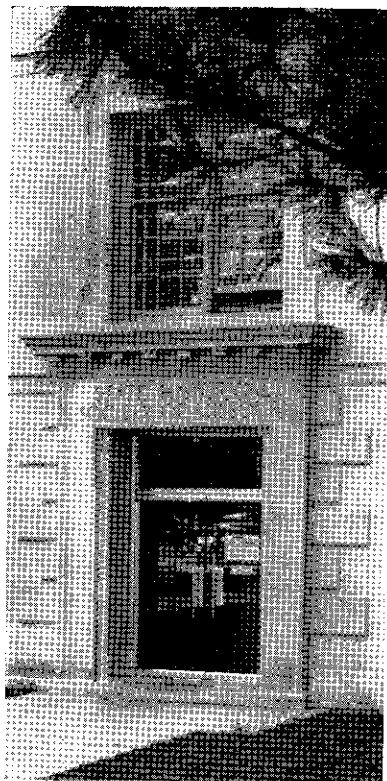


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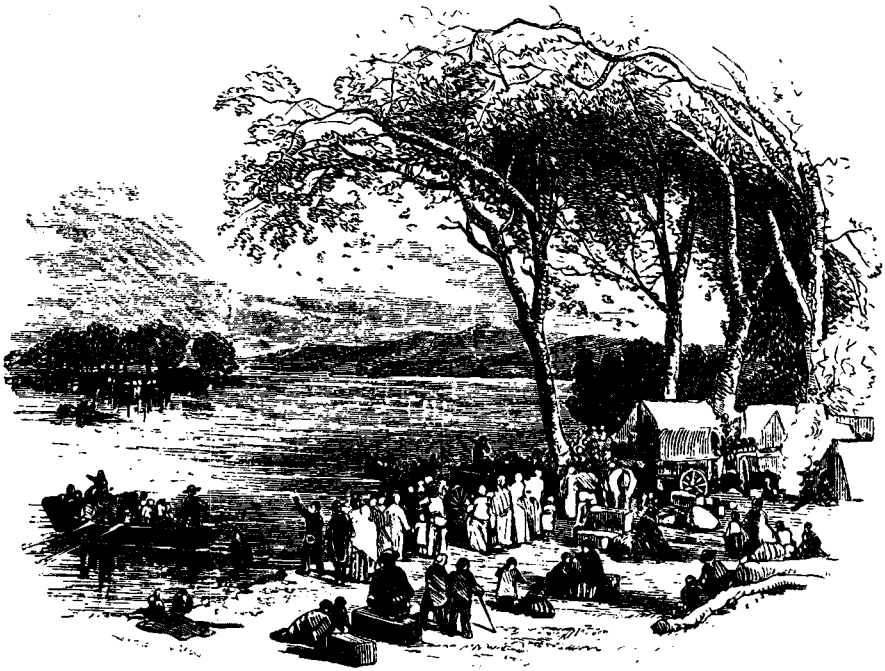


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THE COVER: The *Passenger Pigeons* is included in the collection of lithographs, drawn from nature by John James Audubon, engraved by R. Havell, Jr., and printed and colored by R. Havell, Sr., in 1829 in London, now on display in the Society's Art Gallery. When Audubon was camped across the Mississippi River from Cape Girardeau in December, 1810, pigeons, among other game, were killed. John Bradbury at the Nodaway River in April, 1811, commented that one of these flocks of pigeons would cover an area of several hundred acres. From Warren County Gottfried Duden wrote in 1826: "Wild pigeons appear at times in swarms which darken the sky like storm clouds. The branches of trees break when they sit down." Newspaper accounts tell of the abundance of pigeons in Missouri until the late 1870's. At this time thousands of pigeons were killed and shipped in carload lots to New York, Chicago, and St. Louis markets where they were much in demand as a food delicacy. The passenger pigeon disappeared from Missouri in the early 1900's.¹

¹Daniel McKinley, "A History of the Passenger Pigeon in Missouri," *The Auk*, October, 1960.



Encampment of Mormons on the Missouri River

ATTEMPTS BY THE STATE OF MISSOURI TO EXTRADITE JOSEPH SMITH, 1841-1843

BY GEORGE R. GAYLER*

During the first half of the 19th century the midwestern United States became host to new religious denominations of varying types and descriptions. Perhaps the best known of these was the Church of Jesus Christ of Latter Day Saints, commonly called Mormons, founded by Joseph Smith, Jr. Born in Vermont in 1805, Smith moved with his family to upstate New York in 1816. In 1823 Smith claimed to have had several visions, and to have discovered certain "Golden Plates" inscribed with weird characters which he translated into the *Book of Mormon*. Smith soon obtained a following, and formally organized the Mormon Church on April 6, 1830, at Fayette, New York. Conversions came with surprising rapidity, particularly in the West. When it became apparent that the Mormon population in Ohio exceeded that in New York, the

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decision was made to move the Church to Kirtland, Ohio, a small community in the northeastern part of the state. There the construction of a temple was begun, and the Mormon population grew rapidly until by the end of 1831 the church claimed over 1,000 members.¹

Financial irregularities of the Mormons plus the increasing hostility of their gentile neighbors soon forced the followers of Smith to move their church again. Western Missouri was selected as the new site, and in the spring of 1834 they settled in Jackson, Clay, and Ray counties in that state. The troubles of the newly organized church did not diminish with this move to a new location. Rather their problems multiplied. The rapid arrival of additional Saints, as they called themselves, added considerably not only to the population of the counties but also to the fears of the non-Mormon citizens. Many of the Missourians were Southern in their political and economic views, and their fear of the Northern, anti-slavery Mormons was obvious. On June 29, 1836, the non-Mormon population drew up a series of polite, carefully-worded, but nevertheless firm resolutions demanding that the Mormons remove themselves from the county.²

