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POETRY.

THE LAST MAN.  
BY THOMAS CAMPBELL.

All worldly shapes shall meet in  
gloom,  
The sun himself shall die,  
Before this mortal shall assume,  
His immortality!  
I saw a victim in my sleep,  
That gave my spirit strength to weep  
Adown the gulf of time!  
I saw the last of human mould,  
That shall creation's death behold,  
As Adam saw her prime!  
The sun's eye had a sickly glare,  
The earth with age was worn,  
The skeletons of nations were  
Around that lonely man!  
Some had expired in fight,—the  
beards  
Still rusted in their boy hands!  
In plagues and famine some!  
Earth's cities had no sound nor  
breath,  
And ships were drifting with the  
dead  
To shores where all was dumb!  
Yet prophet like, that lone one  
stood,  
With dauntless words and high,  
That shook the sear leaves from the  
wood  
As if a storm pass'd by—  
Said, "Ye are truce in death  
proud Sin  
Thy face is cold, thy race is run,  
To misery bids thee go.  
For thou ten thousand thousand  
years  
Hast seen the tide of human tears,  
That shall no longer flow."  
"What though beneath these man  
put forth,  
His pomp, his pride his life,  
And arts that made fire, flood, and  
earth,  
The vassals of his will,  
Yet move I not thy parted away,  
Thou dost, discerned king of day;  
For all those trophies art  
And triumphs that beneath thee  
sprang,  
Healed not a passion or a pang  
Entail'd on human hearts.  
'O, let oblivion's curtain fall  
Upon the stage of men,  
Nor with thy rising beams recall  
Life's tragedy again.  
His pensive pageants bring not back,  
Nor wakes death, upon the rack  
Of pain aware to writhe;  
Sketch'd in disease's shapes  
abhor'd,  
Or move in battle by the sword,  
Like grass beneath the scythe."  
"E'en I am weary in your skies  
To watch thy fading fire,  
Test of all sinless ages,  
Behold me not expire.  
My lips that speak thy dirge of  
death,  
Thy rounded grasp and gurgling  
breath,  
To see thou shalt not boast  
The eclipse of nature speaks my  
pall,  
The majesty of darkness shall  
Receive my parting shout!  
"This spirit shall return to him!  
That gave its heavenly speech,  
Ye think not Sin, it shall be dim!  
When thou thyself art dark!  
No it shall live again, and shine  
In bliss unknown to beasts of thine.  
By Him recall'd to breath,  
Who captive led captivity,  
Who robbed the grave of victory,  
And took the sting from Death!  
Go, Sin, while man's holds me in

NAUVOO EXPOSITOR.

—THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH—

VOL. I.]

NAUVOO, ILLINOIS, FRIDAY, JUNE 7, 1844.

[ NO. 1.

But here his musings were  
interrupted by the clatter of  
horse's hoofs, approaching at a  
swift pace behind him, and the  
next moment a horseman,  
muffled in a large cloak,  
reined up his steed, with a  
powerful jerk, at his side.  
They rode on for some  
distance in silence, until  
Henry, for that was our hero's  
name, addressed him with—

"A fine evening, sir!"  
"It is," answered the  
stranger—"whose features and  
accent denoted him to be a  
foreigner—"It is very fine."  
Then, after a pause he  
continued: "Being a stranger in  
this country, I should feel  
obliged, sir, if you would  
direct me to the village of  
E—"

"Willingly," replied Henry;  
"it is to E— that I am going,  
and, if I shall not intrude, shall  
be happy to accompany you."  
The stranger expressed his  
thanks, and, after a short time  
resumed:  
"I suppose you reside in  
E—, sir?"

"Why, not exactly a  
resident, but rather a frequent  
visitor, as you may suppose,"  
answered the light-hearted  
Henry, "when I tell you that  
the magnet which attracts me  
is a lady!"

"And by such a magnet,"  
replied the stranger, with a

sigh, "I have been drawn from  
the sunny shores of Italy;  
attend awhile, and, in return  
for your confidence, you shall  
hear my story, and during its  
relation, our horses will cool:  
About a year ago, there came  
to Naples an old, there

came with his wife, who  
was an invalid, and a lovely  
daughter. They engaged a villa  
near the one in which I  
resided; I thereby became  
acquainted with the  
gentleman, who invited me to  
his house, but as his daughter  
was constantly in attendance  
on her mother, I never could  
meet her. I called again and  
again for the same purpose,  
but was as often disappointed,  
until shortly after, the old lady  
dying, I, with some other  
neighbors, was invited to the  
funeral. I saw her then in all  
the loveliness of woman's  
sorrow, bending over her  
mother's grave, and thought  
that I had never beheld a being  
so beautiful.—From that  
moment I loved her, and  
resolved to solicit her hand.  
After waiting to allow her  
grief to subside, I called, and  
finding her alone, at once told  
her the state of my feelings  
regarding her, but she, with  
apparent grief for my  
disappointment, firmly  
rejected my advances. They  
quitted Naples suddenly, and I  
have not seen them since, but  
have followed them hither  
with the intention of again  
performing my suit."

"And if, when you have  
found her, she is engaged to  
another?"  
The stranger's brow  
darkened, and his eyes flashed  
fiercely, as he exclaimed, "It  
should not be! This hand  
would deprive him of the

into the bower, clasped her to  
his breast. The blush which  
overspread her face being thus  
caught, was dispelled by the  
joy of beholding him in whom  
her earthly happiness was  
centered.

"Now, I declare," said  
Adeline, playfully tapping his  
shoulders, "that you have  
become quite a man! I have  
not seen you for more than a  
whole day."

"Sweetest," replied Henry,  
embracing her, "you must  
forgive me, I staid but to settle  
some affairs now, that I might  
not again be torn from you—  
though I must confess that I  
should have been here earlier  
but for a companion I picked  
up on the road, nay, look not  
so hardly, Adeline, it was a  
man, and if you heard his  
story, you would, I have no  
doubt, forgive him the delay  
he caused me—but you shall  
hear it some other time."

Adeline, however, would  
rather hear it *then*. Henry,  
therefore, related the story of  
the stranger, and looking at  
Adeline, as he concluded, was  
surprised to find her in tears.

"Dearest Adeline,"  
exclaimed he, taking her hand,  
"let it not affect you thus; he  
will, I dare say, be made  
happy, as you will make me  
to-morrow."

Henry," replied Adeline,  
with a deep sigh, "I am more  
concerned in this unhappy tale  
than you imagine; I have  
reason for supposing that I am  
the female of whom he is in  
search."

"You! Adeline?"  
"I have not mentioned this  
before, lest you should think  
me vain, but I will tell you  
now. You already know, my  
dear Henry, that my mother,  
being in a bad state of health,  
by the physician's advice, we  
went to reside at Naples.  
When we had been there but a  
short time, my father formed  
an acquaintance with an Italian  
pobleman, who, on the death  
of my mother, me an offer in  
marriage; but,  
notwithstanding his wealth and  
handsome person, I felt that I  
could not love him, even if you  
had not already possessed my  
affections. On my rejection of  
his offer, he left the house in  
anger, and I did not see him  
again."

"It is strange—so exactly  
does it coincide—yet,  
Adeline, this may not be."  
"I hope not, still, I cannot  
but think it is."  
"And if it is," said Henry,  
fixing his eyes searchingly  
upon her, "and he should  
repeat his offers?"

The eyes of Adeline,  
beaming with an expression of  
confidence, innocence and  
love, replied—"Yours till  
death."

He would have clasped her  
in his arms, but, at the instant,  
a rustling in the bushes near,  
then caused them both to start  
from their seats. Adeline,  
greatly terrified, clung to her  
lover, who, after a time,  
hearing nothing else,  
attempted, though vainly, to  
calm her fears, but she begged  
him to conduct her into the

to her, so I too told him that  
as how I loved so, and that  
there was a wedding up there  
this morning. Lord love you,  
sir, he look'd the colour o' old  
white Peggy there, till I  
thought the moon was gone  
crazy; but he starts off all at  
once towards yer honor's  
house, so I thought, maybe, he  
was an old friend, and war in  
order 'cause yer honor didn't  
ax him to the wedding."

"Well, my good fellow, did he  
not say anything at starting,  
this morning?"  
"Oh, he war as grumpy as  
may be, an' only ax'd the  
nearest way to the sea, so I  
told un the nearest, which yer  
honor knows, lays *clean over  
the cliff*."

De Monecy could not help  
smiling at the oddity of the  
direction; and, rewarding the  
man for his information, they  
returned home.

"I have no longer any doubt,  
Henry, by the inquiries that he  
made, that it was my Italian  
friend, who, on finding the  
hopelessness of the case, and  
moreover that you, to whom  
he seems to have taken a  
liking, were his rival, has  
departed in despair."

They had now reached the  
house where Henry, espying  
his beloved in the garden, ran  
to acquaint her with the result  
of their walk. She was greatly  
relieved by the news, and,  
with light hearts, they entered  
the break-fast room. The  
breakfast was soon  
dispatched, and the joyous  
party set out on their journey  
to the church, which was  
situate at one end of the park,  
through which, as the  
cavalcade passed, it was  
saluted—by the glad shouts of  
the assembled tenantry, whose  
merry faces bore witness of  
the general joy, and added  
additional pleasure to the good  
De Monecy.

