# Chapter 11

# Bennett and Francis Higbee's Polygamous Activities Discovered in 1841

Doctor John C. Bennett arrived at Nauvoo in September of 1840 and did much to help the Saints in their time of desperate need. It was through his efforts that a city charter was obtained and the Nauvoo Legion and the Nauvoo Municipal Court were organized and functioned so quickly and so well. He took such an active part in Church affairs that he soon became a temporary member of the First Presidency in the place of Sidney Rigdon who was ill. He was also the prime organizer of a Masonic Lodge in Nauvoo (Andrew F. Smith, *The Saintly Scoundrel*, 75–77). The Nauvoo lodge soon mushroomed into the largest one in the state, which caused members of other lodges to be jealous—bringing more persecution upon the Saints.

With all of his successes and talents, it seemed to many that the doctor would become one of the most valuable members of the Church's leadership—but alas, there was a dark side to his personality—his polygamous nature and philosophy—which he kept carefully hidden until it unexpectedly came to light in the summer of 1841, less than a year after he arrived at Nauvoo.

# News of Bennett's Baptism Brought a Warning

The *Times and Seasons* for January 15, 1841 (3:275), announced Bennett's baptism into the Church—the news spread quickly. Bennett was widely known, for he had lived in several states and not less than twenty towns. He had been a prominent person in and about colleges and universities (*Times and Seasons* 3 [July 1, 1842]: 842; RLDS *History of the Church* 2:591).

Some individuals, especially those in Ohio, had a special interest in him because he had married Mary Barker, the daughter of Colonel Joseph Barker of Marietta, Ohio—one of the foremost citizens of the area (see Smith, *Saintly Scoundrel*, 1, 5).

Some newspapers responded to the news of Bennett's baptism by questioning his motives for being baptized. However, Bennett's apparent religious sincerity, visible accomplishments, and tremendous popularity made it necessary for Joseph to proceed with caution in discovering the truth about him before attempting to remove him from the Church, if that should be necessary.

Shortly after Bennett's baptism, Joseph received a letter from an individual warning that Bennett had a living wife, and was "a very mean man." Joseph reported:

Soon after it was known that he had become a member of said church, a communication was received at Nauvoo, from a person of respectable character, and residing in the vicinity where Bennett had lived. This letter cautioned us against him, setting forth that he was a very mean man, and had a wife, and two or three children in McConnelsville, Morgan county, Ohio; but knowing that it is no uncommon thing for good men to be evil spoken against, the above letter was kept quiet, but held in reserve. (*Times and Seasons* 3 [July 1, 1842]: 839)

As soon as Bennett began dating "a young lady, one of our citizens" (undoubtedly Eliza Snow), Joseph and Emma became alarmed. In order to protect the young woman and the Church, and to be sure of the facts, Joseph sent Bishop George Miller to Ohio to discover the truth about Bennett's marital status. On March 2, 1841, Bishop Miller wrote a letter to Joseph, which must have almost devastated the Prophet. The letter revealed:

By your request I have made inquiries into the history of John Cook Bennett. . . . It was soon manifest that he was a superficial character, always uneasy, and moved from place to place . . . it is not presumed that less than twenty towns has been his place of residence at different times; he has the vanity to believe he is the smartest man in the nation; and if

he cannot at once be placed at the head of the heap, he soon seeks a situation; he is always ready to fall in with whatever is popular; by the use of his recommendations he has been able to push himself into places and situations entirely beyond his abilities; he has been a prominent personage in and about colleges and universities, but had soon vanished; and the next thing his friends hear of him he is off in some other direction; at one time he was a promine[n]t Campbellite preacher.

During many years his poor, but confiding wife, followed him from place to place, with no suspicion of his unfaithfulness to her; at length however, he became so bold in his departures. that it was evident to all around that he was a sore offender, and his wife left him under satisfactory evidence of his adulterous connections. . . . Mrs. Bennett now lives with her father; has two children living, and has buried one or two .... [I]t has been Dr. Bennett's wish that his wife should get a bill of divorcement, but as yet she has not; nor does my informant know that she contemplates doing so;—in fine, he is an imposter, and unworthy of the confidence of all good men. . . . [W]e withhold the names of our informants, and other correspondents; but hold ourselves in readiness, at all times, to substantiate by abundant testimony, all that has been asserted, if required, as the documents are all on hand. George Miller. (ibid., 842; RLDS History of the Church 2:591-592)

