got abundance of good Water and towards the Summer got into it for want of more Means I had some difficulty in get[ting] it so that we could live in it, I had lent 20 Dollars to the Committee of the Nauvoo House<sup>15</sup> the year before to be returned at the time I should need it, in Lumber, but this was not to [be] obtained, so I had to get brick to fill in my Frame, this was a Loss to me, this is nothing strange for there seems to be a Power or Influence exerted against every

[16] thing the Saints take in hand to do but we felt thankful to get in to our new House even before the Doors or Windows were fixt we soon found it far more comfortable than the old Log House and we spent the Winter comfortably On the 20th of July 1843 our Son was born whom we named Heber<sup>16</sup> for so it was spoken before by the Apostle Heber C. Kimball, that this should be the Name of our first born Son, and that he should be a mighty Man and a Prophet soon after his Birth, I asked Bro Hiram Smith to bless him but he told me to do it myself and the

[17] Spirit should come upon me to bless him with great Blessings I did so Bro W<sup>m</sup> Moss joining with me, and truly the Spirit of God was with us, to confirm upon him all that Elder Kimball had spoken, several were present and we were all melted into tenderness and Tears before the Lord; Hitherto I have not transgressed against God so that I feel to claim for myself & my Family all the Blessings promised—In the Spring of this year 43 our Prophet Joseph Smith was seized while on a Visit to his Wife,s Relatives,<sup>17</sup> by two Men having a Bill against him

[18] from the Governor of Missouri They draged him from his Family got him into a Cariag with the design of taking him at once to Missouri but the Lord delivered him, the Driver would stop at Dixon to feed his Horses, and so the Matter got out and the People were ready to [de]liver him, he then got a Writ against the two Men for their unlawfully taking him (ie) by threat of Arms, and by a Writ of Habeus Corpus obtained right to have his own Case

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<sup>15</sup>The Nauvoo House and the Nauvoo Temple were two structures commanded by the Lord in the 19 January 1841 revelation (D&C 124) to be built. The Nauvoo House was to serve as a place where the rich and rulers of the earth would have lodgings when they came to visit Nauvoo. Though the Temple was completed before the Saints finally left Nauvoo, their dream for the Nauvoo House never came to fruition. (See *HC*, 6:236–37.)

<sup>16</sup>This prophecy concerning Joseph's son Heber is like the prophecy of Heber C. Kimball to Parley P. Pratt quoted at the beginning of this article. The beginning of Kimball's declaration to Pratt, which was not quoted, included a promise of a son and that his name would be Parley. See Pratt, *Autobiography of Parley Parker Pratt*, pp. 130–31.

<sup>17</sup>They were visiting with Emma's sister Elizabeth and her husband, Lorenzo D. Wasson (*HC*, 5:431).

tried at the nearest Municipal Court. all started to go to some certain Place I forget the Name,<sup>18</sup> but in

[19] a short time they were met by a Company of the Saints 50 of whom had been dispatched from Nauvoo mounted on Horses and privately armd, when our Prophet saw them he told those with [him], he was [Mayor of?] Nauvoo, and seeing such a Company of his Friends his Persecutors durst make no resistance, A little before they reached here they were met by our Band and hundreds of others in haste to congratulate our beloved Head, and leader on his Escape from the Hands of the Wicked, I suppose so great tokens of Respect and Honor had never before been manifested towards him, and although it was attended

[20] with considerable Expense yet it was a Day of great Rejoicing with us, to see our beloved Prophet instead of being taken a Prisoner into the Hands of those that thirsted for his Blood riding on his Horse, his Brother on one side and his Wife on the other and hundreds or thousands of his Friends and a Band of Music in ful Play as though he had been a mighty Monarch returning from some glorious Victory, and all this in the Sight of his Enimies. (this is according to the best of my Knowledge) Several Events have transpired which I have not stated, but will merely record, such as the Aposta-

[21] sy of John C Bennett,<sup>19</sup> no discription of this Man,s Characture could be to bad, he was a vile Man—Some trouble about Orson Pratt<sup>20</sup> arrising from said Bennett,s Crime Com with his Wife—Elder Hydes Return from Jerusalem,<sup>21</sup> Elder P P Pratts Return from England<sup>22</sup> Porter Rockwell taken Prisoner to Mis-

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<sup>18</sup>They first were going to Ottawa, Illinois, and were half way there (Pawpaw Grove) when they found out that the Judge who was to consider the writ of habeus corpus was in New York. So they returned to Dixon and another writ was issued, ostensibly returnable to Stephen A. Douglas at Quincy, Illinois. Joseph H. Reynolds, sheriff of Jackson County, Missouri, and Constable Harmon T. Wilson, of Carthage, Illinois (the two men who had seized the Prophet in an illegal manner), desired to go to Quincy by riverboat and thus avoid Nauvoo. However, the Prophet's wishes were finally followed and they continued the trip by land. Near Nauvoo it was decided, as was hoped all along, that the writ would be returnable at Nauvoo as the "nearest municipal court"—for that was all that was specified on the document. No doubt the general wording of the order was then much to the chagrin of the two policemen who had seized the Prophet. (HC, 5:431-61.)

<sup>19</sup>John Cook Bennett's career among the Mormons was meteoric. Within a few months after meeting the Prophet he was an assistant president of the Church, major general of the Nauvoo Legion, and mayor of Nauvoo. When his depraved character became exposed to the Church, he was summarily dismissed, and he soon began a career of lecturing and writing against the Mormons. See his *History of the Saints or an Exposé of Joe Smith and the Mormons* (Boston: Leland and Whiting, [October] 1842).

<sup>20</sup>Orson Pratt preferred to believe that when Bennett made sexual advances to Pratt's wife, Sarah, Bennett was acting with the permission of Joseph. Since Pratt would not recant, on 20 August 1842 he was excommunicated from the Church. When Orson Pratt realized the truth of the matter and became reconciled with the Prophet, he was, with his wife, rebaptized into the Church, and was reordained an apostle on 20 January 1843.

<sup>21</sup>On 15 April 1840, Orson Hyde, one of the apostles, left Commerce (later called Nauvoo) for a mission to Jerusalem to dedicate the land of Palestine for the gathering of the Jews. The dedication took place on the Mount of Olives 24 October 1841. Hyde did not return to Nauvoo until 7 December 1842 (HC, 5:200).

<sup>22</sup>When those of the Twelve Apostles who had been in Great Britain from April of 1840 decided to return to Nauvoo, Parley P. Pratt was designated to preside over the mission. They arrived back in Nauvoo in July 1841, but Pratt did not return until 7 February 1843 (HC, 5:265).



souri on a Charge of having been bribed by Joseph Smith to kill Boggs Governor of Missouri, and his return home,<sup>23</sup> Brother Joseph sought for by the Enemies on the same Charge, was hid for some time,<sup>24</sup> Nightly Watch set for the Safety of the City—2 Steam Mills built, and many large Houses

[22] Many have joined the Masonic Institution<sup>25</sup> this seems to have been a Stepping Stone or Preparation for something else, the true Origin of  
+this I have also seen and rejoice in it

Masonry,<sup>26</sup> + this Winter there was much Preaching through the City much said on the Subject of the Coming or Spirit of Elijah,<sup>27</sup> there has been great Light poured out upon the Saints of Late, and a great Spirit of hearing I have been called to preach several times and felt much of the Spirit in general I have felt well increasing in Light and and Knowledge and also in Joy having the Good Will

[23] and Confidence of my Brethren and feeling myself to be one with [them]  
same  
in these things I feel myself blessed and honoured, On the 7[th] of March a

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<sup>23</sup>Orrin Porter Rockwell, apparently baptized on the day the Prophet's parents were in 1830, just after the organization of the Church, was a long-time confidant of Joseph Smith. When, on 6 May 1842, Lilburn W. Boggs, former governor of Missouri, was found severely wounded from pistol shots of a would-be assassin, rumors were quick to fly that Joseph Smith and Porter Rockwell were accomplices in the bloody deed. Since Boggs, in October 1838, had issued the famous "exterminating order" which drove the Saints from their Zion to Illinois, it was easy for many to believe the deed was the act of the Mormon "Danite," Porter Rockwell. No conviction was ever brought against Rockwell; nevertheless, he languished in jail from 4 March 1843 until his release when he made his way to Nauvoo, arriving in time to be the unexpected guest of honor at the Prophet's Christmas party of 1843.

<sup>24</sup>Due to writs for Joseph Smith's arrest in connection with the Boggs assassination attempt, the Prophet kept secluded for most of August and September 1842.

<sup>25</sup>The Nauvoo Lodge of Masons had phenomenal growth, a growth uncommon with the Masonic institution, which brought understandable concern to those who supervised the proceedings of the Lodge and certified that all the usages were followed strictly.

<sup>26</sup>Joseph Fielding saw the expansion of the Masonic institution among the Mormons in Nauvoo not as an attempt to replace the quorum and social structure in the priesthood brotherhood but as an aid to acceptance of the endowment. While it appears that Joseph Smith encouraged the rapid expansion of Freemasonry among the Mormons, he nevertheless on 4 May 1842 began giving the "true Origin of Masonry" to a select few. On this date, he gave the endowment to nine men and made explanations of its relationship to Freemasonry. Six weeks later, 17 June 1842, Heber C. Kimball, one of the nine, wrote to his fellow apostle, Parley P. Pratt, who was still in England presiding over the mission there, and referred to these developments in the following manner: "Brother Joseph feels as well as I [have] Ever see[n] him. one reason is he has got a small company, that he feels safe in thare hads. and that is not all he can open his bosom to and feel him self safe I wish you was here so as to feel and hear fore your self. we have recieved some pressious things through the Prophet on the preasthood that would caus your Soul to rejoice I can not give them to you on paper fore they are not to be riten. So you must come and get them fore your Self.— . . . Thare is a similarity of preast Hood in masonary. Bro Joseph ses masonary was taken from preasthood but has become degenerated. but menny things are perfect." Kimball to Pratt, 17 June 1842, Parley P. Pratt Papers, Church Historical Department. This testimony of the early introduction of the endowment and its relationship to Freemasonry speaks of the power of the principles advocated by the Prophet. For while Heber C. Kimball had been a Mason since his 1823 Victor Lodge days, his reaction to what might have been considered a blatant adaptation of Freemasonry was one only of awe and respect. Joseph Fielding's reaction appears to have been the same.

<sup>27</sup>See, for example, Joseph Smith's discourses in *Teachings of the Prophet Joseph Smith*, comp. Joseph Fielding Smith (Salt Lake City: Deseret Book Company, 1967), pp. 329ff., 335ff., and 356ff.

Meeting<sup>28</sup> was called and several Addresses delivered by the Prophet and others on some Evils in the City, Several received a severe Exposure in the Church and out,\* of the latter was the Brother of R. D. Foster, he asked in the Congregation if Mr. Hiram Smith alluded to him in his Remarks but did not get a direct Answer he then asked Mr. Jos<sup>h</sup> Smith if he meant him Bro J. S.

<sup>t</sup>  
asked why he though

<sup>so</sup>  
[24] but he repeated the question and said if you will not hear me you soon shall hear from me, Did you allude to me? when Bro J. S. answered, you say it, and bid the Officers to take him and fine [him] 5 or 10 Dol.<sup>s</sup> I forget which

<sup>and</sup>  
his Bro R. D. [Foster] then spoke to justify~~ed~~ him and clear him of Sensuer [censure], and after exchanging a few Words Bro J. S. told him to hold his Tongue or he would fine him too; thus it ended for the time, but the Reproof and Exposure which he and several others had received stirred up feelings that could not be suppressed, A few Weeks after this

[25] Our Prophet told us from the Stand, by the Wall of the partly build Temple that a Conspiracy was formed by the two Foster,s the Laws C. Higby and J H Jackson and others against himself and all the Smiths by some of them it was declared that there should not be one of the Smith Family alive in a few Weeks many Accusations and threats of this kind were uttered; all this the Prophet had had from a Mr. Heaton and another, the testimony was credible,<sup>29</sup> they had formed a Caucus and had invited others to join it but much of this was found to be the false Statement of the said

[26] Joseph H Jackson, [who] proved to be as corrupt and guilty as a Man could well be yet it was partly true I do not know to what extent; but this I do know, Jackson quickly left the Place, and W<sup>m</sup> – Law his Brother Wilson Law the former one of the first Presidency, and the latter Major General of the Legion of the City, R. D. Foster and others revolted from the Church, saying that Joseph was fallen, the same as all the Apostates have said, such as Parish, Cowdery, Harris and Russel<sup>30</sup> &c; They formed a Church<sup>31</sup> of themselves appointed one as their Prophet or Head and held Meetings

[27] in the House of the Laws, got up all the Affidavits they could expecially from the Sisters against the Conduct of the Prophet, to publish to the World, they object to Doctrine of a Plurality of Wives and of Gods<sup>32</sup> I was present when the two Laws the Wife W<sup>m</sup> and R D Foster were cut off from the Church.<sup>33</sup> The feeling as to

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<sup>28</sup>A report of this address may be found in *HC*, 6:226–44.

<sup>29</sup>A report of the proceedings of this 26 May 1844 meeting may be found in *HC*, 6:408ff. The affidavits of M. G. Eaton and A. B. Williams may be found in *HC*, 6:278–80.

<sup>30</sup>Warren Parrish, Oliver Cowdery, Martin Harris, and Isaac Russell, the men referred to here, had said that Joseph had lost his prophetic powers.

<sup>31</sup>See *HC*, 6:346–47 for the 28 April 1844 meeting held at Wilson Law's home.

<sup>32</sup>See *Nauvoo Expositor* (7 June 1844), p. 2, cols. 1–5, especially resolution 2 in cols. 3 and 4 and the affidavits of William Law, Jane Law, and Austin A. Cowles in cols. 4 and 5.

<sup>33</sup>See *HC*, 6:341 for the proceedings of the 18 April 1844 excommunication trials of these individuals.



their Conduct was very unanimous except that Bro<sup>r</sup> Marks did not raise his Hand against Sis Law,<sup>34</sup> their Principle Charge against Joseph is that he has and seeks to obtain other Women or Wives and has taught the same to others who have done the same<sup>35</sup>

[28] As to me I have evidence enough that Joseph is not fallen, I have seen him after giving as I before said the origin of Masonry, organize<sup>i</sup> the Kingdom of God<sup>36</sup> on the Earth and am myself a Member of it in this I feel myself highly honored but I feel grieved that at this time of the greatest Light and the greatest Glory

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<sup>34</sup>Williams Marks, the Nauvoo Stake president, was at least ambivalent over Joseph Smith's introduction of plural marriage. William Law could not induce Marks to come out in open opposition to the Prophet's teachings on this subject as Law had induced Marks' first counselor, Austin A. Cowles, to do. But at this trial of William Law, et al., Jack (John) Scott testified that William Law had told him the day before that Joseph Smith had made advances on Jane Law, which accusation the Prophet denied but reportedly later acknowledged. Then Law said that to cover up bad intentions, Joseph Smith had sealed William Law and his wife. While the minutes indicate that Scott thought "W<sup>m</sup> wife lied somewhere," Marks did not agree and, consequently, he could not vote against her. The Prophet was not in attendance at this important meeting; however, at a meeting of those who had received their endowments, Joseph asked for a vote of the men and women to drop William Law from the "Quorum." Though Bathsheba W. Smith did not indicate the member who did not at first vote against Law, it was probably William Marks. The hesitant vote by "one member . . . called forth earnest remarks from the Prophet Joseph. . . . After his explanation the vote was unanimous." Joseph's "earnest remarks" and "explanation" that convinced the unidentified dissenter were probably similar to his explanation of the situation to his German teacher, Alexander Neibaur. On 23 May 1844 William Law testified before the circuit court in Carthage that Joseph Smith had committed adultery (see fn. 46), and the next day Joseph related to Neibaur what he considered were some of the roots of Law's animosity. "Mr Wm Law-wisht to be Married to his Wife for Eternity Mr Smith said would Inquire of the Lord, Answered no because Law was a Adulterous person. Mrs Law wandet to know why she could not be Married to Mr Law Mr S said would not wound her feeling by telling her, some days after Mr Smith going toward his Office Mrs Law stood in the door beckoned to him more the once did not Know wheter she bekoned to him went across to Inquire yes please to walk in no one but herself in the house. she drawing her Arms around him if you wont seal me to my husband Seal myself unto you. he Said stand away & pushing her Gently aside giving her a denial & going out. when Mr Law came home he Inquired who had been in his Absence. she said no one but Br Joseph, he then demanded what had pass[ed] Mrs L then told Joseph wandet her to be Married to him—" (Alexander Neibaur Journal, 24 May 1844, microfilm of holograph, Church Historical Department.) For Jack (John) Scott's testimony, see loose sheet transcript of the 18 April 1844 trial in the Brigham Young Papers, Church Historical Department. Compare this with the Joseph Smith Diary under the same date to ascertain the fact that Joseph Smith was not present. For Bathsheba W. Smith's statement on the proceedings at a meeting of those who had received their endowments, see "Recollections of the Prophet Joseph Smith," *Juvenile Instructor* 27 (1 June 1892):345. (See fn. 65.)

<sup>35</sup>Though Joseph Fielding is silent on the fact, his own sister Mercy Rachel had been sealed as a plural wife to the Prophet's brother, Hyrum. (See fn. 13, preceding.)

<sup>36</sup>The Kingdom of God was a shortened name of the authorized title of the Council of Fifty. The full title of the organization, given in a revelation to the Prophet 7 April 1842, was "The Kingdom of God and His Laws with the Keys and powers thereof and judgment in the hands of his servants, Ahman Christ" (Abraham H. Cannon Journal, 5:24, under date of 9 October 1884, Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah). The date that Joseph Fielding became a member cannot be determined precisely by available documentation, though he was probably present at the two Council of Fifty meetings held prior to the excommunication trial of William Law, et al. This would give, at the latest, 18 April 1844 as the day of his entrance into the Council. Fielding reports in his journal for 11 March 1849: "It is five Years to Day the 11 of March since the Council, now called the Legislative Council, was first formed by the Prophet Joseph Smith." Speaking earlier of this organization date, he says (sometime in the winter of 1847), "I still hold a Place in the Council of Fifty, and have done from its first organization by Joseph Smith." (Joseph Fielding 1841-1859 Journal. The first quotation is under the date given on p. 149, and the latter quotation is on p. 126.)



and Honor, Men of so much Knowledge and Understanding, should cut themselves off April 6th–44 Our anual Conference bigan and continued 4 Days Joseph,s Discourse on the Origin of Man, the Nature of God and the Resurrection was the most interesting Matter of this time

[29] and any one that could not see in him the Spirit of Inspiration of God must be dark, they might have known that he was not a fallen Prophet even if they thought he was fallen.<sup>37</sup> Elder Rigdon<sup>38</sup> also spoke of Persecution he and Joseph passed through at the Commencement of the Work; many were appointed to go out through this Nation particularly on the Subject of the electing of Joseph to the Presidency of the United States<sup>39</sup>—I have attended the Grand Council<sup>40</sup> as I will call it, Elder Woodworth has returned from Texas, the Prospect of our obtaining Room to form a Colony<sup>41</sup> there is fair

[30] At the last Grand Council I attended W<sup>m</sup> and Wilson Law R D Foster and those in Connection with them were by the Voice of the Council delivered up to the Buffitings of Satan, after having been visited in all kindness, by 2 of the Brethren On Sunday the 13th of May Joseph spoke on the Gospel of the Kingdom and shewd that when God set up his Kingdom on the Earth Satan always set up his in Opposition alluding to Appostay at this [time] working in this Place, I never felt more delighted with his Discourse than at this time, It put me in Mind of Herod when they said at his Oration It is the Voice of a

[31] God and not of a Man,<sup>42</sup> The Circumstances were widely different, he also spoke some on the Resurrection<sup>43</sup>—The same Day I and my Wife attended the Grand Quorum, as I shall call it when W<sup>m</sup> Smith and Alman Babbit were

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<sup>37</sup>These remarks are his response to the "King Follett Discourse." See Donald Q. Cannon, "The King Follett Discourse: Joseph Smith's Greatest Sermon in Historical Perspective," *Brigham Young University Studies* 18 (Winter 1978):185–90.

<sup>38</sup>Sidney Rigdon, who having become a member of the Council of Fifty on 19 March 1844, thereby gained a renewed devotion and spoke several times at the April 1844 general conference, alluding often to the proceedings of the Council of Fifty. See original minutes of his discourses in the Miscellaneous Minutes Collection, Church Historical Department.

<sup>39</sup>See *HC*, 6:355–40 for a listing of the elders called on missions to electioneer for the Prophet Joseph in his bid for the Presidency. See also James B. Allen, "The American Presidency and the Mormons," *Ensign* 2 (October 1972):46–56.

<sup>40</sup>The "Grand Council" was one of his designations for the Council of Fifty. Actually, the Council did go by the title "General Council." See footnote, *HC*, 7:379, where the manuscript version of the *HC* is cited for the definition: "General Council is the Council of Fifty."

<sup>41</sup>On 14 March 1844, after the fourth consecutive day of deliberations of the Council of Fifty since its organization, the Council sent Lucien Woodworth on a mission to Texas to ascertain the likelihood that "a colony" of Mormons would be welcomed there by the staff of Governor Sam Houston. The "colony" would have been the "pinery" group who were in Wisconsin Territory cutting lumber to supply materials for building the Temple and the Nauvoo House. The plan was that following the completion of lumbering operations that group from the Black River Falls would move to Texas, dependent on the success Lucien Woodworth had with Sam Houston. When Lucien Woodworth returned and reported to the Council of Fifty on 3 May 1844, the assessment Joseph Fielding gave of a Texas colony was only "fair." (See *HC*, 6:254–64, 350–351, and 356.)

<sup>42</sup>The passage referred to is in Acts 12:20–23.

<sup>43</sup>Joseph Smith's discourse on this occasion (which should be dated 12 May 1844) is reported in *HC*, 6:363–67.



taken into it in the legal form<sup>44</sup> 17[th] of J-[the "J" was blotted out] May. A Convention was held here on the Subject of Josephs, Election<sup>45</sup> Several false Charges are brought against Joseph and sworn too by Wm Law, Foster and others,<sup>46</sup> on Sunday 26 Joseph spoke of it in the Congregation, and shewd them to be purgered Men, plainly thus he is still harrassed by his false Friends, his Brutus,<sup>47</sup>

[32] June 12-44 As to myself I seem to have but little to write<sup>48</sup> I am employed in cultivating my little Farm for the Support of myself and Family, have had nearly half of it to plant twice with Indian Corn owing to the wetness of the Season, much of the first Planting was destroyed I have labored hard to keep the Land dry, Now and then I go to lay my hands on the Sick, in which I take Pleasure and I mostly get a Blessing I often preach to my Wife and endeavor to inspire her with Faith her Mind has been troubled at some things in the Church

[33] the Subject of Spiritual Wives<sup>49</sup> so much talked [about] at this time, and other things, an Expression of Elder Lyman Wites<sup>50</sup> that if a Woman complained of being insulted by any Man she ought to be set down as a Strumpet on the ground that no Man would do it unless she gave him some liberty, This she knew to be a false Notion from her own Experience, in this she [is] of

correct the Expression ^ Bro. Wite was spoken publicly in our hearing and she thinks it hard if a Female is to be insulted as she has been and to have no redress I take [it] as an instance of Man,s

[34] Weakness to hold forth such a Sentiment, and for the Elders to smile at it, is no proof of their approval of it, but I see nothing in all that is going on that troubles me at all; but the Way in which Subjects for the celestial Kingdom are selected is not understood, or not considered I do not boast, but I am thankful for the Ideas which God has given me on this Subject, and long to

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<sup>44</sup>"Grand Quorum" is Joseph Fielding's designation for those who had received their endowments from Joseph Smith. Of the titles used by contemporary diarists for this group, the one most often used during Joseph Smith's lifetime was simply "Quorum." (See fn. 65.) Joseph Smith's Diary in the Church Historical Department confirms that on 12 May 1844 William Smith, the Prophet's brother, and Almon W. Babbitt received their endowments.

<sup>45</sup>The State Convention, held at Nauvoo, was run under the chairmanship of Uriah Brown, a Council of Fifty member, as appointed by the Council in the meetings of 25 April 1844. (See *HC*, 6:343 and the Joseph Smith Diary kept by Willard Richards for that date. For a published account of the proceedings of the convention, see *HC*, 6:386-97.)

<sup>46</sup>The indictment based on the sworn testimony of William and Wilson Law, filed on 23 May 1844 before the May term of the Hancock Circuit Court, State of Illinois, identifies Joseph Smith's plural wife, Maria Lawrence, as one with whom the Prophet, from 12 October 1843 to 23 May 1844, "liv[d] together . . . in an open state of adultery." (Copy of original in possession of author.)

<sup>47</sup>A report of Joseph Smith's discourse may be found in *HC*, 6:408-13.

<sup>48</sup>While Joseph Fielding at this sitting spent 10 pages writing on events of recent Church history, he had little to write concerning his personal life for the same period. Contrast his recording of his personal life in June of 1844 (on pp. 32, 34) and his writing in late March or April 1844 (on pp. 22-23).

<sup>49</sup>Here Joseph Fielding speaks of the term "Spiritual Wives" in a positive sense as used in *Times and Seasons* 5 (15 November 1844):715, rather than in the usual negative sense.

<sup>50</sup>Lyman Wight was one of the Twelve Apostles.

teach the same to others, but I have but little Chance of doing it but to my  
e  
Wife—I believe that all things shall work together for Good to them [that]  
love God, and all is well

[35] I tell my Wife I mean to hold on to the Truth at any Cost and the  
greatest Cost would be to lose her but her unbelief shall not stop us, I feel as  
though I can in spite [of] this bear her along; Our Children are healthy and in  
every Way promising, and we hope they will be [in] Glory in a future Day

The Subject of the Apostasy of Wm Law and others has caused some little  
Excitement; they lately purchased a Press &c and printed the first Numbers of  
the "Nauvoo Expositor" which was designed to publish all they could find  
against Joseph & others

[36] but this first No<sup>e</sup> was of such a kind that the City Council on mature de-  
liberation according to the Law of the Land condemned the Press and Paper  
be was

and ordered the Whole to ~~burnt~~ ^ burned, which ^ accordingly done on  
the 10th of this Month June, but the Party made no Resistance<sup>51</sup>

June \* 22 An Order came from the Governor at Carthage for Joseph Hy-  
ram and the rest of the City Council to appear at Carthage or rather they were  
informed of this by Letter by the 2 or 3 who went there to see him, the Pros-  
pect now looked very dark and threatening and they were much perplexed, and  
after

[37] holding Council together most of the Night Joseph and Hiram and one  
or two more left the City before Day, early in the Day a Company of Men ar-  
rived with an Order from the Governor, but as they could not be found all  
but one of them returned leaving one to see if they could be found and would  
go, they were found by the Brethren but they refused to go, the prospect how-  
ever was so dark, and seemed to threaten entire Destruction to our City, the  
stood

Governor saying if they refused to go our City ^ upon Keggs of Gun  
Powder and a small Spark would blow it up, and the Officers saying that we  
should be put under Martial Law till they should

[38] be delivered up if it took 3 years these things together with a recollection  
of the horrid Senes of Missouri and also a firm trust that God would de-  
the

liver them, induced many of ^ Saints, and of Joseph,s Friends to wish them to  
go,<sup>52</sup> yet it was some time before they consented, which they finally did,\* on  
Monday Morning Joseph, his Brother Hiram, Willard Richards John Taylor the

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<sup>51</sup>Actually only the first number of the *Expositor* ever got off the press, though William Law, in an affidavit dated 17 July 1885, says: "[Issue] No. 2 we had printed on one side [viz. two pages of a four page issue] when the City Council and Joseph Smith, Mayor, ordered the destruction of the press." This affidavit was first published in Shook, *The True Origin of Mormon Polygamy*, pp. 124-29. See HC, 6:430-48.

<sup>52</sup>See HC, 6:525-60 for an account of Joseph Smith's leaving the city and crossing the Mississippi and his returning to Nauvoo at the insistence of "his friends."



only 2 of the 12 at home, with several others started for Carthage, of Course with solemn feelings, and it appears that Joseph in particular anticipated the

[39] fatal result in Part but said he wished at any Rate that Hiram might be saved to stand in his Place, he expressed himself to this Effect, that he should die for this People, and if so he should be murdered in cold Blood; sometime before they reached Carthage they met a Company of Men with Orders from the Governor of the State to take our public Arms (ie) the Arms belonging [to] the State, the Captain of this Company was polite and friendly and gave the strongest Assurances

[40] of their Safety and it was agreed upon that the ~~should~~ Brethren return with them to Nauvoo, I was down in the City when they came in, and was in Bro Hiram,s Company in his own House he was in better Spirits by far than when he left, he told me he thought that all things would go well, &c and as soon as the Arms could be collected they again took their leave of their Wives and Families—alas for the last time, and came to

[41] Carthage (from henceforth of cursed Memory[]), the Governor it appears treated [them] respectfully and took them to his own Lodgings, till as he said for fear of the People he desisted and after having had a trial in part they were unexpectedly and unlawfully thrust into the Jail, they went to Carthage on Monday Evening the 24 of June 1844 on Thursday the Governor left them and with a Company of Men came to Nauvoo having left a Guard at the Jail, but of the Carthage Greys who had just before been in a State

[42] of Mutiny, yet as all the troops had pledged themselves to the Governor to abide by the Laws, these were entrusted with the Care of the Prisoners it seems that a Party of the Mob had come to Golding,s Point<sup>53</sup> on their way to Nauvoo, and that Messengers were sent to them to order them to disperse, at this their Leader Collonal Williams<sup>54</sup> ordered all who were not willing to go to Carthage and kill the Smiths to lay down their arms, ~~the~~ and the rest to step out together, saying now is

[43] the time or never this was soon done, and the Murderers disguised themselves by blacking their Faces and started on their way to shed Blood, and came to the Place about 5 o,clock in the Evening of the 27, A young Man named Daniels<sup>55</sup> who had given up his gun, went with them, as he said to see what they would do, and was an Eye Witness to all that passed, heard Wills say he had shot Hiram this Wills was one of the Company of Saints (an Irish Man) who came with me from England with his Wife &

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<sup>53</sup>See HC, 6:565 concerning "Golding,s Point." For a map depicting the whereabouts of Golden's Point between Nauvoo and Carthage, see the inside front cover of Dallin H. Oaks and Marvin S. Hill, *Carthage Conspiracy—The Trial of the Accused Assassins of Joseph Smith* (Urbana: Univ. of Illinois Press, 1975).

<sup>54</sup>Levi Williams was the accused ringleader of the mob that murdered Joseph and Hyrum Smith. (See Oaks and Hill, *Carthage Conspiracy*.)

<sup>55</sup>William M. Daniels, for his alleged direct testimony, was the chief prosecution witness at the trial of the Prophet's accused murderers. (See Oaks and Hill, *Carthage Conspiracy*.)

[44] two Children, he was an Elder in the Church it is understood that he received a Wound in the

Arm from a Bullet by Bro Joseph, it took his wrist and ran up by the Bone, of which wound he soon after died A Ball passed through [the] Door and entered Brother Hiram on one Side of his Nose just below his [eye] when he exclaimed I,m a dead Man and fell at which Joseph cried out to Hiram; as he lay another entered under his Chin, Bro John Taylor attempted to get out at a back Window, but a Ball met him, which it

[45] seems threw him back into the Room owing to its taking his Watch which beat in the Watch thereby giving the exact time at which it occurred he had received 4 Balls before he was taken by Brother Willard Richards and put under the Bed, he suffered much but survived, a living Martyr, Joseph too endeavored to escape by the same Window but the Mob quickly met him there he fell from the Window, and was taken by the Mob and was set against the Well Curb and 4 Men shot him

[46] in the upper Part of his Body, Williams then said take his Head off but at this Moment as Daniels states a Light shone between Joseph and the Mob which so affected them that they had no Power to touch him,<sup>56</sup> and the 4 Men dropped their Arms and had to be carried off by their companions, the whole then ran off leaving their victims weltering in their Blood, thus the Earth was once more stained with the Blood

[47] of the Saints, even the annointed Servants of God and their Blood echoes the Cry of former Saints for Vegence to be taken on the Wicked that the Earth may be cleansed from the Blood of the Righteous; their Bodies were washed from Blood and put into Boxes and the next Day were conveyed in 2 Waggon's under a guard to Nauvoo, this was the most solemn Sight that my Eyes ever beheld I had often read of the Martyrs of old but now

[48] here I saw 2 of the greatest of Men who sealed the Truth which they had

held and taught with their Blood, is this an Earnest of what has to take Place in this Last Dispensation, is the Blood of the Sheep again to be shed like that of the Shepherd as in former Days, Father if it be possible let this Cup pass from us, but if not let thy Will be done and let us be strengthened to endure to the End Joseph and Hiram Smith were of large Stature well proportioned and

[49] had a Noble Appearance and this Appearance was by no means lost in Death as they lay Side by Side, for what can make Men more noble than to hold the Truth of God against his own Intrest (temporally) to be at War with the World, for the Salvation of the upright in heart, and finally seal that Truth with their Blood—when I think of them and write of them I feel as though I want to ask their for-

[50] giveness that I have not mourned for them more deeply—Joseph had been

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<sup>56</sup>"Daniels's account of the wondrous light was never accepted in official Church accounts and has been rejected by responsible Mormon historians" (Oaks and Hill, *Carthage Conspiracy*, p. 90 fn. 60).



brought before Rulers and Judges scores of times but was never convicted of any Crime neither Hyrum, and although the Governor said the burning of the Printing Press was unlawful yet the Persecutors said they knew the Law would not reach him but Powder and Ball would.<sup>57</sup> so that they justly are ranked with the

[51] Martyrs of Jesus Christ my Consolation in the midst of this Affair was that all had been done Joseph and Hiram had done all that they could have done and the Foundation of the great Work of the last Days was laid so that it could be finished by the 12 Appostles who had been instructed in all things pertaining to the Kingdom of God on the Earth, Some also beside the 12 had received their Endowment, which was expected at the completion of the Temple

[52] I myself and my Wife had had this Privilege granted us in part, I also believed that as Joseph was the only one that had had the Keys of the Priesthood of [the] Kingdom of God on the Earth since the Days of Peter and the other Apostles,<sup>58</sup> he must not only minister the same on Earth but also to the whole World of Spirits who departed from this Life in the time of the broken Covenant, even as Jesus did to those before him to the Flood, that those who had died without the

[53] Priesthood must remain so until it should be restored to the Earth, but it is necessary that they as well as we who are now alive should be made acquainted with the Ordinances, Signs and Tokens of the Priesthood and the Turms of Admission into the Kingdom in Order that they may come forth with those who have received it here, so that Joseph was as much needed there as here, and perhaps more so, these Reflections in a great measure

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<sup>57</sup>See HC, 6:566 for report that William and Wilson Law, R. D. Foster, Chauncey L. Higbee and Francis M. Higbee had said this. In a postscript of a letter to an unidentified correspondent written 1 July 1844, four days after the Martyrdom, Lyman Homiston says, "Mr. Joseph Smith & his brother Hiram were assassinated in Carthage jail while awaiting their trial, on the 27 June in cold blood time will not admit of particulars. The mob were heard to say he was inocent and would be clear'd they must assassinate him, Oh Oh!!!" (Original preserved at the Essex Institute, Salem, Massachusetts.)

<sup>58</sup>The "Some also beside the 12 [who] had received their Endowment" during the lifetime of Joseph Smith included 25 males and 32 females. One of the Twelve, John E. Page, did not receive his endowment until 26 January 1845, seven months after the Martyrdom. Regarding the conferral of signs and tokens of the priesthood, Brigham Young said 8 July 1855: "Build the Temples of the Lord, that you may receive the endowments in store for you, and possess the keys of the eternal Priesthood, that you may receive every word, sign, and token, and be made acquainted with the laws of angels, and of the kingdom of our Father and our God, and know how to pass from one degree to another, and enter fully into the joy of your Lord. Latter-day Saints, do you live to this, do you seek after it with all your heart? You are aware that the Lord is able to reveal all this in one day, but you could not understand it." (*Journal of Discourses* [London: Latter-Day Saints' Book Depot, 1855], 2:315 [cf. JD, 2:31; 5:133; 6:63, 154-55; 8:339; 9:25-26, 91; 10:172; 11:27, 163-64; 15:139; 18:132; 19:250].) Although Joseph and Hannah Fielding received their endowments from Joseph Smith, they did not in the Prophet's lifetime receive the higher ordinances associated with the temple of the Lord. Nevertheless, Joseph Fielding was aware that they had been instituted and knew that the Twelve had received the fulness of those ordinances and was thereby assured that all the keys of the priesthood had been preserved despite the death of the Prophet. (See fns. 64, 65.)