Then on December 26, 1836, the Missouri Legislature passed a bill organizing Caldwell and Daviess counties for the Mormon population.³ Since the area had a very small population,⁴ and since the arrangement apparently satisfied both sides, the Mormons began to move into the region. Again, however, their problems did not diminish. Despite the prospering of the Mormon colonies, which included the foundation of two new towns—Far West and Adamondi-Ahman (pronounced Adam on Diamond), the Mormon settlements were destined to be short-lived. The non-Mormons coveted the rich lands held by the Mormons. Moreover, a deep fear that the Mormons would gain political control of the area through their unity and force abolition of slavery upon the people guided the course of thought and action of the Missourians against the newcomers. These factors were more important in creating hostility between the two groups than was the Saint's unorthodox religious

¹Inez Smith Davis, *Story of the Church* (Independence, 1948), 42, 112. This work is one of numerous general studies of the Mormon movement. For a hostile account see William A. Linn, *Story of the Mormons* (New York, 1923). Parley Parker Pratt, Jr., *Autobiography of Parley Parker Pratt* (New York, 1874), 64.

²Davis, *Story of the Church*, 262.

³*Missouri House Journal, 1836-37* (Jefferson City, 1837), 188, 204.

⁴In 1840 the population was only 4,184 for Caldwell and Daviess counties combined, *Sixth Census of the United States*, 90.



Skirmish Between Mormons and "Gentiles" at Gallatin in Daviess County

beliefs no matter how ridiculous or obnoxious they may have appeared to the Missourians.

During the next two years the tension between the Saints and their neighbors mounted, and a number of incidents marked by violence forecast the trouble that was to come. Following an election in the summer of 1838, armed conflicts broke out in Daviess and Ray counties which left the area "a scene of desolation."⁵ Fighting continued throughout the next several months as Missouri Governor Lilburn W. Boggs sent contingents of the State Militia against the Mormons. The Saints took up arms and for a period of several months a "Mormon War" raged in northwest Missouri, only to be halted by the ultimate victory of the Missouri gentiles. On October 27, 1838, Governor Boggs issued the infamous "Extermination Order" in which he stated:

. . . I have received . . . information of the most appalling character, which entirely changes the face of things, and places the Mormons in the attitude of an open and avowed defiance of the law, and of having made war upon the people of this state. . . . The Mormons must be treated as enemies, and *must be exterminated or driven from the state* if necessary for the public peace—their outrages are beyond all description. . . .⁶

⁵Niles National Register, November 17, 1838.

⁶The complete copy of this order can be found in Joseph Smith, Jr., *History of the Church of Jesus Christ of Latter-Day Saints* (Salt Lake City, 1908), II, 175. This work is a day-by-day diary written by the Mormon Prophet.



Church of Jesus Christ of Latter-Day Saints

Joseph Smith, Jr.

Joseph Smith and a few of his close associates were captured and imprisoned at Richmond, Missouri. But they escaped, and made their way to western Illinois with the rest of the expelled Mormons.⁷ Once in Illinois, the Saints purchased land in the vicinity of Commerce, Illinois. There they established their famous Illinois community which they renamed Nauvoo. Smith's troubles in Missouri did not terminate, however, as Missouri authorities soon began attempts to extradite the Mormon Prophet from Illinois to stand trial for alleged crimes against the people and State of Missouri.

The first arrest of Joseph Smith took place early in the summer of 1841. On June 4 of that year, while in Quincy on business, Smith stopped at Illinois Governor Thomas Carlin's home for a social call. The Mormon Prophet stated: "I was treated with the greatest kindness and respect; nothing was said about any requisition having come from the Governor of Missouri for my arrest." In "a very few hours" after leaving the Governor's residence, according to Smith, Carlin dispatched Thomas King, the sheriff of Adams County, Thomas Jasper, constable of Quincy, and others, along with an officer from Missouri, as a posse to arrest the Mormon leader. This apparent underhanded dealing by the Illinois Governor resulted in turning the Mormon Prophet and his followers against Carlin for the remainder of his term in office.⁸

As soon as he was arrested, Smith returned with the posse to Quincy and there immediately applied for and received a writ of *habeas corpus* from Charles A. Warren, a Quincy judge. Smith's

⁷Davis, *Story of the Church*, 282, 284. Pratt, *Autobiography*, 224-226. Linn states that they escaped because their guards got drunk. Linn, *Story of the Mormons*, 216. Pratt also commented in his journal that their guards were "three sheets in the wind in the whisky line," but added that when the guards went to sleep at night they gave their Mormon prisoners pistols to protect themselves as they "were in a very hostile neighborhood." Parley Parker Pratt, *Late Persecution of the Church of Jesus Christ of Latter-Day Saints* (New York, 1840), 92-95.

⁸Smith, *History of the Church*, IV, 364. *Niles National Register*, July 3, 1841.

movements had been made a great deal easier because, the Prophet stated, "the posse on learning the spirit of the officer from Missouri, left the company in disgust and returned to their own homes."⁹ After freeing Smith on the writ, Judge Warren appointed Judge Stephen A. Douglas, "happening to be in Quincy that evening," to give him a hearing in Monmouth, Illinois, the following Tuesday.¹⁰

On Monday morning, June 7th, Smith and several of his followers began the 75-mile journey to Monmouth to stand trial on the charge of treason against the State of Missouri. The party arrived the following day finding "great excitement" in the public mind. "Great curiosity was manifested by the citizens," declared Smith, "who were anxious to obtain sight of the Prophet, expecting to see me in chains."¹¹ Smith's case was argued by several attorneys including Cyrus Walker and Orville H. Browning. A contemporary newspaper, exhibiting the usual anti-Mormon bias, sarcastically commented in reporting the trial: "Browning's defense drew tears from the eyes of Judge Douglas. Were there any onions about?"¹² The prosecution was presented, according to Smith, by a "puking lawyer from Missouri."¹³ The trial was over in less than 48 hours.