They had now arrived at the  
church, and the happy  
bridegroom handing out his  
blushing bride, they proceeded  
gaily up the little path which  
led to the door. In passing  
through the porch, Adeline  
slightly trembled. Henry  
stopped to kiss her hand; and,  
in an instant, a dagger from  
behind pierced him to the  
heart. He fell, and, murmuring  
"Adeline," expired. The  
bereaved one, uttering a  
piercing shriek, fell senseless  
on the body of her beloved.

The spectators, horror-struck,  
gazed at each other,  
until they were aroused by a  
voice in the crowd, crying  
"Seize him, seize him!"  
Turning, they beheld a figure  
rush along the path, and  
springing on a horse tied up  
near the gate, dash off at full  
speed. Every one rushed  
simultaneously out, and  
mounting every horse they  
could find, started in pursuit.

They pursued for some time,  
turning rapidly on the  
fugitive, until he turned up a  
short lane, which terminated  
in a terrific precipice.

"Hold! hold!" shouted the  
foremost of the pursuers, "it  
calm her fears, but she begged  
him to conduct her into the

"Would you follow him over  
the cliff?"

"—we forget! and when at last  
we arise with exhausted  
strength from the sick-bed, our  
souls often awake as out of a  
long night into a new morning  
—So many things, during the  
illness of the body, conspire to  
soften the feelings, the still  
room, the mild twilight voices,  
and then, more than all else,  
kind words of those who  
surround us, their attention,  
their solicitude, perhaps a tear  
in their eyes; all this does us  
good; and when the wise  
Solomon enumerated all the  
good things which have their  
time upon the earth, he forgot  
to celebrate sickness among the  
rest.

"Better laugh than cry"—  
So say we. It's no use rubbing  
one's eyes, and blubbering  
over all the ills that flesh is  
heir to." Red eyes caused by  
anything but grief or its  
kindred are scandalous looking  
affairs. The best way is to  
"stand up to the rack," and take  
the good things and the evil as  
they come along, without  
repining, and always cheering  
yourself with that  
philosophical ejaculation,  
"better luck next time."

Is dame fortune as shy as a  
weasel? Tell her in the  
thunder, and laugh her in the  
face. The happiest fellow we  
ever saw, slept upon a plank—  
and hadn't a shilling in his  
pocket, nor a coat to his back.  
Do you find  
"disappointment lurking in  
many a prize?" Then throw it  
away, and laugh at your own  
folly for pursuing it.

Does fame elude your  
grasp? Then laugh at the fools  
that are so often her favorites.  
She's of no consequence any  
how, and never buttered a  
piece of bread or furnished a  
man a clean dickey.

Is your heart broken by  
"Some maiden fair,  
Of bright blue eyes and auburn  
hair?"

Then thank your stars that  
you have escaped with your  
neck, and make the welkin  
ring with a hearty laugh. It  
lightens the weight of one's  
heart amazingly.

Take our advice under all  
circumstances; "drive dull care  
away." Don't be in a hurry to  
get out of the world,  
considering the creatures who  
abound it, and it is just about as  
full of fun as it can be. You  
never saw a man cut his throat  
with a broad grin on his face;  
it's a grand preventative of  
murder. There's philosophy  
and religion too, in laughing; it  
shows a clear conscience and  
gratitude for the good things of  
life, and elevates us above the  
brut creation. So here goes for  
fun—and we'll put in our own  
share while the ball is rolling,  
ha! ha!

We give place this week to  
the following Preamble,  
Resolutions and Affidavits,  
of the Seceders from the Church  
at Nauvoo.—The request is  
complied with on account of  
their deeming it very important  
that the public should know  
the true cause of their  
dissenting, as all manner of

history, than we have every  
reason to believe we are. We  
all verily believe, and many  
of us know of a surety, that  
the religion of the Latter Day  
Saints, as originally taught by  
Joseph Smith, which is  
contained in the Old and New  
Testaments, Book of  
Covenants, and Book of  
Mormon, is verily true, and  
that the pure principles set  
forth in those books, are the  
immutable and eternal  
principles of Heaven, and  
speaks a language which,  
when spoken in truth and  
virtue, sinks deep into the  
heart of every honest man.—  
Its precepts are invigorating,  
and in every sense of the  
word, tend to dignify and  
ennoble man's conceptions of  
God and his attributes. It  
speaks a language which is  
heard amidst the roar of  
Artillery, as well as in the  
silence of midnight: it speaks  
a language understood by the  
incarcerated spirit, as well as  
he who is unfettered and free;  
yet to those who will not see,  
it is dark, mysterious, and  
secret as the grave.

We believe that all men,  
professing to be the ministers  
of God, should keep steadily  
in view, the honor and glory  
of God, the salvation of souls  
and the amelioration of man's  
condition; and among their  
cardinal virtues ought to be  
found those of faith, hope,  
virtue and charity; but with  
Joseph Smith, and many other  
official characters in the  
Church, they are words  
without any meanings  
attached—words as  
ornaments, exotics nurtured  
for display, virtues which,  
throwing aside the existence

of a God, the peace,  
happiness, welfare, and good  
order of society, require that  
they should be preserved  
pure, unimmaculate and  
uncorrupted.

We most solemnly and  
sincerely declare, God this  
day being witness of the truth  
and sincerity of our designs  
and statements, that happy  
will it be with those who  
examine and scan Joseph  
Smith's pretensions to  
righteousness, and take  
counsel of human affairs, and  
of the experience of times  
gone by. Do not yield up  
tranquilly a superiority to that  
man which the  
reasonableness of past events,  
and the laws of our country  
declare to be pernicious and  
diabolical. We hope many  
times of doctrine, as now  
taught, some of which,  
however, are taught secretly,  
and denied openly, (which we  
know positively is the case,)  
and others publicly,  
considerate men will treat  
with contempt; for we declare  
them heretical and damnable  
in their influence, though they  
find many devotees. He  
shall be, who has drank of the  
poisonous dard, teach virtue?  
In the stead thereof, when  
the criminal ought to plead guilty  
to the court, the court is  
obliged to plead guilty to the  
criminal. We appeal to  
humanity and ask, what shall  
we do? Shall we lie supinely  
and suffer ourselves to be  
metamorphosed into beasts  
by the Syren tongue? We  
answer that our country and  
our God require that we  
should rectify the tree. We  
have called upon him to  
repent, and as soon as he  
shaved fruits meet for

Joseph Smith, Robert  
Foster, and Chauncey and  
Francis Higbee

ANDREW H. HEDGES

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On 7 June 1844, seven dissenters from The Church of Jesus Christ  
of Latter-day Saints—William and Wilson Law, Francis M. and  
Chauncey L. Higbee, Robert and Charles Foster, and Charles Ivins—pub-  
lished the first and only issue of the *Nauvoo Expositor*, a four-page, six-column  
paper whose purpose was to provide "a full, candid and succinct statement  
of facts, as they exist in the city of Nauvoo, fearless of whose particular case  
they apply."<sup>1</sup> Concerned that the paper's accusations and inflammatory rheto-  
ric would result in violence against Nauvoo, the city council three days later  
ordered Joseph Smith, in his capacity as mayor of the city, to "destroy the  
Nauvoo Expositor establishment as a nuisance." Joseph passed the order on  
to Nauvoo city marshal John P. Greene, who reported later that evening "that  
he had removed the press, type—& printed paper—& fixtures into the street  
& fired them."<sup>2</sup> The following day, 11 June, one of the paper's publishers,  
Francis Higbee, went before Thomas Morrison, a Hancock County justice  
of the peace, and accused Joseph and seventeen other men of having commit-  
ted a riot, "wherein they with force & violence broke into the printing office  
of the Nauvoo Expositor and unlawfully & with force burned & destroyed

On 7 June 1844, dissenters from the Church published the first and only issue of the *Nauvoo Expositor*.

