

Chapter 18

Persecutions against Joseph Grew in May 1844 from Those in Law's New Church

On April 28, 1844, a few months prior to Joseph and Hyrum's deaths, William Law, Jane Law, Wilson Law, and Robert Foster were expelled from the Church. William had earlier led a mob to Joseph's house but they were stopped by police, as noted in chapter 13. Shortly thereafter, they and others organized a new church named the True Church of Jesus Christ of Latter-day Saints.

They chose as their president William Law, who had been Joseph's counselor in the First Presidency. They declared that their new church was the true church and that Joseph Smith was a fallen prophet.

On May 3, 1844, Apostles Brigham Young and Willard Richards wrote to Reuben Hedlock in England, to inform him of the conspirators' newly organized church:

William and Wilson Law, Robert D. Foster, Chauncey L. and Francis Higbee, Father [Austin] Cowles, &c., have organized a new Church. (Laws and Fosters were first cut off). William Law is Prophet; James Blakesley [Blakeslee] and [Austin] Cowles, Counselors; [Francis] Higbee and [Robert] Foster of the Twelve. Cannot learn all particulars. Charles Ivins, Bishop; old Dr. Green and old John Scott, his counselors. (LDS History of the Church 6:354)

Thomas Sharp, editor of the *Warsaw Signal*, announced that those opposing Joseph at Nauvoo were planning to obtain a press and publish a paper in order to expose Joseph's alleged wrongdoings. On May 7, 1844, "An opposition printing press" arrived at Dr. Robert D. Foster's at Nauvoo (see *LDS History of the Church* 6:357).

On May 8 the editor of the *Warsaw Signal* eagerly confirmed that the conspirators had organized a new church, with William Law as their president:

Well at last, the Mormons are at it amongst themselves in good earnest. A new Church has been organized and we understand that a press will soon be procured, and a paper started which will be devoted to the building up of the cause of the seceders, and to an exposition of Joe Smith's enormities and malpractices.—The creed of the new Church, differs but little from the old—they acknowledge the authority, of the Book of Mormon, Doctrine and Covenants, &c; the only essential difference being in relation to the inspiration of Joe Smith. The seceders believe that Joe *was* a prophet, but that he is now fallen from grace. They have a new prophet therefore, who is William Law.

The members of the new Church are amongst the most intelligent, and respectable of the Mormon body, and it is said that their number is already quite respectable.

On Sunday last, Law preached in Nauvoo, and in the severest terms denounced Smith, for his arbitrary and immoral conduct. Some think that this breach will soon be healed, but we are inclined to believe that the disaffected have gone so far, as to preclude the possibility of retreat—sure it is, they cannot retreat honorably. (*Warsaw Signal* [May 8, 1844], 2)

**William Law Not Prophet,
but President of the New Church**

A week later the *Signal* printed the following correction that William Law was not a prophet:

We stated last week, that William Law was the Prophet of the new Church at Nauvoo. This is denied we hear, by Mr. Law, who says that no man can assume the spirit of Prophecy. He is the President of the new Church, but will not venture to publish any revelations. (ibid. [May 15, 1844], 2)

**The New “True” Church
of Jesus Christ of Latter Day Saints
Continued to Defame Joseph Smith**

The *Signal* not only printed articles about the new church, but newspapers throughout the nation published and republished news on the subject. Joseph is said to have asserted:

There was a meeting at Wilson Law’s, near the sawmill, of those who had been cut off from the Church, and their dupes. Several affidavits which they had taken against me and others were read. William Law, Wilson Law, Austin A. Cowles, John Scott, Sen., Francis M. Higbee, Robert D. Foster, and Robert Pierce were appointed a committee to visit the different families in the city, and see who would join the new Church; *i. e.*, as they had decided that I was a fallen prophet, &c.; and they appointed William Law in my place, who chose Austin Cowles and Wilson Law as his counselors. Robert D. Foster and Francis M. Higbee to be two of the Twelve Apostles, &c., &c., as report says.