[54] took off the Edge of the Grief that I might else have felt, for I thought that [he] had so fulfilled his own Purposes, and I felt willing to say amen to it, Their Wives had been [blank space; sealed to] them on account of certain Principles that had been revealed through Joseph, this seemed to make their Lives a [blank space] to them—It seems as though the Lord had pushed things forward rather prematurely on account of the shortness

[55] [of] Joseph,s Time, I allude in particular to the Doctrine [of] Women  
have

being sealed to Men for Eternity<sup>59</sup> It seems that several ^ had Women sealed to them, and it appears in general to have given great Offense to the Wife, in some instances their Anger and Resentment have risen to a very high pitch, saying it is Abomination, Whoredom, &c this is a strong Charge against  
is

Joseph especially, and Hiram, and now as they are gone it ^ aimed at the 12, A Passage in the

[56] Book of Mormon is quoted in opposition to this Doctrine where it is said that a Man should have but one Wife and no Concubines,<sup>60</sup> I feel sorry for our Women for it is plain that if this be of God as I believe it to be, their Conduct in the Matter is very wrong, and but for the sealing Power and Ordinance by which they are sealed to their Husbands many would cut themselves off from the Kingdom, my Wife is much opposed to it, I desire to [do] the Will of God and to obtain all the Glory I can

[57] some say that it was because of this Abomination that Joseph and Hiram were cut off I understand that a Man,s Dominion will be as God,s is, over his own Creatures and the more numerous they greater his Dominion,<sup>61</sup> but how true that straight is the Gate and narrow is the Way that leadeth unto the Exaltation and the eternal Duration of Lives and few there be that go in thereat.<sup>62</sup> Not \* long after the Death of these Men Elder Sidney Rigdon who had long been [one] of Joseph,s

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<sup>59</sup>See D&C 131:1–4, and for the context of this scriptural passage see the Prophet's remarks to William Clayton in *HC*, 5:391–92. Benjamin F. Johnson, at whose home these remarks were made, states that William Clayton recorded Joseph's words at that time in his journal (Johnson to Anthon H. Lund, 12 May 1903, Benjamin F. Johnson Papers, Church Historical Department).

<sup>60</sup>This passage is found in Jacob 2:23–30 in the present edition of the Book of Mormon. Apparently this was a proof text used by William Law against Joseph Smith and the institution of plural marriage.

<sup>61</sup>To Benjamin F. Johnson, Heber C. and Vilate Kimball and others, this was an irresistible argument for the beauty of the principle of a plurality of wives.

<sup>62</sup>While this phraseology is similar to the Savior's teachings in the Sermon on the Mount (Matthew 7:13–14), yet the use of the words "Exaltation" and "Lives" in this passage suggests that Hiram Smith may have allowed his twice-over brother-in-law, Joseph Fielding, to read the manuscript of the revelation on Celestial Marriage including a plurality of wives. This important contemporary corroboration of D&C 132:22 is one of many such allusions which support the conclusion that the revelation was received by Joseph Smith rather than Brigham Young. The word "exaltation" is used eleven times in this revelation; except in D&C 124:9 (where clearly it is used with a different meaning), this word is not used again in any other of the scriptures of the Church.



[58] Counsellors came here from Pittsburg,<sup>63</sup> and informed the Saints that he had had an important Vision after long and earnest enquiry of the Lord, in which it was shewn him that Joseph had died holding the Key of this Kingdom, that he still held it and would continue to do in Eternity, that we as a People must build up the Kingdom to Joseph, if we did not we should be damned, and that he himself stood next in Authority and he was in haste to get the asent of the Saints in this Matter as he said he must be in

[59] Pittsburg in a short time, this all seemed right to some but many felt as though it was not the Voice of the Spirit, I felt doubtful about it partly because I considered he had not been faithful in his Office a long time, and partly because the Spirit did not bear witness to it, but there was a general desire that the 12 might come home first (ie) before they gave a Decision [on] the Subject and so it came to pass which soon gave a new face to things A Meeting was called and Rigdon again addressed us but seemed to have

[60] no Liberty or Power after which Elder Brigham Young spoke to [the] People he said he saw here a hurrying Spirit, shewd the true Organization of the Church and called a Meeting again when all the Quorums of the Church should be placed in proper order he said that if the People wished Elder Rigdon to be their Guardian and Leader they were quite at liberty to take [him], but it must be passed in a regular and legal Manner, by the

[61] separate Quorums, he had much Liberty and the Power of the Spirit in speaking and at the said Meeting he shewd that Rigdon if he were to take his Place as Councillor to Joseph he must go beyond the Vail where he was gone, and the Saints soon began to see how things were and that the 12 must now hold the Keys of Power and Authority according to the Revelation which says the 12 are equal with the first Presidency before this he asked the Church if they wished to choos themselvs a Guardian, but they did not

[62] raise their Hands, and it was now no hard thing determing who should lead the Church it was also shewn that Joseph had told the 12 after he had instructed them in all things that on them would rest the Responsibility and the Care of the Church in Case he should be taken away,<sup>64</sup> They invited Rigdon to their Council but he did not attend and he soon began to use threatening Language against the 12, Joseph &c to say that he had known for some years that Joseph had not been led by the Spirit of God [and gave this] as the Reason why he did not attend with

[63] him as his Councillor he soon so far committed himself that his License was demanded by the 12 but he refused [to] give it up, he seemed in no haste

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<sup>63</sup>There is no evidence that "Sidney Rigdon had absented himself from Nauvoo much of the time since April of 1843 and had settled at Pittsburgh, Pennsylvania, returning for visits or a few days to attend the conference meetings at the headquarters of the Church" (see McKiernan et al., eds., "Nauvoo and the Council of the Twelve," *The Restoration Movement*, p. 193). Actually, Sidney Rigdon did not leave with his family until 18 June 1844, nine days before the day of the Martyrdom, 27 June 1844. See John W. Rigdon affidavit 28 July 1905, printed in Joseph Fielding Smith, *Blood Atonement and the Origin of Plural Marriage* (Salt Lake City: Deseret News Press, n.d.), p. 84.

<sup>64</sup>Brigham Young, Amasa Lyman, and William W. Phelps on 8 August 1844 testified that Joseph Smith laid such a charge on the Twelve Apostles (see HC, 7:232-41).

now to get to Pittsburg, but labored hard to raise a Party to himself and succeeded in some degree, some few clove to him, and were in a short time cut off from the Church along with him among the [party] were Samuel Bennett, Leonard Soby, Samuel ~~Samuel~~ James, Wm Cottier &c when Rigdon had thus selected a Party, he [he?] they held Meetings and he taught them those things which he had learned in the Quorum

[64] as it is called (ie) a Company on whom Joseph had conferred the Endowment,<sup>65</sup> being clothed in [blank space] Garments and received the last ~~that~~ Instructions that Joseph could give them, being washed and anointed &c these things were to be kept sacred, as it was not to become a general thing till the Temple be finished, Rigdon was admitted there a short time before these troubles took Place,<sup>66</sup> almost the last that was admitted, and when he became thus cut off if not before, he

[65] began to teach those things to his Party and to ordain them Prophets Priests and Kings<sup>67</sup> though it appears that he obtained some things from Wm

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<sup>65</sup>Of the titles used by contemporary diarists to name the group who received their endowments during the lifetime of Joseph Smith (titles such as Holy Order, Quorum of the Priesthood, Quorum of the Holy Order, Council of the Priesthood, Council pertaining to the High Priesthood, First Quorum, High Quorum, Sacred Meeting, Ancient Order, The Priesthood, Priest Order, Order of Priesthood, Patriarchal Priesthood, and Patriarchal Authority), the title used most was simply "Quorum." Since the Prophet had bestowed on this special group the keys to inquiring of the Lord regarding all subjects (see D&C 124:95, 97; 128:10-11; 132:40, 45-46; *Times and Seasons* 4 [15 September 1843]:331 [or reprinted verbatim, as there published in the lifetime of Joseph Smith in HC, 6:51-52 or *Teachings of the Prophet Joseph Smith*, p. 326]; HC, 4:604 [or *Teachings*, p. 226]; and *Journal of Discourses*, 19:250), he intended that they hear first his latest revelations and obtain a testimony of them before the revelations went to the general membership of the Church. (See *Times and Seasons* 5 [15 September 1844]:649-50 and [1 October 1844]:665.) Another function of this quasi-quorum is described by Bathsheba W. Smith: "I was present when William Law, Joseph Smith's counselor, was dropped from that quorum by each one present voting yes or no in his turn. He was the first member that was dropped who had received his endowments. One member hesitated to vote, which called forth earnest remarks from the Prophet Joseph. He showed clearly that it would be doing a serious wrong to retain him longer. After his explanation the vote was unanimous." ("Recollections of the Prophet Joseph Smith," *Juvenile Instructor* 27 [1 June 1892]:345.) That neither of these two types of "Quorum" actions could be considered to be binding in any way on the Church may be shown by the fact that in the former case, the revelations, after having passed the "Quorum" would then be passed through each of the priesthood quorums of the Church in public (as if there were no private forum on the matter). In the latter case, the action was considered merely a dropping of an endowed "Quorum" member, not an excommunication trial. The actual excommunication trial was a separate official action in behalf of the Church by thirty-two male individuals of which at least sixteen were present at the "Quorum" action on William Law. That this was not William Law's excommunication trial may be shown by the fact that neither Joseph Smith nor any women were present when Law was excommunicated. (See fn. 34.)

<sup>66</sup>Sidney Rigdon was invited to a "Quorum" meeting by William W. Phelps and received his endowment 11 May 1844 with John P. Greene. W. W. Phelps felt sorry that Rigdon was going on a mission and had not received his endowment. (See *Times and Seasons*, 5 [2 September 1844]:638 and a variant of the same remarks made by W. W. Phelps on 8 August 1844 in HC, 7:238.) Apparently, the Prophet Joseph was not as sorry, for after Sidney Rigdon received his endowment, Joseph said in the hearing of Wilford Woodruff "that he [Rigdon] came in without his wish or invitation, as he had no confidence in him" (see Wilford Woodruff's 11 October 1844 letter published in the *Times and Seasons* 5 [1 November 1844]:698).

<sup>67</sup>The specific charge against Sidney Rigdon at his excommunication trial, 8 September 1844, was that he had administered the highest ordinances of the Temple to individuals when he had not received them himself. (See Brigham Young's statement of the charge in *Times and Seasons* 5 [15 September 1844]:648.)



Marks<sup>68</sup> one of the Quorum and the President of this Stake but he and his Party soon left Nauvoo and went to Pittsburg, where they began to publish a Paper chiefly to expose the Corruptions of the Church, but I soon began to hear but little of them so I leave them for the present, It seems that Joseph had not looked upon Rigdon as his Councillor

[66] for a long time, yet as the Church with Brother Hiram, seemed willing to continue him in that Office he was not openly dismissed therefrom Joseph said he had carried him till he was [sick] of it, He wanted one that would stand by him in Danger and Peril, and at all times but it appears that Joseph had chosen Bro Hiram and Amasa Lyman in the stead of Rigdon and Wm Law<sup>69</sup>

[67] In October (44) a Conference was held and was very numerously attended, much Instruction was given by Elder B Young on the Priesthood &c and the High-Priests were appointed to seek out new Locations (ie) many of them, all through the Country, and make gatherings of People together they came forward readily in Expectation of going out at once but Bro Young told us they need not be in a Hurry about it, and it appears they will not go out till the Temple is finished<sup>70</sup>

[68] but he felt a burden on him and he wished to get it off, I never attended a better Conference for union and Business A number of 70s were also organised, and a good feeling prevailed<sup>71</sup>

The \* Saints had all through the Senes which had transpired since the Death of our Brethren been strongly exhorted to refrain from a Spirit or Conduct of Revenge and Bro Richards had pledged his Life that there should be no Revenge

[69] taken on our Part, and it had been carefully observed but when Elder Lyman White [Wight] came home from Washington where he and Elder Kimball had gone on the Business of Joseph's Election as President, he began to exclaim against the governor calling him a little pusylanimous Devil, and said that Joseph was pleading with God for his Damnation, said curse the Te[m]ple, and represented Matters as though Nauvoo was of no importance any longer

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<sup>68</sup>Speculation that William Marks was the person who informed Sidney Rigdon of the higher ordinances is supported by the fact that Marks favored Rigdon's claim for leadership at this time; Marks had received these ordinances during the lifetime of Joseph Smith. (See *Speech of Orson Hyde Delivered before the High Priest's Quorum, in Nauvoo, April 27th, 1845* [Liverpool: James and Woodburn, 1845], p. 15.)

<sup>69</sup>While no formal action of a general conference of the Church had displaced Sidney Rigdon and William Law as members of the First Presidency, nevertheless, Joseph Smith appeared to depend on Hyrum Smith and Amasa Lyman rather than on Rigdon and Law.

<sup>70</sup>This decision to appoint high priests to preside over districts was announced in a "Proclamation to the Church of Jesus Christ of Latter-Day Saints," dated 1 January 1845, published in *The Prophet* and the *Millennial Star* 5:152. Since the Saints were forced from Illinois soon after the endowments were given in the Nauvoo Temple, they never were able to carry out this decision.

<sup>71</sup>The October 1844 conference was a time for a major restructuring of the quorum leadership of the Church. It was the beginning of a year of union and peace among the Saints, a year which saw unprecedented growth in housing and in work on the Temple.

[70] and as Joseph had given Bishop G[eorge] Miller the liberty to locate the Black River Company (ie) those Men who had [been] cutting Pine for the Temple, according to their Discretion, he<sup>72</sup> got them and what he could besides with all the Means he [could] muster, and left this Place and went up the River to locate there, he seemed to consider that we were too corrupt for them to keep the Commandments of God amongst us, this is

[71] stated by one of his Party, his Conduct was contrary to the Mind of the rest of the 12 and was reprov'd by them, he left us and took all he could of Men and Means just at a time when it was necessary to stand firmly together, but at the Conference ~~it was~~ several bore witness to his excellent Properties and he was continued in his Place as one of the 12 in Bro D Patten,<sup>s73</sup> stead James Emmett<sup>74</sup> allso led off a small Party I know

[72] not whither, these with Rigdons Party besides other Individuals, has caused some to say that Nauvoo has had a Mighty Puke, and it is the bad Stuff that is thrown up—Soon after the Death of Joseph and Hiram the building of the Temple was resumed with great Vigor and proceeded more rapidly than it had ever done before so that before the next Winter<sup>75</sup> all the Faces of the Capitals were up and all but six of Windows

[73] turned, so that we began to feel encouraged, and~~h~~ to anticipate the Completion of the Work of which Joseph laid the Foundation, the Work of building Houses also in the City has of late gone [well], and our City is becoming large and populous, we have also obtained more Arms to defend ourselves with and many of our Men are diligently learning the use of [the] Sword

[74] 1846 \* January 4 Since the Death of Joseph and Hiram the Building of the Temple has gone on rapidly, and contrary to the expectation and Prophecy of Sidney Rigdon<sup>76</sup> and others the Roof has been put on, the Spire put up and beautifully ornamented The Temple is indeed a noble Structure, and I suppose the Architects of our Day know not of What Order to call it Gothic, Dorick, Corinthian or What I call it Heavenly, the upper Room is finished and about the beginning of

[75] December it was dedicated, and the 12 began to give to the Saints their

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Endowment, on the 6 [th of December] I entered it for the first [time] and I truly felt as though I had gotten out of the World and on Friday, the 12th I

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<sup>72</sup>Viz. Lyman Wight.

<sup>73</sup>Lyman Wight, one of the Twelve Apostles, later to be dubbed by William W. Phelps as the "wild ram of the mountains," was ordained an apostle in the stead of David W. Patten, one of the original Twelve, who was killed in 1838 in Missouri.

<sup>74</sup>B. H. Roberts notes of James Emmett that he "was quite active in the affairs of the church in Missouri; but just a bit uncertain in his conduct.... He was always a restless, impatient man and ambitious of leadership which led him into great trouble and final separation from the church." (HC, 7:270 fn.)

<sup>75</sup>Viz. December 1844.

<sup>76</sup>On 2 September 1844, Sidney Rigdon ordained some individuals "Prophets, Priests and Kings" and taught "that it was not necessary to build the Temple—that it never would be built—that God had rejected the Church" (see *Speech of Orson Hyde, Delivered before the High Priests' Quorum, April 27th, 1845*, p. 17).



and my Wife received our Endowment having formerly received it in the Days of Joseph and Hiram but it is now given in a more perfect Manner because of better Convenience,<sup>77</sup> the 12 are very strict in attending to the true and proper form, on Sunday the 21st 986 had received their Endowment,<sup>78</sup> My Sister Mercy

[76] R Thompson is regularly employed there washing &c at this time strong Attempts are making to take the 12 it seems as tho Earth and Hell are mad to see the Work of the Priesthood proceeding so rapidly the United States Martial has been here for some time searching and laying in wait for the 12 and some others, he searched the Temple through but in vain the Brethren have had to disguise themselves and conceal themselves to escape them, the Charge is Treason

[77] you may see the 12 &c wherever they go with six shooter Pistols,<sup>79</sup> in their Pockets but thus far they have been preserved and are ministering in the Temple and teaching the way of Life and Salvation. Many hands are employed in the lower Parts of the Temple the Font also is about finished and ready for

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<sup>77</sup>Temple ordinances were administered during the lifetime of Joseph Smith in four locations: Joseph Smith's first home in Nauvoo—the "Old Homestead," the "Mansion House," Brigham Young's home, and the "Red Brick" store. In the first three locations, available space restricted the ordinances. In the "Red Brick" store (the first place where temple ordinances were administered), the large open upper floor of the store was set up as Joseph envisioned the interior of a temple should be. Using canvas, he had the room partitioned into several sections representing the stages of man's progression from his creation to his future possible place in the Celestial Kingdom. He engaged Shadrach Roundy, Noah Rogers, Dimick B. Huntington, Daniel Carns, and Lucius N. Scovil on 3 and 4 May 1842 to help arrange the room preparatory to giving endowments. Scovil later testified that "We . . . went to work making the necessary preparations, and everything was arranged representing the interior of a temple as much as the circumstances would permit, he being with us dictating everything. He gave us many items that were very interesting to us, which sank with deep weight upon my mind, especially after the temple was finished at Nauvoo and I had received the ordinances. . . . I can and do testify that I know of a surety that room was fitted up by his order which we finished in the forenoon of the said 4th of May 1842." (Letter of Lucius N. Scovil to the Editor, *Deseret News Semi-Weekly*, 15 February 1884, p. 2.) Brigham Young, one of the nine men who received their endowments on 4 May, recorded: "Joseph divided up the room the best he could. . . . After we completed these ordinances Brother Joseph turned to me and said, 'Brother Brigham, this is not arranged perfectly; however, we have done the best we could under the circumstances in which we are placed. I wish you to take this matter in hand: organize and systematize all these ceremonies.' . . . [Each time we performed the ordinances under Joseph's supervision,] I got something more, so I was able to organize them. When we performed the ordinances in the Temple at Nauvoo I understood and knew how to situate [everything]. We had our ceremonies pretty correct." (L. John Nuttall Diary, originals in Archives and Manuscripts, Harold B. Lee Library, Brigham Young University, under date of 7 February 1877.) Both Brigham Young and Lucius N. Scovil report that Joseph Smith was concerned that the size of the upper room of the store prevented him from presenting a perfect representation of the interior of endowment rooms for a temple. However, in the Nauvoo Temple, where there was two-and-a-half times more floor space than in the store, Joseph Fielding asserts that the additional space gave "better Convenience" in presenting the ordinances.

<sup>78</sup>Actually by 21 December 1845, only 564 persons had received their endowments. It was not until after activities of Thursday, 26 December, that 986 had received ordinances. The figure announced at the Sunday, 28 December, meeting in the Temple was 986. Fielding was present at the meeting of the twenty-first and was probably present at the meeting held the twenty-eighth when he heard the figure, but when writing in his journal a week later, Sunday, 4 January, he most likely projected the number back to 21 December. (Heber C. Kimball, 21 November 1845–7 January 1846 Journal, Church Historical Department, under dates given.)

<sup>79</sup>Orson Pratt, while on a mission east, purchased \$400 worth of six-shooters (see HC, 7:543).



use.<sup>80</sup> The Saints at the same time are organised into Companies, and are preparing to leave Nauvoo for some unknown Location in the W[est]<sup>81</sup>

[78] having been compelled to promise to leave our homes and our Temple wheather we can dispose of them or not in the coming Spring by the Gentiles arround us and the Nation sanction their proceedings, and the Church are hastening to finish the Temple before we leave James Emmet[t]<sup>82</sup> a short time ago came to Navoo and was taken into the Church again and Bros Sherwood and John Ful[l]mer were sent out to his Company 600 Miles from this Place to instruct

[79] them and baptise them if they desired it which they did they and Lyman White [Wight] and his Company are daily remembered here by the Saints before the Lord, Elder W. Woodruff<sup>83</sup> and the Saints in England are also remembered before the Lord, about 2 Months ago Bro Turley<sup>84</sup> was taken on a Charge of Bogus making at Alton, was kept 4 or 5 Weeks in a wretched Condition in Irons was then taken [to] Springfield tried and let to Bail till next June, but persued before

[80] On\* the 3rd of Jany (46) Mary-Ann<sup>85</sup> received her Endowment in the Temple, Friday the 23 of Jany 1846 we were sealed<sup>86</sup> in the Temple by Heber C Kimball and on the same Day we were also anointed by Parley P. Pratt<sup>87</sup>

[81] Monday 26 our 4 Children were washed, anointed and Sealed to Josh & Hannah Fielding<sup>88</sup> And we (Joseph & Hannah) were sealed to Hyrum Smith

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<sup>80</sup>The lower two floors of the Nauvoo Temple were solemn assembly rooms nearly equivalent in design to the Kirtland Temple. There was a basement floor which included the baptismal font used in performing baptisms for the dead. Work continued on these lower floors even after the exodus began. The Temple was completed for a private dedication 30 April 1846 and for a public dedication 1 May 1846—dedications where the Saints expressed their final devotion in building the Temple which the Lord had commanded, but which they would never fully use.

<sup>81</sup>In a letter to the United States Secretary of War dated 17 December 1845, less than two months prior to the exodus, Brigham Young stated that the calculation for the move west was for the Church to locate on Vancouver Island. But a month later on 20 January 1846, in a "Circular of the High Council" of Nauvoo, the Church move was contemplated for a "good valley in the neighborhood of the Rocky Mountains." A photograph of the 17 December 1845 letter may be found in Russell R. Rich, *Ensign to the Nations* (Provo: Brigham Young University Publications, 1972), p. 53. The circular is copied in *HC*, 7:570.

<sup>82</sup>See fn. 74.

<sup>83</sup>Wilford Woodruff was called on a mission to England in August of 1844 and left Nauvoo with his family on the twenty-eighth of that month. He did not return until 13 April 1846, in time to help supervise the dedication of the Temple. (Wilford Woodruff Journal, under dates given, Church Historical Department.)

<sup>84</sup>Theodore Turley was finally released from this unjust imprisonment and returned to Nauvoo 18 December 1845 (see Heber C. Kimball, 1845–1846 Journal, 18 December 1845 and *HC*, 7:532, 545).

<sup>85</sup>Mary Ann Peak, born 29 October 1806 at Bolton, Lancashire, England, was Joseph Fielding's first and only plural wife. They were sealed sometime before July 1845, giving birth to their first child 22 March 1846.

<sup>86</sup>Both Hannah and Mary Ann were sealed in the Temple to Joseph Fielding for time and eternity on 23 January 1846, confirming the previous sealing they could receive only in an imperfect manner outside the Temple.

<sup>87</sup>Here he registers that he received the ordinances of the fulness of the priesthood.

<sup>88</sup>Since Joseph and Hannah's four children were born to them before their marriage was sealed by the power of the holy priesthood, it was, according to Mormon doctrine, necessary for their children to be sealed to them for eternity as if they had been born under the promises of Abraham, Isaac, and Jacob. These blessings pronounced by the priesthood were not promised by ministers nor civil authorities authorized to perform marriages.



for time and Eternity by Elders B Young & H. C Kimball<sup>89</sup>

Our 4 Children are Rachel born at Preston, County of Lancaster, England, on the 27- of June 1839

Ellen, born in Preston aforesaid on the 9th of Feb. 1841

Heber born in Nauvoo on the 20 of July 1843

[82] Joseph born at Nauvoo on the 13th of July 1846<sup>90</sup>

Jan\*29-46 Last Eve called at the Temple many were receiving their Endowment, and Numbers waiting to be sealed, all things dark arround us it is generally expected the County is to be put under Martial Law, Affidavits have been made at Washington by Rigdon or William Smith and Adams or all that we intend to go and bring on the Indians against the Government and the Design is to prevent our going

[83] by putting us under Martial Law, and to hem us in on all Sides and then to torment us with Writs &c it is hard to think of our Brethren ~~the~~ leaving us while (everything) is going so well, especially in the Temple.

Feb.\* 18 For about the last 2 Weeks the Saints have been busily crossing the River Mississippi with their Waggon &c and having a great deal of Public Property, such as Cannons, Guns and other Weapons, and Ammunition, Printing Press and other Mechanical

[84] and farming Implements, and the Church Records<sup>91</sup> &c Seed Spring Wheat also intending if possible to put it into the Ground in the Spring; these, with a suitable Supply of Provision, at least as far [as] possible for such an unknown Journey, have taken all the Teams that could be mustered both Horses and Oxen I suppose they have over 200 Teams; they cross the River in Flat Boats. they have about 1½ Mile to go on the Water and it is hard

[85] Work to row them across the Stream, the Wind has often been too strong for them and they were obliged to wait I suppose by this time they are all on the other Side, 6 Days ago I went over to see the Camp which is 5 or 6 Miles from the River, the Camp Ground is by Sugar Creek where they have plenty of Wood and Water, a good Place for such a Purpose on the Night of the 13th the Snow fell and covered the Ground and the 14th was a very Rough Day, snowing all the Day long

[86] I felt much for them some had Tents and some Waggon Covers and some, neither of them; This Day is also rough, snowing all the Day from the North but it is not very cold, when I think that Men, with some Women and Children, should be so exposed-

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<sup>89</sup>As Joseph and Hannah's children needed to be sealed to their parents, so also Joseph and Hannah needed to be sealed to "parents" who were worthy of the sealing ordinances. Since Joseph's parents were not members of the Church, he elected to be sealed to Hyrum Smith, his brother-in-law and deceased Patriarch to the Church. The "Law of Adoption" that operated to establish the Patriarchal Order was intended to connect all families who would be exalted in the Celestial Kingdom back to Adam, the first man. (See Gordon Irving, "The Law of Adoption: One Phase of the Development of the Mormon Concept of Salvation, 1830-1900," *BYU Studies* 14 [Spring 1974]:291.)

<sup>90</sup>See fn. 7 on this discrepancy of the birthdate of his son Joseph. Joseph was born 13 June 1845 and was present at his sealing to his parents.

<sup>91</sup>Inventories of Church records packaged for the trek across the plains are available. In a new supplement to the Newel K. Whitney Papers (Harold B. Lee Library, Brigham Young University), there is an inventory of Church property that was under the care of Whitney.

The \* Camp travailed [traveled] slowly, the [road] being bad and Weather rough and cold, sometimes having to put 8 or 10 yoke of Oxen to a Waggon till they came to what they called Garden Grove<sup>92</sup> about [ms. is blank] Miles from Navoo where they commenced ploughing and planting, and after staying there a While the greater

[87] Part of them moved on a Distance of [ms. is blank] Miles, where they arrived in time to put in other Crops, some of which came to Perfection but some did not, they fenced in a large Field, having Grand River as a Fence on the West Side this Place they [called] Pisgah,<sup>93</sup> both of these Places seem to have been very sickly and have proved to be the Home of many of the Saints, many of them are there mingled with the Dust, before they had time to reap the Fruit of their Labours the main Part of the Camp again moved westward till they crossed the Missouri River about 3 Miles from which the[y] encamped and went to work at getting Hay for the winter and in the Fall of the Year they moved on to the Bank of

[88] the River, they had been compeled to barter their Property, Horses, Harness, Beds and Cloathing &c to the Missourians for Provision, and made great Sacrifices, Brother Samuel Bent<sup>94</sup> was left as President in Garden-Grove and Brother Charles C Rich in Pisgah,<sup>95</sup> but during the Summer the former was called home, having done his work, I believe to the satisfaction of all the Saints, he had long been President of the High-Council—and the Latter was General of the Nauvoo Legion a Man of unblemished Caracture

[89] But to return to Navoo where I spent the Summer for want of Means to get away, I sold my House and 20 Acres of Land for 200 Dols in Trade, taking 2 Horses a Waggon a Coat Cloth and a few (4½ Dol.) in Cash the Land was in good cultivation, 120 Rods of good Rail Fence, a Frame House 16 feet by 24 filled in with Bricks a pretty Garden a Number of Aple Trees, and Peach Trees, just ready to bear Fruit, and an excellent Well 21 feet deep, not 2 Miles from the Temple, I paid for the Land in its wild State 160 Dol<sup>s</sup> built the House &c, so that the Price of the whole would not near pay the Cost—one of the Horses I took for the Place I soon found to

[90] be bauky [balky] and I only got in trade for her a small yoke of young oxen, The last Harvest we had in Nauvoo was uncommonly great the Land in general bringing forth in abundance as much as 60 Bushels of Corn to the Acre, I had about 600 Bus on 10 Acres, in short the whole Place was as the Garden of the Lord, for fruitfulness, This was of Course a great Blessing to the Saints, but still it made the Sacrifice appear the greater,—Soon after I sold my Place I removed my Family and goods to the House on my Sister,s Farm

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<sup>92</sup>Garden Grove, Iowa Territory, was approximately 145 miles from Nauvoo.

<sup>93</sup>Mount Pisgah, Iowa Territory, was located 27 miles northwest of Garden Grove and 172 miles from Nauvoo.

<sup>94</sup>Samuel Bent was one of the original members of the Nauvoo High Council and became its president before the exodus from Nauvoo. He died in Garden Grove 16 August 1846.

<sup>95</sup>Charles Coulson Rich was actually the second presiding elder over the Saints in Mount Pisgah. He had served as counselor to the first president, William D. Huntington. When Huntington died on 19 August 1846, Charles C. Rich became president.



[91] called Brother Hiram,<sup>s</sup> where my Sister<sup>96</sup> thought of planting some Grain but we found it to be useless & I did not so much as plant the smallest Garden Stuff—the Enimies all around were breathing out threatenings against the Saints, till at one time as eight Men were reaping Wheat for [one] of the Members of the Church (Siro Davis)<sup>97</sup> about 12 Miles from Nauvoo a Company of about 80 armed [men] in Carriages and on Horses came upon them took them one by one a short Distance to the Place where one of their Friends had been killed the year before and they supposed of Course the Saints had killed him, and there gave each of them a severe whipping took some of their Guns off and broke others of them

[92] the ~~w~~ eight made the best of their way to Nauvoo and as soon as they had made the matter known, the new Citiezens,<sup>98</sup> (they being the Officers of

the City) in union with the saints, determined at once <sup>to</sup> ^ endeavour to bring the Ring leaders of the Mob to justice and the next Day towards Evening a Posse left Nauvoo and went to the House of Captain M<sup>c</sup>Calla in the Night and took him and 2 others and a Gun which they found in his House whith they had taken from the Eight Men and brought them home to Nauvoo to

take their Trial but in a few Days we were informed that ^ Mob had kidnapped 4 of our Brethren and one of the new Citiezens, 5 in all, and

[93] that they had them in a Place called Pontusuck<sup>99</sup> 14 Miles off the Sunday after, about 50 Horse and foot Men, armed, formed a Posse left Nauvoo in the Evening traviled, in the Night and came to Pontusuck by Day-Light in the Morning, I was one of them, the first thing we saw was a couple of mounted Men as a Picket Guard, some of our Party chased them for some distance, one of them sprang through the Brush and got into the Field, but the other they pursued and overtook him ~~the~~ said there were about as many of them together in the Vilage as there were of us A little before we came to the place—we saw Men,<sup>s</sup> Heads starting up

[94] in the Brush wood on the Side of the Road, and we could not tell how many there might be concealed, we halted and and Brother W<sup>m</sup> Anderson the Captain of the Posse called out and told them ~~their~~ his Authority, ~~that~~ he had been legally authorised and sent with a Posse to apprehend such as were not subject to Law,—We had been very private about coming to this Place but still our Comming was expected there, and just as we got to the Vilage we were in loud voices commanded to halt, and we beheld a Body of Men partly concealed in the Brush, some of the foremost of them called

us to

[95] out to ^ halt or they would instantly fire upon us, we were then within gunshot of them each of us had his gun cocked and ready to return the

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<sup>96</sup>Viz. Mary Fielding Smith.

<sup>97</sup>Amos Davis was a captain in the Nauvoo Legion.

<sup>98</sup>The “new citizens” were not natives or previous citizens of Hancock County. They had moved into Nauvoo when the Saints vacated the city.

<sup>99</sup>Pontoosuc was located 9½ miles northeast of Nauvoo.

Fire if they fire, but Wm Cutler—one of our Captains told them our Authority &c, and no Gun was fired, some of them were very mad and swore bitterly, and we began taking some of them Prisoners, and finally we took 14 of them and after searching several of the Houses to find the Captives we brought them to Nauvoo, on the Way we were joined by a small Company who had left Nauvoo in the Morning

[96] to come to our Assistance if we should need it, we brought them [to] Nauvoo and there was some Rejoicing in the City the next Day we went off in a Posse in Search of the five Captives, and that night we Slept on the open Prairy, the Night was cold and we had nothing to cover us or but little at one the next Morning we started, divided into two Companies and searched several Houses to find if possible either the Captives or those that took [them], but the former were taken off by those that held them, for fear we should find them, at the time we went to Pontusuck they had them within hearing of us, a little out of the Vilage, but on finding that

[97] we were there they marched them off, but we found their Stuff, a double horse Waggon containing Flour &c belonging to Phineas Young, who was on his way home from the Mill, and a Buggy, these we took home, the Names of the Captives were Phineas Young and Brigham his Son James Standing [ms. is blank] Balentine, and<sup>100</sup> [blank line]

When we then went out in a Posse it put all of them [in] fear and we could scarcely find a Man at his home by Day or by Night we did not return home till Saturday Eve, but our Labor was in vain, the Mob Party took every way they could to deceive us and lead us on the wrong track, as we learned afterwards they were taken from Place to Place every Day through the woods &c, having eight Men to guard them

[98] who hurried through the woods some of them being Sick with Ague, but they were often told that if they faltered or stopt they would instantly shoot them, several times they had fixt a time and Place to do it, and were on the Point of it but were prevented through fear through the Mercy of God we searched for them all this week and most of the next week going as far as 30 or more Miles, some times going all Night and sometimes [with] but little to eat, our Horses were much reduced, and we were weary, this was just in Wheat Harvest and so [much] were the people in fear of us that many large fields of wheat were destroyed for want of cutting, for the[y] durst not be seen, but some of them said they would wait upon [until]

[99] after Harvest After being in Captivity over 2 Weeks they all returned safely home, being let go by a fresh Guard to whom they had committed ~~th~~ the old to

ones attended a Meeting in Carthage, they were gladly received home ^ their wives and Friends, indeed it was far more than we expected ever to see them again, not long after this the Mob began to collect and to threaten us with destruction, first at Golding,s Point to the Number of 200 or 300 from whence

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<sup>100</sup>The first name of Ballantyne was Richard, and the other unnamed captive was a Mr. Herring (Rich, *Ensign to the Nations*, p. 39).



they dispersed through fear, but soon began to gather again near Carthage where they lay encamped a number of Weeks to the N<sup>O</sup> of 900 as far as I can gather untill early in September they marched into Nauvoo, My two Sisters Smith and Thompson and myself with our Families

[100] had just got over the River (Missisipi) with all our goods except two Boat Loads before they came in Contact with the Citiezens, they came and encamped on the Farm that I had just left, they took this Course to avoid any Ambushment that might be laid for them, from thence they sent Balls into the City but before they came near the Temple they were met and repulsed but I

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shall not attempt to record the whole of [that] Scene of Outrage the poor Saints had to flee, sick or well, they hastened to [the] River but the Citiezens judged it not best to let men leave when they were so much needed but the Sick the Women and Children got over as fast as they could I went down to the Bank of the River and found many of the Saints in distress, some had left their goods and were destitute of Food and Clothing, others had left their husbands in the

[101] Battle, the Cannons roared tremendously on both sides for several Days,<sup>101</sup> but [the] Mob as it seems to [me] found themselves losers and [a] Plan was got up to prevent their own destruction € A Committee came from Quincy professing to be Friends to both Sides, and Proposed to put a stop to the fighting on turms which the Saints thought it best to accept as the Mob increased daily and they the few Saints, (I suppose not more in numbers than 150) were almost forsaken of the new Citizens, the number slain of the Mob is not well known, but it is probable that 150 fell in Battle and altho their numbers was so great and that of the Saints so small, the former said to be not less than 1100 yet but three of the Saints were slain, Brother Anderson and his Son, and a Brother Norris, this is truely surpising<sup>102</sup>

[102] the turms of Peace were of Course such as would suit the Mob,<sup>103</sup> and as soon as the Saints had agreed to lay down their Arms they had to flee but many of their Arms were taken from them, the Mob found themselves in Possession of the City and they proceeded to capture, rob, and plunder in the most fiend like and unlawful manner they rendivouzed in the Temple, we had guareded it by Night and Day a long time feeling unwilling to leave it in their Hands, but they now had it to themselves, they even Preached in it and cursed the Saints but did no great Damage to it thinking it would add to the Value of their Property they treated the Saints with various kinds of Indignity some

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<sup>101</sup>This battle for Nauvoo began 10 September 1846. On the morning of the fifteenth, the Quincy committee interceded as mediators and negotiated the terms of peace which, of course, meant the immediate and final expulsion from Nauvoo of nearly all Mormons. Governor Ford indicates that the forces against the 150 Mormons and their allies were 1400-1500 men strong; eight hundred of these men were armed. (Rich, *Ensign to the Nations*, pp. 42-46.)