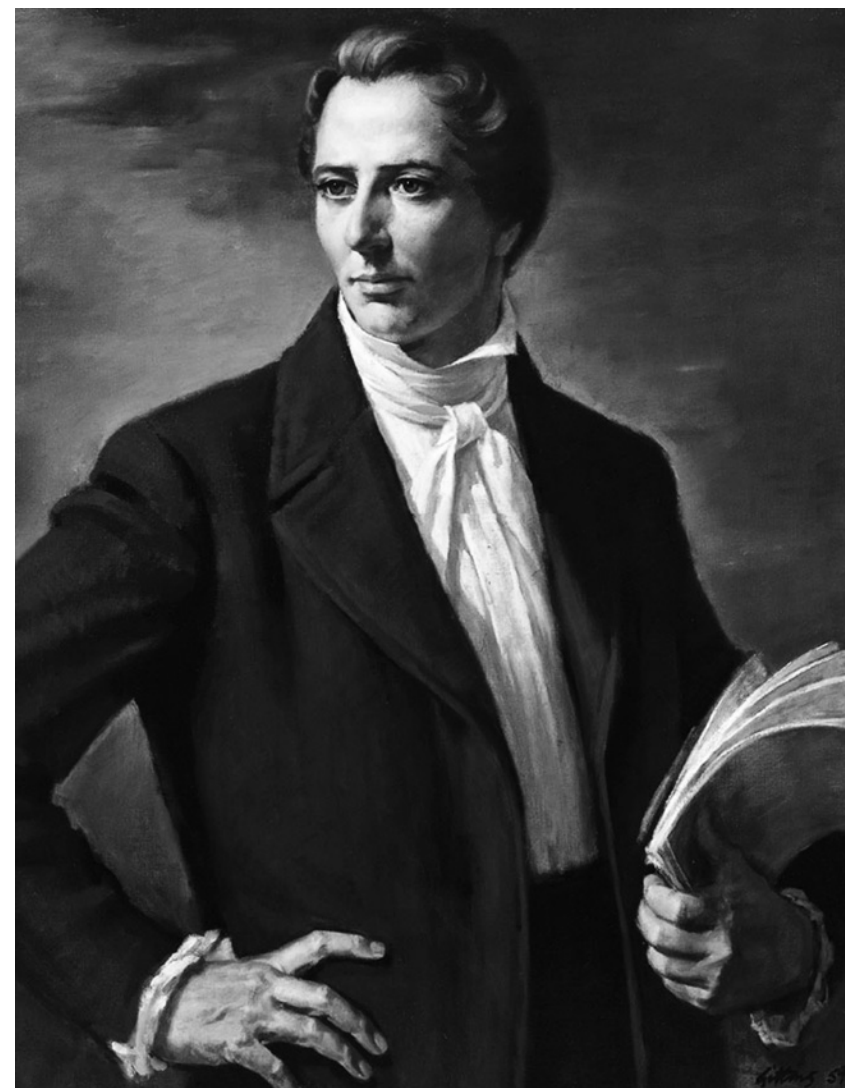
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the printing press, type & fixtures of the same.” Morrison immediately issued a warrant for Joseph’s arrest, thus setting into motion the legal process that would lead to the prophet’s murder at Carthage Jail less than three weeks later.<sup>3</sup>

As one of the key events leading to Joseph Smith’s death, the destruction of the *Expositor* has received a significant amount of attention from historians over the years.<sup>4</sup> At the same time, relatively little work has been done on the history of the seven men who published the paper, especially the history of their relationship with Joseph in Nauvoo and the reasons behind their defection from the Church. William Law has received the most attention in this regard, although reliance on later sources and reminiscent accounts has colored the story somewhat.<sup>5</sup> For the others, authors have generally been content to provide a brief description of who they were and what their difficulties with the Prophet were but have neglected to carefully trace the development of these problems and the significant points of contact between them. In the cases of Charles Foster, Wilson Law, and Charles Ivins, such brief treatment has been unavoidable, as very few sources detailing their deteriorating relationship with Joseph have been located. More information, however, is available for Robert D. Foster, Francis M. Higbee, and Chauncey L. Higbee, especially as it relates to events preceding the arrival of the *Expositor* press in Nauvoo on 7 May 1844—an event that clearly marks the beginning of a new and united effort on the part of these men to discomfit the Mormon prophet and his supporters. This article, then, details Joseph’s relationship with Foster and the two Higbees in Nauvoo up to that point in an effort to provide a more complete account of the events and issues leading to these men’s united animosity toward Joseph Smith during the last few years of his life than has been available in the past.

## Beginnings

Although their experiences in and with the Church were significantly different, all three men had achieved some degree of prominence in Nauvoo by the time they turned against Joseph Smith. Chauncey and Francis, sons of the Prophet’s friend Elias Higbee, had been in the Church the longest, having been baptized in 1832 around the ages of eleven and twelve, respectively. Along with other members of their family, both endured several periods of persecution in Missouri between 1833 and 1839. Both also practiced law in Nauvoo, and both served as aides-de-camp to Major Generals John C. Bennett



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Joseph Smith served as mayor of Nauvoo during the *Nauvoo Expositor* incident.

and Wilson Law in the Nauvoo Legion.<sup>6</sup> Foster, on the other hand, appears to have joined the Church shortly before accompanying Joseph on part of his trip to Washington, DC, in autumn 1839, and so missed the Missouri troubles. He speculated heavily in lands on the bluff area of Nauvoo, and, like the Higbees, practiced law. He was also a successful and well-respected physician,



as evidenced by his appearing as an expert witness in the celebrated *Dana v. Brink* malpractice suit<sup>7</sup> and serving as surgeon general of the Legion.<sup>8</sup>

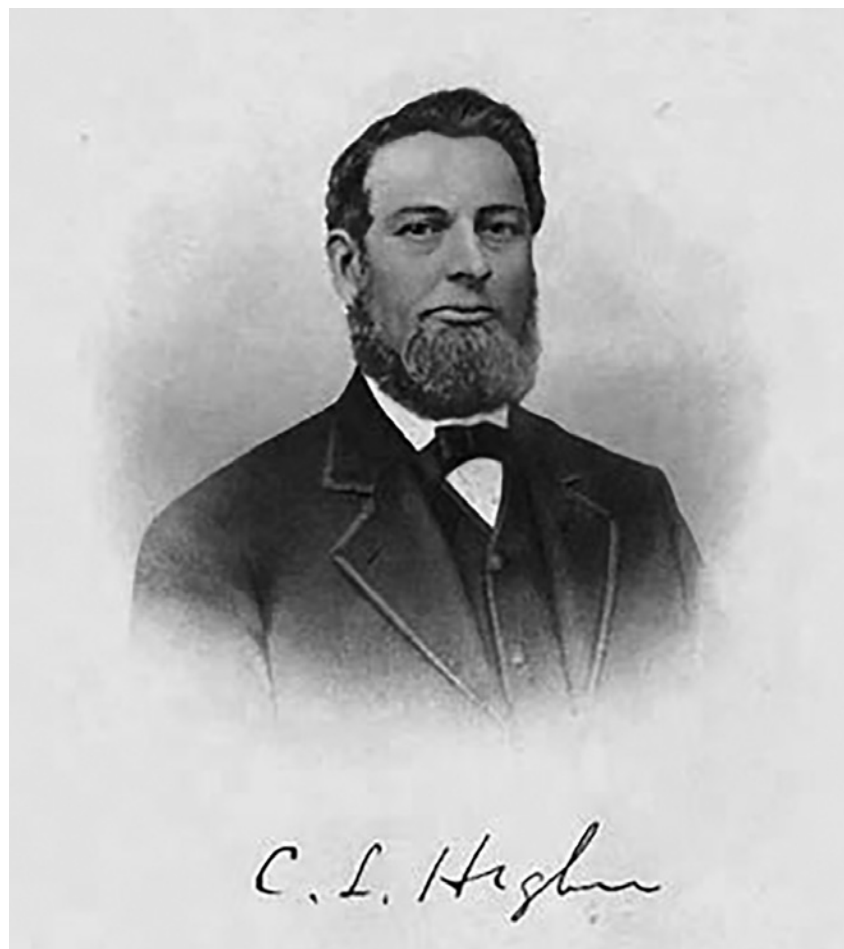
Prominence, however, was no insurance against poor behavior. The first hint that all was not well with the Higbee brothers in Nauvoo is a mild rebuke Joseph delivered on 28 January 1842 to their father, Elias Higbee, a member of the temple committee at the time. “The Lord is not well pleased with you,” Joseph told Higbee, “& you must straiten up your loins and do better, & your family also. . . . You must arise & shake yourself & be active & make your children industrious & help build the Temple.”<sup>9</sup> Three months later, it became clear that the situation had deteriorated rather than improved, with George Miller formally charging Chauncey Higbee in May with “unchaste and unvirtuous conduct with the widow Miller and others.” The Nauvoo high council heard the case on 21 May 1842, at which point three witnesses testified that Higbee had seduced several women by telling them it was no sin “to have free intercourse with women if it was kept secret.”<sup>10</sup> Sarah Miller, Margaret Nyman, and Matilda Nyman—three of Higbee’s victims—formally recorded their accounts of Higbee’s actions three days later, at which point the high council formally excommunicated him from the Church.<sup>11</sup> Making matters worse, Higbee appears to have responded by retaliating against Joseph, leading to his arrest the same day for “slander and defamation” against the Prophet and his wife Emma. Higbee was released on a two-hundred-dollar bond, but he was obviously very upset with Joseph Smith.<sup>12</sup>

Cryptic entries in Joseph’s journal, which was being kept by Willard Richards at the time, indicate that something was brewing with Francis Higbee at approximately the same time. On 13 May 1842, Richards wrote that Joseph “had private interview with Pres[iden]t Rigdon . . . concerning certain evil reports put in circulation by F. M.,” followed by several illegible words. Draft notes written later for Joseph Smith’s history supply “Higbee” after “F. M.,” making it clear that the compilers of the history, at least, had reason to believe Francis M. Higbee was behind at least some of the developing issues between Joseph and Sidney Rigdon in 1842.<sup>13</sup> Similarly, Richards noted on 29 June 1842 that Joseph “held a long conversation with Francis Higby,” who “found fault with being exposed.” According to Richards, Joseph told the young man that “he spoke of him in self defence,” after which Higbee “appeared humble & promised to reform.”<sup>14</sup>

Neither entry provides any details about the situation with Higbee at this time, but records generated almost two years later offer some suggestions.