Armed with Bishop Miller's letter and the "abundant testimony" which the bishop had brought to him, Joseph confronted Bennett with the facts. Joseph reported:

He had not been long in Nauvoo before he began to keep company with a young lady, one of our citizens; and she being ignorant of his having a wife living, gave way to his addresses, and became confident, from his behavior towards her, that he intended to marry her; and this he gave her to understand he would do. I, seeing the folly of such an acquaintance, persuaded him to desist; and, on account of his continuing his course, finally threatened to expose him if he did not desist. This, to outward appearance, had the desired effect, and the acquaintance between them was broken off. (*Times and Seasons* 3 [July 1, 1842]: 839)

# Joseph Continued the Investigation

From all outward appearances, Bennett seemed to have severed his relationship with the young woman, but Joseph was determined to investigate the doctor's background even further. Meanwhile, the industrious doctor as mayor of Nauvoo was diligently at work organizing and planning—making various improvements in the city, such as draining the unhealthy swamps, stressing more healthful eating, promoting schools, the university, the strong municipal government, and the state-approved Nauvoo Legion. At the same time he was writing articles for the Church paper, the Times and Seasons, and debating publicly (which was popular at the time). The fluent doctor was amiable, entertaining, friendly, and a popular figure among the Saints. Many must have sought his presence as a guest at dinner parties and other social gatherings in their homes. Did they vie for his presence, and the presence of the young lady he had courted until Joseph stopped their courtship? Joseph and Emma were heavily burdened with the knowledge that Bennett was a wolf in sheep's clothing among the Saints, while the weeks of investigation of his character continued.

Next, Joseph sent William Law, his second counselor in the First Presidency, and Hyrum Smith, the presiding patriarch, to gather additional information. The Prophet reported:

Sometime about the early part of July 1841, I received a letter from Elder H. Smith and Wm. Law, who were then at Pittsburgh, Penn. This letter was dated June 15th, and contained the particulars of a conversation betwixt them and a respectable gentleman from the neighborhood where Bennett's wife and children resided. He stated to them that it was a fact that Bennett had a wife and children living, and that she had left him because of his ill-treatment towards her. This letter was read to Bennett, which he did not attempt to deny; but candidly acknowledged the fact.

Soon after this information reached our ears, Dr. Bennett made an attempt at suicide, by taking poison; but he being discovered before it had taken effect, and the proper antidotes being administered, he again recovered; but he very much resisted when an attempt was made to save him. The public

impression was, that he was so much ashamed of his base and wicked conduct, that he had recourse to the above deed to escape the censures of an indignant community. (ibid., 840; *The Wasp* 1 [June 25, 1842]; RLDS *History of the Church* 2:586–587)

# Francis Higbee Became Bennett's Protégé in Sin

About July 1, 1841, the Prophet received a request to administer to Francis M. Higbee, a young man in his early twenties whom Joseph greatly respected. Higbee was the son of Judge Elias Higbee, a long-time personal friend of the Prophet and a member of the Church's High Council at Nauvoo. Francis was one of the most promising young men in the Church. He had shown strength at Far West and during the exodus of the Church from Missouri, and had aided Joseph's younger brother, Don Carlos, in preparing the paper for the printing of the first issue of the *Times and Seasons* at Nauvoo. At the time he became ill, he was courting Miss Nancy Rigdon, daughter of President Sidney Rigdon.

Francis called upon Dr. Bennett to act as his physician, but Bennett's medicine failed to cure him—so in desperation Francis sent for the Prophet to administer to him. Joseph was horrified at what he found. Joseph later testified under oath in civil court that when he went to administer, he discovered that Francis was suffering from a venereal disease. Joseph stated:

I must tell the story in its true light, under oath; then I can be forever set free. . . . The peace of myself, my family, my happiness, and the happiness of this city depend upon it. . . . I want to testify . . . 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. (*Times and Seasons* 5 [May 15, 1844]: 538)

Joseph continued to testify about the immorality of Higbee, Bennett, and their associates. Joseph's testimony was so graphic that Apostle John Taylor, the editor of the *Times and Seasons*, felt it unwise to print it. The editor explained:

[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.] (ibid., 538–539)

Others testified concerning Francis Higbee's immoral activities, H. J. Sherwood stated:

I recollect a French woman coming up from Warsaw, and that Francis M. Higbee had medical assistance \* \* \* \* \* \* Dr. Bennet attended him, Joseph Smith administered 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)

#### Joel S. Miles testified:

I have seen Francis M. Higbee go into rooms with females, but what their intentions were I did not know, I might have seen him two or three times; I think he has done that which is not right, I should judge from conversations with him, that was the case: I presume he has a good many times; I might recollect twenty times, he has frequently told me things of that kind, it is a private case to be sure . . . I recollect the time that he was sick, when Dr. Bennet attended him, I went to see him nearly every day." (ibid.)