Elder James Blakeslee [*sic*] preached in the forenoon, bearing a faithful testimony of the truth of the work and my being a true prophet, and in the afternoon joined the “Anties.” They chose Charles Ivins Bishop. (*LDS History of the Church* 6:346–347)

Francis M. Higbee continued to travel among Church members, exhibiting his false affidavits against Joseph. He worked diligently to convince them that Joseph was a fallen prophet and that William Law was the new church president. One of his converts was James Blakeslee—a very successful missionary in the Church. Reorganized Latter Day Saint Apostle Edmund C. Briggs talked with Blakeslee two years after Joseph’s death, and said of Blakeslee:

Elder James Blakeslee in 1846 when at our house told me that he had baptized one thousand in six months when he was preaching in the state of New York. (*The Saints’ Herald* 48 [February 27, 1901]: 163)

Henry Wheelock, a witness for Joseph during the May 8 Higbee “Damages” court case, testified under oath of a conversation that he had with James Blakeslee:

MR. WHEELOCK, sworn:—With regard to this case I know nothing, but through a circumstance occurring at Nashvill[e, Iowa]. Elder Blakesly came to my house to preach, he preached and was upholding the authorities of the Church very much, he came over here [to Nauvoo] and apostatized the same day; I then came over [the Mississippi River] and went to see him, I asked him why he had changed his mind so quick? he said he had seen affidavits of the guilt of Mr. [Joseph] Smith, he told me Mr. Higbee was going about [showing the affidavits] to the different conferences. I told him I thought he [Higbee] had better send some one else, his conduct was not the best and I know of circumstances that were not right. (*Times and Seasons* 5 [May 15, 1844]: 540)

Editor Thomas Sharp reported the following news article of the May 10 meeting at Wilson Law’s residence at which the new church continued to defame Joseph:

THE NEW CHURCH appears to be going ahead. On last Sunday [May 10], there were about three hundred assembled at Mr. Law’s house in Nauvoo, and listened with much seeming pleasure to a sermon from Elder Blakely [Seventy James H. Blakeslee], who denounced Smith as a fallen prophet. He treated the Spiritual wife doctrine without gloves, and repudiated Smith’s plan of uniting Church and State.

After Blakely had concluded, William Law, gave his reasons in strong language for leaving the false prophet [Joseph].

Francis M. Higbee, then read a series of resolutions which set forth the reasons for withdrawing from Joe. After this a number of Affidavits were read testifying to Joe’s villiany [*sic*], and showing the evils under which a large portion of the citizens are obliged to labor. (*Warsaw Signal* [May 15, 1844], 2)

A steamboat transporting printing supplies for the *Nauvoo Expositor* office stopped at Warsaw, Illinois. Editor Sharp, ever alert for sordid gossip he could exploit on the fracture within the Church, learned of the shipment bound for Nauvoo and reported:

The printing materials intended for the office of the *Nauvoo Expositor*, passed up [the Mississippi River] on Friday last, on the *Die Vernon*.— They were landed [at Nauvoo] without molestation, although a report was prevalent that Joe [Smith] had sworn that the press should not be set up in Nauvoo. (ibid. [May 22, 1844], 2)

A week later Editor Sharp published more on how the *Nauvoo Expositor* intended to make Joseph Smith's life miserable:

THE NAUVOO EXPOSITOR, is the title of a new paper about to be started at Nauvoo, by opponents of Joe. The Prospectus has been issued, in which the proposed character of the paper is set forth. It will have nothing to do with religion; but goes in for the repeal of the Nauvoo City Charter, against political revelations, and unconstitutional ordinances. As the conductors of this paper are well acquainted with Joe, it will in all probability make some disclosures which will render Nauvoo too hot either for Joe or his enemies. We will endeavor to keep our readers well apprised of everything of interest to them. In the mean time we say success to the new undertaking—for “a kingdom divided against itself cannot stand.” (ibid. [May 15, 1844], 2)

On May 10, 1844, the Prospectus for the *Nauvoo Expositor* was issued. It stated:

PROSPECTUS OF THE NAUVOO EXPOSITOR.

The undersigned propose publishing a Journal of the above title, which will appear on Friday of each week, on an Imperial sheet, with a new Press, and materials of the best quality, and rendered worthy of the patronage of a

discerning and an enlightened public.