On June 10 Judge Douglas delivered his opinion and stated, according to the Mormon Prophet:

. . . that the writ once returned to the Executive by the sheriff of Hancock county was dead, and stood in the same relationship as any other writ which might issue from the Circuit Court, and consequently the defendant could not be held in custody on that writ. The other point, whether evidence in the case was admissible or not, he would not at that time decide, as it involved great and important considerations relative to the future conduct of the different states. There being no precedent, as far as they had access to authorities to guide them, but he would endeavor to examine to subject, before he would decide that point. But on the other, the defendant must be liberated.¹⁴

⁹*Ibid.*, 365. It must be remembered that this incident took place early in the summer of 1841, and reactions on the part of local citizens of Illinois against Smith had not as yet achieved violent proportions.

¹⁰*Warsaw Signal*, June 9, 1841.

¹¹Smith, *History of the Church*, IV, 366.

¹²*Warsaw Signal*, June 16, 1841. Both Walker and Browning were prominent Whigs who played an important role in Illinois politics at this time.

¹³Referring to the Missouri lawyer, Smith stated: "He tried his utmost to convict me, but was so high with liquor, and chewed so much tobacco, that he often called for water. Before he had spoken many minutes he turned sick, requested to be excused by the court and went out of the court house puking all the way down stairs." Smith, *History of the Church*, IV, 368.

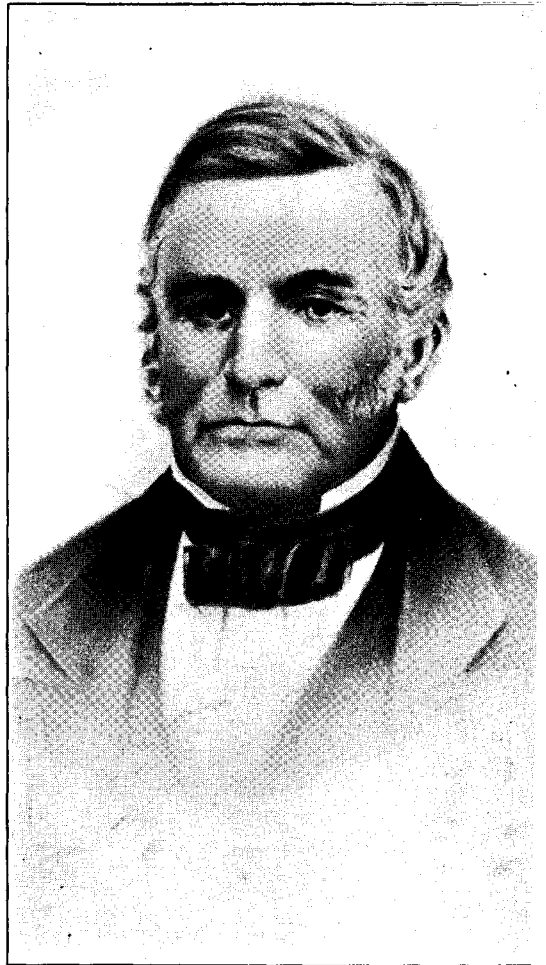
¹⁴*Ibid.*, IV, 370. Some authors are of the opinion that Smith was freed by Douglas on a writ of *habeas corpus*. Thomas Ford, *History of Illinois* (Chicago, 1854), 266; Thomas B. H. Stenhouse, *The Rocky Mountain Saints* (New York, 1873), 138. Smith's view of this hearing before Judge Douglas can be found in Smith, *History of the Church*, IV, 366-371. The Illinois press began immediately an attack upon both Douglas and Carlin. One anti-Mormon newspaper sarcastically stated: "Had he (Governor Carlin) better not wait until after the August election before he issues the writ?" *Quincy Whig*, June 19, 1841. A week later the same paper reported that rumors of Carlin's becoming pro-Mormon were not true. He was, however, "still a sinner," according to the *Whig*. *Ibid.*, June 26, 1841.

Consequently, Douglas ordered Smith's immediate release, and the latter commenced his victorious trek back to Nauvoo.¹⁵

A final, almost ludicrous action on the part of Joseph Smith was to present to Adams County, Illinois, the following October a "bill" in the amount of \$685.00. This sum was for itemized expenses incurred by himself and his witnesses because of his "false Imprisonment" during the period of his arrest and trial.¹⁶ It is not known whether the Prophet was ever able to collect any part of this amount.

Bitter feelings on the part of the Saints toward the Missourians and especially toward Governor Boggs had always been evident, and now they were intensified. Three days after the freeing of Smith an obscure A. R. Parker, writing from Warsaw, Illinois, to an Edward Warren, stated: "The Mormons are pronouncing vengeance upon the State (Missouri). Suitable preparations will be made for defense. . . ."¹⁷

Joseph Smith has included in his published history of the church a copy of a letter that he claimed was dispatched to him by Hugh L. Legare, United States Attorney-General under President John Tyler. The document, if genuine, gave evidence of not only advance planning by the State of Missouri for the actions against Smith, but also of obvious collusion between that state and the federal government. The message was dated March 31, 1841, but was reported by Smith to have been received April 16, 1843. The letter stated:



Lilburn W. Boggs
Governor of Missouri, 1836-1840

¹⁵*Warsaw Signal*, June 16, 1841.

¹⁶Smith, *History of the Church*, IV, 420.

¹⁷A. R. Parker to Edward Warren, June 14, 1841, Chicago Historical Society Library collection.

Sir:—You stand accused of high treason. You will deliver yourself up to the governor at Springfield, Illinois, in order to be tried before the Supreme Court of the United States next term. The governor of Illinois will be directed to take you in custody, if you will not deliver yourself up. The president will issue a proclamation against you if you obey not this order by May 1, 1843.¹⁸

The State of Missouri had not reconciled itself to its failure to extradite the Mormon Prophet in 1841. The following year an incident took place which brought about a renewed effort on the part of officials of that state to apprehend Smith and bring him to trial. This was the unfortunate attempt to kill Lilburn W. Boggs, the ex-Governor of Missouri, the chief enemy of the Mormons, and certainly the one individual most universally hated by them.