Upon further investigation, Joseph discovered that Francis had seduced "six or seven" women. But worst of all, the Prophet found that Francis was only one of a group of young men and women whom Dr. Bennett had gathered around himself and taught them that "spiritual wifery" was a doctrine believed in by Latter Day Saints and that Joseph Smith had received a revelation commanding the practice of it! The prophet declared that Bennett taught that "we believed in and practiced polygamy" (ibid. 3 [August 1, 1842]: 869).

Joseph continued:

Bennet said Higbee pointed out the spot where he had

seduced a girl, and that he had seduced another. I did not believe it, I felt hurt, and labored with Higbee about it; he swore with uplifted hands, that he had lied about the matter. I went and told the girl's parents [Elder and Mrs. Rigdon], when Higbee and Bennet made affidavits and both perjured themselves, they swore false about me so as to blind the family [by saying that Francis was innocent and Joseph was lying]. I brought Francis M. Higbee before Brigham Young, Hyrum Smith and others; Bennet was present, when they both acknowledged that they had done these things, and asked us to forgive them. I got vexed, my feelings had been hurt; Higbee has been guilty of adulterous communication, perjury, &c.; which I am able to prove by men who heard them confess it. (ibid. 5 [May 15, 1844]: 539)

Bennett, in his eagerness to distance himself from Higbee's illness, told Joseph in detail about Higbee's seduction of several young ladies, including Nancy Rigdon. The involvement of the two young people from the Rigdon and Higbee families was a severe blow to the Prophet. To have a devoted young man like Francis, who had a wonderful future in the Church and prospects of marrying a daughter of a member of the Presidency, toss it away in the manner Bennett described, seemed out of character to Joseph.

The Prophet reported Higbee's case at once to the proper Church authorities and called for a Church court to handle the matter—and ordered an undercover investigation of Bennett, for he suspected far more was involved than what Bennett had told him about Francis. He suspected Bennett was behind the terrible turn of events. Joseph also reported the seduction of Nancy Rigdon to her parents.

Joseph explained that Bennett

professed to be virtuous and chaste, yet did he pierce the heart of the innocent, introduce misery and infamy into families, reveled in voluptuousness and crime, and led the youth that he had influence over to tread in his unhallowed steps. (ibid. 3 [August 1, 1842]: 868–869; italics added)

Joseph also testified:

But, like one of the most abominable and depraved beings which could possibly exist, he only broke off his publicly wicked actions, to sink deeper into iniquity and hypocrisy. When he saw that I would not submit to any such conduct, he went to some of the females in the city, who knew nothing of him but as an honorable man, & began to teach them that promiscuous intercourse between the sexes, was a doctrine believed in by the Latter-Day Saints, and that there was no harm in it; but this failing, he had recourse to a more influential and desperately wicked course; and that was, to persuade them that myself and others of the authorities of the church not only sanctioned, but practiced the same wicked acts; and when asked why I publicly preached so much against it, said that it was because of the prejudice of the public, and that it would cause trouble in my own house. He was well aware of the consequence of such wilful and base falsehoods, if they should come to my knowledge; and consequently endeavored to persuade his dupes to keep it a matter of secrecy, persuading them there would be no harm if they should not make it known. This proceeding on his part, answered the desired end; he accomplished his wicked purposes; he seduced an innocent female by his lying, and subjected her character to public disgrace, should it ever be known. (ibid. [July 1, 1842]: 839–840; italics added)

Because Dr. Bennett was teaching that Joseph had received a polygamous revelation, Joseph realized that the situation was extremely serious and that he must do all within his power to eradicate it. Therefore, Joseph fought polygamy by doing everything he could to stop it, including (1) preaching much against it, and (2) taking Bennett and Higbee into an elders' court. They were both brought before the court which included President William Law, Presiding Patriarch Hyrum Smith, and Apostle Brigham Young.