The Expositor will be devoted to a general diffusion of useful knowledge, and its columns open for the admission of all courteous communications of a Religious, Moral, Social, Literary, or Political character, without taking a decided stand in favor of either of the great Political parties of the country. A part of its columns will be devoted to a few primary objects, which the Publishers deem of vital importance to the public welfare. Their particular locality gives them a knowledge of the many *gross abuses exercised under the pretended authorities of the Nauvoo City Charter*, by the legislative authorities of said city; and the insupportable *oppressions of the Ministerial powers* in carrying out the unjust, illegal, and unconstitutional ordinances of the same. The publishers, therefore, deem it a sacred duty they owe to their country and their fellow citizens, to advocate, through the columns of the Expositor, the *UNCONDITIONAL REPEAL OF THE NAUVOO CITY CHARTER*; to restrain and correct the abuses of the *Unit Power*; to ward off the Iron Rod which is held over the devoted heads of the citizens of Nauvoo and the surrounding country; to advocate unmitigated *disobedience to Political Revelations*, and to censure and decry gross moral imperfections wherever found, either in the Plebian, Patrician, or *self-constituted MONARCH*; to advocate the pure principles of morality, the pure principles of truth; designed not to destroy, but strengthen the main-spring of God's moral government; to advocate, *and exercise*, the freedom of speech in Nauvoo, independent of the ordinances abridging the same; to give free toleration to every man's religious sentiments, and sustain all in worshipping God according to the monitions of their consciences, as guaranteed [*sic*] by the Constitution of our country; and to oppose, with uncompromising hostility, any *Union of Church and State*, or any preliminary step tending to the same; to sustain all, however humble, in their equal and constitutional rights, and oppose the sacrifice of the Liberty, the Property, and the Happiness of the *many*, to the *pride and ambition of the few*. In a word, to give a

full, candid, and succinct statement of facts, as they exist in the city of Nauvoo. . . .

The publishers take pleasure in announcing to the public, that they have engaged the services of SYLVESTER EMMONS, Esq., who will have entire charge and supervision of the editorial department. . . .

William Law,
Wilson Law,
Charles Ivins,
Francis M. Higbee, *Publishers.*
Chauncey L. Higbee,
Robert D. Foster,
Charles A. Foster.

(*Nauvoo Expositor* 1 [June 7, 1844]: 4)

Six of the Twelve Apostles Then at Nauvoo Knew Joseph Was in Danger

There were six members of the Quorum of Twelve Apostles at Nauvoo in May 1844. As indicated in chapter 16, all six knew positively that Joseph's life was in imminent danger. Those apostles were Brigham Young, Heber C. Kimball, John Taylor, Willard Richards, Wilford Woodruff, and George A. Smith. Joseph had repeatedly told them that his life was in danger. They had heard and seen evidence that Joseph's life had been threatened numerous times and that the possibility of his assassination was increasing daily. Yet, they made no attempt to help or support Joseph in his precarious situation.

Five of the six apostles were listed as having been at the May 8 Higbee "Damages" court hearing. The court record contains the following list of names of the aldermen. Note that Joseph's first cousin George A. Smith was one of the aldermen:

Alderman N. K. Whitney [Bishop Newell K. Whitney], acting chief justice; and Aldermen Daniel H. Wells, William Marks, Orson Spencer, George W. Harris, Gustavus Hills, George A. Smith, and Samuel Bennet, associate justices, presiding.
 (*Times and Seasons* 5 [May 15, 1844]: 536)

Judge Declares Joseph Innocent in Higbee's "Damages" Case

The judge found Joseph innocent of the accusations by Francis Higbee in his \$5,000 suit against Joseph. He also found that the intent of the suit was both malicious and corrupt. As a result, he dismissed the charges against Joseph and ordered Higbee to pay the court costs.