<sup>102</sup>The number of casualties Joseph Fielding reports suffered by the attackers is far too high. The mob reported that 12 were wounded and that only one had died. Fielding's report of the casualties among the Mormons is accurate. (Rich, *Ensign to the Nations*, p. 43.)

<sup>103</sup>The terms of peace may be found in B. H. Roberts, *A Comprehensive History of The Church of Jesus Christ of Latter-day Saints—Century I*, 6 vols. (Provo: Brigham Young University Press, 1965), 3:15-16.

they pushed over the River in haste some they took and tried some they baptized &c—but in the midst of this some more

[103] humane from Quincy brout up a quantity of Clothing and Provision for the Poor as they got over the River, where the poor Saints were in great numbers here also the Lord sent upon them as it were a Shower of Quails,<sup>104</sup> they came in vast Flocks, many came into the Houses w[h]ere the Saints were settled on the tables, and the Floor and even on their Laps so that they caught as many as they pleased thus the Lord was mindful of his people, and it was truly a Matter of Astonishment that in all this Persecution &c only 3 of our Brethren lost their lives, the trustees still stayed in the City, (Viz) John S. Fulmer Alman Babbit and Joseph L Heywood,<sup>105</sup> as soon as this unlawful Proceeding was staid we (my Sisters and myself[]) started on the Way to the Camp of the Saints

[104] having 9 Waggon, 6 of them Sister Smith,s, 1 Sister Thompson,s and 2 my own, in Sis Smith,s Family 6 Men, 5 Women besides one Sister that came with her 4 Children—Sis Thompson one little girl—in my Family 2 Men 2 Women and 5 Children and we had together besides our Teams 21 lose Cattle, as Cows, &c 43 Sheep . . .

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<sup>104</sup>The Visitation of the Quails occurred 9 October 1846, three weeks after the final expulsion from Nauvoo (Rich, *Ensign to the Nations*, p. 46).

<sup>105</sup>Three Council of Fifty members, John S. Fullmer, Almon W. Babbitt and Joseph L. Heywood, had been appointed by Brigham Young to remain in Nauvoo as trustees of the Church's property. They were holding out the bleak hope that a reasonable price could be had for property in order to help finance the Saints' trek west. (HC, 7:569.)



# Joseph Smith And Legal Process: In the Wake of The Steamboat *Nauvoo*

Dallin H. Oaks and Joseph I. Bentley

In the spring of 1837, Lt. Robert E. Lee, at this time a thirty-year-old veteran of eight years in the United States Army Corps of Engineers, was ordered west to save the harbor of St. Louis from impinging snags and sandbars and to improve navigation to the upper Mississippi by attacking the Des Moines rapids. These rapids masked an eleven-mile outcropping of limestone extending from Warsaw on the south to Commerce (later Nauvoo) on the north.

Bringing from Louisville a little steamboat and several smaller craft, Lee completed the necessary river surveys in 1837 and began blasting rock at the rapids during the time of low waters in the summers of 1838 and 1839. The cabin of the steamboat *Des Moines* served as Lt. Lee's office and sleeping quarters during the busy season. The steamboat was used to tow the smaller craft that were working on the rapids. By the time higher water and ice forced discontinuance of operations in the fall of 1839, Lee's detachment had made the needed improvements at St. Louis, had thoroughly charted the upper river course, and had widened and deepened the channel in two critical areas of the rapids.<sup>1</sup>

Although most of the contemplated work remained to be done, a nationwide depression brought fiscal stringencies, and Congress, in the summer of 1840, refused appropriations to continue the work. Lee was compelled to conclude his river operations and accepted a new assignment in the East.<sup>2</sup>

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Reprinted from *Brigham Young University Law Review* (1976), No. 3, pp. 735-82.

Edited for *Brigham Young University Studies*.

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<sup>1</sup>Douglas S. Freeman, *R. E. Lee: A Biography*, 4 vols. (New York: C. Scribner's Sons, 1934-1935), vol. 1, chaps. 9, 11; D. L. Enders, "The Des Moines Rapids: A History of Its Adverse Effects on Mississippi River Traffic and Its Use as a Source of Water Power to 1860" (M.A. thesis, Brigham Young University, 1973), pp. 16, 31, 36-38, 45-55, 69-70.

<sup>2</sup>Freeman, *R. E. Lee*, 1:178-80; Enders, "The Des Moines Rapids," pp. 55-56. Lee's brilliant work, especially on the critical St. Louis harbor, had established his professional standing in the Corps of Engineers twenty years before his career culminated as Commanding General of the Confederate forces during the Civil War.

Acting as agent for the United States, Robert E. Lee disposed of his equipment at a public auction held in Quincy, Illinois, on 10 September 1840. Among the properties sold were two keelboats, eight large deck stows, and the steamboat *Des Moines*.

During the winter of 1838–1839, the last year of Lee's river operations, the Mormons were forced to flee *en masse* from Missouri to Illinois. By the summer of 1840, the founding of Nauvoo was secure; Mormons were gathering in sufficient numbers to make Nauvoo one of the largest cities in Illinois. On 31 August 1840 the First Presidency of the Church issued a letter to all Church members advising them that the time had come "for the upbuilding of the Kingdom" and for erecting a temple in Nauvoo. Those interested in assisting in this great work were formally invited to "come to this place."<sup>3</sup>

The anticipated influx of new population for Nauvoo and the surrounding area created important commercial opportunities for river traffic. Thus, it is not surprising that prominent Mormon entrepreneurs were interested in acquiring the steamboat and keelboats that Robert E. Lee put on sale in Quincy the following month.

The terms of sale were advertised as "8 months credit, the purchasers giving notes with 2 approved endorsers."<sup>4</sup> The successful bidder for the steamboat and keelboat was Peter Haws, a prominent Mormon businessman who was later to have a leading role in the construction of the Nauvoo House, a hotel for travelers on the Mississippi. Haws paid with a \$4,866.38 promissory note payable to Robert E. Lee, agent for the United States, or order, at the Bank of the State of Missouri in St. Louis, eight months after its date of 10 September 1840.<sup>5</sup> The note was signed by Peter Haws, Henry W. Miller, George Miller, Joseph Smith, and Hyrum Smith, in that order. Henry and George Miller were

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<sup>3</sup>See Joseph Smith, *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2nd ed. rev., 7 vols. (Salt Lake City: Deseret News, 1932–51), 4:185–87 (hereafter cited as *HC*). See also Robert Bruce Flanders, *Nauvoo: Kingdom on the Mississippi* (Urbana: Univ. of Illinois, 1965), pp. 40–48.

<sup>4</sup>*Quincy Whig*, 5 September 1840, p. 3, col. 3.

<sup>5</sup>The originals of this promissory note and twenty-seven other documents comprise an eighty-seven-page collection of letters and reports written during the years 1841 to 1852 by or between the United States Treasury Department and various federal marshals, United States attorneys, and cabinet members concerning related events subsequent to this sale. These original source documents are located at the National Archives in Washington, D.C., as part of the records of the Solicitor of the Treasury, Record Group 206, part 1 (1841–1852); hereafter cited as Treasury Papers.



Mormon businessmen and Church officials.<sup>6</sup> Haws, Henry Miller, and George Miller signed the note in Quincy on the date of the auction, but Joseph and Hyrum Smith, who apparently did not attend the auction, signed in Nauvoo.<sup>7</sup>

Although it is not clear from the face of the note, it appears from subsequent documents that Peter Haws was the real principal in the steamboat purchase and that the Millers and Smiths were only sureties for his obligation.<sup>8</sup> But since the terms of sale required "two approved endorsers," the sureties' role was essential. The original papers in the transaction show the thoroughness and care Robert E. Lee exerted in obtaining letters from prominent public figures authenticating the good character and financial integrity of the sureties.<sup>9</sup> In addition to the promissory note signed by Haws, the Millers, and the Smiths, Lt. Lee received an endorsed note, also in the amount of \$4,866.38, payable to Haws, George Miller, and the two Smiths, signed by Charles B. Street and Marvin B. Street as obligors and by Robert F. Smith as surety. This note, which the purchasers gave as additional security, apparently represented a transaction in which the Streets acquired a part interest in the steamboat. Before evacuating his headquarters at St.

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<sup>6</sup>Henry W. Miller was stake president at Freedom, Illinois (HC, 4:311). George Miller lived on the Iowa side of the river just across from Nauvoo, where he had a farm and woodyard to supply river steamers. (Letter of George Miller, 26 June 1855, "Letters of Bishop George Miller," *Journal of History [of the Reorganized Church of Jesus Christ of Latter Day Saints]* 10 [January 1917]:27. Hereafter cited as RLDS *Journal of History*.) He apparently acted quite frequently as surety or guarantor for Church officers in other business transactions (HC, 5:266). On 24 January 1841 George Miller was called to the office of Bishop in the Church in place of Edward Partridge, deceased (HC, 4:286; Doctrine and Covenants of The Church of Jesus Christ of Latter-day Saints [Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1967], 124:20–21; hereafter cited as D&C). Both George and Henry Miller were leaders with Peter Haws and others in the financing and construction of the Nauvoo House (HC, 4:311).

<sup>7</sup>See promissory note, in Treasury Papers. A possible reason for Joseph and Hyrum's remaining in Nauvoo is that their father, Joseph Smith, Sr., died of consumption on 14 September 1840 and probably would have been near death on 10 September (HC, 4:189).

<sup>8</sup>See sources cited in footnotes 9 and 26. Register of Miscellaneous Suits in Which the United States Is a Party or Interested, 1834–1848 (hereafter cited as Register of Miscellaneous Suits), in Treasury Papers, specifically identifies Peter Haws as the "Principal" and lists the other four co-makers as "sureties" in the transaction with Robert E. Lee. Even though only sureties, these parties had an obvious interest in promoting Mississippi River traffic. George Miller was already involved with river traffic on the Iowa side; the Smiths had been charged by the Church High Council with the responsibility to "superintend the affairs of the ferry between Nauvoo and Montrose [Iowa]" (HC, 4:95). Joseph Smith later acquired a part interest in the *Maid of Iowa*, a steamboat that was utilized as a ferry in 1843–1844 (HC, 5:386, 417–18; see fn. 148).

<sup>9</sup>In a 10 September 1840 letter to Captain Lee, U.S. Senator Richard M. Young and D. G. Whitney, a Quincy merchant, stated that the Smiths and Millers were all "good and sufficient for said amount [of the note] and that the Government [was] safe in accepting the same." In a separate letter to Lee on the same date, concerning only the Millers (and concurred in by Illinois Governor Thomas Carlin as to Henry Miller only), Senator Young stated that he had known both Millers "for many years," that they were "considered men in very good circumstances and of . . . industrious habits," that both were "proprietors of some valuable lands and other property . . . good for several thousand dollars," and that they were "men who would not promise what they are not able to perform." (Treasury Papers.)



Louis, Robert E. Lee endorsed the Mormons' promissory note and deposited it, along with the Streets' note, at the Bank of Missouri for collection when due the next spring.<sup>10</sup>

As soon as it was acquired, the steamboat (renamed the *Nauvoo*) was remodeled and entered in the upper Mississippi River trade.<sup>11</sup> This included hauling lead from the mines upriver in Galena to the market in St. Louis.<sup>12</sup> According to George Miller, Joseph Smith took two trips on the steamer "to keep out of the way of the officers of the law" who were then seeking his arrest to face old charges in Missouri.<sup>13</sup> But before the close of navigation that fall, the steamer was wrecked by running upon the rocks and sandbanks outside the usual steamboat channel.

On 10 August 1840, one month before the Army sale in Quincy, Peter Haws, George Miller, Joseph Smith, and Hyrum Smith had engaged the services of two steamboat pilots, brothers named Benjamin and William Holladay, who were represented to be "skillful and competent pilots with understanding [of] the steamboat channel of the upper Mississippi River."<sup>14</sup> Immediately after the steamer's wreck, Haws, George Miller, and the Smiths engaged counsel and brought a civil action against the Holladay brothers, alleging that they had wrecked the steamboat either carelessly or with intent to destroy it, inflicting \$2,000 damage to the vessel and causing plaintiffs to lose \$1,000 in profits from operations.<sup>15</sup> The sheriff arrested the Holladay brothers on 30 November 1840, but they were soon released on bond and apparently fled the state.<sup>16</sup>

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<sup>10</sup>Robert E. Lee to Charles B. Penrose, Solicitor of the Treasury, 7 June 1841, in Treasury Papers.

<sup>11</sup>Letter of George Miller, 26 June 1855, RLDS *Journal of History* 10 (January 1917):27; Flanders, "The Des Moines Rapids," pp. 160-61. The Nauvoo Collection of the Historical Department Archives of The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah (hereafter cited as Church Archives), has the "ledger" of the steamboat *Nauvoo*, which records the initial debt to the United States and sets out shipping charges from mid-September to mid-December 1840 but has no information on the proprietors of the business. As for the keelboats, it appears that they ultimately might have been used to transport lumber from the pineries of Wisconsin and the upper Mississippi for building the Nauvoo House, the Temple, and other structures in Nauvoo, a project to which George Miller personally devoted a great deal of time (HC, 5:57-58, 386).

<sup>12</sup>Summons, pleas, and demurrers in original case file in Smith v. Street, Hancock County Circuit Court, May Term, 1844, Courthouse, Carthage, Ill.

<sup>13</sup>Letter of George Miller, 26 June 1855, RLDS *Journal of History* 10 (January 1917):27.

<sup>14</sup>Complaint in Smith v. Holladay, Hancock County Circuit Court, May Term, 1841, Courthouse, Carthage, Ill.

<sup>15</sup>The complaint for "trespass on the case" fails to state the precise scene or date of the mishap (ibid.).

<sup>16</sup>The outcome of the civil action, which was formally filed with the circuit court on 23 April 1841, is not known with certainty, but it was probably abandoned and dismissed for want of prosecution because of inability to recover damages from the absent defendants. See Bond Notice, re Smith v. Holladay, Hancock County Circuit Court, May Term, 1841, Courthouse, Carthage, Ill.



The steamboat mishap dashed its operators' hopes of meeting their obligations to the United States on the note falling due on 10 May 1841, and the various parties fell into controversy over who should bear the loss. On 7 February 1844 Peter Haws, George Miller, and Joseph and Hyrum Smith brought an action against Charles B. Street, Marvin B. Street, and Robert F. Smith for the \$4,000 unpaid balance on their note.<sup>17</sup> It appears from the papers filed in this lawsuit that Haws and his associates had sold the Streets a five-sixth interest in the steamboat and two keelboats, plus two promissory notes from third parties totalling about \$800, taking the Streets' note in part or full payment. Because of the damage to the steamboat, the Streets refused to pay their obligation. In defense, the Streets cited a multitude of grievances against the Mormon plaintiffs: the third-party notes received from the plaintiffs were uncollectible; the plaintiffs had failed to deliver one keelboat; and the steamboat had been delivered in a damaged condition, without tackling, anchors, or chimney. In addition, the steamboat had been so slow in delivering a cargo of 180 tons of lead from Galena to St. Louis (probably due to the wreck) that the shipper had suffered serious loss. As a result, the steamboat was encumbered with a lien and gained an unfavorable reputation that interfered with obtaining other cargos. Other encumbrances were alleged, including the expense of raising the steamer's chimney from the Mississippi (probably sunk at the wreck), the cost of new chimneys, and various losses of trade, all totaling well over \$4,000, which the Streets sought to set off against their obligation on the note. After a prolonged series of pleas and demurrers, with various rulings by the court, the Mormons' action was finally dismissed on 26 May 1846.<sup>18</sup>

The period 1840–1841 was not an easy time for Mormon businessmen to sustain a large cash loss. The Panic of 1837 followed a period of wild speculation, particularly along the western frontier, and resulted in several years of severe depression throughout the United States.<sup>19</sup> This crisis led to the passage of the Bankruptcy Act of 1841. Flanders describes the general economic conditions in Illinois during the early 1840s as “near a state of collapse” with

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<sup>17</sup>Summons, pleas, and demurrers in original case file in Smith v. Street, Hancock County Circuit Court, May Term, 1844, Courthouse, Carthage, Ill.

<sup>18</sup>Ibid. Circuit Court Record, Hancock County, Book “D,” pp. 131, 136, 158, 171, 223–24, 226, 242, 318, 325, 438, and 443 (costs assessed against the plaintiffs), Courthouse, Carthage, Ill.

<sup>19</sup>See C. Warren, *Bankruptcy in United States History* (Cambridge, Mass.: Harvard Univ. Press, 1935), pp. 52–56, 175 fn. 14.

"financial ruin spread throughout the state."<sup>20</sup> The Mormon people were in more desperate straits than the rest of the country generally. As many as 15,000 of them had been driven from their homes in Missouri during the winter of 1838-1839 and had lost property in an amount estimated at between one and two million dollars.<sup>21</sup> Pressed by these losses and by even earlier ones originating in Ohio, leaders in a general conference of the Church held on 4 October 1841 resolved that Church assets should not be appropriated to settle old claims that might be brought forward from Ohio and Missouri.<sup>22</sup>

The due date on the note given for the purchase of the steamboat passed without payment. Notified by the Missouri Bank of the default, Captain Robert E. Lee wrote to his superiors suggesting that the Solicitor of the Treasury order suit on the note.<sup>23</sup> The Solicitor promptly requested that Montgomery Blair, then U.S. Attorney in St. Louis, institute legal proceedings and arrest the obligors if they entered Missouri.<sup>24</sup> When months passed without success under this plan, Blair passed the responsibility for collection to Justin Butterfield, U.S. Attorney for the District of Illinois.<sup>25</sup> Butterfield filed a complaint in the United States District Court for the District of Illinois on 3 April 1842.<sup>26</sup> On 4 May 1842 a summons was served on defendants Henry Miller, George Miller, Joseph Smith, and Hyrum Smith; Peter Haws was not found. It directed them to appear in court in Springfield on the first Monday of June 1842. Thereafter the case was called in Springfield on three separate days, but none of the defendants appeared. Consequently, on 11 June 1842, Judge Nathaniel Pope entered a default judgment against the defendants for the \$4,866.38

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<sup>20</sup>Flanders, *Nauvoo: Kingdom on the Mississippi*, p. 167.

<sup>21</sup>See Mormon petition to Congress in 1839 requesting redress of wrongs committed against members of the Church while in Missouri (HC, 4:24-38).

<sup>22</sup>*Ibid.*, p. 427.

<sup>23</sup>Robert E. Lee to Charles B. Penrose, Solicitor of the Treasury, 7 June 1841; Col. Joseph G. Totten, Chief Engineer, to John Bell, Secretary of War, 27 May 1841; both letters in Treasury Papers.

<sup>24</sup>Charles B. Penrose, Solicitor of the Treasury, to Montgomery Blair, U.S. Attorney for Missouri, 1 June 1841, in Treasury Papers. Arrest on civil process was a common means of beginning a civil action during this period of time (see Dallin H. Oaks, "Habeas Corpus in the States-1776-1865," *University of Chicago Law Review* 32 (1965):243, 264-66).

<sup>25</sup>Charles B. Penrose, Solicitor of Treasury, to John Bell, Secretary of War, 1 June 1841, in Treasury Papers.

<sup>26</sup>Complaint, *United States v. Miller*, indexed as the next to the last entry in complete Record of the United States District Court for the District of Illinois, vol. 1, no. 1600 (1819-1827), pp. 529-31, Federal Records Center, Chicago. The full title of this 1843 case is *The United States of America vs. Henry W. Miller, George Miller, Joseph Smith and Hyrum Smith, Impleaded with Peter Hawes* [sic]. This is the only case that is not within the 1819 to 1827 time period covered by that volume.



amount of the note, plus "damages" (probably interest) of \$317.93 and court costs of \$28.18¾, making a total of \$5,212.49¾.<sup>27</sup> Under well-recognized principles of law, this judgment became a lien on all real estate then owned by Joseph Smith and the other obligors.<sup>28</sup>

Following routine practice for the collection of judgments, in July 1842 and again in 1843, writs of execution were issued to the United States Marshal to seize all "goods, chattels, lands, tenements and real estate of the defendants." In each instance the Marshall returned the writs after a few months with this endorsement: "No property found of the defendants subject to said execution."<sup>29</sup> The collection efforts of the United States government did not include any action on the \$4,866.38 note payable from the Streets to Haws, George Miller, and the Smiths that had been assigned to the government as collateral security for the Mormons' obligation.

In addition to the general economic depression, the damage to the steamboat, and the nonpayment of the Streets' note, there are other possible reasons for the Mormons' default. First, by 1841 it appeared that the United States government was not willing to appropriate any sums to redress the loss of land and other injuries suffered by the Mormons in Missouri, even though much of the land the Mormons lost was originally acquired from the United States for cash.<sup>30</sup> It was no secret that Church officials had expected a substantial cash settlement from Congress to help defray

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<sup>27</sup>Justin Butterfield to Charles B. Penrose, Solicitor of the Treasury, 13 October 1842; Report of U.S. Marshal to Solicitor of the Treasury, 24 January 1843, both in Treasury Papers. There is no evidence that Joseph Smith had any advance notice of any of these proceedings until he was personally served on 4 May 1842. A possible reason for his failure to appear at the Springfield hearings in June is that on 6 May, two days after Joseph was served, Lilburn W. Boggs (governor of Missouri during the Mormons' expulsion from that state) was shot by an unknown assailant in Independence, Missouri. The Mormons were blamed for this incident, and Joseph Smith had to take precautions against being kidnapped or officially extradited to Missouri to face charges of alleged complicity in the matter. (See *HC*, 5:86-169, 234-37; John J. Stewart, *Joseph Smith: The Mormon Prophet* (Salt Lake City: Mercury Publishing Co., 1966), pp. 172-75.)

<sup>28</sup>Law of 3 March 1845, chap. 57, sec. 1, [1845] Rev. Stat. Ill., pp. 300-01; Law of 17 January 1825, sec. 1, [1833] Rev. Laws Ill., pp. 370-71; *Jones v. Guthrie*, 23 Ill. 367 (1860); *Reynolds v. Henderson*, 7 Ill. (2 Gilm.) 111, 118 (1845); *Rogers v. Dickey*, 6 Ill. (1 Gilm.) 637, 644-45 (1844).

<sup>29</sup>Complete Record of the United States Circuit Court for the District of Illinois, vol. 4, no. 1603 (18 June 1841 through 17 July 1852), pp. 488-89 (hereafter cited as Chancery Records). This volume is located at the Federal Records Center in Chicago; a copy of this case is filed in the Brigham Young University Archives as Ms. no. A74-22. See Report of U.S. Marshal to Solicitor of the Treasury, 24 January 1843, in Treasury Papers.

<sup>30</sup>Flanders, *Nauvoo: Kingdom on the Mississippi*, pp. 128-29; see letters from Horace R. Hotchkiss to Sidney Rigdon and Joseph Smith, 7 March 1840, and to Joseph Smith, 1 April 1840, in *HC*, 4:98, 100-02.

current obligations.<sup>31</sup> Thus, it is not surprising that they did not find it in their hearts or their pocketbooks to pay the federal government.

Second, Joseph Smith and the other cosigners of the note as sureties may have been only secondarily liable. If they simply guaranteed Peter Haws's debt, they might have become legally responsible for its payment only if Haws was first sued and defaulted. Nevertheless, when Joseph Smith prepared a list of his debts totaling \$73,066.38 during the spring of 1842, he included the following entry at the top of the list of nine creditors:<sup>32</sup> "To the United States of America, September 10, 1840—\$4,866.38."

Federal efforts to collect this admitted obligation ran into almost insurmountable difficulties largely because during the first two years of the Mormon settlement in Nauvoo the financial activities of the Church and the personal financial affairs of Joseph Smith were indistinguishable. Efforts to separate the Church's property from the personal property of Joseph Smith began in the winter of 1840–1841, a time of great activity in the formal organization of civic, business, and Church activities in Nauvoo.<sup>33</sup> A special conference of the Church held at Nauvoo on 30 January 1841 took a step of great importance to the Church and its properties by electing Joseph Smith sole trustee-in-trust.<sup>34</sup> This action was confirmed on 8 February 1841 in the manner provided by Illinois law when Joseph and others filed a sworn statement with the county recorder of Hancock County<sup>35</sup> certifying that Joseph was elected sole trustee and vested with

plenary powers, as sole Trustee in Trust for the Church of Jesus Christ of Latter-day Saints, to receive, acquire, manage, or convey

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<sup>31</sup>See allegations contained in Memorial of inhabitants of Nauvoo in Illinois praying redress for Missouri injuries and also in Memorial of the constituted authorities of the City of Nauvoo in Illinois praying to be allowed a territorial form of government, both dated 5 April 1844, in Records of the U.S. Senate, Record Group 46, in Treasury Papers.

<sup>32</sup>"Schedule setting forth a list of petitioners, creditors, their residence and the amounts due each," cited in Fawn Brodie, *No Man Knows My History*, 2nd ed. rev. enlarged (New York: Knopf, 1971), p. 266, as located in the library of the Reorganized Church of Jesus Christ of Latter Day Saints. For a copy of the complete schedule, see footnote 61.

<sup>33</sup>The act to incorporate the city of Nauvoo, the Nauvoo Legion, and the University of Nauvoo passed the Illinois Legislature and was signed by the governor on 18 December 1840 (*HC*, 4:239–45). It was implemented by formal actions of the elected officials of Nauvoo early in February (*HC*, 4:288–96). On 23 February 1841, the Illinois Legislature passed an act incorporating "The Nauvoo House Association" and four days later passed another act incorporating "The Nauvoo Agricultural and Manufacturing Association" (*HC*, 4:301–05; see also *HC*, 4:274–86, and D&C 124).

<sup>34</sup>*HC*, 4:286.

<sup>35</sup>This certificate was recorded 8 February 1841 as Instrument No. 87 in "Bonds and Mortgages," Book 1, Hancock County Records, Carthage, Ill., p. 95. See *HC*, 4:287–88. The original copy of the certificate is in the Church Archives.



property, real, personal, or mixed, for the sole use and benefit of said Church.<sup>36</sup>

By their sworn statement, the Church authorities were acting "agreeably to the provisions of an act entitled, 'An Act Concerning Religious Societies,' approved February 6, 1835,"<sup>37</sup> which authorized a religious society to elect or appoint "any number of trustees, not exceeding ten," in whom title to land and improvements owned by the society would be vested.<sup>38</sup>

At a special conference of the Church held in Nauvoo on 16 August 1841, Joseph Smith recommended, and the conference resolved, that "the time had come when the Twelve should be called upon to stand in their place next to the First Presidency, and attend to the settling of emigrants [sic] and the business of the Church at the stakes."<sup>39</sup> Specifically, the Twelve were to "take measures to assist emigrants [sic] who may arrive at the places of gathering, and prevent impositions being practiced upon them by unprincipled speculators."<sup>40</sup> This change was for the stated purpose of lightening the work load of President Joseph Smith so that he might give greater attention to his prophetic duties. The Twelve promptly issued an epistle to the Saints in all parts of the world urging them to gather to the vicinity of Nauvoo, where towns and cities would be designated for their settlement.<sup>41</sup>

The Twelve took notice of the fact that, because of the peculiar situation of the Church up to that point, it had been necessary for the properties of the Church to be "taken and holden by committees of the Church, and private individuals."<sup>42</sup> Now that the Church had a regularly appointed trustee-in-trust, however, it was

voted unanimously, that we advise the trustee-in-trust to gather up all the deeds, bonds, and properties belonging to the Church, and which are now held either by committees or individuals, and take the same in his own name as trustee-in-trust for the Church of Jesus Christ of Latter-day Saints, as soon as such arrangements can be made consistently with his various and multiplied cares and business.<sup>43</sup>

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<sup>36</sup>HC, 4:287.

<sup>37</sup>Ibid.

<sup>38</sup>Law of 1 March 1835, [1834] Laws of Ill., p. 147 (approved 6 February 1835). Note that this act did not incorporate the Church or its president.

<sup>39</sup>HC, 4:403.

<sup>40</sup>Ibid, p. 402.

<sup>41</sup>Ibid., pp. 409-10.

<sup>42</sup>Ibid., p. 413.

<sup>43</sup>Ibid.

At the same time, in consideration of the love they felt for Joseph Smith and his family and the great losses the Smiths had sustained by the persecutions in Missouri and elsewhere, the Twelve voted unanimously

that we for ourselves, and the Church we represent, approve of the proceedings of President Smith, so far as he has gone, in making over certain properties to his wife, children, and friends for their support, and that he continue to deed and make over certain portions of Church property which now exist, or which may be obtained by exchange, as in his wisdom he shall judge expedient, till his own, and his father's household, shall have an inheritance secure to them in our midst, agreeably to the vote of the general conference of the Church held at Commerce in October, 1839.<sup>44</sup>

Within a few months of these events, Joseph Smith began signing legal instruments that distinguished between his personal capacity and his status as trustee-in-trust for the Church. Printed deed forms by which land was conveyed to or from Joseph Smith "as sole trustee in trust for the Church" were in common use in Nauvoo beginning in 1842.<sup>45</sup>

One of the most important deeds executed during this period was a deed from Joseph and Emma Smith (in their individual capacities) to Joseph Smith as trustee-in-trust for the Church. The deed was dated 5 October 1841, the last day of the Church's semi-annual general conference, at which numerous Church property transactions were discussed and the responsibility of Joseph Smith to take title to Church property as trustee-in-trust was reemphasized. The deed was delivered and notarized that same day in the presence of two witnesses.<sup>46</sup> It covered 239 Nauvoo city lots (approximately 300 acres), comprising most of the south half of the

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<sup>44</sup>Ibid., pp. 412–13. Responding to rumors that Joseph Smith was "enriching himself on the spoils" of the Church, Brigham Young and the Quorum of the Twelve, on 12 October 1841, wrote an epistle to the Church members setting forth the extent of Joseph Smith's personal possessions:

When Brother Joseph stated to the general conference the amount and situation of the property of the Church, of which he is Trustee-in-Trust by the united voice of the Church, he also stated the amount of his own possessions on earth; and what do you think it was? We will tell you: his old Charley (a horse) given him in Kirtland, two pet deer, two old turkeys and four young ones, the old cow given him by a brother in Missouri, his old Major (a dog), his wife, children and a little household furniture; and this is the amount of the great possessions of that man whom God has called to lead His people in these last days. (Ibid., pp. 437–38.)

<sup>45</sup>The Joseph Smith Collection in the Church Archives (hereafter cited as Joseph Smith Collection) contains approximately ten such deeds dated 1842 and 1843, as well as three handwritten bonds relating to the sale of Nauvoo real estate by or to Joseph Smith as trustee-in-trust, dated 1841 and 1842.

<sup>46</sup>The deed is in Box 4, folder 7, Joseph Smith Collection. The lengthy notarial certificate was verified by Ebenezer Robinson, Justice of the Peace, and by Willard Richards, witness.



riverfront section of Nauvoo originally purchased in 1839.<sup>47</sup> In accordance with principles of law, this deed was effective on the date of its valid execution and delivery; but in order to give added protection against the possible interests of third parties, it was desirable that it be recorded. This was done at the office of the county recorder in Carthage on 18 April 1842.<sup>48</sup> This six-month delay in recording such an important deed was later relied upon as evidence of an intent to defraud.

While the Mormon leaders were engaged in these rearrangements of property ownership, Congress, on 19 August 1841, passed a bankruptcy act to become effective 1 February 1842.<sup>49</sup> This law was the first federal bankruptcy law permitting debtors to file voluntary petitions in bankruptcy.<sup>50</sup> The Congressional debates and action on the Bankruptcy Act received their share of attention in the non-Mormon newspapers of western Illinois, which published at least two reasonably accurate summaries.<sup>51</sup> The Mormon press made no mention of the subject until two months after the law went into effect.

Despite the newspaper publicity in Warsaw and Quincy, which included warnings that persons interested in discharge should act quickly since there were efforts to repeal the bankruptcy law in Congress,<sup>52</sup> there was no sudden rush to the bankruptcy court. An examination of the notices that the law required to be published in the local press shows that bankruptcy petitions

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<sup>47</sup>Flanders, *Nauvoo: Kingdom on the Mississippi*, p. 170. An examination of the original Nauvoo city plat dated 30 August 1839, recorded in Hancock County Plat Book No. 1, pp. 38-39, shows that the transfer in question covered most of the southerly or lower part of Nauvoo (Section 2, Township 6 North, Range 9 West of the 4th principal meridian) bounded by Ripley Street to the north, Wells Street to the east, and the Mississippi River bend to the south and west, including all of the Hugh and William White and Galland purchases. Only 31 of the 270 blocks in this area were completely excluded.

<sup>48</sup>See fn. 46; Hancock County Deed Book "K," pp. 159-61.

<sup>49</sup>Bankruptcy Act of 1841, chap. 9, 5 Stat., pp. 440-49.

<sup>50</sup>See Warren, *Bankruptcy in United States History*, p. 60. The prior short-lived federal Bankruptcy Act of 1800 permitted only compulsory bankruptcy instituted by creditors (ibid., p. 20).

<sup>51</sup>Articles covering the progress and passage of the bankruptcy bill were published in the *Quincy Whig*, 14 August 1841, p. 1, col. 7; 28 August 1841, p. 2, col. 6; 4 September 1841, p. 3, col. 1; *The Warsaw Signal*, 1 September 1841, p. 3, col. 1; 8 September 1841, p. 2, col. 4. Summaries appear in *The Warsaw Signal*, 8 September 1841, p. 2, col. 4, and 27 October 1841, p. 3, cols. 1-2.

<sup>52</sup>See *The Warsaw Signal*, 5 January 1842, p. 2, col. 1; 2 February 1842, p. 2, col. 3. General information concerning procedures for filing in bankruptcy was publicized in *The Warsaw Signal*, 5 January 1842, p. 2, col. 1, and *Quincy Whig*, 12 February 1842, p. 2, col. 3. Applications could be filed with the federal District Court clerk in Springfield after 1 February 1842 (*Quincy Whig*, 12 February 1842, p. 2, col. 3). Notice of publication in two newspapers (including one at Springfield) was required at least twenty days before bankruptcy hearings could be held (*The Warsaw Signal*, 5 January 1842, p. 2, col. 1).

started with a trickle and became numerous only for those law firms that promoted and advertised for the bankruptcy business. The first notices published in western Illinois were for non-Mormons in Quincy, Adams County, where a law firm with an aggressive advertising campaign promoted bankruptcy and captured most of the business.<sup>53</sup> With the exception of a single notice published in March, no bankruptcy notices were published in Hancock County newspapers until mid-April.<sup>54</sup>

The firm of Ralston, Warren & Wheat initiated the bankruptcy remedy among the Mormons with a visit to Nauvoo in April 1842. The initial issue of *The Wasp* (16 April), Nauvoo's first general weekly newspaper, carried a notice that this firm was "prepared to attend to all applications for discharge under the Bankrupt Law" and that a member of the firm would be in Carthage and Nauvoo on or about 14 April for three or four days on such business.<sup>55</sup> So far as can be determined from a search of available newspapers, diaries, and minutes of official meetings, this April visit was the Mormons' first introduction to the idea of bankruptcy. In just three weeks, *The Wasp* carried its first notices of Mormons filing petitions in bankruptcy. The first group, twelve in number, included Joseph and Hyrum Smith and Sidney Rigdon.<sup>56</sup> Other Mormons filed their notices later that spring or summer, making a total of at least twenty-six who applied for the benefits of the Bankruptcy Act.<sup>57</sup>

Joseph Smith received his first explanation of the Bankruptcy Act from Calvin A. Warren in Nauvoo on 14 April 1842. The *History of the Church*, taken from Joseph's personal papers and the notes of his clerks, records a brief but generally accurate summary of the Act, along with Joseph's doubts about whether he should

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<sup>53</sup>During January, February, and March of 1842, the *Quincy Whig* carried notices in which the Quincy law firm of Lot, Dixon & Gilman advertised their availability to handle cases under the Bankruptcy Act (e.g., *Quincy Whig*, 19 February 1842, p. 3, col. 3). Most of the increasing numbers of published notices of bankruptcy filings for Adams County in 1842 listed this firm as solicitor (see, e.g., *Quincy Whig*, 26 February 1842, p. 3, cols. 1-2; 5 March 1842, p. 3, col. 3; 2 April 1842, p. 3, col. 2; 9 April 1842, p. 3, col. 3; 16 April 1842, p. 3, col. 3).