Evidently, sometime during the summer of 1841, Higbee had contracted “the Pox”—probably syphilis—from a prostitute who had visited Nauvoo from Warsaw, Illinois. At the same time, Higbee also reportedly told John C. Bennett, who was treating him, that he had seduced a young lady in Nauvoo. Bennett passed the news onto Joseph, who reported that when he tried to inform the girl’s parents of the problem, both Bennett and Higbee changed their story and lied about Joseph in some fashion in order to “blind the family.”<sup>15</sup> The entries in Joseph’s journal about “evil reports” and Higbee’s concern over being “exposed,” referenced previously, may have been written in this context, at a time when the Prophet had been forced to defend himself and explain what really had happened. If so, it was a move that Higbee clearly did not like, but which his own actions had precipitated.

Following this brief flurry of activity in May and June 1842, Joseph appears to have had very little to do with the Higbees—at least for a time. The same cannot be said, however, of Robert D. Foster, who appears frequently in Joseph’s journal between March 1842 and early 1844. Foster’s relationship with the Prophet during these years varied considerably; the two men seem to have been friends at some points and opponents at others. On 10 March 1842, for example, Foster was clearly on Joseph’s side when he testified before the Nauvoo municipal court that Amos Davis had used “indecent and abusive Language” against Joseph the previous day.<sup>16</sup> Two months later, in turn, Joseph spoke “at considerable length” in support of the Masonic lodge, forgiving Foster after lodge members found him guilty of abusing Henry G. Sherwood and Samuel Smith.<sup>17</sup> The following day, 21 May 1842, Joseph and the Nauvoo high council similarly ruled in Foster’s favor after the latter had been charged with “unchristian conduct” by Nathan T. Knight, and on 19 July, Joseph, Foster, and several others went for a long ride together “to look at Timber Land.”<sup>18</sup> Early in 1843, however, Richards noted in Joseph’s journal that Foster “took an active part in electioneering for the written opposition ticket, & obstructing passage to the polls” during the Nauvoo city elections. Furthermore, Richards wrote that Foster was supporting non-Mormon businessman William H. Rollosson for Nauvoo postmaster rather than Joseph Smith, who had been “recommended for the appointment” in November 1842.<sup>19</sup> The Prophet called Foster out on at least some of these activities at a public meeting on 21 February 1843 and also chastised him for drawing labor and means from building the Nauvoo Temple and Nauvoo House by promoting his own building developments



Chauncey Higbee was a charter member of the conspiracy formed to destroy the Prophet and his family.

of the area. Foster acknowledged the correctness of Joseph's accusation but also claimed that he had given one thousand dollars to "this house"—meaning, probably, the Nauvoo House—and that he intended to contribute more. Foster also claimed he had been unaware of Joseph's desire to be appointed postmaster.<sup>20</sup>

Three days later, on 24 February 1843, Joseph visited Foster and "had some conversation" about the issues he had raised at the meeting. Although Foster showed "some feeling on the occasion," subsequent journal entries suggest that the two men managed to bury their differences relatively quickly.<sup>21</sup>

In the middle of March, Richards noted both men engaging in conversation together and commenting on large circles that were visible around the moon.<sup>22</sup> The rapport seems to have held even when Joseph and Orson Spencer decided against Foster on a charge of debt later in the month,<sup>23</sup> with Foster taking an active role in preventing the Prophet's enemies from transporting him to Missouri after his arrest near Dixon, Illinois, on 23 June.<sup>24</sup> In October, Foster also "voluntarily came forward" and donated five dollars toward the purchase of an eight-dollar book in which Willard Richards and William W. Phelps could continue writing Joseph Smith's history.<sup>25</sup> Joseph, in turn, was comfortable appealing to Foster in his capacity as justice of the peace on 18 December when John Elliot verbally threatened his (Joseph's) life. He also chose to deliver an important speech in front of Foster's "Mammoth Hotel"—one of the building projects he had publicly denounced in his 21 February 1843 speech—to "several thousand people . . . on sealing the hearts of the fathers to the children [children] & the heart of the children to the fathers" in January 1844.<sup>26</sup> Richards also noted in Joseph's journal the abuse Foster suffered at the hands of anti-Mormons in Carthage who opposed his election as school commissioner in August 1843, as well as Foster's efforts to enforce the law—again, in his capacity as justice of the peace—in the face of anti-Mormon sentiment.<sup>27</sup> Whatever friction or tension had existed between the Prophet and Foster early in 1843 appears to have been forgotten shortly afterwards, with both men evidently taking an active and sympathetic interest in each other's life and welfare over the ensuing months.

### Opposition and Conspiracy, January–March 1844

By January 1844, some eighteen months after he had promised Joseph that he would reform, Francis Higbee was again causing problems for the Prophet. At the time, the Nauvoo City Council was trying to determine the origins of a rumor that Joseph had identified William Law and William Marks as traitors and that he had secretly instructed the Nauvoo police to somehow put them "out of the way." In spite of clear evidence and testimony from several dozen individuals that the rumors were unfounded, Law and Marks continued to feel threatened after two days of careful investigation.<sup>28</sup> On 5 January—the third day of the inquiry—Francis Higbee took the stand and testified that he, for one, had received an impression "from some source" that Law, Marks, and several others "could not subscribe to all things in the church, and it might make trouble." Without making any clarifications, Higbee then left

the meeting without permission, prompting Joseph—who understood what Higbee’s testimony might imply—to remark that he, Higbee, “had better stay at home & hold his tongue, lest rumor turn upon him” and that “the young men of the City had better withdraw from him & . . . not consider him the standard.”<sup>29</sup> According to William Law, Joseph also told those present that Higbee had been “conniving with Missouri”; that he “only disgraced anyone who associated with him”; that he, Joseph, “had denied him the privilege of his house . . . and would not allow him to associate with his females”; and that he, Joseph, had once been asked “to lay hands on him when he stank from a cause that he did not like to name.”<sup>30</sup> While the details behind all but the last of these remarks—a clear reference to the results of Higbee’s earlier indiscretion with the prostitute—are lacking from the historical record, Joseph was evidently giving voice to several months of pent-up frustration with Higbee’s behavior.

Five days later, on 10 January 1844, Higbee wrote a letter to Joseph about what Higbee called “the inconsiderate, the unwarranted, and unheard of Attack” Joseph had made against him before the city council and demanded an immediate investigation into the matter. In a roundabout way, Higbee also tried to deny the events of 1841. “I want you to thoroughly understand,” Higbee wrote, “I look upon that species of crime, as the greatest, the most destructive to human happiness, and the most fatal to all earthly enjoyment.” Higbee also suggested that Joseph’s “attack” on his character was motivated by Higbee’s own staunch opposition to plural marriage, the news of which had reached his ears by this time. “Any revelation commanding or in any wise suffering sexual intercourse, under any other form, than that prescribed by the laws of our Country, which has been ratified by special revelation through you, is of HELL,” Higbee told the Prophet, “and I bid defiance to any or all such.”<sup>31</sup>

Higbee hadn’t sent the letter four days later, when he visited Orson Pratt at his home. According to Pratt, Higbee used “slanderous and abusive epithets and language” against Joseph Smith and read his letter to the Apostle. The following day, 15 January, Joseph received word that Higbee was planning to sue him for ten thousand dollars—an action that was cut short when Pratt, on the same day, charged Higbee with leaving the city council “without leave” and for slandering Joseph in his home the day before.<sup>32</sup> The municipal court, presided over by Orson Spencer pro tem, began hearing the case at 10:00 a.m. on 16 January, but it adjourned after some time in order for its

members, in their capacity as members of the city council, to pass a number of much-needed ordinances. During the break, the case took an unexpected turn when Joseph and Higbee talked through their issues with one another and reconciled, with Higbee acknowledging the “slanderous letter” he had written and the “many hard things” he had said against Joseph, and Joseph frankly forgiving him. “I went before the council & stated that all difficulties between me and Francis M. Higbee are eternally buried, and I am to be his friend forever,” Joseph’s journal entry reads for that day, “to which F M Higby replied I will be his friend forever, & his right hand man.” Joseph also “explained at length respecting what, in substance, he had said at previous councils on the same subject,” while Higbee mentioned “his distraction of mind the past week” and reaffirmed his friendship to Joseph. In token of their having “eternally buried” the past, Joseph’s comments about Higbee in the 5 January city council meeting were then “stricken” from the minutes of the meeting with five large Xs.<sup>33</sup>

As it turned out, “forever” was relatively short-lived. On 26 February, Higbee served as the defense attorney for Orsamus F. Bostwick, who had been accused by Hyrum Smith of slander. Joseph himself presided over the case in the Nauvoo Mayor’s Court. After hearing from witness John Scott that Bostwick had accused Hyrum of having several “spiritual wives,”<sup>34</sup> and that he had also accused various women in Nauvoo as living as prostitutes, Joseph found Bostwick guilty and fined him fifty dollars and the costs of the court. Afterwards, Higbee, as Bostwick’s attorney, declared his intention to appeal the decision to the municipal court “& then to the circuit court” in Carthage. “I told him what I thought of him—& for trying to cary such a suit to Carthage,” Joseph’s journal reads for that day. “It was to stir up the mob—& bring them upon us.”<sup>35</sup> Still upset with the two men ten days later, Joseph discussed their “proceedings” in a meeting of “six or eight thousand” Church members on 7 March and asked “the people to speak out, [and] say whether such men should be tolerated and supported in our midst.” Feeling that the “conduct of such men” tied the hands of the city officers, Joseph declared his intention “from this time . . . to bring such characters before the committee of the whole” and to “give them in to the hands of the mob” if they persisted in their course.<sup>36</sup>