The names of Joseph's witnesses are given in the *Times and Seasons* for May 15, 1844, pages 538 through 541, as well as in *LDS History of the Church*. The court record also lists the names of Joseph's witnesses. Note that Brigham Young's name is listed directly after Joseph's name. Below is a summary of the testimony and the findings in the case:

The case was argued at length by Messrs. George P. Styles [Stiles] and Sidney Rigdon [counsel for Joseph Smith]. After which the court allowed the petitioner [Joseph Smith] and his counsel to proceed with the case. Whereupon President Joseph Smith, *Brigham Young*, Sidney Rigdon, Hyrum Smith, Orrin Porter Rockwell, Cyrus H. Wheelock, Joel S. Miles, Henry G. Sherwood, Heber C. Kimball, were permitted to testify proving (1) the very bad and immoral character of Francis M. Higbee; and (2) the maliciousness of his prosecution of Joseph Smith. In the course of his testimony the Prophet said: "The only sin I ever committed was in exercising sympathy and covering up their . . . iniquities, on their solemn promise to reform, and of this I am ashamed, and will never do so again." After hearing these witnesses the Judge said: "It is considered and ordained by the court—

"1st. That the said Joseph Smith, Senior [Jr.], be discharged from the said arrest and imprisonment complained of in said petition, on the illegality of the writ upon which he was arrested, as well as upon the writ of the case, and that he go hence without day.

"2nd. Francis M. Higbee's character having been so fully shown as infamous, the court is convinced that this suit was instituted through malice, private pique, and corruption,

and ought not to be countenanced; and it is ordained by the court that the said Francis M. Higbee pay the costs.” (LDS *History of the Church* 6:360–361; italics added)

**Joseph Testified That Higbee’s
Persecution of Him Was Part of a
Conspiracy to Have Him [Joseph] Killed**

While testifying before the Nauvoo Municipal Court, Joseph stated that he believed Francis M. Higbee’s suit against him was an act of revenge and that Higbee was seeking to take his life. Joseph asserted:

Francis M. Higbee, is actuated by no other motive than a desire to persecute and harrass [*sic*] your petitioner, for the base purpose of gratifying feelings of revenge, which, without any cause, the said Francis M. Higbee has for a long time been Fostering and cherishing. . . .

Your petioner [*sic*] [Joseph] further states, that he verily believes that another object the said F. M. Higbee had in instituting the proceeding, was, and is, to throw your petitioner into the hands of his enemies, that he [Higbee] might the better carry out a conspiracy which has for some time been brewing against the life of [Joseph] your petitioner. (*Times and Seasons* 5 [May 15, 1844]: 536)

Joseph was closely guarded at Nauvoo by his friends, the Nauvoo police force, and members of the Nauvoo Legion. Most citizens of Nauvoo were members of the Church, and many were watching for suspicious persons who might do harm to Joseph. Those who sought to capture and harm him were often thwarted. If, however, Joseph could be charged with a crime, arrested and taken to Carthage, away from the protective custody of the Nauvoo police force and the members of the Nauvoo Legion, he could be assassinated. Joseph was convinced that Higbee suing him for \$5,000 in damages was an effort to place him in the custody of the law officials who would take him to Carthage where he could be assassinated. But once again, Joseph’s enemies’ plans were foiled.

Francis M. Higbee
Persecuted Joseph for Revenge

On Saturday, May 4, President Sidney Rigdon, counsel for Joseph, set out to find Francis M. Higbee and make a final effort to persuade him to drop his suit against Joseph. Rigdon, who had known Higbee for years, found him at a landing by the river, waiting for the arrival of a steamboat. Rigdon and Higbee had a conversation in which Rigdon tried to persuade Higbee to drop his suit against Joseph and cease persecuting him. But, Higbee informed Rigdon that he had no intention of doing either. Most likely he was waiting then for the arrival of a steamboat bringing the new printing press that the dissenters had ordered for their paper, the *Nauvoo Expositor*.

Rigdon later testified before the Nauvoo Municipal Court of his unsuccessful attempt to get Higbee to stop his persecution of Joseph:

I went to see [Francis] Higbee on last Saturday, I found him at Mr. Morrisons—he was waiting for a steam boat—I endeavored [*sic*] to prevail on him to relinquish his undertaking [against Joseph]; he said I have no character in Nauvoo, for I have none to lose, I tried to convince him that he had a character and might be looked upon with respect, but he flatly contradicted me, and said he had none, and that was the reason why he persecuted Joseph Smith—as he had no character, he did not care what he did—he had nothing to lose by it—that is the substance of our conversation. (ibid., 539)

(Note: The apostles present at the “Damages” trial heard Rigdon’s testimony. Thus, they would have known of Higbee’s conviction to continue to persecute Joseph. This point will be relevant in the following chapters.)