<sup>54</sup>See *The Warsaw Signal*, 9 March 1842, p. 3, col. 6; 12 April 1842, p. 3, col. 6; 20 April 1842, p. 3, cols. 1, 6.

<sup>55</sup>*The Wasp*, 16 April 1842, p. 3, col. 4.

<sup>56</sup>*Ibid.*, 7 May 1842, p. 3, cols. 2-4. Others are listed in *Sangamo Journal*, 6 May 1842, p. 1, cols. 4-7; 1 July 1842, p. 3, cols. 1-7, p. 4, cols. 1-7.

<sup>57</sup>*Ibid.*, 14 May 1842, p. 3, col. 4; 18 June 1842, p. 3, col. 4; 16 July 1842, p. 3, cols. 2, 4; *Sangamo Journal*, 1 July 1842, p. 3, col. 4, p. 4, col. 7. By letter dated 3 June 1842 to Joseph Smith, attorney Calvin Warren referred to a total of twenty-six bankruptcy cases committed to his care in Nauvoo, and with his letter of 13 July 1842 he transmitted notices of another six for publication in the Nauvoo *Wasp* (Box 3, folder 2, Joseph Smith Collection).



seek the relief it provided.<sup>58</sup> Despite his expressed concern about “the justice or injustice of such a principle in law,” Joseph finally decided he was justified in taking “that course to extricate [himself], which the law had pointed out,”<sup>59</sup> due to the mobbings and plunderings he had suffered (blamed in part on inaction by the very Congress that had enacted the new bankruptcy law), the necessity of contracting heavy debts for the benefit of his family and friends, the fact that bankruptcy petitions by his own debtors had prevented his collections from them, and the fact that he would otherwise face destitution, “vexatious writs, and lawsuits, and imprisonments.” On 15 April he was “busily engaged in making out a list of debtors and an invoice of [his] property to be passed into the hands of the assignee.”<sup>60</sup> His list of debts totaled \$73,066.38; the invoice of his properties totaled approximately \$20,000 in money and notes receivable, plus inventoried real and personal property, with no estimated value recited.<sup>61</sup>

<sup>58</sup>HC, 4:594–95. The law provided that any person “owing debts, which shall not have been created in consequence of a defalcation as a public officer; or as executor, administrator, guardian or trustee, or while acting in any other fiduciary capacity” would be privileged to file a petition setting out a list of creditors and the amount due to each, together with an accurate inventory of all of his property, rights, and credits, and “declare themselves to be unable to meet their debts and engagements.” The Act provided that such persons “shall be deemed bankrupts within the purview of this act,” whereupon the court should appoint an assignee to manage and dispose of their property (but exempting the family’s wearing apparel and necessary household articles not exceeding \$300 in value) and pay the proceeds to the creditors, after which a qualifying bankrupt would “be entitled to a full discharge from all his debts.” (The Bankruptcy Act of 1841, chap. 9, secs. 1–4, 5 Stat., pp. 440–43.)

<sup>59</sup>HC, 4:594–95.

<sup>60</sup>Ibid., pp. 599–600.

<sup>61</sup>The complete list of Joseph’s debts as cited by Brodie, *No Man Knows My History*, p. 266, is as follows:

|  |             |
|--|-------------|
| To The United States of America,<br>Sept. 10, 1840   | \$ 4,866.38 |
| To Horace R. Hotchkiss and Co.,<br>Fair Haven, Conn. | \$50,000.00 |
| To John Wilkie,<br>Nauvoo                            | \$ 2,700.00 |
| To William and Jacob Backenstos,<br>Carthage         | \$ 1,000.00 |
| To John (name illegible)                             | \$ 1,100.00 |
| To Truman Blodget                                    | \$ 100.00   |
| To William F. Cahoon,<br>Nauvoo                      | \$ 500.00   |
| To Edward Partridge’s estate,<br>Nauvoo              | \$10,000.00 |
| To Amos Davis,<br>Nauvoo                             | \$ 2,800.00 |
| Total  | \$73,066.38 |

An undated three-page “Inventory of Property,” signed by Joseph Smith (Joseph Smith Collection; Item 7-Z-b-7, Wilford C. Wood Collection, in custody of Lillian Woodbury Wood, Woods Cross, Utah; hereafter cited as Wood Collection), and the schedule of creditors apparently arose out of Joseph’s efforts to comply with the Bankruptcy Act (see Flanders, *Nauvoo: Kingdom on the Mississippi*, pp. 168–70).

On Monday, 18 April 1842, Joseph and other Mormon leaders rode to Carthage to swear to their affidavits of insolvency before the clerk of the County Commissioner's Court, as required by law.<sup>62</sup> Joseph Smith explained in the *History of the Church* that he and his companions "were reduced to the necessity of availing [them]selves of the privileges of the general bankrupt law" because of the "utter annihilation of [their] property by mob violence in the state of Missouri, and the immense expenses which [they] were compelled to incur, to defend [them]selves from the cruel persecutions of that state."<sup>63</sup> Within a few weeks, Joseph wrote land developer Horace R. Hotchkiss, probably his largest creditor, to explain why he had been forced to this step but assured him of his continuing intention to pay the debt in full, perhaps even from the inventory of property that would be turned over to the assignee upon obtaining a discharge in bankruptcy.<sup>64</sup>

The persons who filed bankruptcy applications during the spring of 1842 generally received discharges from all their debts during the fall of 1842.<sup>65</sup> The national mood at that time was in favor of facilitating these discharges. In fact, a Treasury circular of 9 May 1842 officially discouraged U.S. Attorneys from opposing applications in bankruptcy and limited their fees to a mere per diem allowance of \$5 while attending hearings to oppose such applications.<sup>66</sup> On 3 January 1843 the clerk of the United States District Court in Illinois reported that no decrees of final discharge had yet been refused in that court and that only eight of the 1,433 applications then pending in bankruptcy had been opposed by creditors.<sup>67</sup>

But the laws were often abused. Non-Mormon land developer

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<sup>62</sup>HC, 4:600. The Prophet's complete application for bankruptcy has never been discovered. Since he never received a decree of discharge, it is likely that neither his application nor any of the subsequent proceedings were officially preserved. (Flanders, *Nauvoo: Kingdom on the Mississippi*, p. 169 fn. 68.)

<sup>63</sup>HC, 4:600. Further explanations and justifications for this step are supplied in B. H. Roberts, *The Rise and Fall of Nauvoo* (Salt Lake City: Bookcraft, 1965), pp. 132-33.

<sup>64</sup>HC, 5:6-7, 51-52, 195-96, 382-83.

<sup>65</sup>According to contemporary newspaper notices and correspondence to Joseph Smith from Calvin Warren, dated 3 June 1842, and from the firm of Aldrich & Chittenden, dated 28 July 1842, the District Court in Springfield granted primary decrees for at least twenty-six Mormon applicants on 8 June 1842 and scheduled hearings for their final discharge on 1 October 1842 (Box 3, folder 2, Joseph Smith Collection). Except for Joseph and Hyrum Smith, there is no indication that any of these applicants failed to obtain a discharge at the 1 October hearings in Springfield, and even Hyrum Smith was ultimately discharged in December (see fn. 92).

<sup>66</sup>Justin Butterfield to Charles B. Penrose, Solicitor of the Treasury, 2 August 1842, in Treasury Papers.

<sup>67</sup>Status report from James F. Owings, the Illinois District Court clerk, in response to request from Daniel Webster, Secretary of State, 3 January 1843, in *S. Exec. Doc. No. 19*, 27th Congress, 3rd Session, 2 (1842-1843):173-74.



Mark Aldrich and non-Mormon bankruptcy attorney Calvin A. Warren obtained discharges from substantial debts and then reacquired most of their own property, directly or indirectly, by purchase at relatively nominal prices at the bankruptcy sale.<sup>68</sup> Such abuses led to the early repeal of the bankruptcy legislation.<sup>69</sup>

Despite official reluctance to challenge bankruptcy applications and the ease of obtaining discharges during this period, Joseph Smith's case was singled out for special attention and opposition. His initial enemy was John C. Bennett, the disaffected Mormon who had been expelled late in May 1842 from his positions as mayor of Nauvoo and counselor to Joseph Smith.<sup>70</sup> In June and July, Bennett published a series of letters in the Springfield, Illinois, *Sangamo Journal*, making a wide range of accusations against Joseph Smith, including a charge that Joseph was attempting to swindle his creditors by fraudulently conveying or "secret-ing property . . . for the benefit of himself and family in order to obtain the benefit of the Bankrupt Act."<sup>71</sup>

The first of Bennett's letters appeared during the same month that U.S. Attorney Justin Butterfield obtained a default judgment (June 1842) against Joseph Smith and others in the matter of the steamboat obligation. During August 1842, Butterfield obtained permission from the Solicitor of the Treasury to oppose Joseph and Hyrum Smith's applications for discharge in bankruptcy. In making this request, Butterfield referred specifically to John C. Bennett's charges and even enclosed a copy of one of Bennett's July letters in the *Sangamo Journal*. Butterfield also indicated that the other defendants were all "insolvent."<sup>72</sup> In his reply, the Solicitor of the Treasury directed Butterfield to "take the necessary

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<sup>68</sup>General Bankruptcy Records, United States District Court for the District of Illinois, 3 (1838-1858):258-66, 283-88, 471, 493-96, 500.

<sup>69</sup>In Illinois, the situation got so far out of hand that on 10 February 1843 the General Assembly at Springfield adopted a joint resolution calling for a repeal of the Bankruptcy Act in view of the "unjust advantages of the law," which allowed debtors utterly to disregard their obligations (*Journal of the House of Representatives of Illinois*, 13th Gen. Ass'y [1843], p. 358).

<sup>70</sup>HC, 5:12, 18-19; Roberts, *The Rise and Fall of Nauvoo*, pp. 135-40. Bennett apparently was also involved in efforts to extradite Joseph Smith to Missouri to face charges involving the attempted assassination of ex-Governor Boggs (see fn. 27; HC, 5:250-51; Stewart, *Joseph Smith: The Mormon Prophet*, p. 171).

<sup>71</sup>Justin Butterfield to Charles B. Penrose, Solicitor of the Treasury, 2 August 1842, in Treasury Papers (summarizing "Gen. Bennett's Third Letter" in *Sangamo Journal*, 15 July 1842, p. 2, cols. 6-7).

<sup>72</sup>Justin Butterfield to Charles B. Penrose, Solicitor of the Treasury, 2 August 1842, in Treasury Papers. The United States had standing to oppose the discharge since it was a creditor under the judgment on the steamboat debt. This was, in fact, the most important claim, since the Bankruptcy Act provided that debts due the United States should be paid in full, ahead of all other creditors. (Bankruptcy Act of 1841, chap. 9, sec. 5, 5 Stat., p. 444.)

steps” to oppose the applications of both Joseph and Hyrum Smith, consistent with the aim of keeping the cost to “as small an amount” as possible.<sup>73</sup>

After a September trip to consult land records in Nauvoo and Carthage, Butterfield wrote the Treasury Solicitor on 11 October 1842 that he had found sufficient evidence to sustain Bennett’s accusations of fraud by Joseph Smith and had even found other deed conveyances to or from Joseph not mentioned by Bennett.<sup>74</sup> Butterfield probably discovered some of the many conveyances Joseph Smith continued to execute or receive (probably on the advice of counsel) in his capacity as trustee for the Church after he had filed for bankruptcy in his personal capacity.<sup>75</sup> In any event, Butterfield wrote that he had appeared at the 1 October hearings in Springfield, armed with certified copies of various deeds, and had successfully opposed the Smiths’ discharges in bankruptcy.<sup>76</sup>

Butterfield’s written objections to discharge, as formally filed with the court on 1 October, contained several general grounds for opposition:<sup>77</sup>

1. *Wrongful conveyances in contemplation of bankruptcy.* Butterfield first charged that Joseph Smith in contemplation of bankruptcy transferred property to persons who were not bona fide creditors or purchasers for a valuable consideration.<sup>78</sup> Butterfield did not identify any specific conveyances or include other supporting details for his general objections, other than by reference to Bennett’s published accusations. Bennett’s earlier attack had specified

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<sup>73</sup>Charles B. Penrose, Solicitor of the Treasury, to Justin Butterfield, 12 August 1842, in Treasury Papers. Notwithstanding the government’s policy of confining the per diem allowance to time spent actually attending hearings, the solicitor agreed to compensate Butterfield at “the customary fee for each day engaged about this business,” plus travel expenses.

<sup>74</sup>Justin Butterfield to Charles B. Penrose, Solicitor of the Treasury, 11 October 1842, in Treasury Papers.

<sup>75</sup>HC, 4:608, 5:21, 25, 296. In evaluating Joseph Smith’s petition for bankruptcy, Flanders mistakenly charges that “Smith chose to ignore the provision of the law that no trustee-in-trust was eligible for bankruptcy” (Flanders, *Nauvoo: Kingdom on the Mississippi*, p. 169). However, the Bankruptcy Act did not prevent the discharge of *persons* who were trustees but only of “*debts . . . created . . . [by an] executor, administrator, guardian or trustee, or while acting in any other fiduciary capacity*” (Bankruptcy Act of 1841, chap. 9, sec. 1, 5 Stat., p. 441 [*italics added*]). Statute quoted more fully in footnote 58. A person who could not obtain a bankruptcy discharge from his trustee debts was nevertheless eligible for discharge from his personal debts, which is what Joseph Smith attempted to obtain. (See *Chapman v. Forsyth*, 43 U.S. [2 How.] 202 [1844]; *Morse v. City of Lowell*, 48 Mass. [7 Met.] 152 [1843].)

<sup>76</sup>Justin Butterfield to Charles B. Penrose, Solicitor of the Treasury, 11 October 1842, in Treasury Papers.

<sup>77</sup>Objections to discharge of Joseph Smith under Bankruptcy Act dated 1 October 1842, in Box 4 of Joseph Smith Collection and as item 7-Z-b-8 & 39 in Wood Collection.

<sup>78</sup>This objection relates generally to the second portion of section 2 of the Bankruptcy Act of 1841, chap. 9, 5 Stat., p. 442.



seven conveyances that he alleged were fraudulently made by Joseph Smith—one to his wife, Emma, four to his children, and two to himself as trustee for the Church.<sup>79</sup> However, four of these conveyances were made by persons not related to Joseph Smith or his family and therefore would not qualify as conveyances “made or given by [a] bankrupt” within the prohibitions of the Act. As to the remaining three, the issue was whether Joseph made them “in contemplation of bankruptcy.”

2. *Preferential transfers to certain creditors prior to passage of the Act.* Butterfield further charged that since 1 January 1841 Joseph Smith had made invalid transfers to some of his creditors in preference to other creditors in contemplation of the passage of the Bankruptcy Act.<sup>80</sup> Although Butterfield listed no examples, Bennett’s earlier charges had. All of the conveyances Bennett had specified in his published letters were executed and recorded after 1 January 1841. However, none were made to *creditors* of Joseph Smith or his family. Therefore, unless Butterfield found proof that Joseph had made at least one conveyance to a creditor, this objection was ill-founded, even if, as is by no means certain, such conveyance could be shown to have been made “in contemplation of passage” of the Bankruptcy Act.

3. *Transfers after passage of the Act.* According to Butterfield’s objections, after passage of the Act on 19 August 1841, Joseph Smith, in contemplation of bankruptcy, transferred property to some of his creditors and to other persons in order to give them a priority or preference over his general creditors.<sup>81</sup> Of the seven conveyances cited by Bennett, only two were dated or recorded after passage of the Act. One was the major conveyance to the Church. Again, the issue was whether these two conveyances were made “in contemplation of bankruptcy.”

4. *Concealment of assets and omissions from inventory.* Perhaps relying on the fact that the conveyances cited in Bennett’s newspaper accusations were not found in the inventory of property filed by Joseph Smith, Butterfield charged that Joseph failed to make an accurate inventory of his property rights and credits as required by the Act, thereby willfully concealing such property from his creditors or attempting to preserve the same for the future benefit of

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<sup>79</sup>Letter from John C. Bennett to the Editor, 4 July 1842, in *Sangamo Journal*, 9 July 1842, p. 2, cols. 6–7.

<sup>80</sup>This charge relies on the second paragraph of section 2 of the Bankruptcy Act (see fn. 78).

<sup>81</sup>This allegation corresponds with the first portion of section 2 of the Bankruptcy Act (see fn. 78).

himself and family by causing conveyances to his wife, children, and friends to be made but not listed in such inventory.<sup>82</sup> This objection is basically the same as some of the foregoing objections, but it relies on a separate section of the Act.

Since John C. Bennett was then an implacable enemy of the Mormons, his charges of fraud carry little weight. But those of U.S. Attorney Justin Butterfield, one of the best lawyers of his day, are entitled to careful consideration.

In order for any deed executed by Joseph Smith to be deemed void and fraudulent under this law, the government had to prove that the deed had been made either "in contemplation of bankruptcy" or "in contemplation of the passage of a bankrupt law."<sup>83</sup> There is no evidence that Joseph Smith had understood or even heard of the Bankruptcy Act until attorney Warren explained it to him in Nauvoo on 14 April 1842. As shown earlier, none of the Mormon newspapers carried any prior information concerning the new bankruptcy law, and no one in or around Nauvoo had filed for bankruptcy before Calvin Warren advertised in the Nauvoo paper and visited Nauvoo to promote his bankruptcy business. Joseph Smith filed four days later, and a procession of other Mormons followed.

As previously noted, Justin Butterfield did not substantiate his general allegations of fraud with any evidence. Nor did he make a specific allegation that prior to filing in bankruptcy Joseph Smith had made a single conveyance in contemplation of bankruptcy. In contrast, there is abundant evidence, summarized above, to show that the deeds probably relied upon by Justin Butterfield at the 1 October bankruptcy hearing were executed according to a policy adopted prior to the Bankruptcy Act—and vigorously promoted by the Quorum of the Twelve—of separating Joseph's personal properties from those held in trust and of making adequate provision for his family out of the latter.

In addition, Butterfield's objections ignored the following crucial provision of the Act:

*Provided*, That all dealings and transactions by and with any bankrupt, bona fide made and entered into more than two months before the petition filed against him, or by him, shall not be invalidated or affected by this act.<sup>84</sup>

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<sup>82</sup>This objection refers to section 1 of the Bankruptcy Act (see fn. 78). See also Inventory of Property (fn. 61).

<sup>83</sup>Bankruptcy Act of 1841, chap. 9, sec. 2, 5 Stat., p. 442.

<sup>84</sup>Ibid.



Thus, the bankruptcy law did not invalidate or affect any dealings and transactions “entered into more than two months before” the filing of a petition in bankruptcy. Consequently, all of Joseph’s bona fide deeds prior to 18 February 1842 were immune from attack under the bankruptcy law. Although we cannot be sure which deeds were relied upon by Butterfield, all but one of the deeds publicized by Bennett were dated as having been made in 1841, and only two were recorded after 18 February 1842.<sup>85</sup>

By far the most substantial conveyance listed by Bennett was the last deed recorded by Joseph Smith before he filed for bankruptcy: the conveyance dated 5 October 1841, transferring 239 Nauvoo lots (300 acres) to himself as trustee for the Church.<sup>86</sup> Bennett claimed that, despite its earlier date, this deed was actually executed a day or two before Joseph’s filing for bankruptcy—that it was fictitiously backdated to 5 October 1841 and then recorded at the county seat 18 April 1842 while Joseph was there to file for bankruptcy.<sup>87</sup> If the deed were backdated in this manner, it would have been fraudulent and void under the bankruptcy law.

However, there is persuasive evidence to support the accuracy of the 5 October 1841 date. First, the sworn statements of reliable witnesses to the delivery and notarization of the deed on 5 October are evidence of its authenticity. Second, official deed records for this period show that it was not uncommon for executed deeds to be held unrecorded for months or even years before being entered in the official county records. This was particularly true during the period preceding the spring of 1842, when the Nauvoo Registry of Deeds was established to afford greater recording convenience for the Mormons. Third, there is no indication in Church journals that Joseph Smith visited Carthage at any time between 5 October 1841 and 18 April 1842. Finally, and perhaps most importantly, the conveyance in question related logically to other transactions that took place within the Church organization in October 1841.

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<sup>85</sup>Letter from John C. Bennett to the Editor, 4 July 1842, in *Sangamo Journal*, 9 July 1842, p. 2, cols. 6–7 (listing the seven separate conveyances).

<sup>86</sup>See text accompanying fns. 46 and 47.

<sup>87</sup>Letter from John C. Bennett to the Editor, 4 July 1842, in *Sangamo Journal*, 9 July 1842, p. 2, cols. 6–7. In support of this charge, Bennett baldly stated, without further elaboration: “for so Joe informed me.” He also claimed that a “Mr. Marshall, Mr. Sherman and others, of Carthage, will state that the writing [on the deed] was *fresh*, and *changed materially in appearance soon after*.”

The coincidence of the bankruptcy with the recording of this deed is not extraordinary, and there seems to be nothing to substantiate Bennett's charge. The October 5, 1841, date was acknowledged on the deed by Ebenezer Robinson as Justice of the Peace. It was the last day of a semi annual General Conference that had concerned itself with the Hotchkiss debt and the land problems of the Church in general. The Twelve had been urging Smith to get the Church properties deeded to the Trustee-in-Trust, and it is reasonable to assume that the transfer in question was made at that time.<sup>88</sup>

After Butterfield successfully opposed the Joseph and Hyrum Smith applications for discharge in bankruptcy at the 1 October 1842 hearings, the court set their cases over for further hearings on 15 December. Butterfield predicted to his superiors that he would defeat the application of Joseph Smith in December.<sup>89</sup>

During November and early December, Joseph conferred with counsel and made further preparations to pursue his attempt to be discharged in bankruptcy. For example, a journal entry of 4 December 1842 records Joseph's continued efforts to inventory his property and schedule his liabilities so that he and Hyrum "might be prepared to avail [themselves] of the laws of the land as did others."<sup>90</sup>

On 9 December, Hyrum Smith, Willard Richards, Heber C. Kimball, Peter Haws, and others started for Springfield to attend the bankruptcy hearing. Why Joseph did not accompany them does not appear.<sup>91</sup>

Contrary to Butterfield's confident prediction that he would finally defeat the applications of Joseph and Hyrum Smith, Hyrum was granted his discharge in bankruptcy at the 15 December hearing, and an "arrangement" was made with Justin Butterworth for Joseph's discharge.<sup>92</sup> By written offer dated 16 December 1842, Joseph's delegates to Springfield proposed, on behalf of the Church High Council, "to secure the payment of the judgment in favor

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<sup>88</sup>Flanders, *Nauvoo: Kingdom on the Mississippi*, p. 170.

<sup>89</sup>Justin Butterfield to Charles B. Penrose, Solicitor of the Treasury, 11 October 1842, in Treasury Papers.

<sup>90</sup>HC, 5:200. See also pp. 183-84, 195-97.

<sup>91</sup>Ibid., pp. 200, 204, 207.

<sup>92</sup>Copy of decree of final discharge entered by U.S. District Court for Illinois on 16 December 1842, certified by Court Clerk James F. Owings, found in Hyrum Smith Collection, Ms. d 891, Box 2, Church Archives. See HC, 5:205. No explanation has been discovered as to why Hyrum Smith was allowed his discharge, but it was presumably due to his relatively small holdings in contrast to Joseph's. The Treasury Department consistently regarded Joseph Smith as the primary target for opposition, and the Solicitor's consent to Hyrum's discharge was apparently neither sought nor given. In addition, Butterfield listed fewer grounds of objection in his October opposition to Hyrum's application than in that of Joseph Smith's. (Item 4-N-b-40, folder #44, in Wood Collection; see fn. 77.)



of the United States" by providing "a Bond, signed by individuals sufficiently good and responsible," for the amount of the judgment (\$5,212.49), payable in four equal annual installments with interest. Payment on the bond, in turn, would be secured "by a mortgage on real estate, situated in the State of Illinois, to which there shall be a perfect title and worth double the amount of the said debt."<sup>93</sup>

Despite the obvious generality of the Mormon proposal (which did not identify the individuals who would sign the bond or the real estate that would be given as security) and the disadvantage of a four-year payoff period, Butterfield immediately wrote the Treasury recommending that the offer be accepted and that the government's resistance be withdrawn so that Joseph Smith could be discharged in bankruptcy.<sup>94</sup> Butterfield's willingness to accept this offer—a startling contrast to his previous spirited opposition to Joseph Smith—may have been affected by his recent closer acquaintance with Joseph while acting as counsel *for* the Mormon prophet in another matter. In a notable controversy that began in October and concluded in a federal proceeding on 5 January 1843, Butterfield successfully obtained Joseph's complete release from a Missouri extradition order on charges of complicity in the attempted murder of ex-Governor Boggs.<sup>95</sup> During the trial preparation and in-court proceedings in Springfield the last week of December and the first week of January, Joseph Smith worked closely with Butterfield and was impressed by his forceful arguments and judicious management of the case. This cordial respect

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<sup>93</sup>Letter from "the High Council," signed by Hyrum Smith, Peter Haws, Heber C. Kimball, Henry G. Sherwood, Alpheus Cutler, and Willard Richards, to Justin Butterfield, 16 December 1842, in Treasury Papers.

<sup>94</sup>Justin Butterfield to Charles B. Penrose, Solicitor of the Treasury, 17 December 1842, in Treasury Papers.

<sup>95</sup>See fn. 27. On Butterfield's advice, Joseph had himself arrested in Nauvoo on 26 December 1842, arrived in Springfield 30 December, and appeared before Judge Pope for trial 4 January 1843 (HC, 5:173–79, 206, 209, 211–12, 220). A contemporary of Justin Butterfield described one colorful episode during this trial:

On the trial of Joe Smith, the great Mormon prophet, at Springfield, before His Honor Judge Pope, of the United States District Court, the courtroom was crowded, and a large number of ladies were seated on both sides of the judge, upon the bench. Butterfield, who had been employed to defend the prophet, in opening the case, bowing to the judge and waving his hand to the ladies, said: "May it please your Honor, I appear before the Pope, in the presence of angels, to defend the prophet of the Lord!"

Usher F. Linder, *Reminiscences of the Early Bench and Bar of Illinois*, 2nd ed. (Chicago: Chicago Legal News Co., 1879), p. 88. Judge Pope's long and scholarly decision of 5 January 1843, completely clearing Joseph Smith of all charges and granting his discharge, is reproduced in *The Wasp*, 28 January 1843, p. 1, cols. 2–4, p. 2, cols. 1–4, and in HC, 5:223–31.

was apparently mutual,<sup>96</sup> and during the trial, which was held before the same federal judge (Pope) who had issued the U.S. note default judgment and presided over the bankruptcy matter, Butterfield stoutly defended Joseph Smith as “an innocent and unoffending man.”<sup>97</sup> As compensation for his legal services, Butterfield received \$50 in cash and accepted two notes of \$230 each from Joseph Smith,<sup>98</sup> hardly indicating any distrust of the Prophet’s personal or financial integrity. Joseph also took advantage of this relationship to seek Butterfield’s advice on 5 January concerning the pending bankruptcy matter and certain technical consequences that might flow from his discharge in bankruptcy.<sup>99</sup>

Meanwhile, the Treasury Solicitor, by return letter of 11 January 1843, directed Butterfield to reject the Mormon proposition he had recommended. The Solicitor reasoned that if the bond offered by the Church High Council were defaulted the prospect of collecting it would be at least as formidable as a proceeding against the assets of Joseph Smith. As a counteroffer, however, the Solicitor proposed an immediate payment of one-third of the debt with a confession of judgment for the balance, to be secured by a mortgage payable in three annual installments. He authorized Butterfield to withdraw opposition to the discharge in bankruptcy if these terms were accepted, but otherwise directed him to resist the discharge and proceed to collect the judgment by a suit against Joseph Smith’s property.<sup>100</sup>

This counterproposal, which might well have been put into effect, was either delayed or failed to reach Butterfield at all. On 25 May 1843, Butterfield sent a second letter inquiring whether the Treasury would authorize him to accept the original Mormon proposal.<sup>101</sup> It is unclear whether Butterfield ever received a response to that inquiry, and the matter apparently passed from official attention for over a year, although Joseph Smith and Butterfield did

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<sup>96</sup>The Prophet also had cordial social encounters and religious discussions with Justin Butterfield, Judge Pope, and Judge Pope’s family (*HC*, 5:222–23, 232–33).

<sup>97</sup>*HC*, 5:222. Butterfield also described Joseph Smith in the following terms: “If there is a difference between him and other men, it is that this people believe in prophecy, and others do not; the old prophets prophesied in poetry and the modern in prose” (*ibid.*).

<sup>98</sup>*Ibid.*, p. 232.

<sup>99</sup>See Joseph Smith Journal, 21 December 1842 to 10 March 1843, pp. 102–03 (January 1843), on file in Box 1, folder 5, Church Archives. The subject matter of this discussion primarily concerned the status of the Hotchkiss debt and the survivability following bankruptcy of any rights to Nauvoo properties purchased from the Hotchkiss syndicate.

<sup>100</sup>Charles B. Penrose, Solicitor of the Treasury, to Justin Butterfield, 11 January 1843, in Treasury Papers.

<sup>101</sup>Justin Butterfield to Charles B. Penrose, Solicitor of the Treasury, 25 May 1843, in Treasury Papers.



have further cordial communications on various subjects.<sup>102</sup> Before the matter of Joseph's discharge in bankruptcy was finally resolved, he and Hyrum were murdered at Carthage on 27 June 1844.<sup>103</sup> So it was that because of unresolved United States government opposition arising out of an unpaid judgment from his suretyship role in the purchase of the steamboat *Nauvoo*, Joseph Smith was never discharged in bankruptcy.<sup>104</sup>

The bankruptcy act that went into effect 1 February 1842, and proved to be of no benefit to Joseph Smith, was of only short-lived benefit to anyone. In practice, it provided few protections for creditors; it was administered so loosely that it encouraged mis-handling of properties and misstatement of assets and liabilities by debtors. It proved an insufficient aid to an honest debtor but an unlimited opportunity for fraud by a dishonest one. The next session of Congress hastily repealed the law on 3 March 1843, just thirteen months after it became effective.<sup>105</sup>

With the death of Joseph Smith on 27 June 1844, the focus of controversy over his steamboat debt to the United States shifted from the federal district court, exercising bankruptcy jurisdiction, to the state probate court in Hancock County, Illinois, where the intestate estate of Joseph Smith was administered. Since Joseph left no will, his property descended to his wife, Emma, and surviving children: Julia M. Smith (adopted), age thirteen, Joseph Smith III,

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<sup>102</sup>For example, on 19 March and 2 April 1843, Joseph exchanged letters with Butterfield concerning the incarceration of Orrin Porter Rockwell, Joseph Smith's bodyguard, who was held in a Missouri jail for allegedly shooting ex-Governor Boggs (HC, 5:303, 308, 326). Butterfield visited Nauvoo during October 1843. Joseph Smith spent considerable time "preparing some legal papers," then "riding and chatting" with Butterfield (HC, 6:45-46). The final journal references to Justin Butterfield involve letters to him on 18 January 1844 and in May 1844 (HC, 6:179, 406).

<sup>103</sup>See Dallin H. Oaks and Marvin S. Hill, *Carthage Conspiracy: The Trial of the Accused Assassins of Joseph Smith* (Urbana: Univ. of Chicago Press, 1975), for an account of the murder and subsequent trial of the accused assassins. Five weeks after the assassination, Justin Butterfield included the following cryptic entry in his report of the June 1844 term of the District Court: "I defeated Joseph Smith the Mormon Prophet from obtaining the benefit of the Bankrupt Act." Butterfield stated that he would next travel to Quincy to gather further evidence and then file a bill in chancery against the assets of Joseph Smith. (Justin Butterfield to Charles B. Penrose, Solicitor of the Treasury, 6 August 1844, in Treasury Papers.)

<sup>104</sup>Several historians have erroneously stated or implied that Joseph Smith received a discharge in bankruptcy. See Roberts, *The Rise and Fall of Nauvoo*, pp. 132-33; Brodie, *No Man Knows My History*, p. 266; Della S. Miller and David E. Miller, *Nauvoo: The City of Joseph* (Santa Barbara: Peregrine Smith, Inc., 1974), pp. 31-32.

<sup>105</sup>An act to repeal the Bankruptcy Act, chap. 82, 5 Stat. (1843), p. 614. During its brief existence, more than 33,739 debtors availed themselves of the Bankruptcy Act to wipe out over \$445 million worth of liabilities while relinquishing only \$43 million worth of assets. Nationwide, only 765 applicants were refused discharge as of 1 February 1843, and only 30 were rejected on grounds of fraud. (F. Noel, *A History of the Bankruptcy Clause of the Constitution of the United States of America* [1918], p. 143; *Cong. Globe*, 37th Congress, 3rd Session [1862], p. 124; *Cong. Globe*, 27th Congress, 3rd Session [1843], pp. 341-42.)

twelve; Frederick G.W. Smith, eight; Alexander Smith, six; and David Hyrum Smith, a posthumous child born 18 November 1844. Such inheritance was, of course, subject to the prior rights of creditors of the estate.

Three weeks after Joseph's death, his widow, Emma, obtained an appointment as administratrix of his estate. At the same time, she was appointed legal guardian of the minor children named above.<sup>106</sup> About two months later, when Emma failed to post the additional bond required by the court, the presiding judge revoked her authority as administratrix. On 19 September 1844 the court appointed in her place Joseph W. Coolidge, a creditor, who then began the process of inventorying the property.<sup>107</sup> During the four years he served as administrator, Coolidge assembled and sold the personal property of the estate, realizing approximately \$1,000, which he paid out for claims covering funeral expenses and costs of administration.<sup>108</sup> He also received twenty creditors' claims totaling less than \$5,000, including miscellaneous claims of approximately \$850, and a single claim in the amount of \$4,033.87, claimed by the heirs of Edward Lawrence.<sup>109</sup> Coolidge was not a vigorous administrator and apparently did nothing after 1845 either to receive additional creditors' claims or to assemble real estate assets to pay claims already received.<sup>110</sup>

Coolidge was replaced on 8 August 1848 by John M. Ferris of Hancock County, who was appointed at the request of Almon W. Babbitt, another creditor. The affidavit asking for the appointment of a successor alleged that Coolidge had left the state and had failed to settle his accounts as required by law.<sup>111</sup> The record in a subsequent proceeding suggests that Coolidge may have absconded with some of the property of the estate.<sup>112</sup>

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<sup>106</sup>See Probate Record of Hancock County, Book "A" (1840-1846), pp. 341-42, Hancock County Courthouse, Carthage, Ill. (hereafter cited as Probate Record).

<sup>107</sup>Ibid., pp. 354-55, 362; Probate Record "C" (1844-1849), pp. 28, 43.

<sup>108</sup>Chancery Records, p. 490.

<sup>109</sup>Probate Record "A," pp. 412, 421; Claim Record of Hancock County, Book "C," p. 242. Apparently, many of the creditors listed in Joseph Smith's 1842 petition for bankruptcy may have erroneously believed that their claims had been discharged in bankruptcy, since none of those debts (except that of the United States) was pressed or allowed as a claim against the estate. (See fn. 61.)

<sup>110</sup>Coolidge did sue William Law, an editor of the *Nauvoo Expositor*, and recovered a default judgment for \$200 and foreclosure of a mortgage on a lot in Nauvoo (Hancock County Circuit Court Record, Book "D" [21 May 1845], p. 258). The Mormons' suppression of the *Expositor* led to Joseph Smith's arrest and eventual murder (see Dallin H. Oaks, "The Suppression of the *Nauvoo Expositor*," *Utah Law Review* 9 [1965]:862). The second largest claim received by Coolidge was \$100 pressed by Charles Ivins, a coeditor of the *Expositor*.

<sup>111</sup>Probate Record "E" (1842-1849), pp. 191, 212; Probate Record "C," p. 322.

<sup>112</sup>Chancery Records, pp. 491-92.



Ferris was a more vigorous administrator than his predecessor. On 4 January 1849, just five months after his appointment, he filed a six-page inventory of real property owned by the decedent.<sup>113</sup> Perhaps encouraged by the possible existence of additional assets for the payment of their claims, at least nine new creditors—most of them claiming large amounts—filed claims during 1848 and 1849. The final total of thirty-seven claims asserted by thirty-one creditors against the estate of Joseph Smith through 19 April 1849 aggregated \$25,023.45,<sup>114</sup> which amount probably represents claims in addition to the approximately \$1,000 Coolidge had already paid out. The second largest claim was that of the United States, involving the judgment entered 11 June 1842 on the suretyship debt for the purchase of the steamboat *Nauvoo*.

