

Chapter 12

Chauncey L. Higbee Expelled for Polygamous Activities

Although Dr. John C. Bennett claimed that he had repented when he was brought to trial in July 1841, he and his group of young followers continued their practice of spiritual wifery in secret. Bennett “led the youth that he had influence over to tread in his unhallowed steps . . . even to the seduction of the virtuous” (*Times and Seasons* 3 [August 1, 1842]: 869). Even though Joseph felt that those in Bennett’s “clique” were continuing their activities, the Prophet had to wait until definite proof could be obtained before charges could be filed. In the meantime, Joseph was ever watchful and continued to preach against it.

An example of Joseph’s constant fight against polygamy is found in an account of a sermon which he preached on April 10, 1842. According to the *LDS History of the Church*, Joseph preached in the Grove near the Temple on this date, and condemned “all adulterers, and fornicators, and unvirtuous persons, *and those who have made use of my name to carry on their iniquitous designs*” (*LDS History of the Church* 4:587; italics added). He was speaking, of course, of Bennett and his friends, who were using Joseph’s name to teach polygamy, or spiritual wifery as it was popularly called.

During the fall of 1841 and the first five months of 1842, at least three polygamy-related cases were in varying stages of development, with which Joseph had to labor:

1. Dr. Bennett’s promiscuity with Sarah Pratt, the wife of Apostle Orson Pratt;
2. The claim by Martha Brotherton, a young English

immigrant, that Brigham Young had tried to force her to become his plural wife, and that Joseph assisted him;

3. An escalation of the Francis Higbee-Nancy Rigdon case.

These three cases will be discussed in a later volume.

In the spring of 1842 another case erupted which involved Chauncey L. Higbee—who was a brother of Francis, a Church member, a prominent lawyer, and also a colonel in the Nauvoo Legion. An investigation of Chauncey’s activities was begun after Joseph delivered a sermon before the Nauvoo Choir, in which he denounced polygamy.

Information about the choir is found in an article in the *Times and Seasons*—a news item relating how the choir brought a petition to the Board of Regents of the Nauvoo University. The article, which was entitled “Choir of the Stake of Zion in the City of Nauvoo,” stated:

The Choir of Singers presented a petition to the Board of Regents of the University, at their last sitting, for the appointment of a “Professor and Wardens in the Department of Music in the University of the City of Nauvoo,” to constitute a board for the regulation of Music in this city, which was adopted. (*Times and Seasons* 3 [January 1, 1842]: 653)

Dr. Bennett was Chancellor of the University, and Joseph Smith was a member of the Board of Regents (see *ibid.* [December 15, 1841]: 630–631).

In his speech to the choir Joseph condemned polygamy, which caused Sarah Miller, a choir member, to become alarmed (see Sarah Miller’s testimony which follows). She was one of Bennett’s clique and one of Chauncey L. Higbee’s spiritual wives. After hearing Joseph, she confessed to Church authorities, and it was quickly learned that Chauncey had also seduced at least three other women—two sisters, Margaret and Matilda Nyman, and a widow named Catharine Fuller. When questioned, these women readily admitted that Chauncey had seduced them by using Bennett’s “plausible tale” that (1) promiscuous intercourse was acceptable if kept secret, (2) that Joseph had received a polygamous revelation, (3) that Joseph and other heads of the

Church were practicing polygamy, and (4) that Joseph preached much against polygamy as a cover-up, because of the public's prejudice against it and Emma's hatred of that doctrine.

The Women Gave Their Testimonies before the High Council

During May 1842, the Church's High Council met day after day to investigate this situation. The women testified before the Council about circumstances surrounding their seductions, after which Joseph took their written affidavits before the city's Municipal Court in an attempt to also convict Chauncey in civil court. The testimonies of the four women were published in the *Nauvoo Neighbor* under the title "Chauncey L. Higbee" and are given below.

[Affidavit of Margaret J. Nyman]

Testimony of Margaret J. Nyman, vs Chauncey L. Higbee, before the High Council of the Church of Jesus Christ of Latter-Day Saints, in the City of Nauvoo, May 21, 1842.