On May 6, 1842, while sitting in front of a window in his house in Independence, Missouri, Boggs was shot and wounded so severely that his recovery was in doubt for many weeks. If reports of the wounds he suffered were correct, it was small wonder that he had not died instantly:

Four balls took effect in his neck and head, two of which penetrated his skull and lodged in the left lobe of his brain, and one went through the hollow of his neck and passed through the roof of his mouth. . . . One ball lodged in the neck, among the muscles of the neck . . .¹⁹

The crime was naturally charged to the Mormons, whose hatred of Boggs had not been concealed. An editorial in a Mormon newspaper, the *Nauvoo Times and Seasons*, January 1, 1841, began:

"Lilburn W. Boggs, the THING whose name stands at the head of this article. . . ." Referring to the end of Boggs' term of office as Governor of Missouri, the article continued: "Lilburn has gone down to the dark and dreary abode of his brother and prototype, Nero, there to associate with kindred spirits and partake of the dainties of his father's, the devil's table. . . ."²⁰

The Mormons showed no remorse whatsoever when the first reports indicated the assassination attempt had succeeded. The *Nauvoo Wasp* clearly showed the Mormon attitude in a news item published upon receiving intelligence of the murder attempt. "Boggs is undoubtedly killed according to report," the publication

¹⁸Smith, *History of the Church*, V, 363. The authenticity of this letter can perhaps be doubted. There is no mention of it in any other sources of information. The extreme tardiness of its delivery is suspicious, and no presidential proclamation against Smith, as threatened in the document, ever materialized.

¹⁹William M. Boggs, "A Short Biographical Sketch of Lilburn W. Boggs, by His Son," *Missouri Historical Review*, IV (January, 1910), 108. This author took for granted the guilt of the Mormons in conceiving and carrying out the crime.

²⁰*Nauvoo Times and Seasons*, January 1, 1841.

placidity stated, "but who did the Noble Deed remains to be found out. . . ."²¹ It was small wonder that the Mormons were the first and most obvious group to be suspected in the affair, and the bulk of the suspicion fell upon their leader, Joseph Smith.

Realizing that he and his followers were accused of the crime, Smith immediately wrote the *Warsaw Signal* denying any complicity in the attempted murder, or of predicting the outrage. The Mormon leader had been accused of making a public prophecy that Boggs would die "by violent hands within a year." In his bitter "exposé of the Mormons," the ousted Mormon leader, John C. Bennett, had said that Smith had offered a reward of \$500 to any man who would assassinate Boggs.²²

No conclusive proof was given that a Mormon or group of Mormons had been responsible for the assassination attempt. However, that *some* Mormon fired the shots is within the limit of strict probability. The enemies of Smith and his followers announced that they had narrowed the search for the guilty party to a prominent Mormon, Orin Porter Rockwell. He was declared to have been the agent for the murder attempt, and Joseph Smith was named as the instigator of the deed.²³ An anti-Mormon resident of Nauvoo during this time stated in her memoirs: "I recollect hearing the Prophet say on the stand, that the man who had shot Governor Boggs would have a crown immortal, and it was understood at the time, that O. Porter Rockwell was the person referred to by Joseph."²⁴ Bennett stated that Rockwell had been "abjectly poor," but following the assassination attempt upon Boggs, the accused Mormon had an elegant carriage and horses at his disposal, and his pockets filled with gold." Bennett bluntly and bitterly declared this was the pay received by Rockwell for the shooting of the Missouri ex-governor.²⁵

²¹*Nauvoo Wasp*, May 28, 1842.

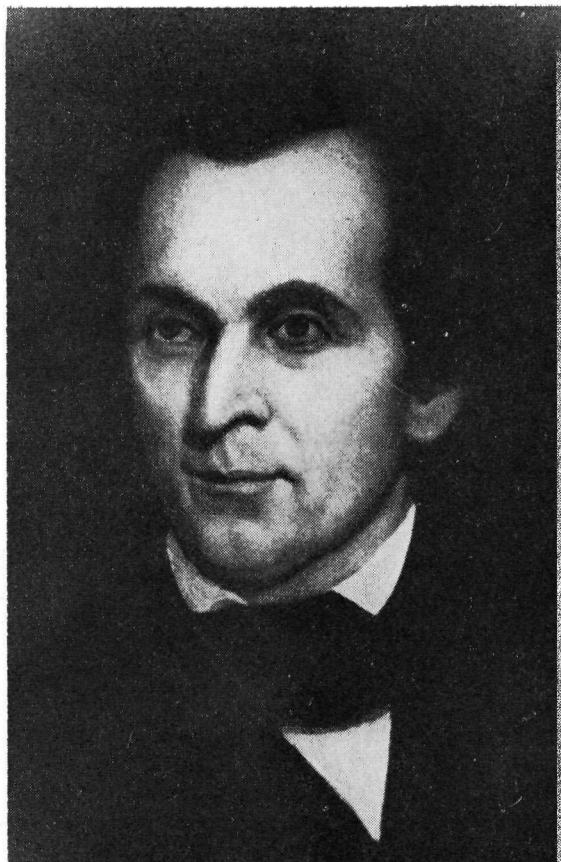
²²Smith, *History of the Church*, V, 14-15. The letter to the Warsaw newspaper evidently was not published. John C. Bennett, *The Story of the Saints; or, An Expose of Joe Smith and Mormonism* (Boston, 1842), 281. Bennett was an expelled Mormon who had been a member of the Mormon hierarchy, Mayor of Nauvoo and General in the Nauvoo Legion. He wrote several "exposés" between 1842 and 1844, bitterly and often inaccurately attacking Joseph Smith and Mormonism. According to Bennett, whose statements must always be considered of dubious authenticity, this prophecy was made in a tavern of one R. L. Robertson in Warsaw, Illinois, on Sunday, July 10, 1842. First of all, Smith was not in the habit of visiting Warsaw, the "hotbed" of anti-Mormonism, where his life would have been in jeopardy. Secondly, if he had visited the city, it is extremely unlikely, considering the very strict nature of the Mormon Prophet, that he would have frequented a tavern. Thirdly, it is unthinkable that Smith would ever enter any place of entertainment—much less a tavern—on Sunday. The discrepancy of dates must indicate either an error on the part of Bennett (which is probably the case), or a prophecy on the part of Joseph Smith that yet another attempt would be made on the ex-Governor's life.