In the ordinary course of administering an intestate estate that had more debts than liquid assets for payment, an administrator would seek judicial sale of the real estate inherited by the widow and children in order to obtain additional cash to pay the debts of the decedent.<sup>115</sup> That step seemed justified in the case of Joseph Smith's estate. In April 1849, J.M. Ferris sought authority to sell some of the property family members had inherited from Joseph Smith,<sup>116</sup> but before the state probate court ruled on his petition, it was preempted by a suit filed by the United States in the federal circuit court in Springfield. This proceeding effectively appropriated all of the assets that might have been used to give at least some small payment to the creditors of the estate and apparently effectively terminated all pending estate proceedings. Again, the motivating cause was the steamboat debt.

In 1843, in his last communication on this subject, the Solicitor of the Treasury instructed U.S. Attorney Justin Butterfield to pursue the collection of the judgment against Joseph Smith and others if the proposed compromise was not effected.<sup>117</sup> But nothing was done for a year, and a few months after Joseph Smith was murdered, Justin Butterfield was removed from office with the defeat of John Tyler's Whig administration in the fall of 1844. Little

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<sup>113</sup>Probate Record "E," p. 253. This inventory, dated 26 December 1848, comprises part of the Joseph Smith estate papers.

<sup>114</sup>Claim Record "C," p. 242 and estate papers in the Hancock County Courthouse.

<sup>115</sup>Law of 23 January 1829, sec. 120, [1833] Rev. Laws Ill., p. 650; Law of 3 March 1845, chap. 109, sec. 125, [1845] Rev. Stat. Ill., p. 562.

<sup>116</sup>Chancery Records, p. 625; notice of intention to petition court, published in *Hancock Patriot*, 12 August 1848, in Hancock County Courthouse vault.

<sup>117</sup>Charles B. Penrose, Solicitor of the Treasury, to Justin Butterfield, 11 January 1843, in Treasury Papers.

was done to collect the judgment during the four-year administration of Democrat James Polk.<sup>118</sup> When the Whigs came back into power with Taylor and Fillmore in 1849, the new U.S. Attorney for Illinois, Archibald Williams, wrote the Solicitor of the Treasury to inquire into the status of the matter.<sup>119</sup> The Solicitor reviewed the case with Justin Butterfield, who was then in Washington. In October 1849, the Solicitor directed Williams to file a bill to collect the judgment, just as Butterfield had proposed years before.<sup>120</sup> This initiated the final and most complicated chapter in an episode that had already covered a decade.

On 19 August 1850 Archibald Williams filed a twenty-page complaint in the case of *United States v. Smith*<sup>121</sup> before the United States Circuit Court for the District of Illinois, Judge Nathaniel Pope once again presiding.<sup>122</sup> This was a creditor's bill, invoking the powers of the federal court to obtain payment of the United States' judgment against Joseph Smith by selling properties he owned at his death or transferred during his lifetime. This was the final step in the government's efforts to collect the amount due on the note Peter Haws had given, and Joseph Smith had guaranteed, to Robert E. Lee for the purchase of the steamboat *Nauvoo*.

The original defendants were the widow and children of Joseph Smith, as his heirs, John M. Ferris, as the administrator of his estate, and numerous owners of real property acquired from Joseph Smith or his successors—a total of 83 defendants. Initially at issue in this litigation was the ownership of 14 tracts of land in Hancock and Adams counties (comprising almost 2,000 undeveloped acres) and approximately 260 town lots in or near Nauvoo, allegedly worth a total sum of \$20,000.<sup>123</sup> Less than half of this

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<sup>118</sup>U.S. Attorney David L. Gregg did write a letter on 28 September 1846 to the new Treasury Solicitor, Barton, recommending that equity proceedings be instituted and that Justin Butterfield be engaged as a special consultant. By return letter of 6 October, Solicitor Barton discouraged Gregg's efforts, advising that neither the size of the claim nor the nature of the grounds justified the employment of additional counsel (Treasury Papers).

<sup>119</sup>J. C. Clark, Solicitor of the Treasury, to Archibald Williams, U.S. Attorney for Illinois, 10 January 1850, in reply to Williams' letter of 1 January 1850, in Treasury Papers.

<sup>120</sup>R. H. Gillet, Solicitor of the Treasury, to Archibald Williams, U.S. Attorney for Illinois, 24 October 1849, in Treasury Papers.

<sup>121</sup>Chancery Records, pp. 486–506. The Joseph Smith in the title refers to Joseph Smith III, the son of the deceased prophet.

<sup>122</sup>This was the same judge who granted the June 1842 default judgment, presided over Joseph Smith's 1842 bankruptcy hearings, and later granted Joseph his January 1843 discharge on writ of habeas corpus (see fns. 27, 76, 95–96 and accompanying text).

<sup>123</sup>See Chancery Records, pp. 491–501; synopsis of Archibald Williams' letter to the Treasury Solicitor, 20 January 1851, in Register of Miscellaneous Suits.



acreage had been owned by Joseph Smith in his individual capacity or by members of his family on or after the June 1842 judgment. Most of the undeveloped land and substantially all of the town lots had been owned at some time by Joseph Smith as trustee-in-trust for the Church.

The theory of the United States' complaint—frequently alleged by way of conclusion—was that numerous land conveyances Joseph Smith made in his individual capacity and as trustee-in-trust were made with intent “to hinder, delay and defraud his creditors.”<sup>124</sup> The complaint asked that these conveyances be set aside as fraudulent and void and that the property be sold for payment of the debt to the United States.<sup>125</sup>

On 4 December 1850 the United States filed a supplemental complaint against 22 additional defendants, claiming 15 additional tracts of land (2,300 acres) and 52 town lots in Nauvoo and Ramus (formerly Macedonia and later Webster) that Joseph Smith was said to have purchased for his own use but held as trustee-in-trust until his death for the alleged purpose of evading payment of his debts.<sup>126</sup> This brought the total number of defendants to 105, involving 29 tracts of land (more than 4,000 acres) and 312 town lots. Before the case was concluded, 31 different defendants filed answers, totaling 135 pages in the written record. Another 35 defendants appeared but disclaimed all interest in the properties, and 32 defendants failed to appear.<sup>127</sup> This supplemental complaint also made the claim—for the first time in this controversy—that according to state law Joseph Smith was not entitled to hold more than 10 acres of real estate in trust for the Church.<sup>128</sup>

Judge Pope's first decree was entered 6 January 1851. He found that the United States was entitled to recover \$7,870.23 (including interest and costs) upon its judgment of 11 June 1842. This amount was held recoverable from the estate and properties of Joseph Smith since the other judgment debtors had moved from the jurisdiction or were insolvent.<sup>129</sup> The court's decree also

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<sup>124</sup>Chancery Records, pp. 492, 495–96, 499, 505, 620.

<sup>125</sup>Ibid., pp. 504–05.

<sup>126</sup>Ibid., pp. 618–21; Register of Miscellaneous Suits.

<sup>127</sup>See Chancery Records, pp. 645–47.

<sup>128</sup>Ibid., p. 620.

<sup>129</sup>Ibid., pp. 650–54. George Miller, Henry W. Miller, and Peter Haws left Illinois in February 1846, resided in Iowa or Utah thereafter, and were reputedly insolvent from 11 June 1842 until their departure from Illinois. Hyrum Smith was also reputedly insolvent from that date until the time of his death (ibid., p. 639).

established which properties could be sold to satisfy this debt and what should happen to any proceeds remaining after the debt was satisfied. The court next appointed Charles B. Lawrence as Commissioner for the purpose of conducting the foreclosure sales. Further court degrees were entered on 14 July 1851, 13 January 1852, and 17 July 1852.<sup>130</sup>

It is significant that, despite the repeated allegations of fraud in the complaints, neither Judge Pope nor any other judicial officer made any finding of fraud by Joseph Smith, nor was that theory relied upon to any extent. Instead, the court decrees applied two different legal theories for collection efforts against the properties once owned by Joseph Smith.

The first theory, which related to land Joseph had held in his individual capacity, was a simple one. By well-recognized principles of law, the judgment entered against Joseph Smith on 11 June 1842 became a lien against all land then or thereafter held in his name up until the time the judgment was satisfied and discharged.<sup>131</sup> As a matter of public record, this judgment lien took priority over all claims to the property acquired after 11 June 1842, including the ownership rights of the widow and children of Joseph Smith, who received gratuitous transfers from him during his life or inherited his property as heirs after his death; the rights of his administrator, who sought the property in order to satisfy the claims of unsecured creditors; and even persons who had purchased the property after the death of Joseph Smith.<sup>132</sup>

The only claim that would take priority over the judgment lien was the claim of Joseph's widow, Emma. By another well-settled principle of law, expressly recognized in the complaint, a surviving spouse was entitled to a dower interest in all land of which her husband died owning an estate of inheritance ("seized").<sup>133</sup> Since a husband held or took real property subject to his wife's dower interest, that interest ranked ahead of a judgment lien obtained by his creditors.<sup>134</sup>

Applying the legal rules described above, Judge Pope decreed

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<sup>130</sup>Ibid., pp. 653-54, 660-79, 681-97.

<sup>131</sup>Refer to fn. 28.

<sup>132</sup>Chancery Records, pp. 688, 694.

<sup>133</sup>Ibid., pp. 502, 521, 653. *Sisk v. Smith*, 6 Ill. (1 Gilm.) 503, 507, 517 (1844); Law of 3 March 1845, chap. 34, sec. 1, [1845] Rev. Stat. Ill., p. 198; Law of 1 July 1829, secs. 43, 49, [1833] Rev. Laws Ill., pp. 625-27.

<sup>134</sup>*Ex parte McElwain*, 29 Ill. 442, 443 (1862); *Blain v. Harrison*, 11 Ill. 384, 388 (1849); *Shaef-fer v. Weed*, 8 Ill. (3 Gilm.) 511, 513 (1846); *Sisk v. Smith*, 6 Ill. (1 Gilm.) 503, 508, 518 (1844).



that all properties owned by Joseph Smith in his personal capacity at the time of his death were covered by the judgment lien and could be sold to satisfy that judgment, provided that one-sixth of the proceeds were paid to the widow, Emma Smith. The decree identified the various lands that could be sold under this theory.<sup>135</sup>

The land Joseph Smith had held as trustee-in-trust for the Church was also covered by the judgment lien, but here the court apparently relied on a second theory, the basis of which had also been introduced for the first time in the supplemental complaint. Land held in trust normally would not be covered by a judgment lien arising out of the personal debts of the trustee. Of course, if a person had conveyed his personal property to himself as trustee in order to defraud his personal creditors, as John C. Bennett and Justin Butterfield claimed Joseph Smith had done, then a court could decree a sale of trust properties to satisfy those personal creditors. This was the legal theory on which the U.S. Attorney had filed his original complaint, but fraud was not the ground upon which the court based its decree. There was no finding of fraud in this case.

The court's decree that made the trustee lands subject to a judgment lien stemming from a personal debt of the trustee was based on a legal ruling that disadvantaged all owners of property Joseph Smith had held as trustee-in-trust for the Church at the time of his death. The Illinois statute which the Church had relied on in designating Joseph Smith as trustee-in-trust for the Church made it lawful for the trustee of any religious society "to receive by gift, devise or purchase, a quantity of land not exceeding 10 acres."<sup>136</sup> There is no evidence that Joseph Smith or other Church leaders were ever aware of this ten-acre limitation on church ownership of land. On the contrary, entries in the *History of the Church* show continued, conscientious efforts, probably in reliance on the advice of counsel, to separate Joseph's personal properties from the properties he held for the Church, with the intent of increasing the lands owned by the Church.<sup>137</sup>

The judge who examined witnesses and land records found that although Joseph Smith was duly elected to the office of

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<sup>135</sup>Chancery Records, pp. 651-55, 688-91, 491-92. The dower claim was an estate for life in one-third of the property, which the judge valued in this case as equivalent to one-sixth of the property (ibid., pp. 654-55).

<sup>136</sup>Law of 3 March 1845, chap. 25, sec. 44, [1845] Rev. Stat. Ill., p. 120.

<sup>137</sup>See text accompanying fns. 33-48.

trustee-in-trust for the Church prior to his receipt of deeds to the properties at issue in this case, Joseph Smith as trustee had received earlier deeds for "more than ten acres of land situated in said Hancock County."<sup>138</sup> In a decision that is typical of traditional judicial hostility toward lands held in trust for any religious group,<sup>139</sup> Judge Pope decreed that all properties (in excess of the ten-acre limitation) involved in this suit that had been held by Joseph Smith as trustee for the Church prior to or at the time of his death were deemed by the law to be held in his personal capacity and therefore covered by the 1842 judgment lien.<sup>140</sup> As a result, the judgment lien was held to cover trust property that Joseph Smith had conveyed to Emma and the children during his lifetime pursuant to the Church resolution.<sup>141</sup> The judgment lien also covered properties Joseph had held as trustee-in-trust for the Church at the time of his death, which the successor trustees later sold as the Church liquidated its land holdings in connection with the move west.<sup>142</sup> For reasons not clear to the authors, the United States abandoned its claim to several parcels Joseph Smith had conveyed to bona fide purchasers during his lifetime.<sup>143</sup>

As a corollary of the court's ruling that Joseph Smith owned all trustee-in-trust (Church) properties in excess of ten acres in his personal capacity, it followed that Emma Smith owned a one-sixth dower interest in all such properties. The court so decreed.<sup>144</sup> As a result, persons who had purchased from the successor trustees what they thought were Church properties would now have those properties sold at a judicial sale, with one-sixth of the proceeds being paid to Emma Smith. This result must have been embarrassing to the Church and an unexpected windfall for Emma Smith, then Mrs. Lewis C. Bidamon.

So it was that when the case was finally concluded on 17 July 1852 the court's various decrees of distribution confirmed the following division of the total proceeds of the sale:<sup>145</sup>

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<sup>138</sup>Chancery Records, p. 665.

<sup>139</sup>For example, see *St. Peter's Roman Catholic Congregation v. Germain*, 104 Ill. 440, 446 (1882).

<sup>140</sup>Chancery Records, pp. 666-68.

<sup>141</sup>*Ibid.*, pp. 641-43, 652-53, 670-73.

<sup>142</sup>*Ibid.*, pp. 651-52, 664-65, 666-68, 688-89. See fn. 148. Newell K. Whitney and George Miller were named successor trustees for the Church shortly after the death of Joseph Smith. In 1846 they were replaced by Almon W. Babbitt, Joseph L. Heywood, and John S. Fullmer. (*Ibid.*, p. 662.)

<sup>143</sup>*Ibid.*, pp. 620-21.

<sup>144</sup>*Ibid.*, pp. 668, 689.

<sup>145</sup>*Ibid.*, pp. 650-54, 666-68, 686-92, 696-97.



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|---|-------------|
| Payment of the judgment of the United States, with interest | \$ 7,870.23 |
| Payment to Emma Smith Bidamon for dower rights              | \$ 1,809.41 |
| The remainder, apparently for costs and expenses            | \$ 1,468.71 |
| Total Proceeds of Sale                                      | \$11,148.35 |

Nearly all of these proceeds (ninety-five percent) were attributable to the sale of properties Joseph Smith had held as trustee-in-trust for the Church.

The parties who benefited most from the equity proceeding were the lawyers, who received their fees, Emma Smith Bidamon,<sup>146</sup> who obtained her dower interest, and the United States, which obtained payment in full of principal and interest on its 1842 steamboat judgment. The decedent's assets being exhausted, the other creditors who had filed claims against the Joseph Smith estate received no payment of their claims.

Who suffered the loss—from whom was the land taken that was sold in this manner? The record suggests that the biggest single loser was the estate of General James Adams, a Mormon convert to whom the successor trustees had reconveyed 1,760 acres of Hancock County land that Adams had originally conveyed to Joseph Smith as trustee in payment for Adams' fifty percent interest in the newly purchased steamboat, the *Maid of Iowa*. The land was reconveyed after the deaths of Joseph Smith and James Adams, apparently because the transaction was rescinded by mutual consent.<sup>147</sup> Owned at the time of the chancery sale by the Adams estate or its successors, this acreage was the principal land

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<sup>146</sup>It appears that Emma Smith Bidamon reinvested some of her proceeds in certain of the Smith properties that were sold at the public auctions, perhaps in an effort to preserve the equivalent of some of her late husband's lifetime transfers to their children that had been upset by the court (see Chancery Records, pp. 670, 689).

<sup>147</sup>Joseph Smith and James Adams each purchased a fifty percent interest in the *Maid of Iowa* in May and June 1843 (HC, 5:380, 386, 406, 413, 417-18; Nauvoo Trustee's Land Book "B," p. 19, located at Church Archives). The steamer was employed as a ferryboat between Nauvoo and Montrose, Iowa (HC, pp. 380, 386). Adams died in August 1843 (*Nauvoo Neighbor*, 16 August 1843, p. 3, col. 6; HC, 5:537). On 28 November 1844, the Church trustees who succeeded Joseph Smith reconveyed to Adams' executor the entire 1,760 acres of prairie land in an apparent rescission of the original arrangement or repurchase of Adams' fifty percent ownership in the steamboat (Hancock County Deed Records, Book "N," p. 453). On 9 April 1845, Brigham Young directed that the *Maid of Iowa* be sold for the best available price (HC, 7:395).

named in the government's supplemental complaint. It was sold for \$4,800, thus representing forty-three percent of the total proceeds.<sup>148</sup>

Most of the other big losers were land speculators. After Joseph Smith's death, his successors, as trustees for the Church, made preparation for the Mormons' departure from Illinois by selling numerous tracts of Church properties to Samuel Bechtold of Philadelphia, George H. Todd of Evansville, Indiana, and C. E. Yates of Nauvoo.<sup>149</sup> Many of the tracts involved in the judgment sales were owned by these parties or their successors. As far as can be determined from the records, the Church owned no more than a token amount of this property at the time of the judicial sales in 1851-1852, the successor trustees having disposed of most saleable Church properties soon after the move west in 1845-1846.

The group that sustained the smallest loss consisted of small landowners who had purchased properties from the Church's trustees for their own use. Typically, they preserved their ownership by purchasing their own land at the judgment sale for a relatively nominal amount.<sup>150</sup>

#### CONCLUSION

The wake of the steamboat *Nauvoo* capsized or threatened financial transactions and property ownerships in Hancock County for more than a decade. What began as a straightforward business transaction, with Joseph Smith guaranteeing a promissory note that several Mormon businessmen gave for the purchase of a government surplus steamboat, ultimately produced a succession of lawsuits, forestalled Joseph Smith's attempt to obtain discharge in bankruptcy, and upset conscientious attempts to separate the Church properties from personal properties held by Joseph Smith. Although plagued by misfortune in business and bad advice about the law, Joseph Smith was nevertheless untainted by any wrongful conduct. John C. Bennett's extravagant and unsupported charges of fraud, published in the anti-Mormon press, found their way into official allegations in judicial proceedings. These allegations, which pointed to a prolonged series of transactions over many

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<sup>148</sup>Chancery Records, p. 682.

<sup>149</sup>Hancock County Deed Records.

<sup>150</sup>Chancery Records, esp. pp. 688-94.



years, were examined in meticulous detail by special masters and a federal judge in an 1852 Illinois equity proceeding. Neither this suit in equity, nor any other proceeding described here, resulted in any finding of improper conduct by Joseph Smith. Relying on a law fixing a ten-acre legal maximum on property that could be held in trust for a church, the federal judge decreed in 1852 that all properties Joseph Smith had held as trustee-in-trust for the Church at the time of his death were subject to judicial sale to satisfy the 1842 steamboat judgment obtained against Joseph Smith as the guarantor of another man's obligation. That decree, which upset the ownership of scores of lots and parcels of land purchased from the Church in Hancock County, stands as the final indignity suffered by the Mormons at the hands of government officials and their fellow citizens in Illinois.

# A Letter from Phoebe Carter Woodruff TO MAMA<sup>1</sup>

Linda Madsen Sheffield

I had always been young and fires burned red  
On deep white nights that blinding blew in Maine.  
Plaid ribbons, patchwork quilts, fresh gingerbread,  
Your loving songs—These memories remain,  
Now misty as warm breath in frozen air,  
Though days that followed hang so clear and new.  
The faith was full; the Holy Ghost was there.  
Then husband, child, winter, farewell, Nauvoo.  
My daughter first could sing away the cold,  
But when thin hands were still and laughter sighed,  
I gathered all that memory could hold,  
With care she did not see the prayers I cried.  
I would return were this, my faith, not true,  
But neither child nor I can come to you.

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<sup>1</sup>Phoebe Carter Woodruff, wife of Wilford Woodruff, records the pain of separation from her family because of her conversion to the gospel:

"In the year 1834, I embraced the Gospel, as revealed through the Prophet Joseph Smith, and, about a year after, I left my parents and kindred, and journeyed to Kirtland, Ohio, a distance of one thousand miles, a lone maid, sustained only by my faith and trust in Israel's God. My friends marvelled at my course, as did I, but something within impelled me on. My mother's grief at my leaving home was almost more than I could bear; and had it not been for the spirit within I should have faltered at the last. My mother told me she would rather see me buried than going thus alone into the heartless world, and especially was she concerned about my leaving home to cast my lot among the Mormons. 'Phoebe,' she said, impressively, 'will you come back to me if you find Mormonism false?' I answered thrice, 'Yes, mother, I will.' These were my words well remembered to this day; she knew I would keep my promise. My answer relieved her trouble; but it cost us all much sorrow to part. When the time came for my departure I dared not trust myself to say farewell, so I wrote my good-bye to each, and leaving them on my table, ran down stairs and jumped into the carriage. Thus I left my beloved home of childhood to link my life with the Saints of God." (Augusta Joyce Crocheron, *Representative Women of Deseret, a Book of Biographical Sketches* [Salt Lake City: J. C. Graham & Co., 1884], pp. 35-36.)

Phoebe Carter married Wilford Woodruff. Their first baby was born in 1838 at her parents' home while Wilford was in the area on a mission. Her parents pled with her to stay with them for the sake of the child, but she went on to Nauvoo to be with the body of the Saints. The little girl died at Nauvoo in 1840. (Matthias F. Cowley, *Wilford Woodruff, Fourth President of The Church of Jesus Christ of Latter-day Saints, History of His Life and Labors as Recorded in His Daily Journals* [Salt Lake City: Deseret News, 1909], pp. 93-98, 152.)

The poem, Phoebe's letter to her mother, is to tell the mother that the child had died. Wilford Woodruff was later able to baptize both Phoebe's mother and father. (Crocheron, *Women of Deseret*, p. 39.)



# The Jonathan Browning Site: An Example of Archaeology for Restoration in Nauvoo, Illinois

Dale L. Berge

## INTRODUCTION

Restoration in Nauvoo is an attempt to return at least a portion of Nauvoo to its original appearance during the 1839–1846 time range. Authenticity is a primary goal of Nauvoo Restoration, Incorporated, the foundation sponsored by The Church of Jesus Christ of Latter-day Saints to restore this former Mormon city. However, absolute authenticity in restoration is not possible because that process depends upon available evidence, correct interpretation, skill of construction people, materials used, funds, and other variables, all of which pose limitations.

One purpose of restoration in Nauvoo is for the city to serve as a valuable educational medium, teaching Latter-day Saints about their history while also educating visitors. A second goal of restoration in Nauvoo is to expand our knowledge of how the people lived in the 1840s. New historical and architectural data, even the bits and pieces of dishes, bottles, and other items recovered, reveal much about the people and their lives.

The Jonathan Browning home is an example of such restoration in Nauvoo. This discussion of the Browning site at Nauvoo will be more effective if it is preceded by a discussion of methods used in researching and restoring historic sites.

There are four steps to authentic restorations: (1) historical research, (2) archaeology, (3) reconstruction, and (4) decoration.

Historical research involves the examination of ownership records, including abstracts and tax records of past residents. It also includes the search of financial records to determine useful facts such as debts, contributions to the Temple, personal expenditures,

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A shorter version of this article was presented at the 27th Annual Symposium on the Archaeology of the Scriptures, Brigham Young University, October 1978.





Figure 1. Manufacturers' Hallmarks from Ceramic Vessels Used to Date Sites or Features



and so forth. Biographical sketches are constructed from the historical data, correspondence, and genealogy. Other factors such as city regulations and ordinances, sidewalk or street dimensions, furnishings, and crafts of owners or renters need to be discovered and studied. Old photographs or paintings, where available, provide a basis for detailed reconstruction.

Archaeological investigation discovers buried foundations of buildings and such features as wells, barns, cisterns, outbuildings, paths, fence postholes, and more. It also includes analysis of the recovered artifacts.

It is impossible to know what older features are hidden by later landscaping, remodeling or destruction without digging for the evidence. The evidence revealed by archaeology can lead to broader interpretations of the site than can simple architectural restoration alone. The combination of architectural features and artifacts indicates the possible function of a structure or a room. For example, surviving artifacts in a particular room may differentiate a kitchen from a bedroom, whereas architectural evidence by itself is unlikely to provide the data needed for the archaeologist to interpret the function of a specific room with confidence. On the other hand, in historic sites the functions of a room may change through time, and artifactual evidence may not be available due to the collapse of wooden floors or the entire removal of objects from the room.

Of surviving artifacts, ceramics and glass are usually the most common objects found at historic sites. From hallmarks (Figure 1), manufacturing techniques, and other attributes, archaeologists can determine if the object were locally made or imported. These attributes provide information for dating specific features at the site, since manufacturing techniques change through time and are often documented historically. Finding specific hardware items such as hinges, doorknobs, or locks, by archaeological research at a site permits authentic restoration of the architectural details of the structures. Ceramic vessels, glass bottles, metal cooking vessels, knives and forks, and all the other artifacts unearthed indicate the types of objects which might be used for interior decoration of the restored home.

Individualism may be reflected by the distribution of artifacts. In the Webb blacksmith shop, for example, there were many tools and hundreds of broken pieces of metal scattered all through the site, while at the Browning gunsmith shop there were very few metal artifacts; in fact, only one small piece of metal identified as



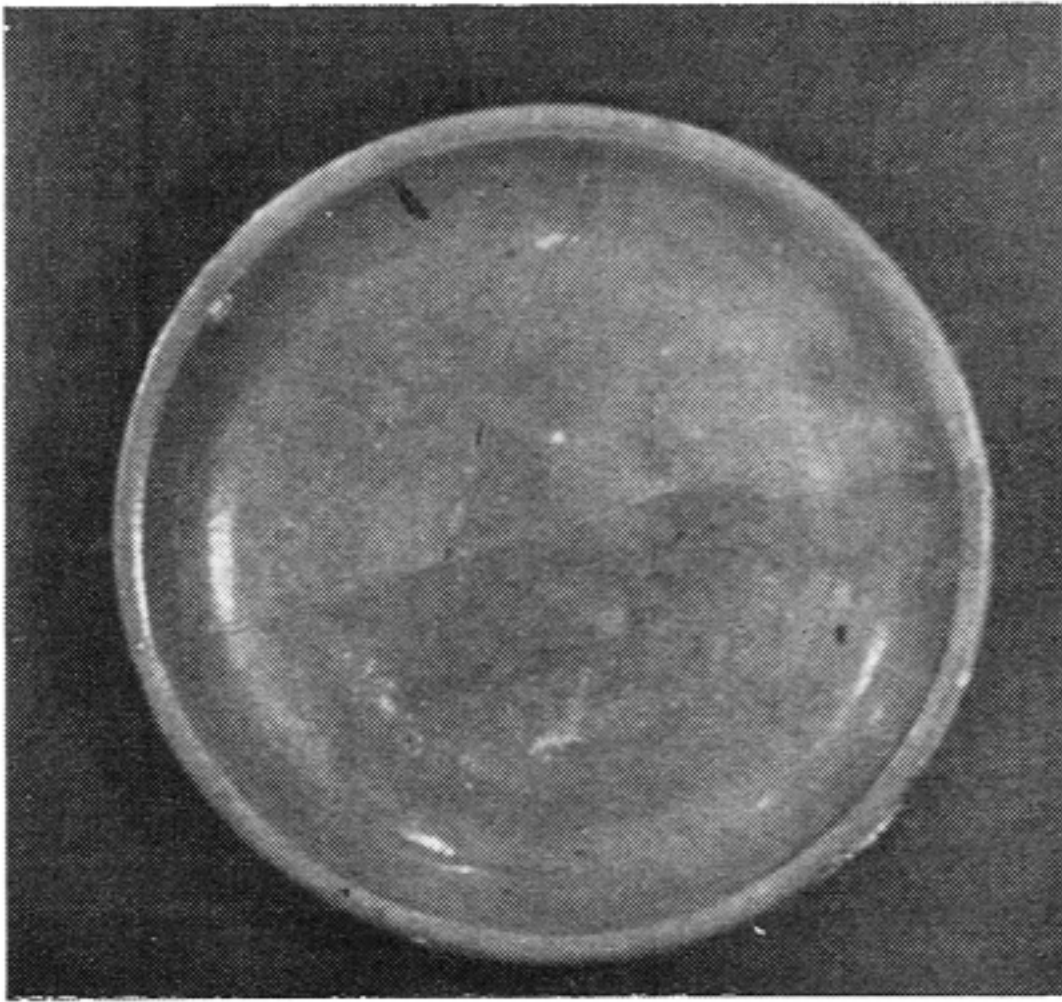
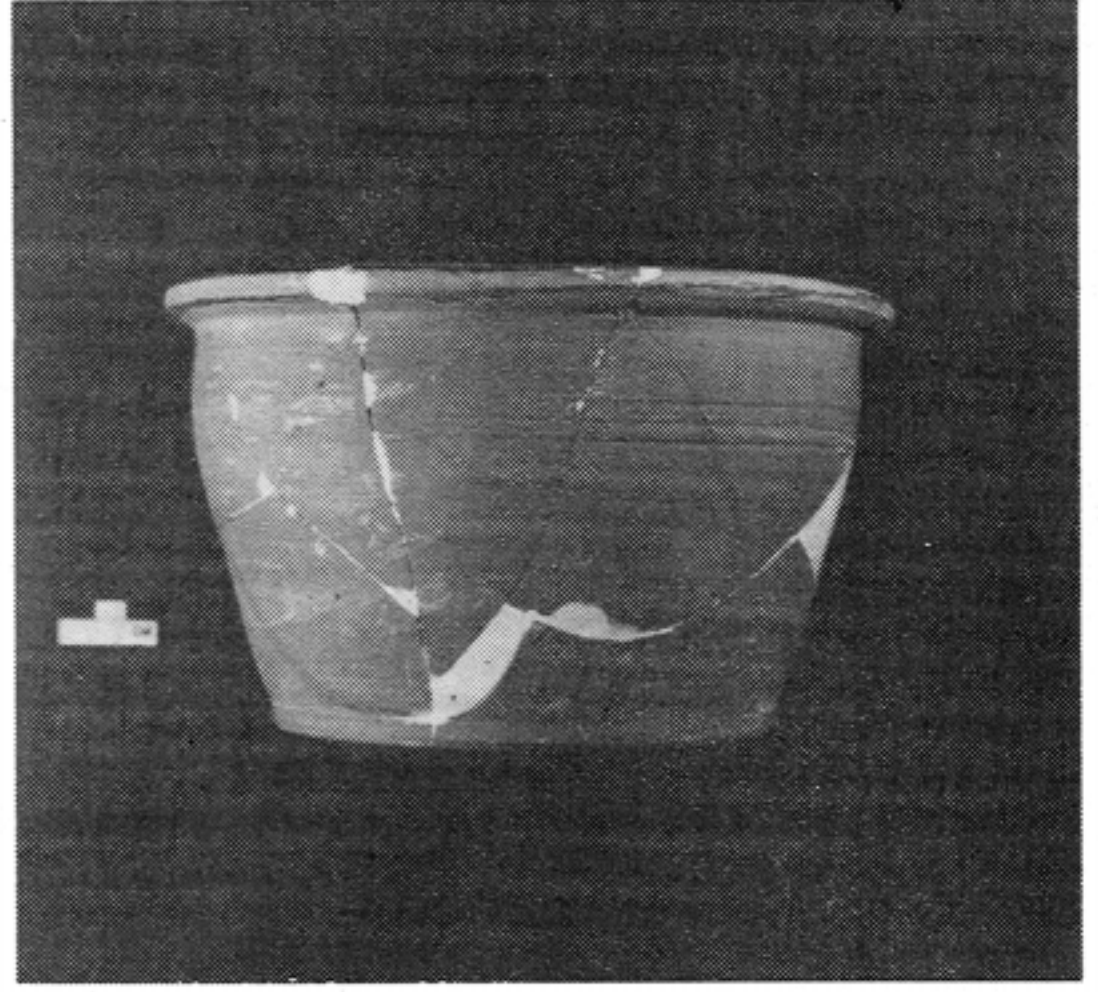
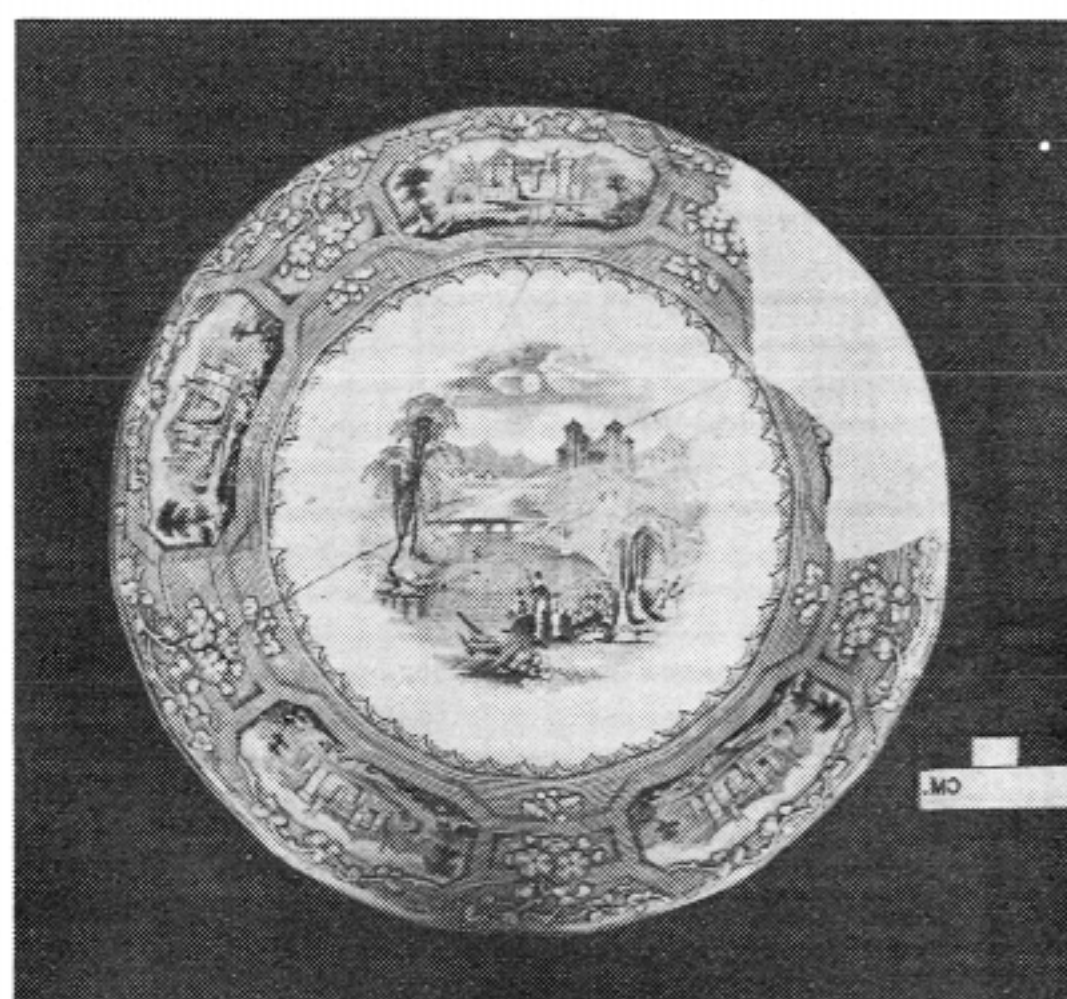