Some time during the month of March last, Chauncey L. Higbee, came to my mother's house, early one evening, and proposed a walk to a spelling school. My sister Matilda, and myself accompanied him; but, changing our design on the way, we stopped at Mrs. [Catharine] Fullers: During the evening's interview, he, (as I have since learned,) with wicked lies proposed that I should yield to his desires, and indulge in sexual intercourse with him, stating that such intercourse might be freely indulged in, and was no sin: That any respectable female might indulge in sexual intercourse, and there was no sin in it, providing the person so indulging, keep the same to herself; for there could be no sin, where there was no accussor;—and most clandestinely, with wicked lies, persuaded me to yield by using the name of Joseph Smith: and, as I have since learned, totally false and unauthorised; and in consequence of those arguments, I was influenced to yield to my Seducer, Chauncey L. Higbee.

I further state that I have no personal acquaintance with Joseph Smith, and never heard him teach such doctrines, as stated by Chauncey L. Higbee, either directly or indirectly.

I heartily repent before God, asking the forgiveness of my brethren.

Margaret J. Nyman.
State of Illinois, ss
County of Hancock,
City of Nauvoo.

May 24th, 1842.

Personally appeared before me, George W. Harris, alderman, of the city aforesaid, Margaret J. Nyman, the signer of the above instrument, and testified, under oath, that the above declaration is true.

Geo. W. Harris, alderman.

[Affidavit of Matilda J. Nyman]

Nauvoo, May 21st, 1842.

During this spring Chauncy L. Higbee, kept company with me from time to time, and, as I have since learned, wickedly deceitfully, and with lies in his mouth, urged me vehemently to yield to his desires; that there could be no wrong in having sexual intercourse with any female that could keep the same to herself;—most villianously and lyingly stating that he had been so instructed by Joseph Smith, and that there was no sin where there was no accuser:—Also vowing he would marry me. Not succeeding, he, on one occasion, brought one, who affirmed that such intercourse was tolerated by the heads of the Church. I have since found him also to be a lying conspirator against female virtue and chastity, having never received such teachings from the heads of the church; but I was at the time partially influenced to believe in consequence of the source from whom I received it.

I yielded and become subject to the will of my seducer, Chauncy L. Higbee: and having since found out to my satisfaction, that a number of wicked men have conspired to use the name of Joseph Smith, or the heads of the Church, falsely and wickedly to enable them to gratify their lusts, thereby destroying female innocence and virtue, I repent before God and my brethren and ask forgiveness.

I further testify that I never had any personal acquaintance with Joseph Smith and never heard him teach such doctrines as Higbee, stated either directly or indirectly.

Matilda J. Nyman.
 State of Illinois, ss
 City of Nauvoo.

May 24th, 1842.

Personally appeared before me, George W. Harris, alderman, of said city, Matilda J. Nyman, the signer of the above instrument, and testified, under oath, that the above declaration was true.

Geo. W. Harris, alderman.

[Affidavit of Sarah Miller]

Nauvoo, May 24th, 1842.

Some two or three weeks since, in consequence of brother Joseph Smith's teachings to the singers, I began to be alarmed concerning myself, and certain teachings which I had received from Chauncey L. Higbee, and questioned him (Higbee) about his teaching, for I was pretty well persuaded from Joseph's public teachings that Chauncey had been telling falsehoods; but Chauncey said that Joseph now taught as he did through necessity, on account of the prejudice of the people, and his own family particularly [Emma], as they had not become believers in the doctrine.

I then become satisfied that all of Chauncey's teaching had been false, and that he had never been authorized by any one in authority to make any such communication to me. Chauncey L. Higbee's teaching and conduct were as follows. When he first came to my house soon after the special conference this spring, Chauncey commenced joking me about my getting married, and wanted to know how long it had been since my husband died, and soon removed his seat near me; and began his seducing insinuations by saying it was no harm to have sexual intercourse with women if they would keep it to themselves, and continued to urge me to yield to his desires, and urged me vehemently, and said he and Joseph were good friends, and he [Joseph] teaches me this doctrine, and allows me such privileges, and there is no harm in it and Joseph Smith says so.