It is true that Francis Higbee’s character was damaged, but not by Joseph. Higbee had become involved with Dr. John C. Bennett in practicing spiritual wifery. In addition, as has been previously

discussed, Higbee also had relations with a prostitute from whom he had contracted a venereal disease. By his unrighteous choices, Higbee had marred his own character. Prior to his illness, he was highly respected and was one of the most promising young men in the Church. He had been courting Miss Nancy Rigdon, daughter of President and Mrs. Sidney Rigdon, and may have entertained hopes of marrying her. If so, that hope may have ended when President and Mrs. Rigdon and Nancy became aware of the nature of his illness and the particulars of his contracting it.

When Joseph was asked to visit Higbee, who was ill, he went to see him. He found Dr. Bennett present with Higbee, and Joseph was hurt and surprised when the Doctor admitted to him that Higbee was suffering from a venereal infection.

Knowing that the two were in collusion (Bennett was well known for not only seducing females in town, but performing abortions thereafter), Joseph then brought charges against Francis Higbee and Bennett, and their polygamous connections were thoroughly investigated before members of the Nauvoo Stake High Council. Brigham Young was part of that investigation in 1841 and again in 1842, and understood the case and its connections to Higbee's May 1844 persecution of Joseph. Brigham swore:

With regard to Francis M. Higbee. . . . He said it is all true, I am sorry for it, I wish it had never happened. . . . I knew of the whole affair, it was on the 4th of July, or a few days after—it was shortly after I came from England [July 1, 1841]. I was in the City Council when Mr. Higbee said all was settled. . . . I have heard Dr. Bennet say all these things were facts; he acknowledged that Higbee had the _____ and that he had doctored him, he acknowledged that, and a great deal more. (ibid., 539)

This statement confirms that Apostle Young's testimony supported Joseph's testimony in the case of *Francis M. Higbee v. Joseph Smith*.

Apostle John Taylor Purposefully Omitted Part of Joseph’s Testimony When Making Record of the May 8 Higbee “Damages” Case

In order to understand the conspiracy in which Higbee was involved, further study should be made of the May 8 case before the Nauvoo Municipal Court. It shows a cover-up by the apostles of pertinent evidence supplied by Joseph. As previously discussed in chapter 17, Joseph gave his testimony against Francis Higbee in the “Damages” case. He testified concerning a visit he had made in 1841 to see Francis M. Higbee when he was ill and confined to his bed with a venereal disease. When Apostle John Taylor printed an account of the court case in the *Times and Seasons*, Joseph’s testimony about his visit to see Higbee was purposefully omitted. In Joseph’s testimony, he gave details that Taylor withheld from Church members and the public. Taylor stopped quoting Joseph when he began giving what may have been the most important sworn testimony of the entire court case.

Joseph was anxious to testify of what he knew to be the truth. He said, “I must tell the story in its true light. . . . The peace of myself, my family, my happiness, and the happiness of the city depend upon it” (*Times and Seasons* 5 [May 15, 1844]: 538). However, not all of Joseph’s testimony was allowed to go to the city, of which the vast majority were Church members.

Perhaps in the omitted part, Joseph condemned polygamy in a way that implicated the polygamous apostles. After all, Taylor at the time was the husband of three wives (see Francis M. Gibbons, *John Taylor: Mormon Philosopher, Prophet of God*, 52–53). He and Brigham Young, Heber C. Kimball, Willard Richards, and George A. Smith (all polygamists at the time) would have wanted the accusations of polygamy to stay focused upon Joseph (who had only one wife) and not on themselves.

Possibly, it was when Joseph began revealing details of Bennett’s and Higbee’s spiritual wifery, that Taylor quit quoting Joseph. Joseph may have condemned the polygamous, spiritual wifery practices of Bennett and Higbee, as well as the polygamy being practiced secretly by the apostles at that time in Nauvoo. Below is Joseph’s brief preface to the part of his testimony that was suppressed, as well as Taylor’s statement (in brackets) as to why it was suppressed.