Figure 2. Earthenware Vessels Made in Nauvoo from 1839-1846, the Mormon Period

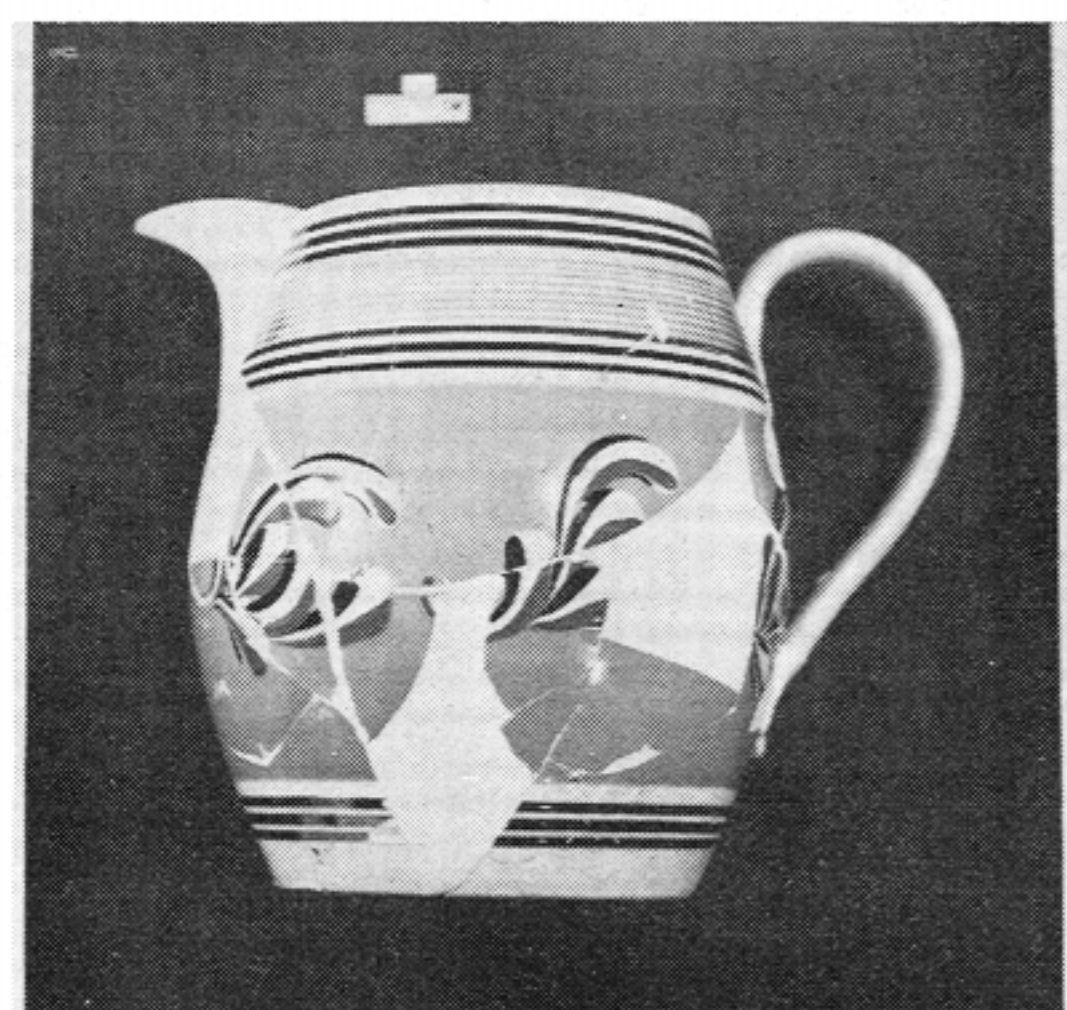




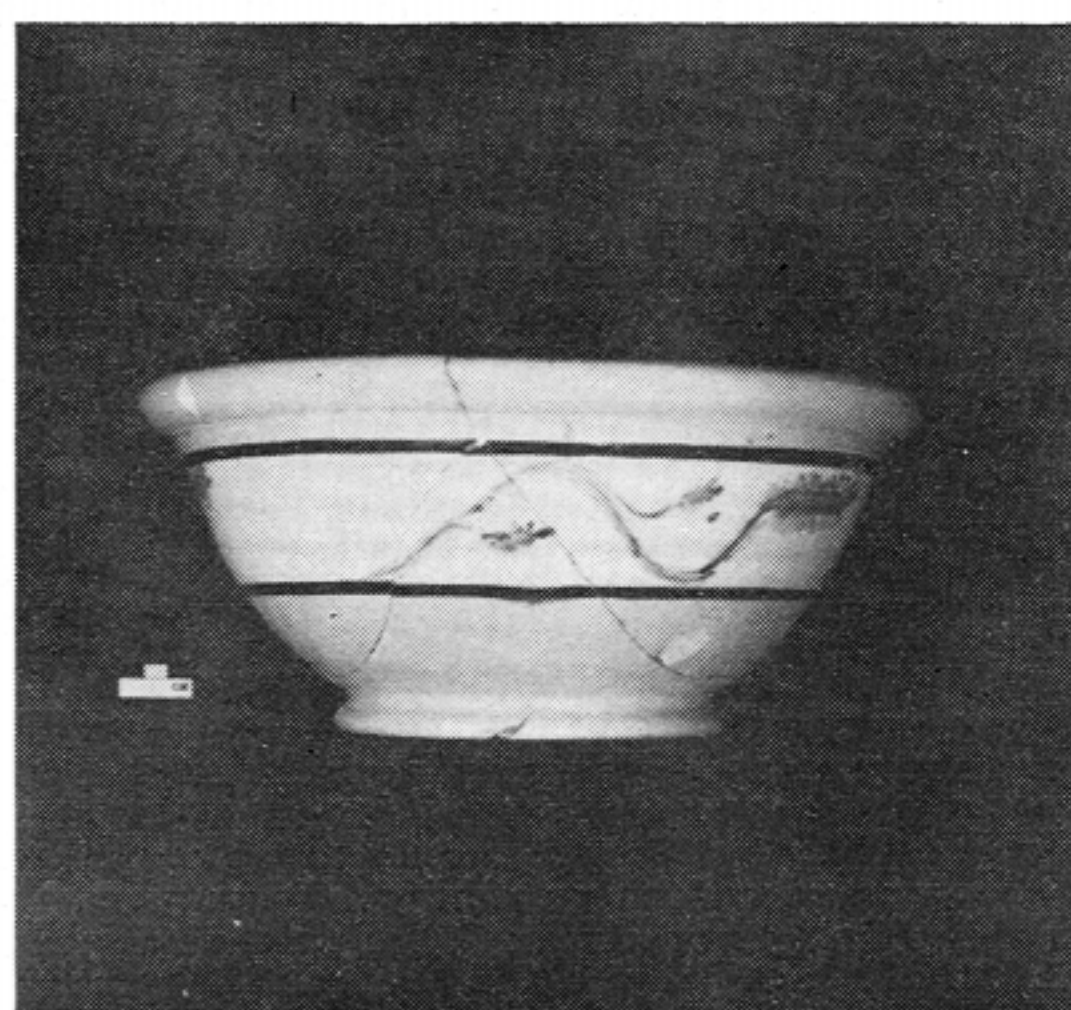
(A)



(B)



(C)



(D)

Figure 3. Ironstone Ceramics (A) Transfer Printed, (B) Hand Painted, (C) Hand Painted Banded, and (D) Mocho Design



a broken gun part was recovered. Evidently one workshop was kept cleaned up while the other was not.

Bones and seeds recovered from excavations give clues to the diet of the occupants. Archaeologists can calculate, for example, the relative amounts of fowl and game consumed as opposed to domesticated animals consumed. Seeds indicate which fruits, vegetables, and grains were grown or purchased for household use.

Archaeologists can also derive evidence of social conditions from the excavated specimens. Such specimens indicate something of the economic activity of the community. Ceramics which were locally made (Figure 2) or imported, or trade bottles from St. Louis or London, tell about commerce. The quality and quantity of artifacts found at individual sites can distinguish the presence of wealthy inhabitants from the poor. At Nauvoo, this contrast is seen in the unusual size of the Browning house, which is approximately 75 feet long, as compared with other homes, which are 18 to 25 feet long. In large brick houses there are many more exotic items, such as transferware ceramics from England (Figure 3), while in small log cabins there is a much higher percentage of locally made earthenware.

The study of the settlement pattern indicates that Nauvoo was a well-planned community consisting mostly of log cabins but with a considerable number of brick or plank houses as well. Many of the ideas for construction were brought from New York, and many of the same concepts were used in Salt Lake City later.

Besides being affected by the factors listed above, reconstruction is done on the basis of plans developed by studying surviving architectural details of each structure. These are discovered by removing plaster and examining changes in nails, lathe, bricks, paint and plaster. Styles of construction changed through time and remodeling of older homes was done according to changes in fashion.

Finally, interior decoration of a restored structure must also take place. Visitors notice these details more than architecture or outside features; therefore, decoration needs to be done with as much care for realism and detail as in the first three steps. Both reconstruction and decoration need to pay heed to what archaeologists discover.

All the steps outlined for restoration require meticulous research and a team effort in order to make the project as authentic as possible to the features characterizing the time period involved. Restoration needs the efforts of the best professional expertise available—historians, architects, archaeologists, and craftsmen.



## JONATHAN BROWNING, THE MAN

A classic example of restoration in Nauvoo is the home of Jonathan Browning. Jonathan Browning was born 22 October 1805, in Sumner County, Tennessee.<sup>1</sup> He became interested in gunsmithing at an early age and learned soldering, brazing, welding, hand-forging, and tempering. At the age of nineteen, he was a competent gunsmith. On 9 November 1826, he married Elizabeth Stalcup. As people moved west, Jonathan's business grew. In 1834 he himself moved to Quincy, Illinois. While in Quincy, he was elected justice of the peace and made acquaintance with Abe Lincoln. His business prospered. During this time Jonathan invented one of the earliest repeating rifles.

By 1840, the Mormons had already begun to settle the nearby town of Nauvoo. A Mormon came to the Browning shop with a repair job and introduced Jonathan to the gospel. Jonathan became keenly interested in The Church of Jesus Christ of Latter-day Saints after reading the Book of Mormon and was soon baptized. In 1843, he moved to Nauvoo and on Main Street set up his business of repairing guns.

After the assassination of Joseph and Hyrum Smith in 1844, the Mormons began leaving Nauvoo. In 1846, Jonathan moved to Council Bluffs along Mosquito Creek. When a U.S. Army officer arrived in July of the same year wanting volunteers to help in the war with Mexico, Jonathan stood in line with other volunteers who later became known as the Mormon Battalion. But Brigham Young would not let him go, knowing that his talents for gunsmithing were needed to help the pioneers as they moved west. Later Jonathan wanted to move west with the first scouts picked to explore the trail, but once again he could not be spared.

Jonathan Browning advertised in the *Frontier Guardian* of Kaneshville, Iowa, on 19 September 1849: "The subscriber is prepared to manufacture, to order, improved *Fire-arms*, viz: revolving rifles and pistols; also slide guns, from 5 to 25 shooters. All on an improved plan, and he thinks not equalled this far East. (Farther west they might be.)"<sup>2</sup> The repeater gave greater protection to the

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<sup>1</sup>For biographical data on Jonathan Browning, see the appropriate section in John Browning and Curt Gentry, *John M. Browning, American Gunmaker* (Garden City, N.Y.: Doubleday and Company, 1964).

<sup>2</sup>*Ibid.*, p. 1.

people of the frontier. Indian attacks were reduced because of the firepower of the repeater over the less rapid single shot. For example,

Among the most famous tales of the West are those concerning the advent of these guns. The Indians over the years had developed a simple but effective tactic. After surrounding a wagon train, several Indians would stand and charge, making themselves clear targets. The pioneers would invariably shoot their single ball; then while they were reloading their weapons, the Indians would attack in force. Owners of early repeaters turned this trick to their own advantage. They would fire a single shot, then, when the Indians attacked, continue firing, to the fatal amazement of the red men.<sup>3</sup>

In 1852, Jonathan moved west with the Saints and settled in Ogden, Utah. There he took two more wives—Elizabeth Clark and Sarah Emmett. He fathered a total of twenty-four children, only two of whom died in infancy, one of these in Nauvoo. His first child born after his arrival in Ogden was John Moses Browning, born in 1855. John Moses Browning became known as the world's greatest gun inventor. In 1931, Captain Paul A. Curtis, a well-known gun authority and author, wrote concerning John Moses Browning as follows:

His accomplishments are remarkable, whether they are measured by their innovations, their number, their duration, or their popularity. During those forty-seven inventive years, John M. Browning was issued 128 different patents, to cover a total of some eighty complete and distinct firearm models. They include practically every caliber from the .22-short cartridge through the 37-mm. projectile; they embrace automatic actions, semi-automatic actions, lever actions, and pump actions; they include guns that operate by gas pressure, by both the short and long recoil principle, and by the blowback principle; they include models utilizing sliding locks, rotating locks and vertical locks. Included among them are most of the successful sporting arms which appeared during this period, as well as many of the military arms. It is estimated that well over thirty million Browning-designed guns have been produced to date, by Browning, Winchester, Colt, Fabrique Nationale, Remington, Savage, and others.<sup>4</sup>

In Ogden, Jonathan Browning became interested in many activities other than gunsmithing. He was a good neighbor and helped the incoming settlers from the East solve many smithing problems until he died in 1879.

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<sup>3</sup>Ibid., p. 20.

<sup>4</sup>Ibid., p. 219.



## THE BROWNING HOME

The Jonathan Browning site in Nauvoo<sup>5</sup> is located on the south half of Lot 2, which is the northwest quarter of Block 118. Block 118 measures 365.5 feet along Main Street and 397.8 feet along Munson Street. According to the original plat and survey (1839) of Nauvoo, Lot 2 of Block 118 measured 181.50 feet by 198 feet, as did most of the lots in the plat. The streets were 49.5 feet wide, except Main Street, which was 82.5 feet; Water Street, which was 64 feet; and that part of Munson Street west of Bain Street, which was 24 feet wide. Theoretically, therefore, the Browning lot was 90.75 feet by 198 feet. Included in this measurement was 8 feet of an alley to the back of the lot.

The Jonathan Browning property was acquired by Nauvoo Restoration, Incorporated, from the estate of Charles H. Hudson, who died 11 April, 1968. Mr. Hudson had lived in the Browning house for a few years when he was first married, but when the house he was building on the northwest quarter of Lot 2 was finished, he moved from the Browning house to the new home. This move took place in 1916, after which the Browning house was not reoccupied. Since 1916 the house was used mostly for storage and was allowed to decay. Mr. Hudson married Louise Schoell, who was the daughter of Fred Schoell, owner of the home from 1890 to 1912. Lot 2, Block 118, was originally purchased from Joseph Smith, trustee for The Church of Jesus Christ of Latter-day Saints, by Benjamin F. Bird in 1840. After Bird had paid nearly \$300 on the lot, he requested a deed for the south half and reverted the north half back to Joseph Smith. However, no record of the deed has been located.

Jonathan Browning obtained the south half of Lot 2, Block 118, about 1843, the same year that he was baptized into the Mormon Church. He left Nauvoo in 1846 during the exodus of the Mormons, and sometime thereafter the mother of Joseph Smith, Lucy Mack Smith, temporarily lived in the Browning Nauvoo home and shop. When the trustees of the Church sold the property to Peter Poncin in 1847, records indicate that on the property there was a "good brick house," "also a good brick blacksmith

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<sup>5</sup>See Dale L. Berge, *Archaeological Investigations at the Jonathan Browning Site (118-2), Nauvoo, Illinois, 1968-1969* (Salt Lake City: Nauvoo Restoration, Inc., 1970).

shop and a small frame barn and a log house.”<sup>6</sup>

During the historic Mormon period from 1839–1846, the northwest quarter of Lot 2, Block 118, was owned by George W. Harris, a watchmaker, while Heber C. Kimball owned the northeast quarter, which he subdivided into three smaller lots. The north half of Lot 3 to the south of Jonathan Browning was owned by Henry G. Sherwood. Shadrach Roundy and others owned the property to the rear of Jonathan’s property.

Jonathan Browning lived in the center of activity in Nauvoo. A few blocks south of him were the Mansion House, the Nauvoo House, and the Homestead of Joseph Smith; one-and-a-half blocks west stood the home of Brigham Young; a few blocks north was the Masonic Hall; and across the street were the *Times and Seasons* buildings. A clear view of the Temple could also be had to the northeast from Jonathan Browning’s home on the flats.

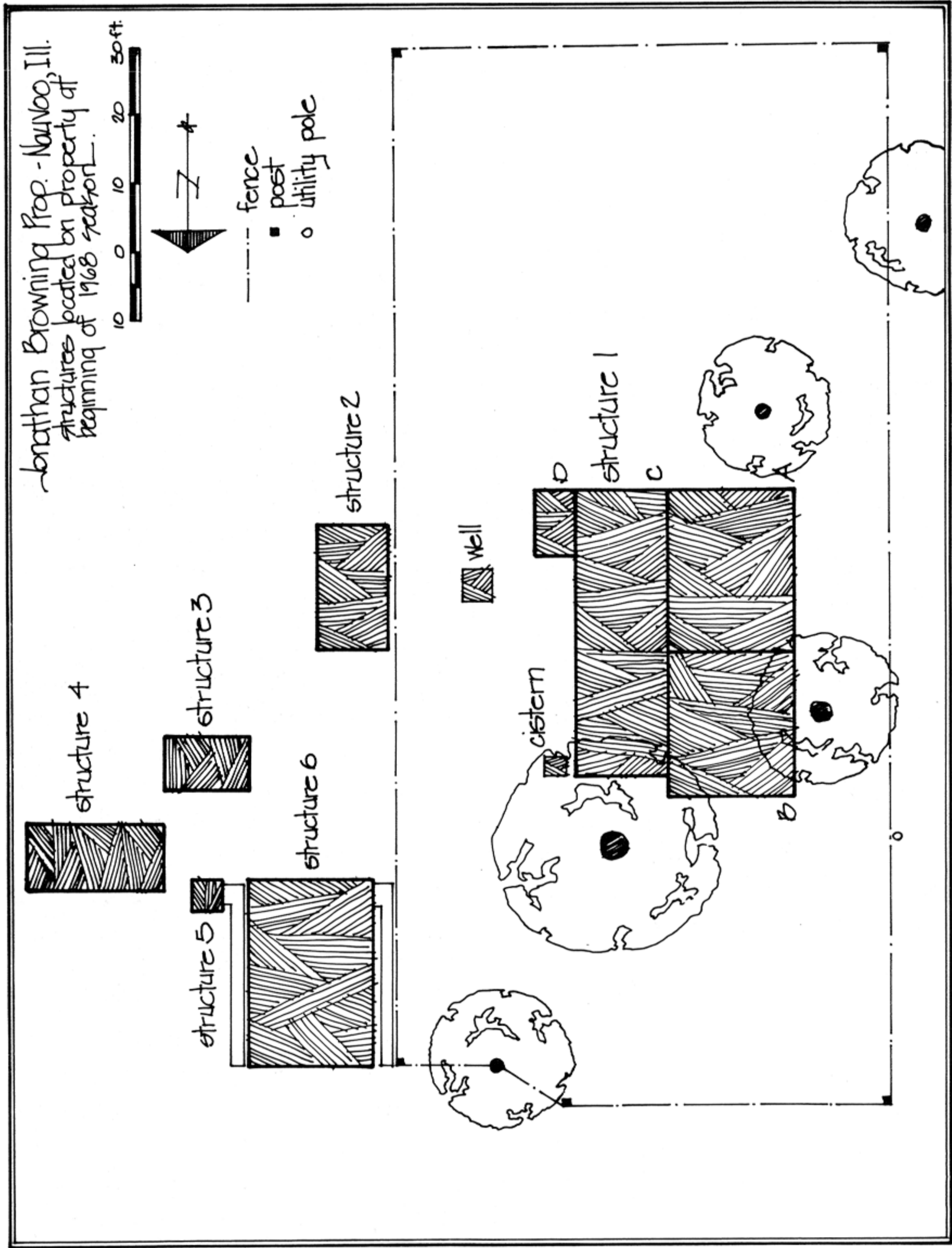
At the time of its excavation the Browning site had not been occupied since 1916, and the structures were in a very bad state of repair. The house could hardly be seen from the street because of the vegetation that had grown up around it through the years. Around the outside of the house the ground averaged 6 to 8 inches above the original ground level, the deepest humus fill accumulating around the house itself.

There were six standing structures on the south half of Tract 118-2 at the beginning of the excavation (Map 1). Structure 1 consisted of a two-story brick house 18.25 feet by 23.79 feet (Structure 1A), a slightly later brick addition 20.86 by 18.25 feet (Structure 1B), a later wooden addition 41.86 feet by 13.21 feet (Structure 1C), and a small porch adjoining Structure 1C to the southeast 9.73 feet by 6.084 feet (Structure 1D). Structure 2 was a carriage shed which had reportedly been constructed from the earlier barn built near the present garage. Evidence that materials from the earlier barn had been used to construct the later smaller shed was seen in the planks. Square nail holes clearly demonstrate the shape of nails used for the earlier barn, while round nails had been used in the later shed. Structures 3 and 4 were coops used for roosting and nesting chickens. Structures 5 and 6 belonged to the large house located in the north half of Tract 118-2 which was built by Charles Hudson and was completed in 1916. Structure 5 was an outhouse painted in the style of the Hudson house. Structure 6 was a two-car garage.

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<sup>6</sup>Property deed of Peter Poncin, 1847, Hancock County Courthouse, Carthage, Ill.





Map 1.

## ARCHAEOLOGY OF THE JONATHAN BROWNING PROPERTY

It was first thought that by locating features around the standing buildings the archaeological investigation of the Jonathan Browning site would be relatively simple. Trenching soon proved this initial premise to be false.<sup>7</sup>

### *Structure 1A (west side)*

Structure 1A (Figure 4) was the main living area and constituted three floor levels. Level 1 is the basement divided into two brick-paved rooms. The walls of the basement are constructed of quarried limestone with the north room plastered and painted white. The walls of the south room appear to be painted only. Set in the north wall is the foundation to the fireplaces of the upper floors. Level 2 is the ground floor consisting of a small entrance room, two staircases—one leading upstairs and the other to the basement—and a living room, which had a large fireplace in the north wall. Level 3 is comprised of two bedrooms. The smaller of the two, located to the north, had a fireplace directly above those on levels 1 and 2. The three fireplaces were built jointly but had separate flues, which opened into a combined chimney at the roof.

On the outside, the door and window lintels and sills of the west wall are made of tooled limestone. The bricks of this house section are a dark red color but at one time had been painted, apparently a shade of white. The bricks appear to be consistent in their red color.

*Front Entrance:* The height from the historic ground level to the base of the door sill is such that there must have been some type of stoop in front of the door to enter the house. The large stoop was probably no wider than the door since there was a basement window next to it.

Two large tooled stones which were more than likely part of the front entrance were unearthed while archaeologists were excavating within Structure 6. It is doubtful that other entrances had hand-cut, tooled stoops and steps. The larger stone, the stoop, measured 2.5 feet by 1.5 feet by 0.5 feet with bored holes in both edges for shoe scrapers like those found at the Brigham Young house (Figure 4).<sup>8</sup> The smaller stone, a step, measured 2.25 feet by

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<sup>7</sup>Berge, *Jonathan Browning Site*.

<sup>8</sup>See J. C. Harrington, *Archaeological Excavations at the Brigham Young Site (126-2), Nauvoo, Illinois, 1965-1968* (Salt Lake City: Nauvoo Restoration, Inc., 1969).



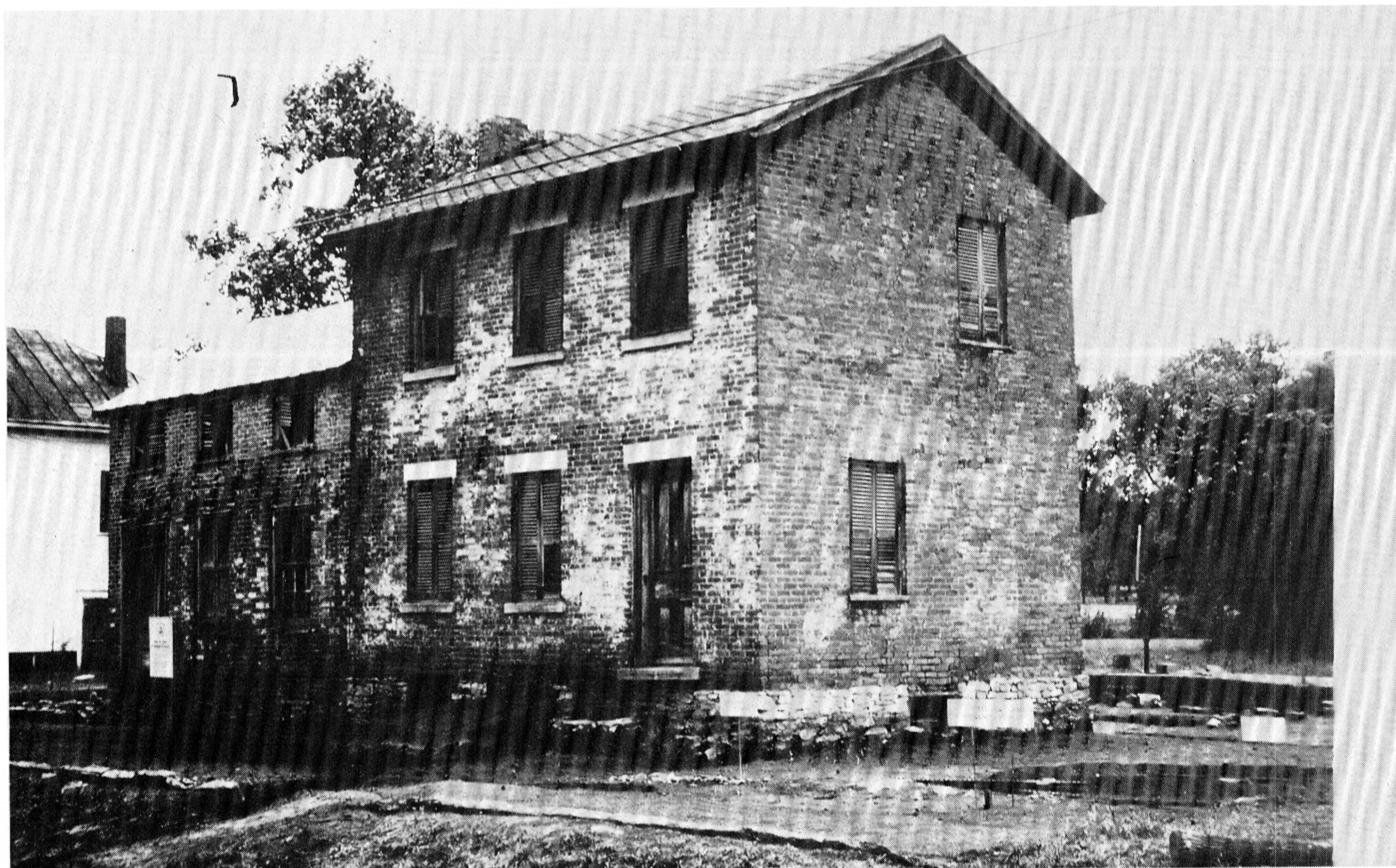


Figure 4. Front of the Jonathan Browning Site After Excavation

*Courtesy of Nauvoo Restoration, Inc.*



0.92 feet by 0.4 feet—shorter in length than the other stone, but an end had been broken off. The width of the front door is 2.92 feet, slightly larger than the length of the stoop.

*Brick Walk:* Extending around the east, south, and west sides of Structure 1 was a brick walk. In many places the walk was not more than an inch under the surface but most was buried 3 to 6 inches under soil fill. This walk was not made during the Mormon period. The bricks for the walk may have been obtained from the destruction of the blacksmith and gunsmith shops which may have taken place around 1870. The evidence for this date was derived from a field examination of artifacts excavated from the stone root cellar (Structure 1G).

*Basement Entrance:* Upon removal of the brick walk, which passed directly over the basement entrance fill, the bulkhead walls were readily visible. The walls measured 3.92 feet apart on the inside and averaged 1.09 feet in width. The slope of the natural soil where the fill had been removed was a 3.77 foot drop in 3.3 feet. The inside of the walls was plastered and appeared to have been painted white. Very possibly the steps into the basement were made of brick. Within the fill and rubble, and particularly at the bottom of the filled-in entrance, there were several broken and whole bricks and pieces of mortar. These bricks could have been part of the steps of the outer door support which were pushed in when the entrance was filled.

*Basement Windows:* Adjoining both sides of the bulkhead are basement windows. The north window is not covered while the other has been bricked up. The north window has a brick frame placed on a stone foundation built to the outside of the window. The stone foundation is above the historic ground level and therefore may not have been part of the original design.

As the ground level rose through time, either by natural accumulation or filling in, it became necessary to provide some means to deflect water from the basement windows. With the ground level higher than the windows, water would have run into the basement. Therefore, a stone foundation was built and a brick lining added. Over the top of this construction there may have been a slanted wooden box which aided in diverting rainwater away from the building and the basement windows.

*Stone Walk:* A considerable amount of broken limestone was discovered spreading horizontally from near the front entrance steps south for approximately 15 feet. This was a stone walk and most likely represents the historic ground level. It is very much



like the one in front of the Brigham Young house (Figure 4).<sup>9</sup> Located within and penetrating through the stone walk are evidences of postholes. These posts were probably situated very close to the west boundary of the Browning property, which is 8 feet from the building. This walk was located inside the fence on the Browning property and was not part of the public sidewalk.

#### *Structure 1A (south side)*

*Door Step:* There is in the south wall a filled-in doorway (Figure 4). Archaeologically there is no definite evidence for a porch. There was one posthole, however, near the house in line with the door. This post may have been used as a brace for a wooden porch or a later post set close to the house. The window lintels and sills are not of stone in this wall and possibly the porch was constructed of wood also. There is no evidence of a foundation for a stoop like the one in the front of the house, and to the sides and rear similar features were made of wood. It seems to have been fashionable to use quarried limestone in the front of the house, while to the sides and rear similar features were made of wood.

*Basement Window:* There is only one basement window in the south wall. A wood frame is still in place as is the wood lintel. This window has a 3-foot opening in the stone foundation for the placement of the wood frame.

*Brick Walk and Arbor:* Evidence of the brick walk extending around the south side of the house from the front was discovered. Early photographs of this side of the house reveal that there was a grape arbor (?) situated in this area. This arbor was bordered by bricks set on their long edge (which were discovered archaeologically). The walk did not extend out around the arbor—only the brick border enclosed the arbor area. The arbor did not date to the Mormon period since it would have covered an earlier well (Well No. 2) located in this same area.

#### *Structure 1B (north addition)*

Shortly after the main house was built, Structure 1B was added to it, either by Jonathan Browning or prior to his occupation of the house. Both sections are built out of the same type of dark red bricks. There are differences in the technique used to finish the outside mortar of the two buildings, indicating that two

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<sup>9</sup>Ibid.

different individuals laid the wall bricks. The doors and windows of this northern addition have wooden lintels and sills, including those in the front, further denoting different construction techniques than those used in Structure 1A.

The brick walk found in front of Structure 1A extended along the front (west) of 1B but not along the north side. The bricks terminated as they curved to form an entrance path into the double door at the north end, west of the building.

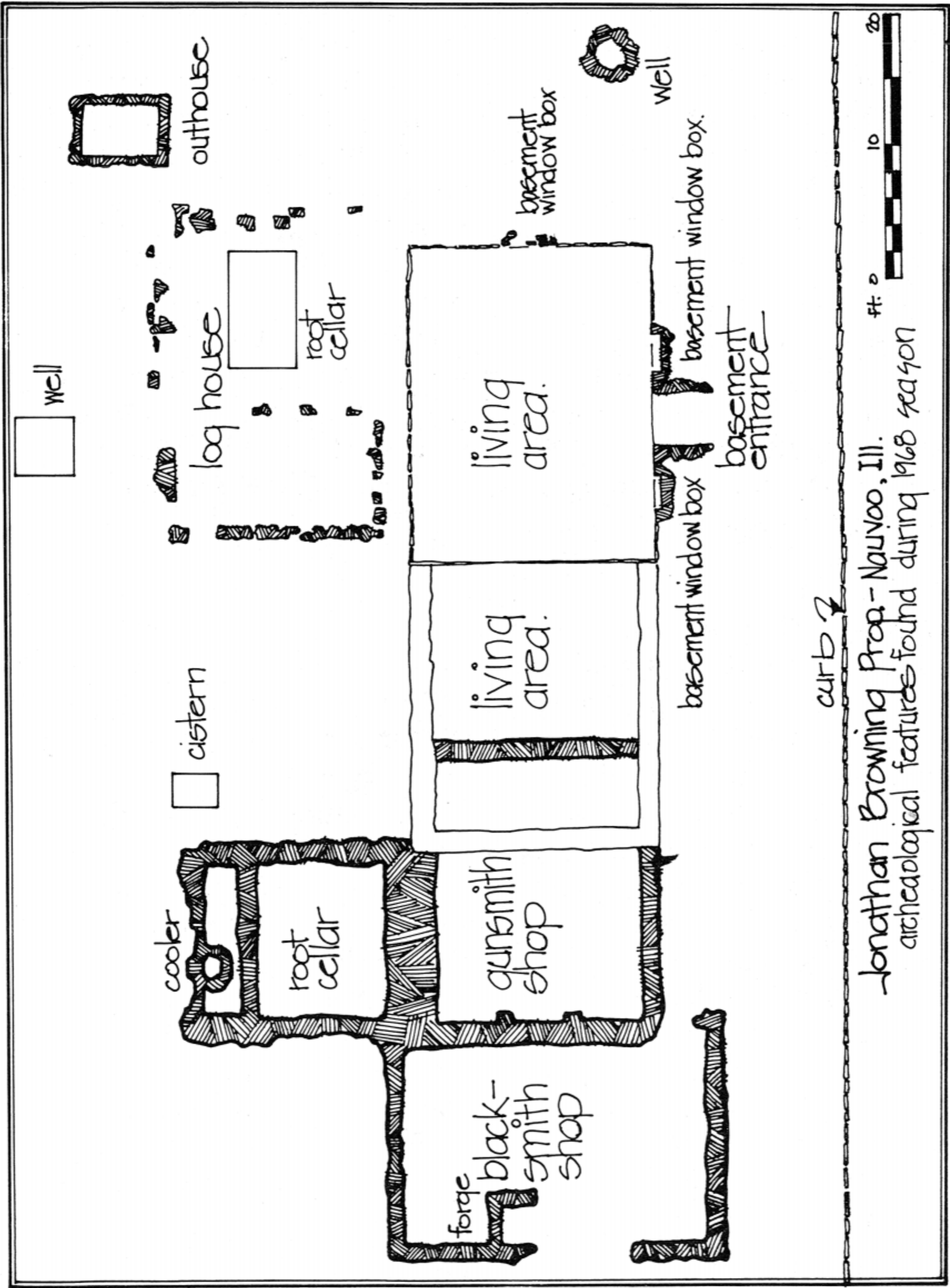
*Interior:* It was thought at first that evidence of the gunsmith and blacksmith shops of Jonathan Browning would be found in this addition. In order to establish this assumption, the post-Mormon wooden tongue-and-groove floor was removed to expose the ground soil beneath. The ground under the floor had been extensively burrowed by animals. Even so, evidence was found on the south side for the existence of an earlier floor. Physical remains and impressions of joists running east and west gave clues to this earlier floor. Above this floor were found the most recent joists which had supported the removed floor.

A stone foundation wall was also discovered extending east-west 5.09 feet from inside the north wall (Map 2). Along the top of this wall was a single row of bricks. This quarried limestone wall had been interlocked as much as 12 to 16 inches with the north-south foundation walls of Structure 1B. Pockets had been left purposefully in the brick sections of the north-south walls for the placement of interlocking bricks for this interior wall. There can be little doubt that this was part of the original construction of Structure 1B.

On the inside of the north foundation wall were found short sections of joists which might have extended over to the inner foundation wall. These joists indicate that the north wall had been added later since they do not run east and west like the rest of the joists in the floor area. This north wall was very loosely interlocked with the north-south foundation. One or two of the stones had been set in the north-south wall not more than 3 to 4 inches while the rest abutted the wall. This is much less interlocking than that found for the interior wall.

*Brick Constructions:* The brickwork of this section of the house needs special consideration. The brick construction reflects considerable alterations to this segment of the house. The bricks used to build the second story are a pale orange color, which is very different from the dark red type used on the first floor of Structures 1A and 1B.





Map 2.

On the inside of the south wall of the second floor of 1B are remnants which indicate that at one time the roof had been raised from its original position in order to add the second story.

*North Wall:* Additional alterations at the same time included the placement of the north wall in its present location. This wall was constructed of both orange and red bricks. Possibly some of the red bricks were reused in this wall when the northern section of the structure was destroyed. Another difference in the construction of this wall can be seen in the brickwork over the wood lintels. The north wall was very likely built at the same time the second story was raised.

The foundation stones of the north wall have been slightly interlocked with the north-south foundations. Only two or three stones are interlocked with the north-south foundations, and these are set in about 3 or 4 inches, whereas the interior foundation wall is interlocked from 12 to 16 inches. This difference is the primary reason for concluding that the inner wall was possibly original and this north wall later.