I told him I did not believe it, and had heard no such teaching from Joseph, nor from the stand [the place where preaching services were held at Nauvoo], but that it was

wicked to commit adultery, &c. Chauncey said that did not mean single women, but married women; and continued to press his instructions and arguments until after dark, and until I was inclined to believe, for he called God to witness of the truth, and was so solemn and confident, I yielded to his temptations, having received the strongest assurance from him that Joseph approved it and would uphold me in it. He also told me that many others were following the same course of conduct. As I still had some doubts, near the close of our interview, I again suggested my fears that I had done wrong, and should loose the confidence of the brethren, when he assured me that it was right, and he would bring a witness to confirm what he had taught.

When he come again, I still had doubts, I told him I understood he (Higbee), had recently been baptized, and that Joseph, when he confirmed him, told him to quit all his iniquitous practices,—Chauncey said it was not for such things that he was baptized for, [he said] do you think I would be baptized for such a thing and then go into it so soon again? Chauncey Higbee, said it would never be known, I told him it might be told in bringing forth [a child]. Chauncey said there was no danger, and that Dr. Bennet understood it, and would come and take it away, if there was any thing.

Sarah Miller.

State of Illinois, ss

City of Nauvoo.

May 24th, 1842.

There appeared Sarah Miller, the signer of the above instruments, and made oath that the above declaration is true before me.

Geo. W. Harris, alderman.

[Affidavit of Catharine Fuller Warren]

Nauvoo, May 25th, 1842.

Extract from the testimony of Catharine [Fuller] Warren, vs. Chauncey L. Higbee, *before the High Council of the Church, &c.*

I have had unlawful connexion with Chauncey L. Higbee. Chauncey Higbee, taught the same doctrine as was taught by J. C. Bennet, and that Joseph Smith, taught and practiced

those things, but he [Chauncey] stated that he did not have it from Joseph, but he had his information from Dr. John C. Bennet. He, Chauncey L. Higbee, has gained his object about five or six times, Chauncey L. Higbee, also made propositions *to keep me with food if I would submit to his desires.*" (*Nauvoo Neighbor*, May 29, 1844; *Millennial Star* 23:657–658)

The affidavits of the women involved in the trials of Chauncey Higbee and Bennett in 1842 were not published at the time the trials occurred, in hopes these men would repent of their evil ways and Nauvoo and the Church would be spared the notoriety of such gross practices. However, in 1844 these affidavits were published when the Higbee brothers joined a group of conspirators who eventually brought about the martyrdom of Joseph and Hyrum. When the affidavits were published in 1844, Editor (Apostle) John Taylor commented:

We have abundance of like testimony on hand, which may be forth coming if we are compelled, at present the foregoing may suffice.

Why have you not published this before?—We answer, on account of the humility and entreaties of [Chauncey] Higbee, at the time,—and on account of the feelings of his parents, who are highly respectable,—we have forborne until now. The character of C. L. Higbee, is so infamous, and his exertions such as to destroy every principle of righteousness, that fo[r]bearance is no longer a virtue.

After all that this Chauncey L. Higbee has done, in wickedly and maliciously using the name of Joseph Smith, to persuade innocent females to submit to gratify his hellish lusts: and then blast the characters of the most chaste, pure virtuous, and philanthropic man on earth [Joseph Smith], he, to screen himself from the law of the land, and the just indignation of insulted people, and save himself from the Penitentiary, or whatever punishment his unparralled crimes merit; has entered into a conspiracy with the Laws [William and Wilson], and others against the like of those, who are knowing to his abandoned conduct; thus hoping to save himself from the disgrace which must follow an exposure,

and wreak his vengeance and gratify his revenge for his awful disappointments. (ibid.)