Joseph’s relationship with Robert D. Foster also took a turn for the worse at this 7 March meeting. Shortly after discussing the Bostwick-Higbee problem, Joseph mentioned “another man” who, in an article published in the



*New York Weekly Tribune*, had accused Joseph of misusing funds donated for building the temple—“that splendid monument of folly and wickedness,” the author wrote.<sup>37</sup> Robert Foster’s brother, Charles, asked Joseph if Joseph was suggesting that he was the author of the article, to which Joseph replied in the affirmative. “You shall hear from me,” Charles Foster fumed, to which Joseph responded, “I fine you \$10.00—for that threat, and distu[r]bi[n]g the me[e]ti[n]g.” Robert Foster then jumped into the fray, telling Joseph that Charles hadn’t threatened him and that no one present had heard a threat. According to Willard Richards, “hundreds” of those present disagreed. The tiff ended shortly afterwards when Joseph threatened to fine Robert Foster if he continued to speak.<sup>38</sup>

While it may appear that Joseph was being unnecessarily harsh with Bostwick, Higbee, and the Fosters at this time, a close look at recent events shows that he had good reason to be concerned with their activities. Anti-Mormon sentiment in Hancock County, which had been on the rise ever since the Mormon vote had decided the August 1843 election, had reached near fever pitch by March 1844. In January, an anti-Mormon meeting in the county had even gone so far as to call upon Illinois governor Thomas Ford to amend the Nauvoo charter, disarm members of the Church, call out a portion of the militia to arrest Joseph Smith, and repeal some of the city’s ordinances. Ford had responded that he lacked the authority to carry into execution such “absurd and preposterous” requests and told both Mormons and anti-Mormons in the area “to beware of carrying matters to extremity.” Refusing to take sides in the growing conflict, Ford also explained that he was “bound by the laws and the constitution to regard you all as citizens of the state, possessed of equal rights and privileges: and to cherish the rights of one as dearly as the rights of another.”<sup>39</sup> Joseph had publicly endorsed Ford’s counsel in late February and had pledged to “cultivate peace and friendship with all, mind our own business, and come off with flying colors, respected, because, in respecting others, we respect ourselves.”<sup>39</sup> Bostwick’s charges, Higbee’s threat to appeal Bostwick’s conviction to the court in Carthage, and the Fosters’ dissent at this time threatened to undermine the goodwill Joseph was trying to build with Ford and with anti-Mormons in the area, leaving him no other option but to roundly and publicly condemn their activities.

The 7 March meeting moved on to other matters, but the situation with the Fosters and Higbees grew worse over the ensuing days. Sometime around 15 March, Robert Foster told Merinus G. Eaton that someone had visited



William Law, one of the seven dissenters who published the *Nauvoo Expositor*.

Foster's home in his absence, had attempted to somehow turn his wife against him, had taught her the "spiritual wife doctrine,"<sup>40</sup> had tried to seduce her, and then had sat down to a meal with her. When Foster had returned home, the visitor had greeted him politely and then left. "Jealous that something was wrong," Foster then asked his wife what the two had been talking about in his absence. When his wife refused to say, Foster told Eaton he had put a pistol to his wife's head and threatened to shoot her if she didn't speak. When she still refused, Foster gave her a double-barreled pistol and told her to defend herself, upon which his wife fainted "through fear and excitement." When she came to, Foster reported, she told him how the visitor had attempted to turn her against him, and "by preaching the spiritual wife system to her had endeavored to seduce her."<sup>41</sup>

Foster apparently didn't tell Eaton who the visitor was, but Joseph, when he heard about it, felt that he was the one who was implicated. On 23 March, Joseph rode with William Clayton and Alexander Neibaur to Foster's home, evidently in an effort to clear his name. Foster was away, but the three men eventually found his wife, Sarah, at a neighbor's home. According to Clayton, Joseph asked Sarah if he had ever made any indecent proposals to her, taught her "the spiritual wife doctrine," or done or said anything immoral or indecent—all of the things, in essence, that her husband was accusing someone of having done recently. Sarah replied in the negative to each question. "After some further conversation on the subject," Clayton recorded, Joseph and his companions left, with Joseph and Neibaur eventually continuing on to the Prophet's farm outside Nauvoo.<sup>42</sup>

The following day, 24 March 1844, Joseph told a congregation of Saints something else Foster had told Eaton: that William and Wilson Law, Robert Foster, Chauncey Higbee, and another Nauvoo dissenter, Joseph H. Jackson, "had held a caucus, desig[n]ing to destroy all the Smith family in a few weeks."<sup>43</sup> According to Wilford Woodruff, who was present, Joseph also told the gathering that the "foundation" for the conspiracy was a set of lies about Joseph "hatched up" by Chauncey Higbee, including the report that Joseph had "had mens heads cut off in Missouri" and that he had "had a sword run through the hearts of the people" whom he wanted "put out of the way."<sup>44</sup> Further details about the conspiracy emerged three days later, when Eaton and Abiathar Williams—who, like Eaton, had met with Foster and other dissenters earlier in the month—made separate affidavits concerning what they heard from those involved. According to Eaton, Joseph H. Jackson had said

"that he should not be surprised if there should be a real muss and an insurrection in the city in less than two months" and that he expected men from Carthage to join in the fray.<sup>45</sup> By Williams's account, Jackson had also said that "he should not be surprised if in two weeks there should not be one of the Smith family left alive in Nauvoo."<sup>46</sup>

### Pushing the Legal Limits, April–May 1844

Joseph was not the only person in authority that Foster and the Higbee brothers were opposing at the time. On 31 March, Alexander Mills, one of Nauvoo's policemen, told Joseph that one of the Higbees had drawn a pistol on him the previous night. The following day, 1 April, both Chauncey and Francis were tried before Daniel H. Wells, justice of the peace, "for assaulting the police," although it is unclear if the case was related to the incident with Mills or some other altercation. Wells acquitted both men of the charge but fined Chauncey Higbee ten dollars "for abusive Language to the Marshal" in a separate trial.<sup>47</sup> This case had originated when Higbee had become angry with Joel S. Miles, a constable in Nauvoo, over the wording of a warrant that had been issued for William H. J. Marr, who was accused of almost beating a black man to death on suspicion that he had robbed a store the night of 29 March. Overhearing Higbee's verbal abuse of Miles, Nauvoo city marshal John P. Greene had told him to not "use impertinent language," to which Higbee responded, "God damn you. Who are you? Who cares for you! I am here myself, go your way." On an order from Greene, Nauvoo policeman Andrew Lytle and his brother John then arrested Higbee, who, after receiving the ten-dollar fine, complained of false imprisonment before Robert Foster. Foster, in turn, issued a warrant for the arrest of Greene and the Lytle brothers, who quickly applied to the Nauvoo municipal court for a writ of habeas corpus after they were apprehended. Determining that the charge of false imprisonment had "originated in a malicious and vexatious suit" instigated by Higbee, the court discharged the three men on 3 April "on the merits of the case" and concluded that "Chauncey L. Higbee was a very disorderly person."<sup>48</sup>

Robert Foster's opposition to Nauvoo authorities and the rule of law at this time went deeper than his misguided support for Chauncey Higbee's accusations against the marshal and police. In the case of the beaten black man referenced previously, J. Easton was also arrested for participating in the crime. Greene was planning to take Easton before Wells for trial, but before he could do so, Foster issued a separate warrant for Easton's arrest, tried him,

and acquitted him in his own court. Suspecting that Foster's movements were an effort "to thwart the ends of justice, and screen the prisoner from the condemnation he justly deserves," Joseph confronted Foster about his proceedings. Foster claimed that he was unaware that Easton was already under arrest when he had issued his own warrant and held his own trial, but when he called on one of the jurors to corroborate his story, the juror maintained that he felt all along "it was in part a sham trial, and a mere mockery of justice."<sup>49</sup> After recounting the whole affair, the editor of the *Nauvoo Neighbor* also reported that Foster had recently been fined ten dollars for gambling. "We are sorry to find," the editor lamented, "that our lawyers and magistrates should be taking the lead among gamblers and disorderly persons and be numbered among law-breakers, rather than supporting virtue, law, and the dignity of the city."<sup>50</sup>

Just as he had with Francis Higbee earlier, Joseph attempted to openly discuss his differences with Foster and Chauncey Higbee in an apparent effort to bring about some sort of reconciliation. On 16 April, for example, Richards noted that Joseph "had a long talk with Chauncey L. Higbee" and read to him the affidavits Abiathar Williams and Merinus G. Eaton had made, detailing Higbee's accusations against Joseph and his involvement in the conspiracy against the Prophet's life.<sup>51</sup> Richards neglected to note Higbee's response, suggesting that nothing came of the interview. Three days earlier, Joseph had met with similar results when he had attempted to reconcile with Foster. "Have I ever misused you any way?" Joseph asked, to which Foster responded, "I do not feel at liberty to answer this qu[e]stion under existing circumstances." Joseph asked two more times with the same results and then invited, "Tell me where I have done wrong & I will ask your forgiveness." Foster declined the offer, prompting Joseph, who evidently felt he had done all he could to resolve their differences, to charge Foster with "unchristian like conduct in general, for abusing my character privately, for throwing out slanderous insinuations agai[n]st me, for conspiring against my peace & safety, for conspiring against my life, for conspiring against the peace of my family, and for lying."<sup>52</sup> Five days later, on 18 April, several members of the Quorum of the Twelve Apostles, members of the Nauvoo high council, and several other members of the Church—but not Joseph—met in council and excommunicated Foster and several other dissidents from the Church for "unchristianlike conduct."<sup>53</sup>