#### *Structure 1C (Wood and Brick Building)*

Structure 1C was a wood and brick building added to the east side of Structures 1A and 1B. The northern section was constructed of wood which had been placed on a brick and stone foundation. The southern section was constructed of brick laid on shallow stone foundations. During the excavation of this structure it became obvious that this part of the building did not date to the Mormon period. From historical documents we knew that there had been a log house on the property when Jonathan Browning lived there. Footings believed to have belonged to this log house were located underneath Structure 1C (see later section on "Log House"); therefore, Structure 1C belonged to a later time period. Also, an east-west stratigraphic profile of Structure 1C revealed that the brick walk extending around the house was built after the wooden structure had been built. The brick walk and Structure 1C were added after soil had been added to the historic ground level.

Structure 1C was carefully drawn, photographed, and then removed in order to outline the log house remains.

#### *Structure 1D (Wooden Porch)*

Structure 1D, a small wooden porch, was eliminated at the



same time as Structure 1C because 1D was more recent in construction. It had been built over part of the brick walk.

### *Structure 1E (Gunsmith Shop)*

As excavation of the north grounds proceeded, new foundation walls began to be unearthed. A room 15.33 feet by 13 feet was soon revealed and designated Structure 1E (Figure 5). The north-south foundations were an extension of those belonging to Structure 1B.

Structure 1B.

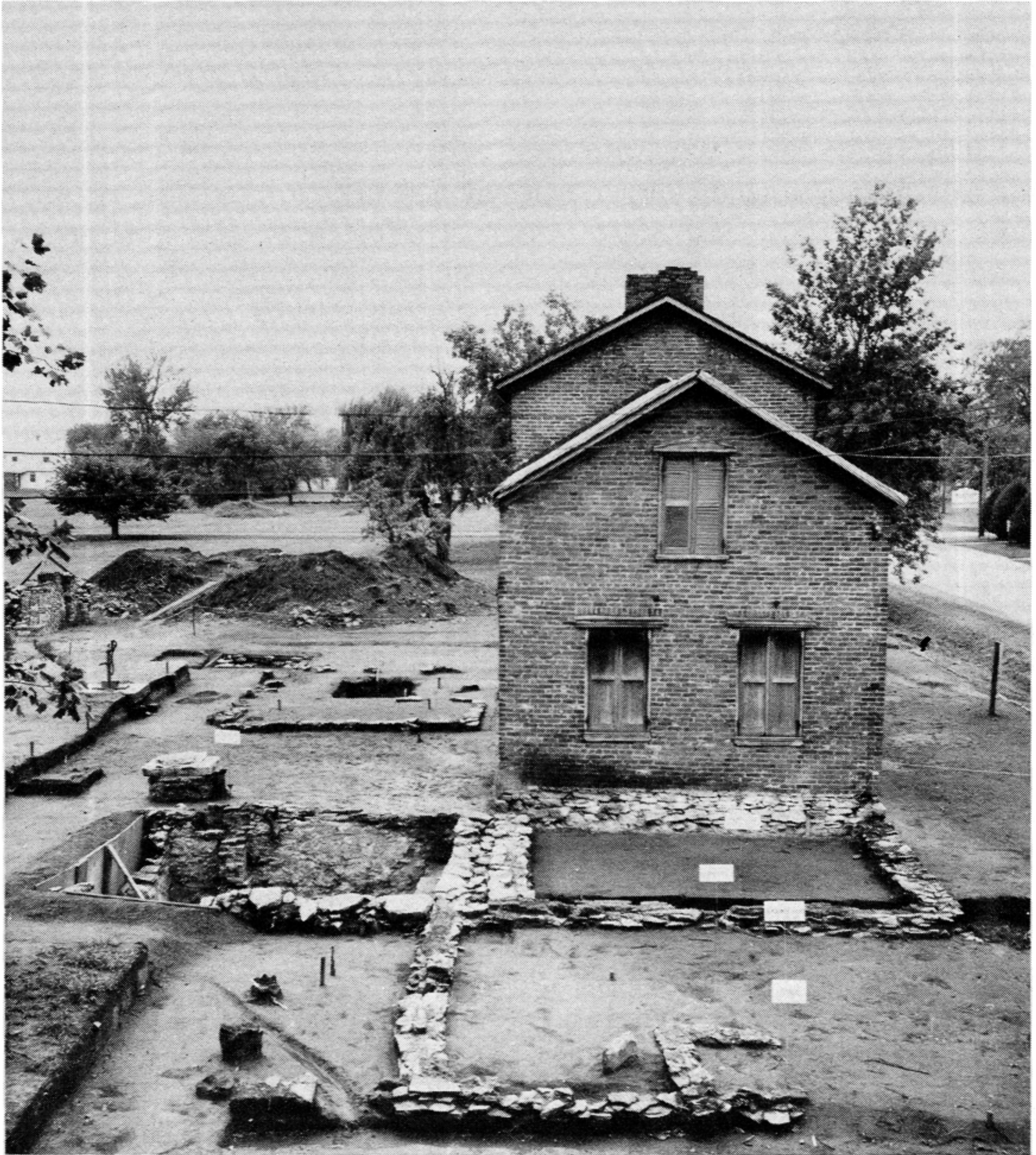
This room once extended into Structure 1B to the unearthed interior foundation, making the room 6.42 feet longer. The double door led into this expanded room of Structure 1E, which may have been Jonathan Browning's gunshop. The double door seems better suited to a shop than to a living area, such as a bedroom. There would also be more space for his lathe, bench and counter in this room than in the blacksmith shop. In the opposite wall from the door was a filled-in door that once led to the backyard and kitchen.

The basal remains of a brick fireplace were found in the north wall. The hearth opening was 3.85 feet wide and set in the center of the wall. The entire north wall was constructed of brick down to the sterile clay soil on a relatively shallow foundation. This wall had not been laid on a stone foundation, the bricks lying directly on the ground.

### *Structure 1F (Blacksmith Shop)*

As excavation continued, more foundations were discovered north of Structure 1E. A room measuring 15.85 feet by 24.66 feet was found in this location. There can be little doubt that this was the blacksmithing area (Figure 5). Coal, small metal scraps, and clinkers covered much of the floor. In several small areas fragments of metal were concentrated, and in one area in particular slag metal was unusually abundant. This heavy concentration of slag was directly behind the fireplace in Structure 1E. Jonathan Browning might have molded many of his gun parts by pouring the molten metal into prepared molds in the ground. Possibly there was a way in which metal could have been smelted in the forge at least in small amounts. Burnt coal was generally found over most of the floor, but the northwest corner of the room was noted for having unburnt coal. Coal might have been used to obtain a hotter fire than that produced by charcoal. The hot fire obtained by the use of coal would have been sufficient to melt iron for molding.





*Courtesy of Nauvoo Restoration, Inc.*

Figure 5. North Side of the Browning Site After Excavation, Showing the Foundations of the Gunsmithing Shop and Kitchen



The blacksmith shop had been constructed after Structure 1E. A stone foundation had been placed against the northern brick wall of 1E and on this foundation a single row of brick had been laid for the south blacksmith shop wall. Mortar had been used to fill in between the two walls, which were not interlocked. One to two inches of mortar fill was found between these walls. It is apparent that the two walls were not constructed as one wall and that the blacksmith shop wall was placed against the gunsmith shop wall.

Remains of the forge foundation were found connected to the inside of the north wall of the blacksmith shop. Part of the forge and north wall is missing. A pit had been excavated through both, destroying some of the archaeological evidence.

### *Curb*

Along the front of the house and parallel to the street was a stone curb (Map 2). It was 17 feet from Structure 1A. The upright stones were leaning slightly toward the street. On the street side, supporting stones had been placed to brace the upright stones. The curb on the opposite side of the street is 60 feet from the Browning curb.

At the Browning site the curb had been placed into and through the brick walk leading into the blacksmith shop. It had to have been placed after Browning had this brick walk built up to his shop. This stone curb, therefore, was placed either in the late Mormon period or after.

With the property line 8 feet from the house, and the curb 17 feet from Structure 1, the sidewalk in front of the house must have been 9 feet wide.

### *Structure 1G (Root Cellar and Summer Kitchen)*

Directly behind Structure 1E was unearthed a subterranean root cellar (Figure 5). The walls were constructed of limestone and possibly painted white. On the west end of the cellar was a stone bench 1.33 feet wide and nearly 3.5 feet high (Map 2). This bench might have been used to store crocks of milk or other foods requiring a cool atmosphere. This bench also gave support to the west wall and prevented Structure 1E from caving into the cellar.

The cellar had been constructed against the foundation wall of Structure 1E; therefore, it was built later than 1E and, by the

same reasoning, also later than 1F. The cellar was originally 13 feet by 11.25 feet, but an interior wall had reduced this dimension through later renovation.

*Interior Wall:* On the east end of the cellar several changes had taken place. One of these changes was a wall 1.66 feet wide running north-south 2.60 feet from the inside of the eastern wall. This wall was made of stone upon which brick had been laid. In addition, a single row of brick, which appears to be the remains of a staircase wall into the cellar, had been laid on the south side of the east wall and at right angles to it, extending to the interior wall. The bricks between the two walls were laid on dirt fill.

*Cooler:* On the north side of the staircase was a circular cooler. The wall of this cooler was two bricks thick with an overall diameter of 3.5 feet. This cooler probably was higher originally, extending up through the floor of a structure over the cellar.

Part of the east wall had been torn out in order to build the cooler, and a section of the east wall still runs through the cooler, demonstrating that the cooler had been built last. The high water table allowed the excavation of only 10 feet into the cooler.

*Fireplace:* The basal remains of a fireplace were located in the middle of the south wall. This indicates that above the cellar there was a second story, which could have been a kitchen.

### *Cistern*

The only cistern found is located at the southeast corner of Structure 1G and the northeast corner of Structure 1C (Map 2). It appears to be modern since the top of the cistern is above the historic grade and is constructed of brick and lined with cement. From top to bottom it is 10 feet deep.

### *Log House*

After Structures 1C and 1D were removed and the debris cleaned up, there began to be uncovered more foundation stones not aligned with those relating to the modern sections of the house (Figure 6). These stones were rectangularly aligned, relatively shallow, and were only one or two stones deep. These foundation stones are not sufficient to support a brick wall. They were possibly the foundation stones for log walls. This foundation measured 25 feet by 16 feet.

Shallow foundations could also indicate a frame structure, but since these stones date to the Mormon period, they could only be





*Courtesy of Nauvoo Restoration, Inc.*

Figure 6. Back of the Browning Site After Excavation, Showing the Foundations of the Log Cabin, Kitchen and Outhouse



the remains of the log house. No historical documents substantiate a frame structure except for the barn, and the barn would not have had a fireplace and a root cellar.

There are indications that the log house consisted of two rooms. In the southern room was found a large pit 10.5 feet by 6.5 feet. This suggests a root cellar with possible access through a trap door in the log house floor.

The fireplace stood next to the cellar in the east wall. When the cellar was dug, burnt stones were found laid neatly in an east-west direction in the hole. It appeared that the fireplace had been pushed over into the cellar from the east wall.

#### *Well No. 1*

East of the Structure 1C there is a well operated by a metal hand pump on top of a cement platform. This well has undoubtedly been modified in modern times, since it sits quite a bit above the historic ground level. The well itself is constructed of stone and possibly this section dates to an early time period (Map 2). The brick walk which extended completely around the house passed around both sides of the well.

#### *Outhouse No. 1*

Southeast of the log house was unearthed an outhouse 5.7 feet by 4 feet and 2.5 feet deep (Figure 6). The west foundation wall and part of the east wall were constructed of bricks, while the rest was constructed of limestone. There was a clean-out opening in the south wall.

This outhouse may not belong to the Mormon period since artifacts, such as green wine bottles and chemical bottles, recovered inside the structure generally date from the 1850s and 1860s.

#### *Well No. 2*

A second well was discovered south of Structure 1A (Map 2). This well was below the brick walk level and therefore earlier than the walk. What was left of the well was constructed of stone without mortar, or laid dry. The well opening was 2 feet in diameter.

#### *Structure 7 (Barn)*

Historical documents verify that there was a small frame barn on the Jonathan Browning property in 1846. What was probably



part of the quarried stone foundation for this structure was located west of the garage (Structure 6).

Unfortunately, only a very small segment of the foundation is still in its original position. Construction of the later garage and outhouses in the vicinity apparently destroyed the remainder of this foundation. All that can be said about the physical size of this structure is that it was 18 feet wide. There is a break in the foundation stone which may have been a front door; if so, then this door was approximately 6 feet wide and faced the street, or west.

### *Outhouse No. 2*

All that remained of this outhouse were the quarried stones of the foundation. Remnants of brick on top of the stone and a quantity of brick in the vault itself indicated that the upper structure had been made of brick.

The foundation measured 5.4 feet by 6.3 feet and 2.5 feet deep (Map 2). On the north side was a clean-out opening 1.35 feet wide. A large area containing artifacts similar to those found inside the vault lay just outside the clean-out area.

Artifacts within the vault were similar to those found in Outhouse No. 1 except that in No. 2 there was a higher percentage of earthenware artifacts. Most of these earthenware bowls and jars had brick-red pastes and were glazed, primarily on the inside.

### *Gravesite*

Just south of the southeast corner of Structure 6 an infant burial was unearthed. The child had been buried in a small rectangular hole 1.1 feet by 2.2 feet at a depth of 2.6 feet from the present surface. Burial might have been in a wooden box since two nails were found with the bones. The infant might have been wrapped in a blanket, because decayed fragments of green cloth were found with the remains, or the fragments might have been from the lining of the box or the clothing of the infant.

The age of the child might have been between newborn and six months. The bones were small and extremely decomposed. The long bones of the legs and arms were best preserved, as were a few vertebrae.

Finally, a series of other features were excavated which post-date the Mormon period. These later structures are the outhouses, the sheds, the fences, and the garage.

## SUMMARY

Of greatest interest in this article are those features which most likely belonged to the Mormon period (Map 3).

Archaeology has revealed that the original log house consisted of two rooms, the larger containing a stone fireplace and a root cellar. The fireplace was built in the east wall across from the root cellar. The smaller room may have been a bedroom.

To the outside of Structure 1A were discovered the basement entrance, a stone walk, and a well. Structure 1B was found to have had several features modified in post-Mormon times, such as the raised roof and the north wall. Inside under the floor were the remnants of a wall foundation, which was the south wall of Structure 1E, the gunsmith shop. Structures 1C and 1D clearly do not belong to the Mormon period, since they overlie the log house and have their foundations well above the historic ground level. Structure 1E could have been the area in which Jonathan Browning did the fine work on his guns. In addition, he might have sold parts, ammunition or other items in this shop. The only feature identified in this structure was a fireplace in the north foundation wall.

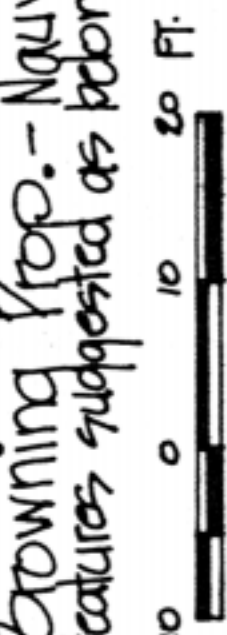
There can be no doubt that Structure 1F was the blacksmith shop. This fact is evident by the clinkers, metal fragments, and coal found on the floor, plus the foundation of a forge. More subtle features included a front and back door, plus a brick walk in front of the shop. Directly behind and attached to Structure 1E were the kitchen and storage cellar. This building had been modified by adding an interior wall, a cooler, and possibly a staircase. Built into the south wall were a fireplace and a basement window. There might have been another window in the north wall. Just outside the southeast corner is a cistern. This cistern may be in the location of an earlier cistern but seems a little far from the kitchen to actually belong to it. The present cistern is modern, as evidenced by its cement construction.

The barn lay to the northeast of the main house. Probably few, if any animals (other than a horse), were kept in it. It appears to have been the size of a carriage shed rather than of a barn. It is not wholly clear whether this was Jonathan Browning's barn.

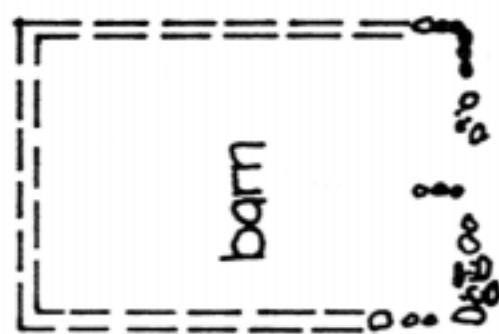
Well No. 1 might have belonged to the Mormon period. It was built of stone and later capped with cement for the placement of a hand pump. Outhouses nos. 1 and 2 might have belonged to the Mormon period. In both cases the artifacts date to the



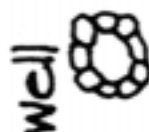
Jonathan Browning Prop. - Nauvoo - Ill  
 archaeological features suggested as belonging to Mormon period.



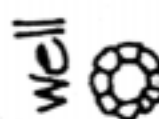
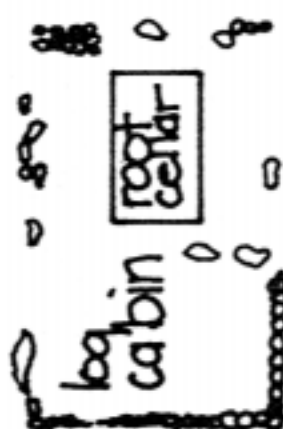
outbuilding



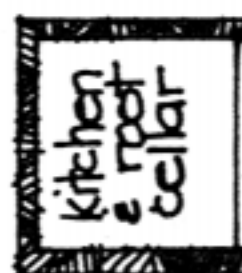
anvil post



outbuilding



stone walk



fireplace  
quernsmith shop



forge

bulkhead

living area

living area

brick walk

curb

Map 3.

1840–1860 period. There are differences in types of artifacts in the two. Outhouse No. 1 had many green wine bottles and chemical bottles, while Outhouse No. 2 had many earthenware bowls and jars.

Post-Mormon reconstruction was evident inside the existing buildings. Several changes had taken place outside also. Structures 1E, 1F, 1G, and the log house had been torn down. Still later the barn was removed and a garage and other structures were built. Through time nine outhouses and one well had been buried. In the late nineteenth century, possibly from debris of the destroyed structures, a brick walk had been built around the house.

Judging from photographic evidence, the modifications that took place outside occurred prior to the turn of the century. This premise is further substantiated by the fact that the house fell into disuse after 1916.

At present, all those features post-dating the Mormon period have been removed while those belonging to the Mormon period have been restored. The restored Jonathan Browning home (Figure 7) will very likely be among the larger homes restored in Nauvoo. It is a fitting monument to a great inventor, a faithful man and a Mormon pioneer.





Figure 7. Restored Structures of the Jonathan Brownign Site

*Courtesy of Nauvoo Restoration, Inc.*



# The Historians Corner

Edited by James B. Allen

The days surrounding the death of Joseph Smith were some of the most tense in the history of Mormonism. In this issue of "The Historians Corner" we depart from our usual pattern of publishing only short essays or documents, in order to allow space for Ronald K. Esplin's fine collection and commentary on the letters written by Vilate Kimball to her husband Heber C. Kimball during that fateful month of June 1844. These tender communications help us understand not only the powerful, deep emotions running through Nauvoo at the time but also other important aspects of life among the Saints.

Next, the short essay on the Amos Davis store is most significant for it supplies some important new information on the commercial life of Commerce, Illinois, as the Mormons were beginning to settle there. On the basis of such information any future histories must reinterpret the traditional views of the economic setting for the founding of Nauvoo.

Finally, there is a document, introduced by Steven G. Barnett, that provides an interesting sidelight on the aftermath of the *Expositor* affair.



## LIFE IN NAUVOO, JUNE 1844: VILATE KIMBALL'S MARTYRDOM LETTERS

Ronald K. Esplin

Many of the known descriptions of the murders of Joseph and Hyrum Smith are either reminiscences or simply recitals of fact intended to record the event for posterity. While useful, they lack the spontaneity and emotional immediacy of letters written in the charged atmosphere of the time. These important qualities are evident in two letters from Vilate Kimball to her husband Apostle Heber C. Kimball, absent from Nauvoo during the fateful month of June 1844. Vilate's letters provide a detailed view of the emotional and confused atmosphere in Nauvoo during the two weeks leading up to the murders, as well as give an insight into the impact on the city of the event itself. Heber C. Kimball's journal provides a different viewpoint as he writes from afar of his concern for his family in Nauvoo, of his reaction to the first rumors of the tragic event, and finally of what Vilate's letters meant to him.

In 1844, after concluding to become a candidate for President of the United States, Joseph Smith sent out from Nauvoo hundreds of preaching and electioneering missionaries. These included some of the Twelve, who were also to seek Congressional redress for past wrongs to the Mormons. On 21 May 1844, Heber C. Kimball, Brigham Young, and about forty others boarded the steamer *Osprey* to begin their journey to the Eastern States. Five days later, as they reached the foot of the Ohio Falls, Heber C. Kimball noted in his diary his concern for his family:

my dear Vilate how I would wish to speak a word of consolation to hur. Dear girl how much she suffers in hur mind. O my Father let peas enter hur brest. I ask it in the name of Jesus Christ thy Son Amen.<sup>1</sup>

Other entries also reveal how difficult for him the separation was. On 6 June, after arriving in Washington, D.C., he noted that

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<sup>1</sup>Heber C. Kimball Diary, 26 May 1844, Heber C. Kimball Collection, Historical Department of The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah; hereafter cited as Church Archives. Since all Heber C. Kimball quotations in the article are from his diary, where the text notes the date, no additional footnote will be provided. In some cases quotations have been edited according to the policy stated in footnote 4.

"when I see men and thare wives walking out two by two [from the Capitol] O that I had my dear Vilate with me, bless hur Heart Soul and body." Heber had left Vilate to care for their family of five children—four boys from one to thirteen years of age and sixteen-year-old Helen Mar. Their oldest child, William Henry Kimball, married to Mary Davenport, was also in Nauvoo and is mentioned in the letters. Because of his deep concern for his family, Heber prayed for them following a special pattern taught him by Joseph Smith:<sup>2</sup>

I clothed my self and offerd up the Sines of the Holy Preasthood—and called one the name of the Lord. He hurd me fore my heart was mad comfortable. . . . it was said my family was well.

Well might Heber have been concerned about his family in Nauvoo, for storm clouds were gathering there even as he and his associates departed. The press that printed the *Nauvoo Expositor*, which launched the series of events culminating in the assassination of Joseph and Hyrum Smith, was already in the city, and the grim work of the "opposite party" was already underway. Vilate began her letter Sunday, 9 June, while Heber was still in Washington. This was two days after the first and only number of the *Expositor* appeared, but the day before Joseph Smith and the city council, after careful deliberation, ordered the press destroyed as a public nuisance and saw that order carried out. The day following the destruction of the press, 11 June, Vilate commented on the event in a brief addition to her letter. From there, events moved swiftly as emotions mounted until by 20 June the Prophet Joseph resolved to send a letter asking the Twelve to return, a letter Vilate reported was never sent. Apostates and other enemies of the Church skillfully used the destruction of the *Expositor* to fan old hatreds and to take the law into their own hands. Convinced that

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<sup>2</sup>See Kimball Diary, 6, 7 June 1844. Beginning in 1842, Joseph Smith selected some of those men and women closest to him to meet in a quorum or group where he introduced temple ordinances and taught the priesthood order of prayer. This group served as a preparation for broader temple work, and after the completion of the Nauvoo Temple, as more members received endowments, this limited participation was expanded into a number of prayer circles. Such groups meeting in early Utah proved spiritually rewarding and provided close bonds of fellowship. During Joseph's lifetime, this select group met periodically to pray and receive instruction from the Prophet. Those like Heber C. Kimball, who had received those ordinances, had the right to call upon the Lord following the pattern that Joseph Smith taught them. This Heber did. Participants in this group enjoyed a special feeling of priesthood power and access to God. Meeting together they felt they could call down the blessings of heaven with authority. In this spirit it was suggested that the quorum meet to pray for a change in the weather, as Vilate recorded in her first letter. For further comments on prayer circles, see D. Michael Quinn, "Latter-day Saint Prayer Circles," *Brigham Young University Studies* 19 (Fall 1978):79-105.



they could not get a fair trial in the heated emotionalism of Hancock County, Joseph and Hyrum concluded to flee, and during the night of Saturday, 22 June, they crossed the river into Iowa. The events that followed were reported by Vilate when she finished her letter on 24 June.

One of the significant insights provided by this letter is Vilate's view of the impact on the Church of the Prophet's crossing to Iowa and what prompted his return. According to the traditional account, "It was the strong persuasions of Reynolds Cahoon, Lorenzo D. Wasson, and Hiram Kimball, who were carrying out Emma's instructions, that induced Joseph and Hyrum to start back to Nauvoo."<sup>3</sup> Vilate's letter shows that fear was widespread after Joseph left. If Emma felt deserted and her faith failed her, it was not without reason, and she was not alone. The letter reports Illinois Governor Thomas Ford's threats that the city would remain "suspended on so many caggs of powder" until Joseph gave himself up.

Nauvoo June 9th 1844.

My Dear Companion,<sup>4</sup>

It is one week yesterday since I closed a letter to you. Although I have not spoken to you for a week, yet you have not ben out of my mind many moments at a time when I was awake; and when I am a sleep I often dream about you. I dreamed last night of being in Victor at Nathaniels with you. I thought we were very happy. I hope this will prove a true dream. Nauvoo never was so lonesom since we lived here as it is now. I went to meeting last sunday for the first time since Conference. I was so home sick the moment I got there, I should have turned rite about and came home a foot if I had not ben afraid it would make me sick. Joseph, Hiram, nor any of the twelve was there. Noah Packard preached and you may be sure I was glad when he got through. When I got home I found a man here from Fort Madison after a girl; Jennett went with him. His name is Webster, he said he was acquainted with you. I hope she will do well. The next day Backenstauce from Carthage<sup>5</sup> came after

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<sup>3</sup>Joseph Smith, Jr., *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2nd ed. rev., 7 vols. (Salt Lake City: Deseret News, 1932-51), 6:552.

<sup>4</sup>Spelling and grammar remain as in the original. Paragraphing, capitalization of proper and geographical names and the first word in each sentence, and some periods to denote the end of sentences have been supplied to improve readability. Winslow Whitney Smith donated a photocopy of this letter to the Church Archives when originals of it and other Kimball documents were presented to Spencer W. Kimball, a descendant of Heber C. In his 1888 *Life of Heber C. Kimball*, Orson F. Whitney quoted from part of this letter, although with a few slight omissions and changes. Some sentences were rephrased, for example, for smoother literary style.

<sup>5</sup>"Backenstauce" was Jacob B. Backenstos, an original "Jack-Mormon" or friendly non-Mormon who, as sheriff of Hancock County, risked his life to defend the Saints against unlawful mob actions.

her, seemed disappointed that she was gone—this was monday last. I heard in the morning that Sarah<sup>6</sup> was sick ahead the day before. I went over to Br Nobles<sup>7</sup> to see if he would take his wife and I up to see her towards night. He said he would, and accordingly did. We found her much better. She had had a turn of the nurses headache. I tried to have her come home with me, but she said she would wait till she felt better, then she would come and stay several days. I expect her this week.

Br. Nobles is very kind. He knows I am not able to walk much, he has invited me to ride with them several times. Yesterday he took his wife and I, down to Hibberds after cherries. They charged 10 cents a quart for what we brought home, but gave us what we wanted to eat. I bought 3 pints, and I believe I eat as many more, so I did not begrudge the money. I have had one mess of green peas. I bought 4 quarts at 4 cents a quart, when I got them shelled I had 3 gills. This was paying dear for whistle, or the peas, but I do not begrudge myself any thing that I can eat now days, and I know that you don't nor never did. My health is very poor, my stomach loaths almost everything. I am so sick and faint that I cannot set up a good deal of the time. There is a cause for this, which cause you will no doubt rejoice in. A hint to you, is sufficient.<sup>8</sup> William and Mary started for Ramus yesterday. I don't know whether they can get there on account of the bad roads and high water. The weather continues cold and wet. Br Whitney called here to day, said he had been talking with Doctor Bernhisel.<sup>9</sup> He thought the quorum had better get together and pray for the rain to be stayed, or we should all be sick.<sup>10</sup>

June 11th William and Mary got home yesterday. They went to her Father's, but could not get to Ramus. The bridges are all washed away in every direction, so that there is no passing nor repassing. I am sorry, for I was in hopes he would get that cow. But I do not know as we shall want cows or anything else here much longer. Nauvoo was a scene of confusion last night, some hundred of the Brethren turned out and burned the printing press [the *Nauvoo Expositor*], and all the apparatus pertaining to the office of the opposite party. This was done by order of the City Council. They had only published one Paper, which is considered a public nuisance. But I don't know whether it will be considered so in the eyes of the Law or not. They have sworn revenge, and no doubt they will have it.

June 24th My Dear Dear Husband, various have been the scenes in Nauvoo since I commenced this letter, I should have sent it before now, but I have been thrown into such confusion I knew not what to write. This is not all. The mails have not come regular, either on account of bad roads and high water or

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<sup>6</sup>It is probable that Sarah was Sarah Noon, second plural wife of Heber C. Kimball by whom he already had one child. See Stanley B. Kimball, "Heber C. Kimball and Family, The Nauvoo Years," *BYU Studies* 15 (Summer 1975):465, 467-68. Family group sheets indicate Sarah Noon Kimball was born 14 June 1801 and died 20 June 1868 in Utah. See also Donna Hill, *Joseph Smith, the First Mormon* (Garden City, N.Y.: Doubleday, 1977), pp. 347, 355.

<sup>7</sup>"Br Nobles" was Joseph B. Noble, a Nauvoo bishop and bodyguard of Joseph Smith.

<sup>8</sup>Vilate is expecting. Brigham Willard Kimball was born in Nauvoo 29 January 1845.

<sup>9</sup>"Br Whitney" was the prominent Bishop Newel Kimball Whitney, whose family was close to Joseph Smith and to the Kimballs. Dr. John Bernhisel, a politically active member of the Church, defended Joseph and the Church before civil officials. Both Whitney and Bernhisel belonged to the quorum described in footnote 2.

<sup>10</sup>See fn. 2.



less they are stoped by mobs. I have not had a letter from you since the one you wrote back by the Ospry. I know your anxiety to hear from us must be very great, as you will no doubt hear of our trouble by report. Nothing is to be heard of but mobs collecting on every side. The Laws and Fosters,<sup>11</sup> and most of the decenting [dissenting] party with their Families left here a day or two after their press was destroyed. They are sworn to have Joseph and the city council, or exterminate us all. Betwene three and four thousand brethren have ben under arms here the past week. Expecting every day they would come, the brethren were calld in from all the branches round to help defend the city. Joseph sent word to the Governor if he and his staff would come here, he would abide their desision. But insted of his comeing here, he went to carthage, and there walked arm and arm with Law and Foster, untill we have reason to feer he has cought their spirit. He sent thirty men in here dabefore yesterday to take Joseph and sent him a saucy letter, saying if these could not take him thousands could. He ordered the troops here to deliver up their arms, and dispers.

Yesterday morning (although it was sunday) was a scene of confusion. Joseph had fled and left word for the brethren to hang on to their arms and take care of themselves the best way they could. Some were tryed almost to death to think Joseph should leve them in the hour of danger. Hundreds have left the city since the fuss commenced. Most of the merchants on the hill have left. I have not felt frightened amid [it all] neither has my heart sunk within me, untill yesterday, when I heard Joseph [wrote] and sent word back for his family to follow him, and Br Whitneys family were packing up, not knowing but they would have to go, as he is one of the city council. For a little while I felt bad enough, but did not let any body know it, neither did I shed any tears. I felt a confidence in the Lord, that he would presurve us from the ravages of our enemies. We expected them here to day by thousands but before night yesterday things put on a different aspect.

Joseph went over the river out of the United States, and there stoped and composed his mind, and got the will of the Lord concerning him, and that was, that he should return and give himself up for trial. He sent a messenger imediately to Carthage to tell the Governor he would meet his staff at the big mound at eight oclock this morning in company with all that the ritt demanded. They have just passed by here, on their way thare. My heart said Lord bless those Dear men, and presurve them from those that thirst for their blood. Their giveing themselves up, is all that will save our city from destruction. The Governor wrote if they did not do so, our city was suspended upon so many caggs of powder, and it needed only one spark to tulch them off, so you can see how he feels. What will be the fate of our dear Brethren the Lord only knows, but I trust he will presurve them. If you were here, you would be sure to be in their midst. Thiss would increase my anxiety of cors.

Now I must tell you the fluctuation of mind I have had about going to

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<sup>11</sup>The Laws and Fosters, apostates, were leaders of the "opposite party." William Law, the foremost apostate, had served as a counselor to Joseph Smith, and his brother Wilson Law had been a general in the Nauvoo Legion. Along with Robert D. Foster and Charles A. Foster, the Law brothers and three others served as publishers of the *Expositor* and were well known as bitter enemies of Joseph Smith and the Church.

met you. I saw Br Adams<sup>12</sup> a week ago last saturday. He told me he had ben detained so long here, that he had concluded to take his wife with him when he went. Said if Helen and I would go with them, he would agree to take us to you. Said he had no money but he was acquainted with the captains of the different boats, and he could go to Sincinato [Cincinnati] without money, and there he could get what he wanted. He calculated then to be here last friday and stay untill to morrow when we were to start on the Ospry. I saw no prospect of going at all unless I took up with his offer. I asked council of Br Whitney and others. They all advised me to go, so I went to makeing redy with all posable speed. But it was not three days before I heard they were agoing to write for the twelve to come amediately home. I saw Joseph passing by, and went out and asked him if it was so. He said yess, there was a prospect of trouble and they wanted you here, and you would want to be here. He also said you promised to return amediately and fetch him that money.

I came in feeling so disappointed that I could not help but shed some tears about it. Br Richards<sup>13</sup> soon came along and told me to cheer up, said he did not aprehend any danger. Said he, hold on a few days, we shall not write yet at any rate, so I took courage again, but it was only to meet another disappointment. He called her[e] last friday. Told me he had just dispatched a messenger with letters to all the twelve to come amediately home, and fetch all the forse with them, that they could raze. Thiss mesenger was to take the first boat and go down to St Lewis before he mailed them, as it is no use to mail them here. I knew nothing but what they were gone, untill Br Adams told me saturday evening, that was all counteracted and the mesenger did not go. They had concluded not to send for you, and said he, perhaps we shall go yet. That is the last I have seen of him. He preached here yesterday, and started for home last evening. I understand he has another mission appointed him. So I see no prospect of going east at present, although I never had stronger faith about any thing in my life. I have no desire to go and leve the children unless the excitement should wholly subside, which I do not believe it will at present.

[Upside down, first page] My page is full, and I can only say may the Lord God bless and presurve us all to met again. I believe he will. The children all send love and glad wishes to their dear Father.

Sarah has ben here and spent a week with me. She is usually well, and not much frightened. Justen Jonson is agoing to take this over the river and mail it for me, so fare well my dear.

V. Kimball

Concerned about leaving his family in a troubled Nauvoo, Heber had discussed with Vilate the possibility of her meeting him in the East, something they both wanted. Praying about this possibility on 7 June, Heber recorded that he got a "testamony that Congress would not do anny thing fore us at all, and that my wife would come to me in the East." He wrote Vilate of this, and

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<sup>12</sup>George J. Adams.

<sup>13</sup>Willard Richards.



she commented on it near the close of her next letter. It seems likely, however, that in his great desire to have Vilate with him, Heber mistook a general feeling of peace and reassurance about his family for specific confirmation that his desire to have her nearby would be granted. Three days later he again prayed and received a different impression:

O Lord bless my dear family and give them Health and peas. and let thy Servent Heber see them all in the flesh again.... I cald on the Lord in the proper way. The answer was to me that congress had not got it in thare hearts to do the first thing fore this people, also my Family ware all well and that they all should be till I should return.

Heber and his brethren first heard of the death of Joseph and Hyrum Smith on 9 July in Salem, Massachusetts. "The papers ware full of News of the death of our Prophet," he noted. "I was not willen to believe it, fore it was to much to bare.... it struct me at the heart." One of the reasons for disbelieving the rumors was that letters from home indicated that "up to the 19[th of June] Joseph was clean out of the Hands of the mob."<sup>14</sup> Finally in Baltimore on 12 July, after several unsettling days of bewilderment, Heber and Lyman Wight concluded to ask the Lord the truth of the matter. For Heber the answer to that prayer lay with the arrival of Vilate's letter.

Elder White [Wight] and my Self went in to our closet and offerd up the singhn [signs] and praied that we might get some definite news pertaining [to] the death of the Prophets. Toards night one of the Brethren went to the office and got one leter from my wife up to the 24 which day He gave Him self up in company with Hiyrum, [Willard] Richards and J Tailor three days before they ware killed. This leter satisfide us that the Brethren ware dead. O Lord what feelings we had.