Brigham Young, president of the Twelve Apostles, testified:

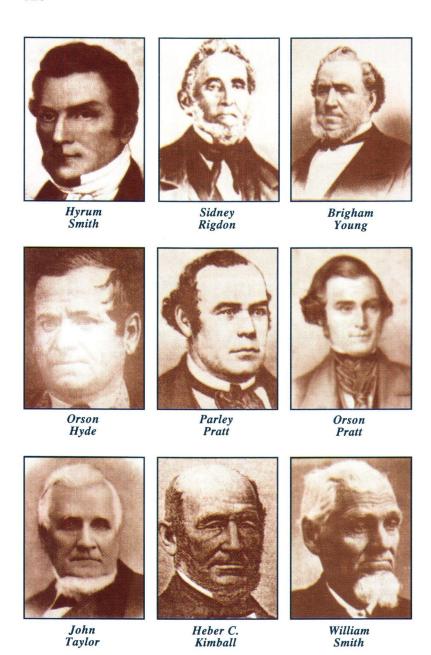
With regard to Francis M. Higbee, at the time that is spoken of, I stopped opposite Mr. Laws' store, we had been conversing with Dr. Bennet[;] when I came into the room, Francis Higbee rather recoiled and wished to withdraw; he went out and sat upon a pile of wood. He said it is all true, I am sorry for it, I wish it had never happened. I understood

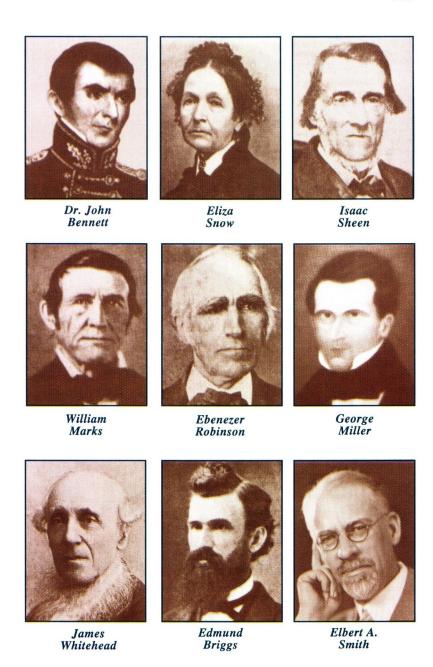


Joseph and Emma Smith\*

"I had not been married scarcely five minutes, and made one proclamation of the Gospel, before it was reported that I had seven wives. . . . This spiritual wifeism! Why, a man dares not speak or wink, for fear of being accused of this . . . . I am innocent of all these charges. . . . What a thing it is for a man to be accused of committing adultery, and having seven wives, when I can only find one. I am the same man, and as innocent as I was fourteen years ago [when the Church was organized]; and I can prove them all perjurers"—Joseph Smith (History of the Church of Jesus Christ of Latter-day Saints, Period 1, 6 [Salt Lake City, Utah: Deseret Book Company, 1962]: 410–411; italics added).

<sup>\*</sup>This picture was created by combining the well-known pictures of Joseph and Emma which were painted in 1843 at Nauvoo. ©PPC-CBI







Beautiful Nauvoo as seen from Montrose, Iowa, across the Mississippi River.



Nauvoo as painted by David H. Smith, son of Joseph and Emma.



Richard Price

Joseph Smith's General Store (Red Brick Store) after reconstruction. It also served as Church headquarters and a meeting place for various groups.



Richard Price

The upper room in the Red Brick Store (as reconstructed), where important meetings were held.



Richard Price

The Homestead at sunset—the first home of Joseph and Emma Smith in Nauvoo. The Mississippi River may be seen in the background.



Pamela Price

The Mansion House—Joseph and Emma's second home in Nauvoo. The Mansion House was operated as a hotel, with Joseph and his family occupying six rooms.



Home of Nauvoo Stake President William Marks, northwest of the Red Brick Store. William assisted Joseph in the fight against polygamy.



Home of Apostle Brigham Young in Nauvoo. Brigham secretly led the movement toward introducing polygamy into the Church.



The narrow Mansion House stairs—showing the falseness of Charles C. Rich's story that while standing in the lobby or parlor behind the wall on the right, he saw Joseph and Emma coming from their bedroom and Eliza Snow coming from another, and that Emma pushed Eliza down the stairs (see page 88).

