

Missouri Extradition Attempts 1841-1843

Following the armed conflict between Mormons and other Missourians in the fall of 1838, several Church leaders, including Joseph Smith, were arrested and imprisoned on a variety of charges. Atrocities committed against the Saints, however, were not prosecuted. Joseph and other Latter-day Saints believed that the charges brought against them were a form of legal persecution designed to further harm them even as the main body of Saints was being expelled from the state.

In April 1839, a Missouri grand jury indicted Joseph Smith and others for riot, treason, larceny, receipt of stolen goods, and arson—crimes allegedly committed during the Missouri-Mormon War the previous year. In this hearing, the judge presiding in the case issued a change of venue and ordered the prisoners be taken to Columbia, Boone County, for their final hearing. While being transported to stand trial, Joseph and his companions escaped with the help of one of their guards and fled to Illinois, where the main group of Saints had found refuge.¹ Between 1840 and 1843, Missouri state officials worked to extradite Joseph (legally force him to return to Missouri) and bring him to trial. He contended that the state government had not adhered to the due process of law and believed that his enemies were attempting to exploit the legal process to arrange for his execution.²

A year after Joseph Smith's escape to Illinois, Missouri governor Lilburn W. Boggs sent a formal request to Illinois governor Thomas Carlin demanding that Joseph be extradited to Missouri to stand trial. After Carlin issued an arrest warrant, a sheriff unsuccessfully searched for Joseph in Nauvoo, Illinois. Carlin reissued the warrant in June 1841, and another sheriff arrested Joseph. Judge Stephen A. Douglas discharged Joseph, finding that the warrant was faulty.³

Extradition attempts intensified in 1842 when an unknown assailant shot and wounded Boggs, who was no longer the governor, in Independence, Missouri. John C. Bennett, an excommunicated Church member who had turned antagonistic toward the Church, alleged that Joseph had dispatched Porter Rockwell to assassinate Boggs.⁴ The Prophet strongly denied this allegation. Nevertheless, Missouri's new governor, Thomas Reynolds, petitioned Illinois for Joseph's extradition, and Governor Carlin again issued an arrest warrant. The Nauvoo Municipal Court challenged the legality of the



Joseph Smith and five other prisoners were held at the Liberty Jail from December 1, 1838 until April 6, 1839. They escaped their captors April 16, 1839.

arrest, issuing a writ of habeas corpus, a legal protection that required a prisoner be brought before a judge to determine if the prisoner's arrest and detention were legal.⁵ In the two days it took the sheriff to confirm the legality of the court's challenge, Joseph had gone into hiding.⁶

Emma Smith and the women of the Female Relief Society of Nauvoo rallied to the Prophet's defense. The women signed a petition to Governor Carlin urging an end to the extradition proceedings. Emma also wrote several letters to Carlin, arguing that even if Joseph had somehow orchestrated the assassination attempt from Illinois, as had been alleged, extradition was not an appropriate legal remedy because Missouri had no claim on a person for a crime that purportedly took place outside of its borders.⁷ In January 1843, Joseph appeared before the United States District Court in Springfield, Illinois, where his lawyer, Justin Butterfield, made a similar argument. "I do not think the defendant ought under any circumstances to be delivered up to Missouri," Butterfield argued. "It is a matter of history that he and his people have been murdered and driven from the state," he added, concluding that "he is an innocent and unoffending man." The court agreed with Butterfield and discharged Joseph.⁸

John C. Bennett continued to agitate for Joseph Smith's arrest, and in June 1843, a grand jury in Missouri issued a new indictment on the 1839 charge of treason.⁹ Governor Reynolds sent a requisition to the newly elected Illinois governor, Thomas Ford, and Jo-

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Liberty Jail was built in 1833 at a cost of \$600. It was abandoned in 1856 due to safety concerns. It was later used as an ice house. Porter Rockwell was a prisoner at the Liberty Jail for a short period of time while awaiting trial for the attempted assassination of Governor Lilburn W. Boggs.

seph was arrested under Ford's warrant. Again the Nauvoo Municipal Court granted Joseph habeas corpus and on July 1 received testimony not only on the legalities of the extradition, but also on the crimes committed in 1838 against Mormons in Missouri. The court ruled to release him from the extradition order.¹⁰ This ended the formal attempts by the State of Missouri to extradite Joseph to stand trial in the state. Nevertheless, he remained concerned that his enemies in Missouri would renew their attempts to force him to a place where he would face biased courts and perhaps death.¹¹

Notes:

1. Historical Introduction to "Promissory Note to John Brassfield, 16 April 1839," in Mark Ashurst-McGee, David W. Grua, Elizabeth A. Kuehn, Brenden W. Rensink, and Alexander L. Baugh, eds., *Documents, Volume 6: February 1838–August 1839*. Vol. 6 of the Documents series of *The Joseph Smith Papers*, edited by Ronald K. Esplin, Matthew J. Grow, and Matthew C. Godfrey (Salt Lake City: Church Historian's Press, 2017), 422–26; see *Topics: Mormon-Missouri War of 1838, Extermination Order*.
2. Joseph Smith and others, "Letter to the Church and Edward Partridge, 20 March 1839," josephsmithpapers.org.
3. Introduction to "Nauvoo Journals, December 1841–April 1843," josephsmithpapers.org.
4. Joseph Smith's former bodyguard, Porter Rockwell, was apprehended in Missouri and imprisoned for much of 1843. A grand jury failed to indict him for the shooting, likely due to a lack of evidence, but Rockwell was indicted, tried, and convicted for temporarily escaping from the jail. After serving a brief sentence of five minutes confinement in the county jail, Rockwell returned to Illinois. "History of Joseph Smith," *Millennial Star*, vol. 22, nos. 33–34 (Aug. 18 and 25, 1860), 518–20, 535–36; Transcript of Proceedings, Nov. 18, 1843, *Nineteenth-Century Legal Documents Collection, 1829–1973*, Church History Library, Salt Lake City.
5. Jeffrey N. Walker, "Habeas Corpus in Early Nineteenth-Century Mormonism: Joseph Smith's Legal Bulwark for Personal Freedom," *BYU Studies Quarterly*, vol. 52, no. 1 (2013), 4–97.
6. Joseph Smith journal, Aug. 8–10, 1842, in *Journal, December 1841–December 1842*, 129, josephsmithpapers.org.
7. "Nauvoo Female Relief Society, Petition to Thomas Carlin, circa July 22, 1842," in Jill Mulvay Derr, Carol Cornwall Madsen, Kate Holbrook, and Matthew J. Grow, eds., *The First Fifty Years of Relief Society: Key Documents in Latter-day Saint Women's History* (Salt Lake City: Church Historian's Press, 2016), 136–41; Joseph Smith, *Journal, December 1841–December 1842*, 168–69, josephsmithpapers.org.
8. Joseph Smith journal, Jan. 4, 1843, in *Journal, December 1842–June 1844*; Book 1, 21 December 1842–10 March 1843, 72, josephsmithpapers.org; spelling standardized; "Appendix 1: Missouri Extradition Attempt, 1842–1843, Selected Documents, Introduction," josephsmithpapers.org.
9. Indictment, June 1843, *State of Missouri v. Joseph Smith for Treason*, Western Americana Collection, Beineke Rare Book and Manuscript Library, Yale University, New Haven, Connecticut.
10. Transcript of Proceedings, July 1, 1843, Nauvoo, Illinois, Church History Library, Salt Lake City.
11. Introduction to "Nauvoo Journals, May 1843–June 1844," josephsmithpapers.org.