JOSEPH SMITH sworn—Said, I must commence when Franc[i]s [sic] M. Higbee was foaming against me, and the Municipal Court, in my house [the Mansion House].—Francis M. Higbee said he was grieved at me, and I was grieved at him. I was willing on my part to settle all difficulties, and he promised if I would go before the City Council and tell them he would drop every thing against me forever. I have never mentioned the name of Francis M. Higbee disrespectfully from that time to this; but have been entirely silent about him; if any one has said that I have spoken disrespectfully since then, they have lied; and he cannot have any cause whatever. I want to testify to this court of what occurred a long time before John C. Bennet left this city. I was called on to visit Francis M. Higbee; I went and found him on a bed on the floor.

[Here follows testimony which is too indelicate for the public eye or ear; and we would here remark, that so revolting, corrupt, and disgusting has been the conduct of most of this clique, that we feel to dread having any thing to do with the publication of their trials; we will not however offend the public eye or ear with a repetition of the foulness of their crimes any more.] (*Times and Seasons* 5 [May 15, 1844]: 538–539; the paragraph within the brackets was inserted by, or under the supervision of, Editor John Taylor.)

Note that in *Joseph Smith Fought Polygamy* 1:115, the authors indicated that the reason Taylor did not print a part of Joseph’s testimony was because it was so graphic—as Taylor stated. However, upon reflection, we believe that there was a more important reason.

In the above quote, note Joseph’s wish to testify of certain facts. He told the court, “I want to testify to this court of what occurred a long time before John C. Bennett left this city.” Since Joseph wanted the court to know what happened “a long time before John C. Bennett left this city,” he surely wanted Church members to know the whole truth. After all, his testimony before the court was not secret. The hearing before the Nauvoo Municipal Court was a public court, and no doubt Joseph testified in a room filled with spectators.

The portion of Joseph’s testimony that Taylor chose not to print has never been published. It is hoped that the LDS Church in Utah will make the deleted part of Joseph’s testimony available to all. The authors believe that Joseph gave information that Taylor did not want to become public knowledge.

Henry Sherwood, a witness for Joseph, gave testimony during the hearing on May 8, before the Nauvoo Municipal Court, that added insight into Joseph’s visit with Higbee. The record reveals:

H. J. Sherwood [Henry G. Sherwood], sworn;—I have several times had conversations with Higbee; I recollect that near two years ago there was a fuss about John C. Bennets spiritual wife system before the High Council. I recollect a French woman coming up from Warsaw, and that Francis M. Higbee had medical assistance * * * * * Dr. Bennet attended him, Joseph Smith administered¹ unto him but it was irksome; Higbee assented that it was so, he did not contradict it, he promised to reform—he would do better, he would do so no more. (ibid., 540)

Conclusion

It is a fact that the apostles at Nauvoo were aware that Joseph’s life was in danger and that it was probable he would be assassinated. They recognized that if Joseph’s life was to be spared, they had to take strong measures to expose these conspirators. Yet, if the apostles exposed Joseph’s enemies, those same enemies would come against the apostles to expose their polygamist activities. They understood the intentions of William and Wilson Law, Francis and Chauncey Higbee, Robert and Charles Foster, and others who had formed a new church. Those men had been very frank by stating their objectives in publishing the *Nauvoo Expositor*. Among other plans, the William Law conspirators intended

1. Administration is a blessing for the sick through the laying on of hands. Evidently, Higbee was not healed when Joseph administered to him. It is possible that Higbee blamed Joseph for his continued illness and all the suffering that it brought upon him. Higbee also could have blamed Joseph for reporting his [Higbee’s] immorality to President and Mrs. Rigdon, which no doubt brought an end to Higbee’s courtship of their daughter Nancy.

to continuously persecute Joseph with false polygamy charges. What better way to take Joseph down than to falsely accuse him of practicing polygamy!

All of the apostles in Nauvoo at the time either had plural wives or were in favor of its practice. Therefore, these apostles were in a quandary about what was going to be published concerning their own polygamous connections. The arrival of the *Nauvoo Expositor* press created a huge problem for Brigham Young and his fellow polygamous apostles. On the one hand, the Laws, Fosters, and Higbees were determined to expose the guilty apostles and, while knowing that Joseph was innocent, falsely accuse him of polygamy. On the other hand, Joseph was proclaiming against polygamy and threatening to take to Church court anyone he found practicing it.