²³*The Warsaw Signal*, July 9, 1842, declared in an editorial that "but little doubt remains that Joe Smith was the real instigator of Boggs' assassination."

²⁴N. W. Green, ed., *Mormonism: Its Rise, Progress, and Present Condition Embracing the Narrative of Mrs. Ettie V. Sith, of her Residence and Experience of Fifteen Years With the Mormons . . .* (Hartford, 1870), 29. Like so many anti-Mormon works, the authenticity of these statements must be looked upon with a considerable degree of suspicion.

²⁵Bennett, *Story of the Saints*, 285. A contemporary newspaper article stated that Rockwell "had suddenly become very flush in money, and lives in style." *Warsaw Signal*, July 9, 1842. This statement was made prior to the publication of Bennett's book, and could not have been copied from that account.

Missouri officials instigated their second attempt to extradite Joseph Smith immediately following the attack on Boggs. The Mormon Prophet was indicted for attempted murder in addition to the old charge of treason that had been hanging over his head since the expulsion from Missouri in 1839. Governor Thomas Reynolds of Missouri at once petitioned Governor Thomas Carlin of Illinois to arrest Smith and certain of his followers as wanted fugitives from Missouri. Carlin immediately issued a warrant for the arrest of the Mormon leader, and Smith was taken into custody at Nauvoo on August 8, 1842. The arrest was carried out by the Deputy Sheriff of Adams County, Illinois. The indictment officially charged Smith with "being an accessory before the fact, to an assault with intent to kill made by one Orrin [*sic.*] P. Rockwell on Lilburn W. Boggs."²⁶



Thomas Carlin, Governor of Illinois, 1838-1842

There now appeared an example of the value to Smith of the form of government provided by the Nauvoo city charter. Taken before his own municipal court, he was immediately freed on a writ of *habeas corpus*.²⁷ This assumption of power on the part of the local court aroused the indignation of non-Mormon citizens throughout the vicinity. Governor Carlin and the Missourians were especially chagrined, as once more their quarry was permitted to slip from them. On September 7, 1842, the Illinois Governor wrote the Prophet's wife, Emma Smith, that the court's action was most absurd and ridiculous, and "to attempt to exercise the writ is a gross usurpation of power that cannot be tolerated."²⁸

²⁶Smith, *History of the Church*, V, 86.

²⁷*Ibid.*, V, 87. It was reported that Rockwell was also arrested and summarily freed by the same writ. *Warsaw Signal*, August 13, 1842.

²⁸Smith, *History of the Church*, V, 154. The governor's letter was in answer to a plea on the part of Emma Smith for her husband, Joseph. In all, four letters were exchanged between her and Carlin.

Notwithstanding his release, Smith believed it best that he remain in seclusion to escape re-arrest. This decision was well-founded as Carlin immediately traveled to Nauvoo personally to seek Smith. The Prophet was kept hidden by his followers, however, and the governor was forced to leave empty-handed.²⁹ Following his unsuccessful journey to the Mormon citadel, Carlin offered a reward of \$200 for the apprehension of Smith.³⁰ On April 10, 1842, it was reported that "Gov. Carlin has failed in his attempts to arrest Joe Smith. . . . The Mormons will not give him up. . . ." The same source lamented three weeks later: "No arrest or delivery (of Smith) has been made. . . . We have no account of what has become of the authority of the governor of the state of Illinois."³¹ The *Warsaw Signal* declared bitterly, "Joe cannot be taken. Situated as he is (in Nauvoo), he can set the laws of the state at defiance. . . ."³² The governor's failure started a number of rumors explaining his lack of success. One newspaper reported that Carlin had been converted to Mormonism by "the bewitching charms of a young Mormon girl." The article concluded, however, "This is the best one yet, but we can't vouch for its truth."³³

In the meantime Smith and his associates in Nauvoo concluded that in spite of the protection the Nauvoo city court could afford, it would be best for the Prophet to flee to the "pine woods of the North Country." That Smith seriously contemplated such a move is shown in a letter written to his wife on August 16, 1842. After giving detailed directions for their flight if it became necessary, the Prophet, employing typical language, stated in part:

. . . Let all the goods, household furniture, clothes, and store goods that can be procured be put on the boat; and let twenty or thirty of the best men that we can find be on board to man it, and let them meet us at Prairie-du-Chien; and from thence we will wend our way like larks up the Mississippi, until the towering mountains and rocks shall remind us of the places of our nativity; and shall look like safety and home; and then we will bid defiance to the world, to Carlin, Boggs, Bennett and all their whorish whores and motly [*sic*] clan, that follow their wake, Missouri not excepted, and until the damnation of hell rolls upon them, by the voice, and dread thunders, and trump of the eternal God. . . .³⁴

Whatever Smith's intention, neither was the proposed journey made nor were plans for it kept secret. Early the following Septem-

²⁹*Warsaw Signal*, August 13, 1842.

³⁰*Springfield Sangamo Journal*, September 30, 1842.

³¹*Niles National Register*, September 10, October 1, 1842.