The disdain Robert Foster and Chauncey Higbee held both for the law and for Joseph Smith manifested itself again on 26 April, one week after

Foster's excommunication. The excitement began when a fight broke out between brothers Augustine and Orson Spencer after Augustine launched into a tirade against Joseph and Hyrum Smith at Orson's home.<sup>54</sup> Nauvoo city marshal John P. Greene was called to the scene and arrested Augustine for assault, who then resisted Greene's efforts to convey him to the mayor's office—that is, Joseph's office—for trial. Greene called upon Robert Foster, Charles Foster, and Chauncey Higbee, who were nearby, to assist him, but they refused. "They swore they would not," the *Nauvoo Neighbor* reported, "and said they would see the mayor and the city d—d, and then they would not." Greene somehow managed to get Spencer to Joseph's office, where he was fined one hundred dollars, after which Joseph, still acting in his capacity as mayor, ordered that the two Fosters and Higbee be arrested "for refusing to assist the officer when called upon." Greene didn't have far to go to find them; the three men had evidently followed him and Spencer to Joseph's office. All three resisted arrest, prompting Joseph to come to Greene's aid. At this point, according to the *Neighbor*, Charles Foster "immediately drew a double barrelled pistol and presented it to the mayor's breast."<sup>55</sup> According to later testimony, Robert Foster somehow "interfered" and the pistol was wrenched from his brother's hand, but the verbal onslaught was just beginning, with Higbee and Charles Foster saying "they would be God damnd, if they would not shoot the mayor" and that they "would consider [themselves] favord of God—for the privilege of shooting or ridding the world of such a Tyrant." All three men were taken into custody and fined one hundred dollars each.<sup>56</sup>

After fining Foster the one hundred dollars, Joseph then issued a warrant for his arrest "on complaint of Willard Richards," who accused Foster of shaking his fists in his (Richards's) face and saying, "You . . . are another Damned black hearted villain. You tried to seduce my wife on the boat when she was going to New York.—and I can prove it."<sup>57</sup> The case came up for trial before Joseph the next day but was adjourned to Monday, 29 April, "after much conversation with the Mayor," Richards recorded, "in which he [Foster] charged Joseph with many crimes . . . and a great variety of vile & false epithets & charges." At one point in the discussion, according to Richards, Foster "agreed to meet Joseph on 2<sup>d</sup>—monday of may at the stand and have a settlement" of some sort, "and then said he would publish it [in the] Warsaw paper"—probably meaning the *Warsaw Signal*, whose editor, Thomas Sharp, had been waging an anti-Mormon crusade for some time. While it is unclear what the contemplated "settlement" would have looked like, Foster's intention



to publish it in the *Signal* did not sit well with the Mormon leader. “Joseph told him, if he did not agree to be quiet—not attempt to raise a mob . . . he would not meet him,” Richards recounted, “[but that] if he would be quiet he [Joseph] publish it in the [Nauvoo] Neighbor.” When Foster rejected the proposal, Joseph said he was finished trying to effect a peace with him, declared himself free from Foster’s blood, and “deliverd him into the hand of God & shook his garments aga[in]st him.”<sup>58</sup>

Foster spent the next day—Sunday, 28 April—with Francis Higbee, William and Wilson Law, and several others inviting various families in Nauvoo to join the church they had recently created on the grounds that Joseph was a fallen prophet. Foster and Higbee were members of the new organization’s Quorum of the Twelve Apostles, and William Law served as president.<sup>59</sup> Little wonder, then, that when the original case involving Foster’s threats toward Richards came up on 29 April, Joseph opted to transfer it to city alderman William Marks.<sup>60</sup> No record of Marks’s decision has been located.

By the end of the following week, it was clear that Joseph’s break with Foster and the Higbees was complete. On 6 May, the Council of Fifty met and agreed to deliver the three men over to the “buffetings of Satan”—a somewhat cryptic phrase often employed at the time in connection with excommunication, with the added scriptural implication that the punishment would remain in force irrevocably “until the day of redemption.”<sup>61</sup> Following the council meeting, Joseph was arrested on complaint of Francis Higbee—the only one of the three who had not been formally excommunicated by this point, and who, as we have seen, had done the most to reconcile with Joseph in the past. In what might be seen as a show of solidarity with the other two men, and despite his earlier agreement with Joseph that their differences were “eternally buried,” Higbee was suing Joseph for five thousand dollars in damages for the statements he had made about his character—including the allusion to his venereal disease—in the city council meeting on 5 January “and on divers other days and times with in one year last past.”<sup>62</sup> Following his arrest, Joseph petitioned the municipal court for a writ of habeas corpus on the grounds that Higbee was “actuated by no other motive than a desire to persecute and harass” him and to place him “into the hands of his Enemies.”<sup>63</sup> At the hearing two days later, Joseph explained at length his comments at the January city council meeting, after which several others who were present corroborated his account. After hearing the testimony, the court, “convinced [that] the suit

was instituted through malice, & ought not to be countenanced,” ordered that Joseph be discharged from arrest and that Higbee pay the court costs, which amounted to about \$36.14.<sup>64</sup> Higbee was excommunicated ten days later, 18 May 1844, by the Nauvoo high council for “apostatizing.”<sup>65</sup>

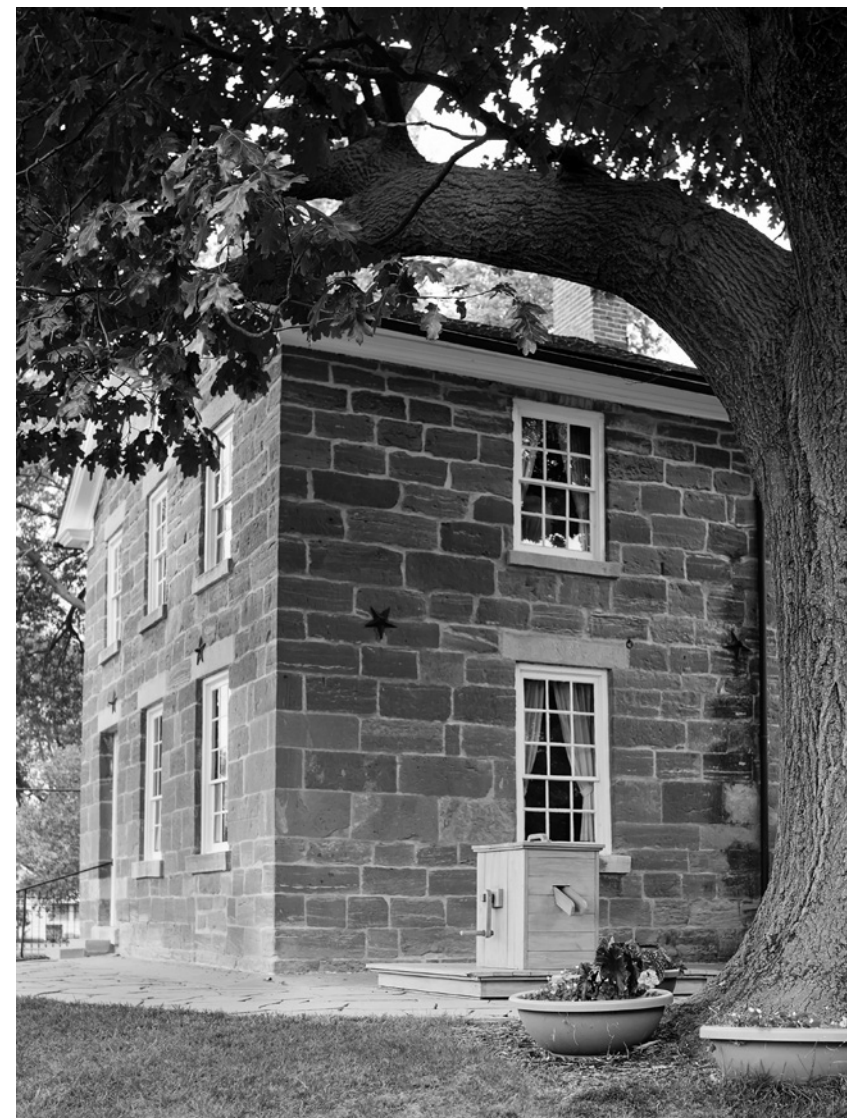


Photo by Richard B. Crookston

Robert Foster and Chauncey and Francis Higbee, along with several others, signed onto the project that ultimately led to Joseph’s death in Carthage the following month.