The following day Heber and some of the others traveled to Philadelphia, where they read a letter from Kentucky "that gave us the pearticulers of the death of our brethren." The next day was Sunday, and they "red the news to the saints. Great sorrow prevailed and [the branch members] agreed to dress in morning [mourning]. O Lord How can we part with our dear Br. O Lord save the Twelve." Monday Jedediah Grant arrived after two weeks

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<sup>14</sup>See Kimball Diary, 12 July 1844. He had received an earlier letter that Vilate mentions having written but that has not survived, as well as a letter from his plural wife Sarah.

on the road, bringing much-desired information and no doubt relieving Heber about his family by reporting that in Nauvoo "things are composed."

By 19 July Heber C. Kimball was back in Boston, where he "found Elder B Young, Hide [Orson Hyde], O Pratt, and W. Woodruff, and felt Sorrifull fore the Loss of our Prophet and Patriarch." On that day they met in council, concluded to return to Nauvoo without delay, and prepared a letter for publication in the East

advising the Elders who have families in Nauvoo to go immediately to them & for all the authorities of the Church to assemble at Nauvoo for a council, by order of the quorum of the Twelve.<sup>15</sup>

Heber C. Kimball and Brigham Young waited in Boston for Lyman Wight, who did not arrive until 23 July, and on the twenty-fourth, the same day that George J. Adams arrived with the following letter from Vilate, they left for Nauvoo.<sup>16</sup> Vilate began this letter only six days after closing the previous one, but in the interim grief and fear settled over the city in the wake of the tragedy.

Nauvoo June 30th 1844

My Dear Dear Companion

Never before, did I take up my pen to address you under so trying circumstances as we are now placed, but as Br Adams the bearer of this can tell you more than I can write I shall not attempt to discribe the scene that we have passed through. God forbid that I should ever witness another like unto it. I saw the lifeless corpes of our beloved brethren when they were brought to their almost distracted families. Yea I witnessed their tears, and groans, which was enough to rend the heart of an adamant. Every brother and sister that witnessed the scene fe[lt] deeply to simpathyze with them. Yea, every heart is filled with sorrow, and the very streets of Nauvoo seam to morn. Whare it will end the Lord only knows.

We are kept awake night after night by the alarm of mobs. These apostates say, their damnation is sealed, their die is cast, their doom is fixed, and they are determined to do all in their power to have revenge. Law says he wants nine more, that was in his quorum. Some time I am afraid he will get them. I have no doubt but you are on[e]. What makes me feer, is from a circumstance that took place when the legion was first called out to defend the city. There was several Drums found with blood on, no one could account for it. They examined to see how many there was, they found tenn, and while they were examining the eleventh there came a large drop on that. Wm has seen them; he

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<sup>15</sup>Wilford Woodruff Diary, 18 July 1844, Wilford Woodruff Papers, Church Archives.

<sup>16</sup>Heber recorded on the twenty-fourth that "Elder Adams Brought me two leter[s]. One from my wife June 30." That letter is available in photocopy in the Church Archives; original in private possession. Editing procedure is the same as for the first letter, footnote 4.



says with all the drums have ben used the blood is yet plain to be seen. He has got two if he gets the nine more it will make eleven.<sup>17</sup> But I try to submit all things into the hands of God.

I have felt oposed to their sending for you to come home at present and did not know as they would untill brother Adams called here a few moments ago, and told me he should start in about too hours. If I wanted to write I must send it to the mantion house within that time. So I have not time to say much, neither is it nesaceray as he can tell you all. My helth is geting better, the children are all well. I mailed a letter to you last monday directed to Baltimore. The letters you sent from Washington all came to gather last wedensday, and a paper. The mail has not ben in before for fore weeks. The letter you sent from Pitsburg I have never got. When I red your pressing invitation for me to meet you, and that you had got a witness that I should do so, I again took courage that some door would open that I should yet go. But Alass my hopes are all blasted. My constent prayer now is, for the Lord to presurve us all to meet again. I have no doubt but your life will be sought, but may the Lord give you wisdom, to escape their hands. My time is up to send this, so you must excuse me for I have writen in a great hurry and with a bad pen. The children all remember you in love. Now fare you well my love till we meet, which may the lord grant for his sons sake Amen.

Vilate Kimball

Heber remained disquieted about his family. His journey home was marked by sadness for the loss of his brethren and uneasiness over conditions in Nauvoo. "O Lord bless my dear Vilate and my dear children and all my friends," he wrote at one point as they hurriedly traveled homeward.<sup>18</sup> The night before they arrived at Nauvoo, Heber "dremt of my wife. When we got to Burlington sevrel come on bord [the river steamer] that knew us. Landed at Nauvoo at dusk. Found my family all well."<sup>19</sup>

By 6 August Nauvoo was peaceful, at least temporarily, and for a time Vilate had no need to fear that Heber would follow Joseph and Hyrum to an early grave. The Saints, following the counsel of Willard Richards and John Taylor, had not tried to avenge the tragedy by violence, and many of their enemies kept quiet in fear of an armed retribution that never came.

If the city was peaceful, it did lack direction, and the Twelve immediately set themselves to establish control and build on the foundation Joseph had left. While not without challenge, their

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<sup>17</sup>Writing one day later than Vilate, Sally Randall also comments on the rumors that "thare is nine more thay are determined to have, and when it will end I dont know." See Sally Randall to Family, 1 July 1844, Church Archives.

<sup>18</sup>1 August 1844.

<sup>19</sup>6 August 1844.

leadership was vigorous and successful, and Heber and Vilate might long have remembered the peaceful interlude and prosperity of the next few months. Perhaps Heber himself recorded it best in a letter to William Smith just a few months later:

As regards matters here, all goes well. There never was more union in the Church then at the present time. . . . For the Saints here in the City of Nauvoo and in the regions round about have their confidence in the Twelve as a body, and in those that are placed to lead them. . . . And this is increasing daily to the astonishment and surprise of every one. For there is a spirit now existing in our meetings that a person can scarcely enter them before there is a spirit of love and union that overwhelms their minds, which draws tears of joy in floods from their eyes.<sup>20</sup>

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<sup>20</sup>Kimball to William Smith, 9 January 1845, William Smith Collection, Church Archives.



## THE ACCOUNT BOOKS OF THE AMOS DAVIS STORE AT COMMERCE, ILLINOIS

T. Edgar Lyon

During the summer of 1965, while working as research historian for Nauvoo Restoration, Incorporated, I located in the University of Chicago Library an old store ledger identified as an 1839 Illinois merchant's account book from Commerce. The cover was missing, as well as pages at the front and back of the book and several other pages. A quick perusal of the accounts indicated this was indeed a ledger from Commerce, Illinois, as I recognized a dozen or more names of pre-Mormon residents along with a score or more of Mormons who began to arrive there after May 1839.

Only two stores were known to have operated at Commerce. One of these was run for a short time by Hiram Kimball. In 1836 he had purchased a lot in Commerce, and the following year he secured a franchise to operate a mercantile business there. Some time in the fall of 1836 Amos Davis, like Kimball a native of Vermont, arrived at Commerce. During that winter he married Elvira Hibbard, daughter of one of the original land patentees in the area, and in February purchased two lots from Kimball. It is possible that Kimball, who by that time was getting involved in real estate transactions, was desirous of getting out of the mercantile business and may have employed Davis in his store. By April 1838, Davis had either purchased Kimball's mercantile business or had established his independent store, since he secured a license to operate a store and Kimball did not renew his license. Kimball appears as a customer, with a rather large account, in the 1839 ledger. It thus seemed quite conclusive that the record at Chicago was the ledger of the Amos Davis store.

Positive proof of this conclusion was possible by comparing the information in the ledger with entries in a leather-bound book in the Western Americana Division of the University of Utah Library, in Salt Lake City. On the spine of this book is the word "Journal," stamped in gold. Inked on the front cover is the name

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T. Edgar Lyon was senior research historian for Nauvoo Restoration, Inc. This report for the Historians Comer was in preparation at the time of Dr. Lyon's recent death. The unfinished manuscript has been completed for publication by Glen M. Leonard, senior research historian with the Historical Department of The Church of Jesus Christ of Latter-day Saints.

of Amos Davis's store. This book contains daily sales information—both cash and credit—dating from 15 May 1839 to 18 October 1842. It is what was commonly spoken of as a "Day Book" or "Place Book." Entries in such a book were customarily transferred regularly to a ledger, where accounts were maintained for steady customers. In the left margin of each page of the Day Book now at the University of Utah the bookkeeper entered an account number as he transferred the credit transactions to a ledger. Each item so numbered in the Day Book is found in the 1839 ledger at the corresponding page number. Furthermore, pages missing from the ledger can now be reconstructed using the Day Book located in Utah.

The University of Chicago Library obtained the Amos Davis Ledger when it purchased part of the Herbert S. Auerbach Collection offered for sale at the Parke-Bernet Galleries in 1947. Presumably, the University of Utah obtained its half of the financial pair from the same source.

One of the important insights available to the student of Nauvoo history through a study of the Day Book and ledger of the Amos Davis store at Commerce is a better understanding of the extent of settlement in that area. A description in Joseph Smith's *History of the Church* (3:375) identifies only six buildings within the confines of the town of Commerce and four outside the town, downstream, for more than a mile and a half—a total of ten buildings "in that vicinity." It implies that these residents were living as isolated families in a virtual wilderness. This raises some serious questions, for ninety-five heads of families had credit accounts on Amos Davis's store ledger before the Mormons arrived there in 1839. Where did they live? If "the land was mostly covered with trees and bushes and much of it so wet that it was with the utmost difficulty a footman could get through and totally impossible for teams," how could customers reach Davis's store?

We know that for nine years the weekly mail coach had been delivering mail from Carthage over the Carthage (sometimes referred to as the Macomb) Road, with no more difficulty than was usually experienced at that time in traveling muddy roads on the prairies. During the early part of 1839, before the arrival of the Mormons, dozens of farmers had been delivering wheat and corn to the store in Commerce in payment of their purchases, so there must have been farms operating within a reasonable distance and wagons hauling the products to the store and returning to the farms with the goods received in exchange.



The study of the Hancock County Deed Records of the Commerce vicinity by Rowena J. Miller (of Nauvoo, Inc.) makes it possible to locate most of the ten structures referred to in the *History*. These were scattered along the banks of the Mississippi for more than a mile and a half. That section was forest and thicket, as described in the *History*. But inland a quarter of a mile or less was farmland, some of which had been farmed by Indians for a half century before the first white settlers arrived at the Commerce site. It would have been difficult to walk and impossible to drive a team through the forests to get to the Davis store or post office, but not impossible to drive wagons northward to the Carthage Road and then westward to the town of Commerce on the banks of the river. The traditional description of the Commerce area along the river bank has erroneously led us to believe that those few homes were the entire settled part of the Nauvoo peninsula. An analysis of the Amos Davis account books and related records allows us to expand our horizon.

## WILSON LAW: A SIDELIGHT ON THE *EXPOSITOR* INCIDENT

Steven G. Barnett

A Nauvoo newspaper born on 7 June 1844 lived for only one issue, but it had far-reaching effects on the Church, culminating in the death of the Prophet Joseph Smith and his brother Hyrum. The *Nauvoo Expositor* was the product of some then recent apostates from the Church at Nauvoo, who claimed disenchantment with Joseph Smith's political views, the practice of polygamy, and other issues.<sup>1</sup> On 10 June 1844, the city council, acting under its charter, declared the *Expositor* a "public nuisance" and ordered its abatement. This order was carried out by the marshal with the assistance of the Nauvoo Legion. The editors later made complaint before Justice of the Peace Thomas Morrison in Carthage, Illinois, against Joseph Smith<sup>2</sup> and other members of the city government on the charge of riot. It was while the Prophet and the others were answering this charge in Carthage that the two Smith brothers were thrown in jail on a new charge of treason. Two days later they were murdered by a mob.

One of the *Expositor* editors, Wilson Law, filed a deposition in 1848 at the trial of his former associate, Robert D. Foster, for embezzling school funds.<sup>3</sup> The deposition, which has been recently found, details the dissidents' account of the destruction of the press and their activities a few days thereafter. Although the bitter anti-Mormon bias of the deponent should be considered, the account is important for what it reveals of the whereabouts of the Laws and Robert D. Foster in the crucial period between the destruction of the newspaper and the death of Joseph and Hyrum Smith on 27 June 1844. It also records the *Expositor* affair through the eyes of one of its apostate editors as well as sketches an interesting tale of life on the Mississippi in the 1840s. The original,

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Steven G. Barnett is a collector of original historical documents.

<sup>1</sup>The editors of the *Expositor* were William Law, a former member of the First Presidency; his brother Wilson Law; Francis M. and Chauncey L. Higbee, brothers; Robert D. Foster and Charles A. Foster, brothers; and Charles Ivins.

<sup>2</sup>Joseph Smith was then mayor of Nauvoo, having succeeded John C. Bennett in 1842.

<sup>3</sup>The embezzlement case against Robert D. Foster was continued from the April 1848 term of the circuit court to the September term. The case was not prosecuted by the state's attorney when it was resumed on 16 September 1848.



which is in this writer's personal collection of historical manuscripts, is presented below in its entirety.

Deposition of witnesses taken in a cause pending on an indictment in the Circuit Court of the County of Hancock and State of Illinois are Plaintiff and Robert D. Foster is defendant.

Wilson Law of lawful age disposes and says—

Question—

State all you know about said Robt. D. Foster in the summer of 1844.

Robert D. Foster kept his books and school papers in the printing office of the Nauvoo Expositor in Nauvoo. On the 10th of June 1844 said Foster, Wm Law and myself returned from Carthage and stopped at said Foster's house. We found the family all confusion and alarm and learned that the printing office and every thing that was in it was destroyed. Said Foster immediately exclaimed that he was ruined, that they had destroyed his school papers. His lamentations all that night was the loss of his private and school papers. We then found that our lives were in danger and I sent to Fort Maddison and provided a steam Ferry Boat and we commenced loading everything we could on it and on the 12th of June we found it impossible to remain any longer and I advised said Foster to take his Buggy and horses and proceed up the river by land and we would get the boat away as fast as we could and take him on board when we got past the city limits. The mob was then collecting determined to take our lives. Said Foster his wife and child left in his Buggy and drove up some two or three miles above the city and was only able to make his escape by driving as hard as he could and leaving nearly all his property behind him, nearly all of which was afterwards destroyed by the mob. We left in the boat and took Foster and his family on board some two or three miles up the river. It was a very stormy and rainy night and the cabin was very small and very much crowded. At Maddison three persons came on board to work their passage, as they said, to Burlington. After we made a bend in the River after night the cabin became so full of smoke and steam that the persons in it could not remain any longer. Mrs. Foster was sitting on a chair and had her reticule hanging on the back of her chair. After we had all left the cabin, I saw one of the men who had got on the boat coming out of the cabin and the other two standing near. I remarked this to said Foster and we went into the cabin. Mrs. Foster also came in and felt for her reticule and found it, cried out it was robbed and putting her hand in it said her money and Jewelry was gone. Foster asked if the money he gave her was in it. She examined it and found it was gone too. Foster exclaimed I am now ruined indeed. I gave you the school money and all my money to keep and now it is all gone and my school papers burned and all lost, stating that in the hurry of starting he had given his wife all the money that he had thinking it would be more

safe with her than with himself and she had put it in her reticule and now all was lost. He was ruined for ever and many such exclamations as these. Indeed he appeared almost distracted and could scarcely be kept from shooting the man that I saw come out of the cabin. We found the three men and had them searched but found nothing and Foster and myself took a light and searched the boat but found nothing. The captain put the men on shore after some time. When we arrived at Burlington we watched every thing that was taken off the boat but found nothing. The captain then searched the boat and under one of the beams connected with the engine he found some of the Jewelry which was shewn to Mrs. Foster and recognised by her. She said it was hers but not near all of it. The box that the Jewelry was in and the money was not found. Said Foster was almost distracted and his lamentation was that he had lost his school money & school papers and was left without funds to pay it, but that he would as soon as he could raise the means to do it.

And I am well satisfied that he was robbed that night and that the papers were destroyed when the printing office was destroyed. The above statement I believe to be true and correct according to the best of my knowledge and recollection.

Wilson Law

State of Pennsylvania  
Mercer County

I Thomas T. Cunningham a justice of the Peace in and for said county do hereby certify that the above named witness, Wilson Law, appeared before me at my office in the Borough of Mercer on the 22nd day of August A.D. 1848 and after being by me duly affirmed did dispose the foregoing deposition which is in his own proper handwriting and signed by him in my presence. In witness thereof I have hereunto set my hand & seal at Mercer this 22nd day of August 1848.

T. S. Cunningham



# Notes and Comments

## JAMES ARLINGTON BENNET AND THE MORMONS

Lyndon W. Cook

Of the three Bennetts who crossed paths with Joseph Smith during the Nauvoo period, the one who spelled his name with only one "t" has almost succeeded in escaping the attention of Mormon scholars.<sup>1</sup>

Born in New York, James Arlington Bennet was proprietor and principal of the Arlington House, an educational institution on Long Island.<sup>2</sup> Usually remembered as Joseph Smith's first choice as Vice-Presidential running mate in the 1844 Presidential election, Bennet began association with The Church of Jesus Christ of Latter-day Saints through John C. Bennett about 1841. After several exchanges of correspondence, John C. Bennett was instrumental in appointing James Arlington Bennet inspector-general of the Nauvoo Legion on 12 April 1842, and ten days later he bestowed upon Bennet an honorary Doctor of Law degree from the University of Nauvoo.

An apparent unscrupulous opportunist, Bennet had fantasies which included fame as an author, governor of Illinois, general of the Nauvoo Legion, and successor to Joseph Smith.<sup>3</sup>

Bennet did join the Church in 1843, but his motives were not founded on faith. He later described his baptism as a mere "frolic in the clear blue ocean."<sup>4</sup> Joseph Smith's friendly correspondence

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Lyndon W. Cook, a research historian, teaches part time for the College of Religious Instruction at Brigham Young University. He is indebted to Dr. J. Keith Melville and the Department of Government, BYU, for research funds to study James Arlington Bennet.

<sup>1</sup>The other Bennetts were John Cook Bennett, mayor of Nauvoo, and James Gordon Bennett, editor and publisher of the *New York Herald*.

<sup>2</sup>Bennett was born in New York in 1788. Although he informed Joseph Smith that he was born in Ireland and therefore was ineligible to be Vice-President of the United States, James Arlington Bennet was born after his parents immigrated to America in June 1788. (See 1850 Federal Census of New York and James Arlington Bennet to Willard Richards, 14 April 1844, Archives of the Historical Department of The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah; hereafter referred to as Church Archives.)

<sup>3</sup>Emma Smith, in 1870, referred to Bennet as the "old arch hypocrite" (see Emma Smith to Joseph Smith, III, 21 January 1870, Chicago Historical Society).

<sup>4</sup>James Arlington Bennet to Joseph Smith, 24 October 1843, cited in *Times and Seasons* (1 November 1843), p. 371. Bennet wrote: "You are no doubt aware that I have had a most interesting visit from your most excellent and worthy friend President B. Young, with whom I have had a glorious frolic in the clear blue ocean; for most assuredly a frolick it was, without a moment's reflection or consideration." (Ibid.) Bennet was baptized by Brigham Young 30 August 1843, at Coney Island. (See Joseph Smith, *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 7 vols. [Salt Lake City: Deseret Book Company, 1932-1951], 5:556.)

with Bennet seems to have stemmed from the New Yorker's offer to use his influence in allaying public sentiment against the Mormon people.

In October 1845, when Bennet visited Nauvoo, he notified Church leaders of his intentions to "cross the Rocky Mountains" with the Saints. But after Brigham Young refused to appoint him head of the Nauvoo Legion, Bennet returned to New York. Still unable to leave Mormonism alone, Bennet corresponded with Brigham Young after the Mormon exodus to the Salt Lake Valley. Bennet apparently envisioned a militarily strong Mormon empire which would demand respect and with which the powers of the world would have to reckon. Mormon leaders in Utah, however, paying little attention to Bennet, refused to reply.<sup>5</sup>

The following letter was written by James Arlington Bennet to Joseph Smith, III, within weeks after the latter assumed the presidency of the Reorganization. In the letter Bennet applauds young Joseph's announcement, condemns plural marriage, offers his influence in building the new church, and proposes a general creed for the movement.

New York May 6, 1860<sup>6</sup>

My dear Joseph, the Son of my old friend I most sincerely assure you that your Manifesto<sup>7</sup> pleases me extremely. Had the principles you announce been adopted & adhered to by Brigham Young & associates the Mormons would at this day and before this day have been a great people. When I went to Nauvoo some years since the only family of respectability I found then was that of your own mother.<sup>8</sup> I was admitted in no where else excepting at the tavern & the residence of the late Dr. Richards.<sup>9</sup>

Your placing yourself at the head of the Mormon Reformation is a matter I approve of and in that position I think you will be supported by all mormons who love Christian doctrines and Christian practice founded on the Bible as well as the Book of Mormon, and who wish to avoid the curse & disgrace of the plurality of wives in a community like ours. The old Sects are fast going to the devil from hypocrisy & vice so a new people like the Mormons must take their place. The Jews have fallen, the Anabaptists have fallen, the Turks are fast going dying out, the pope & his dupes are fast disappearing before the progress of Society & intelligence of the age, and the other Sects are getting fouler every day so that a new dispensation is absolutely necessary for the good of mankind. But I have letters from your father the Prophet leaving me his mantle & his blessing just before his death. This mantle I can throw over you

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<sup>5</sup>Bennet letters to Brigham Young are in Church Archives.

<sup>6</sup>The original, owned by the Reorganized Church of Jesus Christ of Latter Day Saints, is located in the Auditorium, Library-Archives, Independence, Missouri. Published by permission.

<sup>7</sup>Announcement of intent in April 1860.

<sup>8</sup>Emma Smith.

<sup>9</sup>Willard Richards.



as his legitimate heir to the Spirit of Prophecy. I have the talisman<sup>10</sup> in his head which seals this letter.

I am not aware what property you have in Nauvoo nor indeed do I know whether you live in Nauvoo, but if it were necessary & meet to form a nucleus around which the Saints might congregate I have 160 acres of land in Livingston County, Illinois most admirably located between the Great R. Roads that I would give for the purpose.<sup>11</sup> Here immense numbers of the Saints would repair from all parts of the U.S. including Utah. Where under your plan their respectability & power would soon be felt. Any quantity of land could be had on the high or Grand Prairie in the Mud Creek Settlement from which an Exodus might be made to a more appropriate place, whether in State or Territory. I think I could manage this business as the Trustees of Washington Cemetery in Kings County, Long Island have by deed agreed to pay me \$400,000 dollars for the land I sold them as cemetery ground within 4 miles of Brooklyn. You would then commence under auspicious which the Saints never before had and would have the best talent & learning among its members that Europe or America could afford. Should your excellent Mother be living give her my best respects as well as to all who would be your friends in this important movement.

1. I propose a pure self denying Religion.
2. Christian humility as set forth in the New Testament.
3. A new priesthood of Course to preach the doctrines of Peace.
4. A new dispensation & demonstration of power under God.
5. The Bible & Book of Mormon as the guides
6. Self reliance without interfering with other persons Creeds

The details of Course to be under consideration in futuro. I have no objection to the assumption that the world belongs to the Saints but they must wait till they get it, and not prematurely attempt to violate the laws of the country in which they may reside untill they have power to make laws for themselves and others "Submit yourself to the powers that Be"

I expect a reply to this note.

Your friend

JA Bennet, Treasurer of the  
Washington Cemetery, LI, NY.<sup>12</sup>

Note. President Buchanan has read all your fathers letters to me & returned them with a letter of thanks under Seal of the President of the U States. In the last of these letters your fathers prophetic mantle was given to me. Those letters will be subject to your inspection at any time.

Perhaps the publication of this note might serve your purpose in letting the Mormons know you will have sincere support in your Reformation of Mormon practice. I have little doubt that Utah will be deserted by large numbers of those who despise polygamy and the despotism which rules there at this time.

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<sup>10</sup>The reference of the talisman is possibly to a private seal made by Thomas Brown of New York from cornelian stone and set in gold. The seal was a likeness of the Prophet's head.

<sup>11</sup>Land records of Livingston County, Illinois, do not confirm Bennet's contentions (Laura Leslie to Lyndon W. Cook, 12 December 1978).

<sup>12</sup>Long Island, New York.

# Pioneers—The Lace-Maker

Sally T. Taylor

Hands which had made the lace now pushed the plow  
Across cracking fields of reclaimed wasteland.  
The hot smell of summer pushed the past to  
A kalidescope of half-lost fragments:

The acrid odor of wool coats drying  
By the hearth as English storms sang outdoors;  
The promised magic of new thread, spider-  
Fine and smoothly waiting for careful form;

The close quietness of old artisans  
Forming familiar patterns, net-like with  
The fragile flourish and curve for a trim,  
So different from this straight, hard, dry furrow.

The lace-maker stopped his horse and slapped at  
A lean horsefly buzzing his steaming neck.  
These eyes burned by the base dust and stung by  
The sun would never again see that life.

Dirt-gloved hands would not form the silky threads  
In fine designs of royal-ranked stature.  
He had lost that past to the channeled task-  
Master of time and life-revolving faith.

Faith! His hands felt for the wood smooth handles.  
Gee Hah! The worn horse huffed away the flies  
And stepped slowly on, pulling a new type  
Of pattern in the solid soil of now.

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"Pioneers—The Lace-Maker" was the 1978 First Place poem in the Ann W. Hafen category of the Utah State Poetry Society Contest.



## Book Reviews

PALMER, SPENCER J. *The Expanding Church*. Salt Lake City: Deseret Book, 1978. 232 pp. \$6.95.

Reviewed by Truman G. Madsen, director of Judeo-Christian Studies Center, Brigham Young University.

"The mills of the Gods grind exceeding fast." In the expanding and even "exploding" Church it is difficult enough to keep up the cadence in action. This new volume by Spencer J. Palmer is a vivid and literate sign of the times: we need to adjust to international horizons. For some of us this may mean radical reconversion, an awakening from the dogmatic slumber of our cultural mores.

The book exhibits Dr. Palmer's unique combination of gifts. His initial chapters uncover historical and doctrinal footings for the mandate to "penetrate every clime," not a paper dream but an exceptionless requirement. His seasoned grasp of world religions and traditions is combined with firsthand up-to-the-minute acquaintance with the Church programs and procedures that are crossing the divides. He has been monitoring carefully the events and trends of the last two decades. (The book is more than an update of his *The Church Encounters Asia*.) Then the book presents two landmark addresses—one by Elder Bruce R. McConkie of the Council of the Twelve and the other by the Church's able secretary of state, David M. Kennedy. Both come to grips with the Alps the Church has yet to cross; both are declarations of interdependence, global in scope. Finally the book chronicles moving human stories, paradigms of conversion, selected from western Europe, Latin America, Asia, and the South Sea Islands. Throughout, Palmer intersperses introductory material that sews the book together in an almost seamless way. Abstraction is balanced with concrete data, and both are enlivened by flesh-and-blood recitals.

With documentation as fresh as this year's First Presidency statement on "the great religious leaders of the world" (including Confucius, Socrates, and Plato), Palmer patiently undercuts some confining myths: e.g., that the blood of Israel is Anglo-European, that Zion is "at most" North America, that leadership in the Church is typed by nationality. Instead, as in the vision of early prophets, we now know that the seed of Israel is everywhere (and anyway "latter-day Israel is not a community of blood; it is a

community of faith," [chap. 3, p. 28]); that Zion, as Joseph Smith said in 1834, is to fill "the whole earth"; that leadership, its privileges and its burdens, will descend upon all who fulfill the covenants. Palmer puts an "s" on "Gathering" and shows that communities of gatherers are forming everywhere and are to establish stakes and, just as crucial, temples. (For Elder McConkie illuminates the point of Revelation: those who welcome Christ will not be mere neophyte converts, but "kings and priests.")

The book points to major barriers and breakthroughs. The awesome translation and language-gap, for example, is being met by computerized dictionaries of all the standard works with contextual aids; geographic distance is being overcome by decentralization of Church functions; grinding poverty and illiteracy by efforts as sacrificial and down-to-earth as Cordell Anderson's work in Guatemala. In a Church theoretically and practically unwilling to divorce the spiritual and the temporal, there is wide-ranging expansion of home study, seminary, institute, and health and welfare missions.

Palmer's overview of the life of David M. Kennedy leads one to wonder whether Mormonism prepared Kennedy for executive distinction or vice versa. His evenhanded reach has already brought collaborative response to the Church through curtains heretofore as forbidding as triple-plate steel. His own tracing of recent developments shows our task is two-edged: to become "more active, resourceful and realistic" in facing the melting pot of world conversions and to lift the sights of world leaders to the meaning of the Mormon presence in their countries. On the first point, he asks us to review and put in perspective our own pet political axes, even those we suppose are implicit in our heritage; to recognize that converts are now finding their way into the Church from every social and political and economic "ism" in the world. We must abandon the "have nothing to do with them" philosophy. Likewise, he asks that we desist from "prejudicial publications and speeches" which cause repercussions abroad. A concrete case: the inbuilt sympathy among many Mormons to the Jewish plight is interpreted abroad as an inbuilt antipathy to the Arabs. Present events in the political state of Israel, Kennedy points out, may or may not be their scriptural destiny. In the meantime, well over 600,000,000 Moslems await the gospel. Further, "Americans must be very careful not to give the impression that they are better or more righteous than others simply because they are Americans." (p. 73)

But how do we deal with head-on collisions between our own



habitual customs and preferences and those abroad? One answer is the question of Soren Cox, formerly president of the Singapore Mission, "What is mandated by the Gospel and what is simply Western Culture?" (p. 159) Through "alien" uniforms of people abroad we must see the promise of the white clothing of the temple and the worthiness that is making that real. The scales may not drop from their eyes until they drop from ours.

Autobiographical accounts in the last section strike home the message that today, as ever, receiving Christ—the conversion-transition—is not smooth. The traumas of the infant Church are recapitulated hour to hour in the never-endings of individual converts. Yet one sees what Elder Gordon B. Hinckley of the Council of the Twelve calls the "silver thread in the dark tapestry"—disaster, war, setback and tragedy have been (and therefore can be) dramatically overturned as the very price of gospel receptivity in nations we call "foreign." (It is significant that Elder McConkie's vision of Asian expansion delivered eight years ago is interrupted several times by brackets and footnotes which report that growth, breathtaking in his projections, has come faster still.) To those who expected that the Mormon Church was "winding down," to those who predicted its second hundred years would be a history of its "dying among its own worshippers," to those who see it even now as a local idiosyncratic sect—this is bracing tonic. The Church is a living fountain of solid doctrinal undergirding and inspired flexibility. It is becoming not one of the "broken lights" of God but the power of a world-transforming movement. The moral message is clear: possessiveness must be transformed into open-heartedness in the compassionate manner of Christ.

BEARDSLEY, MONROE C., and others. *History as a Tool in Critical Interpretation: A Symposium*. Ed. Thomas F. Rugh and Erin R. Silva. Provo, Utah: Brigham Young University Press, 1978. 100 pp. \$4.95.

Reviewed by Marden J. Clark, professor of English at Brigham Young University.

The most remarkable thing about this book may be that it should exist at all. Its two young editors, then graduate students in the Department of Humanities at Brigham Young University, apparently had bypassed or forgotten all about laws of possibility and probability when they set out to organize and promote a

Brigham Young University Symposium on the Humanities. They certainly had never been told how difficult it would be to get money for and acceptance from even one big-name participant, to say nothing of five. So they went ahead and brought together five remarkably important people in history and criticism of literature and the arts. Not only that, they started a series of such symposia that I trust will go on indefinitely (The Third Annual Symposium was held in the winter of 1979).

BYU had had important individual lecturers in the humanities many times before, but never a group at one time of anything like the prestige of: Monroe C. Beardsley of Temple University, esthetician and extreme apologist for the New Criticism in literature; E. H. Gombrich, emeritus of the University of London, one of the world's most distinguished art historians; Karsten Harries, chairman of the Department of Philosophy at Yale; E. D. Hirsch, Jr., Kenan Professor of English at the University of Virginia and one of the most influential of the younger critics who have been challenging most of the assumptions of the New Critics; and Rene Wellek, emeritus, of Yale University, who with Austin Warren authored *Theory of Literature* (1948), a broadly based study of literary theory and methodology which very soon became the theoretical base for much of the New Criticism, then at the highest level of its authority in university English departments.

The central issue of both symposium and book can be best dramatized against the history of literary criticism in the past half-century. By badly oversimplifying, we can see that half-century as the rise, domination, and decline of the New Criticism (the term has stuck since John Crowe Ransom used it as the title of his book, 1941). The New Criticism was essentially a formalist criticism ("the poem itself" was the rallying cry) with strong roots in Aristotle, French and English classicism, Kant and Coleridge. It reacted vigorously against the approaches to literature then dominating the universities: humanistic, historical-biographical, psychological, sociological, ideological—all of which, the New Critics claimed, sidestepped the basic critical task, the close engagement of the work of art.

The New Critics focused on the internal workings of the poem, theoretically in complete isolation from anything else: on its verbal texture, on ambiguity, irony, paradox, on tone, on structure, on theme only as it developed from these.

Given this background, one would expect real fireworks when such a group got together, with Beardsley and perhaps Wellek de-



fending the formalist/autonomous approach to the work, Gombrich and Hirsch defending the biographical/historical approach, and Harries somewhere in between. This is, of course, how they did line up in the symposium and, in rather muted form, in the record of it in this book. But one hardly finds fireworks. Partly, the reason may be that the participants were simply too much gentlemen to really explode at one another. But the real reason is probably itself historical: the New Critics had won almost too complete a victory, and their early polemics for "the poem as in itself it really is" had already softened by the mid-fifties. They also began to receive serious challenges from all sides, so that the history of criticism in the past twenty years is almost the history of those challenges. One of the strongest of them has been Hirsch's own, launched with *Validity in Interpretation* (1967) and continued in *The Aims of Interpretation* (1976). These two books seem almost directly aimed at Beardsley's essay (written with William K. Wimsatt) "The Intentional Fallacy," one of the most influential and widely reprinted essays of the New Critics. Wimsatt and Beardsley had argued that it is both useless and misleading to seek or take into account the author's intention in writing a poem—that we have no way of knowing the author's intention except as it gets expressed in the poem; that is, his intention must have been to write the poem that we now have. And even if we could know, the knowledge would be useless to the critic: he would still have to come to terms with the poem as we have it, not as the poet intended it. Hirsch challenges both points. We not only can but must know the author's intention before we can have real validity in interpretation; hence Hirsch's "thought experiment" in the symposium, on those last two lines of Keats' "Ode on a Grecian Urn," in which he hypothesizes the discovery of a letter by Keats that explains exactly what the lines meant. Hirsch argues that such a discovery would essentially end speculation on the lines. Beardsley responds as we would expect, though not as vigorously, that he would still have to take the lines as they come in the context of the poem.

This exchange may be as close to direct confrontation as the symposium generated, certainly as the book records. What we get, though, is probably more valuable than the direct confrontation, even if less fun. What we get is a judicious, extremely intelligent analysis of the basic question from significantly varied viewpoints. Beardsley in the first essay allows history its place if we carefully separate historical from ahistorical questions. In his major essay

Harries develops a subtle analysis of the place of history in philosophy, concluding that "philosophy becomes rootless and uncritical without the history of philosophy." Thus he does tie his analysis to criticism at the end, but one suspects that his real concern, even in this symposium, is with philosophy rather than art or literature or even criticism—see his comment (p. 36) about the poetic function yielding more than "mere poetry." Gombrich in his brief essay (the three brief essays by Gombrich, Wellek, and Hirsch were prefatory statements to the "Dialogue" that the book records in detail) defends history as a tool for criticism, partly because art works are themselves history, but more importantly because the process of discrimination necessarily involves comparison: "A work in total isolation could be enjoyed, but it could not be criticized, because there is nothing to compare it with." Wellek admits the place of history in elucidating literature but finally takes the New Critical position: "There is a point where history fails. It cannot determine quality." Hirsch's prefatory essay develops the thought experiment already referred to. The final essay, Wellek's on Edmund Wilson, is only indirectly related to the immediate question, but it shows in action the very complex relation of history to criticism.

The Dialogue on "History as a Critical Tool" is more interesting for its record of the interaction among the five participants than for the subtlety of thought. It records the final meeting of the symposium, the only one in which the five participated together. My memory of the exchange has Beardsley getting the worst of it. But they seem much more equal in print than on the platform. The issues are raised and explored again but without real resolution. The fun is in the exploring.

And the fun was in the exploring throughout the symposium and is throughout the book. Those who take questions of art and literature and criticism seriously will find in this book the interchanges among five remarkable people who also take them seriously. In their unassuming "Introduction," Rugh and Silva do little to catch the excitement of their achievement in bringing the symposium and this record into being. This review is my tribute to them for doing so. Their book will never hit the best-seller lists. But it is important for those who value the life of art and the life of the mind.



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