³²*Warsaw Signal*, September 17, 1842.

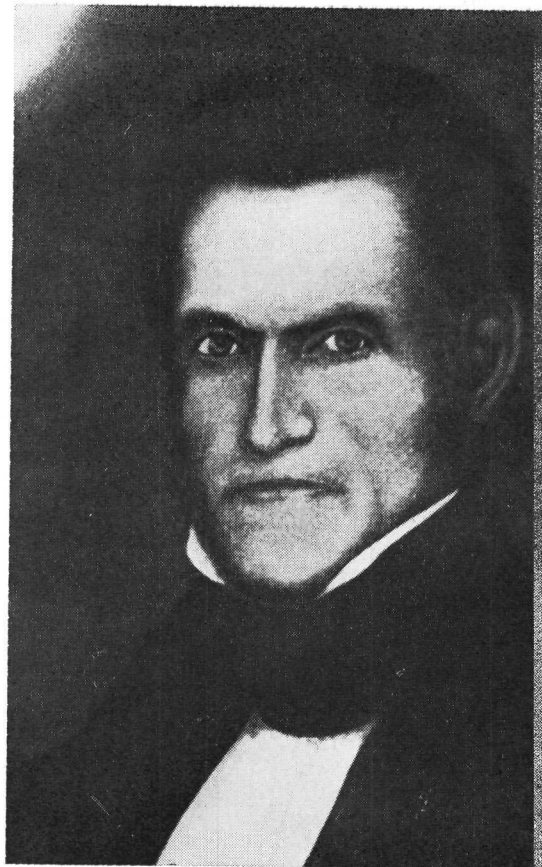
³³*Ibid.*, July 14, 1842.

³⁴Smith, *History of the Church*, V, 104-105. It appears that Smith lacked a basic geographical knowledge of the area to which he was preparing to flee.

ber, the *Warsaw Signal* reported with certainty that Smith was still in Nauvoo, as he had recently addressed a group of his followers stating that he would not be taken and that those sent after him from Missouri were cowards.³⁵ However, a national newspaper reported that Smith was rumored to have fled by boat to Galena, Illinois, and from there to Canada in order to escape arrest.³⁶

In October, 1842, Justin Butterfield, a prominent Illinois attorney, issued a legal opinion in which he concluded that Smith could not be held on a Missouri requisition for a crime committed in that state when he was in Illinois.³⁷ Upon receiving word of this latest development, Smith dispatched

Sidney Rigdon and other leading Mormons as representatives to Springfield to petition Governor Thomas Ford, who had replaced Carlin following the latter's expiration of term of office, to rescind the Missouri requisition. Ford's reply was favorable to the Mormons, but he stated he was hesitant about interfering with or rescinding the official act of his predecessor.³⁸ The Governor further explained his position in a letter written to the Mormon Prophet on December 17, 1842. The same day Butterfield wrote Smith substantiating the correctness and legality of the Governor's actions and recommending that Smith come to Springfield to stand trial. The lawyer assured Smith that "the judges (of the Illinois State Supreme Court) were unanimously of the opinion that you would be entitled to your discharge under *habeas corpus*. . . ."³⁹



Thomas Ford, Governor of Illinois, 1842-1846

³⁵*Warsaw Signal*, September 3, 1842.

³⁶*Niles National Register*, October 1, 1842.

³⁷Butterfield's involvement in the case came chiefly as a result of Sidney Rigdon, who was acting in the interests of Joseph Smith. Butterfield's lengthy opinion can be found in its entirety in Smith, *History of the Church*, V, 173-179.

³⁸*Ibid.*, V, 205.

³⁹This correspondence can be found in *Ibid.*, V., 205-206.

Thus promised an immediate acquittal, Smith decided to risk submitting to arrest and standing trial at Springfield. On December 27, in the company of Wilson Law, Willard Richards, John Taylor, Orson Hyde, and other members of the Mormon hierarchy, Smith departed for the Illinois State Capitol. After his arrival, he had interviews with Governor Ford, Judge Stephen A. Douglas, and Justin Butterfield. The latter Smith immediately engaged as his attorney. Prior to the beginning of the trial, confident that he would be acquitted by the Illinois court, Smith conducted a Mormon service, expounded his views to all who would listen, and declared that he "would not go to Missouri dead or alive."⁴⁰

The trial, formally convened on January 4, 1843, and presided over by a prominent Illinois judge, Nathaniel Pope, lasted four days. Judge Pope issued his decision in an eight-page summary sustaining the arguments presented by the defense attorney, Butterfield, and declared that the Missouri writ was illegal and that the Prophet could not have been a fugitive from Missouri. Smith immediately departed in triumph for Nauvoo, arriving in that city on January 11.⁴¹

Missouri officials refused again to reconcile themselves to their failure to extradite Smith. John C. Bennett became more active than ever in his attacks upon the Mormon leader. In addition to the many "exposés" he was turning out in the newspapers, Bennett helped considerably in obtaining yet another Missouri indictment against Smith in the spring of 1843.⁴² For some unexplainable reason Illinois Governor Ford committed an act in the early summer of 1843 which ran counter to his attitudes shown during the trial under Judge Pope a few months previously. On June 17, 1843, he collaborated with Missouri Governor Reynolds in issuing a new warrant for Smith's arrest. Smith's friends tried to warn him but were unsuccessful, as the express letter containing the information arrived at Nauvoo during one of the Prophet's frequent absences. Hyrum Smith, the Prophet's brother, dispatched two messengers to take the news to the Mormon leader before the Missouri officers could reach him, but they arrived too late.⁴³

⁴⁰*Ibid.*, V, 210, 216.