Bennet who related some of the circumstances, he cried and begged of us to forgive him, and said if he could be permitted to stay in the city as a private individual he should be happy ... he said; it is true, I am sorry for it I wish it had never been so; as we came up, Dr. Bennet, Mr. Higbee, and Mr. [Joseph] Smith, had been talking about it ... I knew of the whole affair, it was on the 4th of July [1841], or a few days after—it was shortly after I came from England.... 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.

I will make one statement in our conversation with Dr. Bennet. I told Dr. Bennet that one charge was seducing young women, and leading young men into difficulty—he admitted it—if he had let young men and women alone it would have been better for him. (ibid. 5 [May 15, 1844]: 539)

# Hyrum Smith testified concerning Higbee's case:

Francis M. Higbee acknowledged that it was the truth, that he was sorry, and had been a thousand times; he acknowledged his connection with the woman on the hill; I did think he was with Dr. Bennet at the time, the statement of Bennet was, that he was guilty, he was sorry and asked forgiveness, he said he had seduced six or seven [women], he acknowledged it, and said if he was forgiven, he would not be guilty any more. Francis said he knew it was true, he was sorry and had been a hundred times. . . . Francis did not say any thing about his sickness, but Dr. Bennet made those observations to him [Joseph] that he had doctored him in the time of his sickness .... [H]e [Francis] said he should not have been seduced, if it had not been by Dr. Bennet, when charged with them, Francis said they were true; that they were alledged a hundred times; he said "I will alter, I will save my character." (ibid., 539-540)

# The Results of the 1841 Trial of Bennett and Higbee

John Bennett and Francis Higbee were tried before the elders' court and were found guilty. They confessed and both begged for forgiveness. Joseph described Bennett's seeming

#### repentance in these words:

he would acknowledge his iniquity, ask and pray for forgiveness, beg that he might not be exposed, on account of his mother, and other reasons, saying, he should be ruined and undone. He frequently wept like a child, and begged like a culprit for forgiveness, at the same time promising before God and angels to amend his life, if he could be forgiven. (ibid. 3 [August 1, 1842]: 869)

The brethren who heard their cases forgave them, which meant their confessed sins were not made public. Dr. Bennett was permitted to keep all of his official positions, including the office of mayor. Joseph and the other leaders carefully refrained from saying anything derogatory about either man. From all outward appearances, Bennett, Francis, and those involved with them ceased their promiscuity. However, the polygamous spirit was not dead as Joseph soon realized.

# OTHER EVIDENCES THAT JOSEPH AND THE CHURCH FOUGHT POLYGAMY IN 1841

#### Bennett's House of Ill Fame

Since Dr. Bennett was a medical doctor who specialized in the diseases of women, it was legitimate for him to go alone into the homes of those who were ill. This gave him opportunity to continue his promiscuity without Joseph being able to know whether or not he was remaining chaste. But Joseph and Hyrum suspected that Bennett had not repented, and asked certain men holding the office of teacher in the priesthood to investigate Bennett's conduct. Teacher John Taylor (not the apostle by that name) was one of those who did the investigating. He testified under oath:

I held the position of teacher in the original church from September, 1832, until Joseph Smith's death in 1844.... It was our duty in case we found anybody with more wives than one to report them to the President of the Teachers' Quorum .... [O]ur instructions were if we found any case of that kind

to report it to the President of the Teachers' Quorum, and the president [of the Teachers' Quorum] would report them to Hyrum Smith. . . . [I]t was about that time that John C. Bennett's secret wife system came to be heard of. . . . [We] were told to search it out and find what there was to it if we could. That was the way it was, and so I got after him [Bennett], and followed him, and saw him go into a house that did not have a very good reputation. I followed him to the house there in Nauvoo where this secret wife business was practiced,—saw him go into it.

He was said to be a doctor and was going about treating people. . . . He would go into these houses, and the women there were suspicious women,—did not bear good characters. I heard about his doing this, and I went around to watch him and see if I could not catch him going there. And one evening I traced him and saw him go right into the house. During the time that I was a teacher from 1832 up to 1844, there was no rule or law of the original church that permitted the practice or principle of polygamy. (Abstract of Evidence, 190–191; italics added)

It is important to remember that Hyrum Smith directed the teachers to investigate and report any man who might be found to have "more wives than one"; and also that Teacher Taylor testified that there was no "rule or law" that permitted the practice of polygamy up to 1844—while Joseph and Hyrum were alive.