The above testimonies show that “a number of wicked men” were indeed involved in Bennett’s polygamous scheme, and that they used seven basic steps to seduce undiscerning young Church women. Their seven steps were:

1. To convince women that Joseph Smith had received a revelation which allowed men to have plural wives;
2. They brought witnesses (some of their own clique) to testify that this was true;
3. They taught their victims that which Joseph called Bennett’s “plausible tale”—which was the false claim that Joseph was preaching and teaching so vigorously against polygamy in order to fool Emma and the prejudiced public;
4. They “vehemently” requested intercourse with the women;
5. They pledged that if pregnancies occurred Dr. Bennett would perform abortions;
6. They offered to furnish the women with the necessities of life (to care for them as their wives);
7. They promised to marry the women (see *Times and Seasons* 3 [July 1, 1842]: 839; 3 [August 1, 1842]: 870; *Nauvoo Neighbor*, May 29, 1844).

To this day the Mormon Church still uses Bennett’s item 1 and item 3 as a part of their theology—that Joseph had a revelation commanding that polygamy be practiced, and that Joseph denied polygamy openly while practicing it secretly to fool Emma and the prejudiced public. If Joseph did bear false witness to deceive Emma and the public, he was one of the greatest liars in the history of mankind, and a false prophet. But he was neither. He was a truthful prophet who gave his life fighting against plural marriage.

It should be noted that Margaret Nyman testified that Chauncey Higbee took her to the home of Mrs. Fuller, where he seduced her. The *Nauvoo Wasp* for April 30, 1842, announced

that Catharine Fuller and William Warren were married on April 27, 1842. This confirms that Catharine Fuller is the same person as Catharine Fuller Warren. Mrs. Fuller not only was seduced by Chauncey, but she allowed her home to be used by him to seduce innocent young girls.

The “abundance of like testimony” mentioned previously was undoubtedly taken to Utah when Brigham Young took Joseph’s official papers West. If they are still extant, the leaders of the LDS Church could do justice to the cause of truth by publishing those records. No doubt the records would give the names of others who were led into plural marriage at Nauvoo by Bennett’s “plausible tale.” Those documents would also give additional proof that Brigham Young used Bennett’s platform as a springboard to officially introduce the doctrine of polygamy into the Church.

Lawyer Higbee Made an Affidavit of Joseph’s Innocence

Joseph brought Chauncey before the Church’s High Council for trial. According to the *LDS History of the Church*, Joseph’s journal for May 21, 1842, states: “I spent the day with the High Council of Nauvoo, investigating the case of . . . Chauncey L. Higbee and others” (*LDS History of the Church* 5:14). Chauncey was found guilty of cohabitating with several spiritual wives. He made the following affidavit that Joseph had not taught him that illicit intercourse with women was justifiable under any circumstance:

Affidavit of C. L. Higbee

State of Illinois
City of Nauvoo

Personally appeared before me Daniel H. Wells, an alderman of said city, C. L. Higbee, who being duly sworn according to law, deposeth and saith, that he never was taught anything in the least contrary to the strictest principles of the gospel or of virtue, of the laws of God or of man, under any circumstances or upon any occasion, either directly or indirectly, in word or deed by Joseph Smith, and that he never

knew said Smith to countenance any improper conduct whatever, either in public or in private, and that he never did teach me in private or public that an illicit intercourse with females was under any circumstances justifiable and that he never knew him so to teach others.

Sworn to and subscribed before me this 17th day of May 1842. Daniel H. Wells, Alderman. (*Affidavits and Certificates*, August 31, 1842)

Chauncey Was Expelled from the Church

On May 24, 1842, the High Council voted to expel Chauncey L. Higbee from the Church because of his adulterous sins (see *LDS History of the Church* 5:18).

Joseph desperately desired to put an end to the polygamy in the Church by stopping the polygamists from using his name. Therefore, in addition to preferring charges against Chauncey in the High Council and Nauvoo Municipal Court, he also sued Chauncey in the Circuit Court at the county seat in Carthage, Illinois. This was a determined attempt by Joseph to stop polygamy and clear his name of polygamous allegations. The account of this court case in Carthage has never been discussed in writing by scholars, but will be discussed in the next chapter of this work.