⁴¹*Sangamo Journal*, January 5, 1843. The opinion of Judge Pope can be found in its entirety in Smith, *History of the Church*, V, 223-231, and in the *Sangamo Journal*, January 19, 1843. Another author has related an amusing incident at the trial that was a result of Butterfield's wit. In beginning his defense, Smith's attorney stated: "It is a momentous occasion in my life to appear before the Pope (bowing to Judge Pope), in defense of a prophet of God (bowing to Joseph Smith), in the presence of all these angels (bowing to the ladies in attendance). From then on he had his house with him." Davis, *Story of the Church*, 319.

⁴²Linn, *Story of the Mormons*, 247. The extent of Bennett's influence with the Missouri authorities has never been made clear.

⁴³*Sangamo Journal*, July 29, 1843. Smith, *History of the Church*, V, 433, 435-436.

So eager were Missouri officials to apprehend Smith that the sheriff of Jackson County, Missouri, Joseph H. Reynolds, himself led the expedition to Nauvoo to arrest the Prophet. Discovering the Mormon leader absent but ascertaining his whereabouts, Reynolds, with a force of 115 armed men caught up with Smith at Dixon, Illinois, and there arrested him.⁴⁴ Smith described in his diary the meeting with the Missourians and his arrest on June 23:

I was in the yard going to the barn when Wilson (Harmon T. Wilson, a Constable from Carthage, Illinois) stepped to the end of the house and saw me. He accosted me in a very uncouth, ungentlemanly manner, when Reynolds stepped up to me, collared me, then both of them presented cocked pistols to my breast, without showing any writ or serving any process. Reynolds cried out, 'G--d-- you, if you stir I'll shoot; G--d-- if you stir one inch, I shoot you, be still, or I'll shoot you, by G--.' I inquired 'what is the meaning of this?' 'I'll show you the meaning, by G--; and if you stir one inch, I'll shoot you, G--d-- you.' I answered, 'I am not afraid of your shooting; I am not afraid to die.' I then bared my breast and told them to shoot away. 'I have endured so much oppression, I am weary of life; and kill me, if you please. I am a strong man, however, and with my own natural weapons could level both of you; but if you have any legal process to serve, I am at all times subject to law, and shall not offer resistance.' Reynolds replied, 'G--d-- you, if you say another word I will shoot you, by G--' I answered, 'Shoot away; I am not afraid of your pistols'⁴⁵

With Smith in custody, Reynolds and Wilson began the journey to Missouri via Quincy. Nevertheless Smith was able to dispatch a message to Cyrus Walker, "who happened to be near," asking the attorney to represent him. Walker, who was out electioneering for the office of Illinois Representative for Congress, told Smith that he could not find time to be his lawyer unless the Prophet would promise him his vote. Walker was well aware (as were most Illinois politicians) that Smith controlled thousands of Mormon votes. Smith stated that Walker "being considered the greatest criminal lawyer in that part of Illinois, I determined to secure his aid, and promised him my vote."⁴⁶

⁴⁴*Niles National Register*, July 15, 22, 1843. Smith, himself prone to exaggeration, made no mention of the large size of the detachment sent to apprehend him.

⁴⁵Smith's version of his arrest and subsequent journey with his captors is given in detail in Smith, *History of the Church*, V, 440-456.

⁴⁶*Ibid.*, V, 444. This accusation of apparent bribery is recorded not only by Smith, but is confirmed by E. B. Washburn, an important political personality of the time. See E. B. Washburn, *Memoirs* (Chicago, 1886). Original Washburn manuscript in the Chicago Historical Society Library collection.

The party then proceeded toward Quincy. At Monmouth, however, Smith and Walker somehow succeeded in disarming the two officers, and escaped to Nauvoo. "It was the nearest place where writs of *habeas corpus* could be heard," glibly explained Smith in justifying his return to the Mormon Sanctuary.⁴⁷ The fact that he had been freed previously at Monmouth on a writ of *habeas corpus* apparently did not occur to Smith. Arriving in Nauvoo on Friday, June 30, 1843, Smith was welcomed by his wife and hundreds of his followers—complete with brass band and flying banners. The inhabitants had previously received word of the arrest of their leader with threatening reactions:

Immediately the whole city seemed to be in arms, guns and pistols firing, swords glistening in every direction . . . men, women, and children gathering in groups talking loud and warlike. At the appointed time five thousand men were on the spot, ready to rescue their prophet in any way their leader (Hyrum Smith) might suggest. . . .⁴⁸

It was also reported that 115 armed men immediately departed from Nauvoo to rescue the Prophet when news of his arrest became known.⁴⁹ If these were accurate descriptions of the temper of Smith's followers, his safe appearance in Nauvoo possibly avoided bloodshed. The rumors, though, were ominous enough to convince Governor Ford of the necessity of dispatching an agent to Nauvoo early in July to check the situation.⁵⁰

In the meantime Smith sued for a writ of *habeas corpus*, and after a three-hour speech in his defense by Cyrus Walker, the Mormon leader again was freed by the Nauvoo municipal court. The Missouri officials, however, were not easily discouraged, and application was immediately made by Governor Reynolds to Governor Ford for a military force to retake Smith. Through declining to state his reasons at the time, Ford, in a letter written July 29, flatly refused Reynolds' request.⁵¹

Apprehensive of the wisdom of such action, a leading national newspaper, the *Niles National Register*, indicating a widespread interest in the extradition affairs, reported late in September, 1843:

⁴⁷Smith, *History of the Church*, V, 456.

⁴⁸Charlotte Haven, "A Girl's Letter From Nauvoo," *Overland Monthly*, XVI, 634.

⁴⁹*Niles National Register*, July 15, 1843. Charlotte Haven stated that 300 men had started out to rescue Smith. Haven, "A Girl's Letter From Nauvoo," 634.