Teacher John Taylor testified further:

John C. Bennett and a lot of them built an ill-fame house near the Temple in Nauvoo. . . . After they had built it, John C. Bennett and the Fosters,—I knew all their names at the time, they were the head men of it,—after they got it built, they wrote on it in large letters what it was,—a sign declaring what it was, and what it was there for. . . .

The City Council held a council over it, and they considered it was a nuisance to the city.... [The police] took the building, and put it on rollers; and there was a deep gully there, and they pitched the house into it. (ibid.,192; italics added)

One may wonder if this was the house "on the hill" where Francis Higbee visited the French woman who had come to Nauvoo from Warsaw. Dr. Robert Foster, a resident of Nauvoo at the time, declared that Bennett "plead the cause of the house of ill fame in Nauvoo when he was Mayor and the City Council unanimously declared it a public nuisance" (Wasp 1 [October 2, 1842]: 2). The Times and Seasons for November 15, 1841, published a notice of the destruction of the house with the statement, "The city authorities manifest a determination to carry out strictly the temperence ordinances of the city, and in this we wish them 'God speed' "(Times and Seasons 3:599–600).

# Sidney Roberts and the "Holy Kiss"

Another incident which demonstrated that the Church was fighting polygamous activities in 1841, was the cutting "off from the church" of Elder Sidney Roberts. He advocated a practice which was similar to, or patterned after, the teachings of Jacob Cochran, head of the polygamous Cochranite sect in Maine. Joseph's brother, Don Carlos Smith, editor of the Times and Seasons, reported that the New York City Branch expelled Roberts for claiming to have had a revelation that he should salute "the sisters with what he calls a holy kiss, taking them on his lap, and putting his arms around them, &c." (ibid. 2 [February 1, 1841]: 307). Jacob Cochran had practiced the so-called "holy kiss" in his church services. "Females in the craze of their fanaticism would embrace him in public meeting and unblushingly kiss him, and he found apology for it in 'the holy kiss' of Scripture" (see "Cochran Fanaticism," 8; Maine Historical Society).

# Joseph Told the Conference He Had but One Wife

Joseph made it a point to tell the Saints gathered for the fall Conference of 1841, that he had only one wife. Joseph's statement was published by the Twelve, with Brigham Young's name appearing first on the list of apostles who signed the docu-

ment. When it is realized that Joseph was at the time being charged with polygamy, the Prophet's statement takes on new meaning. Brigham and the other apostles reported:

When Br. Joseph stated to the general conference the amount and situation of the property of the church, of which he is trustee in trust by the united voice of the church, he also stated the amount of his own possessions on earth; and what do you think it was? we will tell you; his old Charley horse, given him in Kirtland; two pet deer; two old turkeys, and four young ones; the old cow given him by a brother in Missouri, his old Major, dog; his wife [singular], children, and a little household furniture, and this is the amount of the great possessions of that man whom God has called to lead his people in these last days; this the sum total . . . (*Times and Seasons* 2 [October 15, 1841]: 569)

# Polygamy Was Not Practiced by the Church in 1841

In order to stress that the Church was not in favor of polygamy, an article from the St. Louis, Missouri, *Atlas* was republished in the *Times and Seasons*. It read:

An intelligent friend, who called upon us this morning, has just returned from a visit to Nauvoo and the Mormons .... He believes—just as we do—that they have been grossly misunderstood and shamefully libeled.... [I]t is a faith which they say encourages no vice, nor immorality, nor departure from established laws and usages; neither polygamy, nor promiscuous intercourse, nor community of property. (ibid., 580)

# Joseph Preached against Polygamy

The records show that throughout the year 1841 Joseph made a valiant fight against the encroachment of polygamy into the Church. Let it be remembered that Bennett even stated that Joseph preached "much against it" (ibid. 3 [July 1, 1842]: 840).

Where are the records of the many sermons which the Prophet preached against polygamy in 1841 and 1842? Were

his sermons recorded by Church clerks? Do they exist in the LDS Church Archives in Salt Lake City, Utah? If the missing sermons do exist and are published in the future, they will denounce polygamy and further vindicate the Prophet. His missing sermons would give still more evidence that the Prophet was, and still is, a victim of an insidious conspiracy to attach his name to a doctrine which he abhorred and vigorously opposed.