Fittingly enough, the press on which Francis and Chauncey Higbee, Robert Foster, and other dissenters would publish the *Nauvoo Expositor* arrived at Foster's home on 7 May, the day before the municipal court ordered Joseph's release in the Higbee case.<sup>66</sup> While its arrival and the subsequent effort to publish the first issue of the paper didn't prevent Joseph's enemies from continuing to pursue him through other means—both Foster and Francis Higbee, for example, as well as the Law brothers, formally charged Joseph with a variety of crimes over the course of the following month<sup>67</sup>—it did signal an expansion of the tactics the Prophet's enemies were willing to employ to discredit him. The production of the *Expositor* also signaled the first time Foster and both Higbees' names were all associated in the same effort against Joseph—Francis Higbee's name, for example, had not been brought up in connection with the conspiracy forming against Joseph in March 1844, while Chauncey Higbee was evidently not involved with the dissenters' new church. All three, though, along with several others, signed onto the project that ultimately led to Joseph's death in Carthage the following month.

## Conclusion

According to the seven publishers of the *Nauvoo Expositor*, their opposition to Joseph Smith was rooted predominantly in their concern about the combination of church and state in Nauvoo, “the doctrine of *many Gods*” that Joseph had been teaching, and Joseph's practice of plural marriage.<sup>68</sup> A careful look at some of these men's relationship with Joseph in Nauvoo prior to the arrival of the press on which the paper would be published, however, suggests that a variety of other issues also played a role in their disaffection from the Prophet and the Church. Robert Foster, whose relationship with Joseph in Nauvoo had been generally positive (with one or two minor exceptions), appears to have first turned against Joseph after believing that someone had made improper advances toward his wife in his absence. While the full details of this incident may never be known, Foster's subsequent accusation that Willard Richards had also attempted to seduce his wife while the two were on a boat bound for New York betrays a certain insecurity on his part regarding his wife and raises the distinct possibility—as does his wife's own statements, as recorded by William Clayton—that his animosity toward Joseph on this score was largely unfounded. Foster also appears to have lashed out in various ways against the requirements and officers of the law in Nauvoo during this time, suggesting that at least some of his opposition to Joseph was part

of a larger personal crusade against the established order and authorities of the time.

A significant part of the Higbees' animosity toward Joseph seems to have been rooted in Joseph's disavowal of the brothers' well-documented amorous exploits. Chauncey Higbee appears to have made no effort to rejoin the Church following his excommunication on this score in May 1842, and, like Foster, he turned his ire against not only Joseph Smith, but against other authorities in Nauvoo as well. Like Foster, Chauncey also appears to have rebuffed Joseph's efforts to reconcile during this period and was reportedly a charter member of the conspiracy formed in March 1844 to destroy the Prophet and his family. Francis Higbee, on the other hand, did accept the olive branch Joseph extended to him after he (Joseph) indiscreetly remarked at a city council meeting about Higbee's contracting “the Pox” in 1841, but he lost the Prophet's trust shortly afterwards when he threatened to appeal a potentially inflammatory legal case to the circuit court in Carthage. No doubt aware of his brother Chauncey's ongoing conflicts with Joseph and other Nauvoo authorities, Francis emerged from the background and charged Joseph with defamation of character in May 1844, over a year after Joseph's remarks to the city council and some three years after his illness.

Whatever the reason for their disaffection from Joseph and the Church he led, the members of this particular trio wasted little time in joining forces against the Prophet. By the end of March 1844, at least two of them—Foster and Chauncey Higbee—were identified as members of a conspiracy against Joseph's life. Both men openly mocked Joseph and other Nauvoo authorities on at least two occasions in April, and by the end of the month, both Foster and Francis Higbee were members of William Law's new church. In the end, however, it was the *Nauvoo Expositor* that served as their most powerful weapon against Joseph and that brought each man's increasingly tumultuous relationship with the Prophet to an effective close. **RE**

## Notes

1. *Nauvoo Expositor*, 7 June 1844.
2. Joseph Smith, journal, 10 June 1844, Joseph Smith Collection, Church History Library, The Church of Jesus Christ of Latter-day Saints, Salt Lake City (hereafter cited as CHL).
3. Thomas Morrison, Warrant for Joseph Smith et al., 11 June 1844, State of Illinois v. Joseph Smith et al. for riot, copy, Joseph Smith Collection, CHL.

4. For example, see Dallin H. Oaks, "The Suppression of the *Nauvoo Expositor*," *Utah Law Review* 9 (Winter 1965): 862–903; Robert Bruce Flanders, *Nauvoo: Kingdom on the Mississippi* (Urbana and Chicago: University of Illinois Press, 1975), 308; Glen M. Leonard, *Nauvoo: A Place of Peace, a People of Promise* (Provo, UT: Brigham Young University Press; Salt Lake City: Deseret Book, 2002), 362–66; Richard L. Bushman, *Joseph Smith, Rough Stone Rolling: A Cultural Biography of Mormonism's Founder* (New York: Alfred A. Knopf, 2005), 539–41.

5. See Lyndon W. Cook, "William Law, Nauvoo Dissenter," *BYU Studies* 22, no. 1 (Winter 1982), 47–72; Lyndon W. Cook, *William Law* (Orem, UT: Grandin Book, 1994). Law's opposition to Joseph appears to have been rooted primarily in his opposition to plural marriage. According to William Clayton, he was also angry at Joseph for not sealing him to his wife, Jane, "in consequence of his being an adulterer." See Cook, *William Law*, 41–42, 46; William Clayton, journal, 12 June 1844, as cited in Andrew H. Hedges, Alex Smith, Brent M. Rogers, eds., *Journals, Volume 3: May 1843–June 1844*, vol. 3 of the Journals series of *The Joseph Smith Papers*, ed. Ronald K. Esplin and Matthew J. Grow (Salt Lake City: Church Historian's Press, 2015), xxiiiin48 (hereafter cited as *JSP*, J3).

6. *JSP*, J3, 414–15.

7. Charles Dana accused Dr. William Brink of causing premature childbirth and physical harm to his wife in October 1842. The case was heard in the Nauvoo mayor's court, with Joseph Smith presiding, on 2 and 3 March 1843. The case received a significant amount of attention (Willard Richards devoted over forty pages of Joseph Smith's journal to an account of the trial, for example), as several of the expert witnesses for the prosecution—including Foster—were "regular" physicians who had been trained in medical schools, while the defendant, William Brink, was a Thomsonian or "botanic" physician. In essence, the validity and credibility of Thomsonian medicine was on trial in this case. For an annotated account of the trial, see Andrew H. Hedges, Alex Smith, Richard L. Anderson, eds., *Journals, Volume 2: December 1841–April 1843*, vol. 2 of the Journals series of *The Joseph Smith Papers*, ed. Ronald K. Esplin, Dean C. Jessee, and Richard L. Bushman (Salt Lake City: Church Historian's Press, 2010), 280–94 (hereafter cited as *JSP*, J2).

8. *JSP*, J3: 406–7; Smith, journal, 2 and 3 March 1843, Joseph Smith Collection, CHL.

9. Smith, journal, 28 January 1842 (second of two entries for this date), Joseph Smith Collection, CHL.

10. Nauvoo High Council Minutes, [21] and 24 May 1842, CHL.

11. Smith, journal, 24 May 1842, Joseph Smith Collection, CHL; "Chauncey Higbee," *Nauvoo Neighbor*, 29 May 1844; Nauvoo High Council Minutes, [21] and 24 May 1842, CHL. According to these women's testimonies, Higbee had approached Margaret Nyman "some time during the month of March last," Matilda Nyman "during this spring," and Sarah Miller "soon after the special conference this spring," which was held 6–8 April 1842 in Nauvoo. See "Conference Minutes," *Times and Seasons* 3 (15 April 1842): 761–763.

12. Smith, journal, 24 May 1842, Joseph Smith Collection, CHL.

13. Smith, journal, 13 May 1842, Joseph Smith Collection, CHL; Historian's Office, Joseph Smith History, draft notes, 13 May 1842, CHL.

14. Smith, journal, 29 June 1842, Joseph Smith Collection, CHL.

15. Nauvoo City Records, 1841–1845, Francis M. Higbee v. Joseph Smith, 8 May 1844, CHL. According to the city records, Sidney Rigdon, Hyrum Smith, Orrin Porter Rockwell, Cyrus Wheelock, Joel S. Miles, Henry G. Sherwood, Heber C. Kimball, and Brigham Young corroborated Joseph Smith's version of events.

16. Smith, journal, 10 March 1842, Joseph Smith Collection, CHL.

17. Smith, journal, 20 May 1842, Joseph Smith Collection, CHL. Richards recorded part of this entry in shorthand; for a transliteration of the shorthand, see *JSP*, J2, 61.

18. Smith, journal, 21 May and 19 July 1842, Joseph Smith Collection, CHL; Nauvoo High Council Minutes, [21] May 1842, CHL.

19. Smith, journal, 11 and 13 February 1843, and 8 November 1842, Joseph Smith Collection, CHL.

20. Smith, journal, 21 February 1844, Joseph Smith Collection, CHL.

21. Smith, journal, 24 February 1844, Joseph Smith Collection, CHL.

22. Smith, journal, 14 and 16 March 1843, Joseph Smith Collection, CHL.

23. Smith, journal, 29 March 1843, Joseph Smith Collection, CHL; Historian's Office, Joseph Smith History, draft notes, 29 March 1843, CHL.