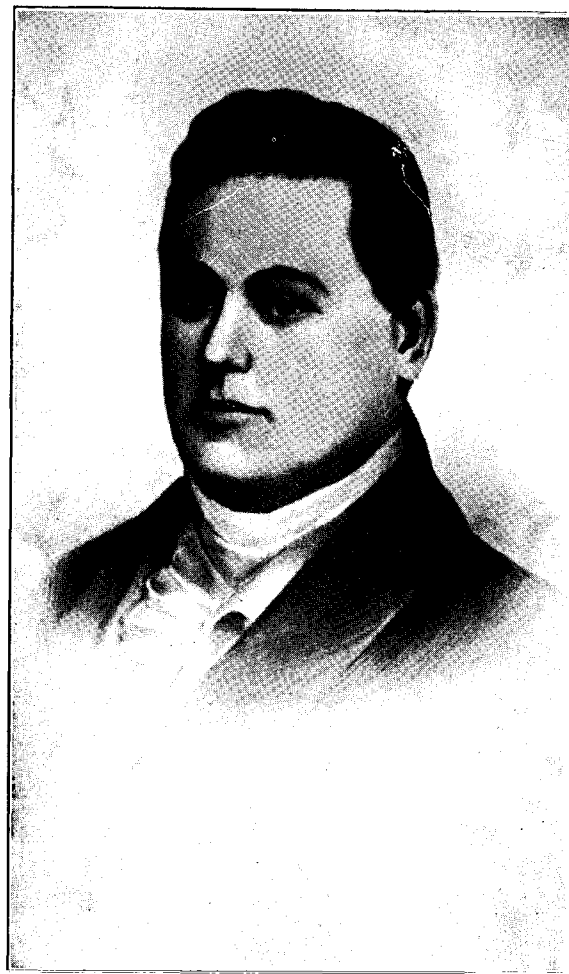
⁵⁰Everts Boutell Green and Charles Manfred Thompson, eds., "Governors' Letterbooks, 1840-1853," *Collections of the Illinois State Historical Society*, (Springfield, 1911), 94-95.

⁵¹*Sangamo Journal*, August 19, 1843. *Niles National Register*, July 22, 1843. A copy of Ford's letter can be found in Green and Thompson, eds., "Governors' Letterbooks, 1840-1853," 97-101, and in Smith, *History of the Church*, V, 492, although Smith states that the letter was dated July 6, 1843.

“The late refusal on the part of Governor Ford to issue a new writ in compliance with the demand of the governor of Missouri for Joseph Smith, has awakened a spirit which we fear may end in bloodshed.” The same newspaper also reported a meeting of Hancock County citizens at Carthage on September 6 for the avowed purpose of once again delivering Smith to justice.⁵²

After investigating the matter further, Ford again wrote the Missouri Governor expressing the reasons for his previous refusal. Joseph Smith, declared the Illinois Governor, had been duly tried and acquitted by Illinois courts, and the law had been fulfilled. Therefore, he could not legally dispatch the Illinois militia against the Mormon Prophet as had been demanded by Governor Reynolds. Ford also dispatched a letter to Joseph Smith in which he reiterated his stand against the use of troops to coerce the Mormons. He promised the Prophet that he would consider it his duty to prevent an invasion of Illinois by any outside forces (meaning Missourians) to capture Smith.⁵³ It was reported that political considerations affected the Governor’s decision. A Quincy newspaper reasoned that Ford delayed serving the Missouri writ “until after the election—then if they (the Mormons) vote for Douglas and Hogue [*sic*—the demand of the writ will not be attended to.”⁵⁴

In the meantime the Missouri authorities had some success in another quest. Orin P. Rockwell, who had disappeared soon after



**Thomas Reynolds, Governor of Missouri,
1840-1844**

⁵²*Niles National Register*, September 30, 1843.

⁵³Green and Thompson, eds., “Governors’ Letterbooks, 97-101. Smith, *History of the Church*, VI, 85.

⁵⁴*Quincy Whig*, June 28, 1843. The Whig was anti-Ford and anti-Mormon as was most of the Illinois press of the time.

the attempted assassination of Boggs, was recognized and arrested in St. Louis on March 6, 1843. Although he was taken to Clay County, Missouri, to stand trial, the Missourians had no better luck in dealing with Rockwell than in their numerous attempts to apprehend Joseph Smith. On September 30, 1843, it was reported, "there was not sufficient proof adduced against him [Rockwell] to justify an indictment for shooting ex-Governor Boggs, and the grand jury, therefore, did not indict him for that offense."⁵⁵

Being forced to free Rockwell must have been a bitter pill for the Missouri authorities to swallow. Not only had they failed to extradite Joseph Smith and bring him to trial in Missouri, they were compelled to free the man generally believed to have fired the shots at Boggs. Needless to say, the Missourians were a long time reconciling themselves to the fact that legal satisfaction for the attempted murder of Boggs was impossible to obtain. On February 9, 1844, Governor Reynolds committed suicide by shooting himself with a rifle. The reason could be traced, in part, to despondency over his failure to extradite the Mormon Prophet.⁵⁶

No further attempts were made by the State of Missouri to extradite Joseph Smith. The death of Governor Reynolds and the previous failures discouraged an immediate renewal of the project, and the murder of the Mormon Prophet at Carthage, Illinois, the following June terminated altogether the entire affair.

⁵⁵*Niles National Register*, March 25, and September 30, 1843.

⁵⁶*Quincy Whig*, February 21, 1844.



THE BOSTON BRAHMIN SPEAKS

From the Boston *Every Saturday*, November 25, 1871.

The ungeographical reader will have to be told that Knobnoster is a town in the State of Missouri. Hitherto unknown to fame, this place with the singularly hideous name has lately achieved a sort of eminence as the scene of a rather curious phenomenon. The St. Louis *Democrat* of last week publishes a letter from Knobnoster in which the facts of the case are given. It says that at Knobnoster rain has descended continuously for two weeks, from a cloudless sky, the space moistened by the rain being only twenty feet in diameter. Numbers of people have witnessed the phenomenon. The writer asks for a scientific explanation. There must be a hole somewhere in that sky.