24. In early June 1843, a special term of the Daviess County, Missouri, Circuit Court had indicted Joseph on the charge of treason for his alleged activities in that county in 1838. Having received a requisition from Missouri governor Thomas Reynolds for Joseph's extradition, Illinois governor Thomas Ford issued a warrant for his arrest on 17 June. Foster, who evidently left Nauvoo on 25 June with several dozen other men to intercept Joseph and his captors, was later dispatched by Joseph to announce his anticipated return to Nauvoo on 30 June and to see that the Nauvoo band was on hand "to meet him at Hyrums farm" and escort him into the city. See Daviess County Circuit Court Records, vol. A, p. 372; Indictment, June 1843, State of Missouri v. Joseph Smith for Treason (Daviess Co. Cir. Ct. 1843), Western Americana Collection, Beinecke Rare Book and Manuscript Library, Yale University, New Haven, CT; Warrant for Joseph Smith, 17 June 1843, copy, Joseph Smith Collection, CHL; "Missouri vs Joseph Smith," *Times and Seasons* 4 (1 July 1843): 242–43; Smith, journal, 25 and 29 June 1843, Joseph Smith Collection, CHL.

25. Smith, journal, 29 October 1843, Joseph Smith Collection, CHL.

26. Smith, journal, 21 January 1844, Joseph Smith Collection, CHL.

27. Smith, journal, 12 August 1843, 6 January 1844, Joseph Smith Collection, CHL; see also "Disagreeable Affair at Carthage," *Nauvoo Neighbor*, 10 January 1844.

28. Smith, journal, 3 and 4 January 1844, Joseph Smith Collection, CHL; Nauvoo City Council Minutes, 3 and 5 January 1844, CHL.

29. Smith, journal, 5 January 1844, Joseph Smith Collection, CHL; Nauvoo City Council Minutes, 5 January 1844, CHL.

30. William Law, "Record of Doings at Nauvoo in 1844," 5 January 1844, in Cook, *William Law*, 45–46.

31. Francis M. Higbee to Joseph Smith, 10 January 1844, Joseph Smith Collection, CHL.

32. Orson Pratt, Affidavit, 15 January 1844, Nauvoo City Records, 1841–1845, CHL; Smith, journal, 15 January 1844, Joseph Smith Collection, CHL.

33. Smith, journal, 16 January 1844, Joseph Smith Collection, CHL; Nauvoo Municipal Court Docket, 16 January 1844, CHL; Nauvoo City Council Minutes, 5 and 16 January 1844, CHL.

34. A term used by dissidents in Nauvoo to refer to plural marriage.

35. Smith, journal, 26 February 1844, Joseph Smith Collection, CHL; City of Nauvoo vs. O. F. Bostwick, John Scott statement, 26 February 1844, Nauvoo City Records, 1841–1845, CHL.



36. Smith, journal, 7 March 1844, Joseph Smith Collection, CHL; Wilford Woodruff, journal, 7 March 1844, Wilford Woodruff Collection, CHL.
37. "The Mormons and their Prophet—Legislation at Nauvoo—The Temple," *New York Weekly Tribune*, 3 February 1844.
38. Smith, journal, 7 March 1844, Joseph Smith Collection, CHL. Based on available evidence, it is unclear whether Charles Foster was the author of the article or not.
39. Thomas Ford, to the "citizens of Hancock County, Mormons and all," 29 January 1844, in *Warsaw Signal*, 14 February 1844.
40. "Pacific Innuendo," *Nauvoo Neighbor*, 21 February 1844; "To the Editor of the Neighbor," *Nauvoo Neighbor*, 21 February 1844.
41. M[erinus] G. Eaton, Affidavit, 27 March 1844, in *Nauvoo Neighbor*, 17 April 1844.
42. William Clayton, journal, 23 March 1844, as cited in *JSP*, J3:207 n. 906.
43. Smith, journal, 24 March 1844, Joseph Smith Collection, CHL. Jackson sold land for Joseph Smith in May 1843 and was appointed an aide-de-camp for Joseph Smith in the Nauvoo Legion in January 1844. His reasons for turning against Joseph are obscure, as he later claimed to have gone to Nauvoo "to gain the confidence of the Prophet, that [he] might discover and disclose to the world his real designs and the nature of his operations." *JSP*, J3:418, 157; Joseph H. Jackson, *The Adventures and Experience of Joseph H. Jackson: Disclosing the Depths of Mormon Villainy Practiced in Nauvoo* (Warsaw, IL, 1846).
44. Woodruff, journal, 24 March 1844, Wilford Woodruff Collection, CHL.
45. M[erinus] G. Eaton, Affidavit, 27 March 1844, in *Nauvoo Neighbor*, 17 April 1844.
46. Abiathar B. Williams, Affidavit, 27 March 1844, in *Nauvoo Neighbor*, 17 April 1844.
47. Smith, journal, 31 March and 1 April 1844, Joseph Smith Collection, CHL. Willard Richards wrote in Joseph's journal that it was Francis Higbee who was fined, but the records cited in the following note indicate that it was Chauncey Higbee rather than Francis.
48. "Robbery and Lynching," *Nauvoo Neighbor*, 3 April 1844; Nauvoo Municipal Court Docket, 2 and 3 April 1844, CHL; John P. Greene et al., Petition, 3 April 1844, Nauvoo City Records, 1841–1845, CHL; Smith, journal, 2 and 3 April 1844, Joseph Smith Collection, CHL.
49. "Robbery and Lynching," *Nauvoo Neighbor*, 3 April 1844; see also Smith, journal, 1 April 1844, Joseph Smith Collection, CHL.
50. "Robbery and Lynching," *Nauvoo Neighbor*, 3 April 1844.
51. Smith, journal, 16 April 1844, Joseph Smith Collection, CHL.
52. Smith, journal, 13 April 1844, Joseph Smith Collection, CHL.
53. Smith, journal, 18 April 1844, Joseph Smith Collection, CHL.
54. Smith, journal, 26 April 1844, Joseph Smith Collection, CHL; Lucy Mack Smith, *Biographical Sketches of Joseph Smith the Prophet and His Progenitors for Many Generations* (Liverpool: S. W. Richards, 1853), 275–76.
55. "Outrage," *Nauvoo Neighbor*, 1 May 1844.
56. Smith, journal, 26 April 1844, Joseph Smith Collection, CHL; "Outrage," *Nauvoo Neighbor*, 1 May 1844. For "interfered," Richards wrote "intefed" in Smith's journal. The three men appealed their conviction to the Nauvoo municipal court, which called for the case on 3 June 1844. None of the appellants appeared, however, and the municipal court dismissed the appeal "for want of prosecution." See Smith, journal, 26 April 1844, Joseph Smith Collection, CHL, and Nauvoo Municipal Court Docket, 3 June 1844, CHL.
57. Smith, journal, 26 April 1844, Joseph Smith Collection, CHL.
58. Smith, journal, 27 April 1844, Joseph Smith Collection, CHL.

59. Smith, journal, 28 April 1844, Joseph Smith Collection, CHL. Law's church met weekly each Sunday through 26 May and possibly beyond, although it appears to have faded quickly after that. According to the *Warsaw Signal*, "about three hundred" people attended the 12 May meeting. See Cook, *William Law*, 54; "The New Church," *Warsaw Signal*, 15 May 1844.
60. Smith, journal, 29 April 1844, Joseph Smith Collection, CHL.
61. Council of Fifty, "Record," 6 May 1844, CHL, as cited in *JSP*, J3:244 n. 1104; Doctrine and Covenants 78:12. The council also delivered William and Wilson Law to the "buffetings of Satan" at this time.
62. Smith, journal, 16 January and 6 May 1844, Joseph Smith Collection, CHL; Francis Higbee, Declaration, 1 May 1844, Higbee v. Joseph Smith, Hancock County, IL, Circuit Court Legal Documents, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, UT.
63. Smith, journal, 6 May 1844, Joseph Smith Papers, CHL; Joseph Smith, Petition, 6 May 1844, in Francis M. Higbee v. Joseph Smith, May 8, 1844, Nauvoo City Records, 1841–1845, CHL.
64. Francis M. Higbee v. Joseph Smith, 8 May 1844, Nauvoo City Records, 1841–1845, CHL.
65. Nauvoo High Council Minutes, 18 May 1844, CHL.
66. Smith, journal, 7 May 1844, Joseph Smith Collection, CHL.
67. Foster later charged Joseph with perjury, leading to an indictment on 24 May 1844. On 25 May, Higbee charged with having "received states prope[r]ty," although no indictment on that charge has been located. William and Wilson Law charged with adultery and fornication, leading to an indictment on 23 May. See Smith, journal, 25 May 1844, Joseph Smith Collection, CHL; Indictment, 24 May 1844, State of Illinois v. Joseph Smith for Perjury, Hancock County Circuit Court, 1844, photocopy, Nineteenth-Century Legal Documents Collection, CHL; Indictment, 23 May 1844, State of Illinois v. Joseph Smith for Adultery, Hancock County Circuit Court, 1844, Hancock County Circuit Court Indictments and Arrest Warrants, CHL.
68. *Nauvoo Expositor*, 7 June 1844.