HAMilton Gardner

The Nauvoo Legion, 1840-1845 — A Unique Military Organization

Although he was a resident of Cambridge, Massachusetts, for several years before his death on January 30, Hamilton Gardner was born in Utah and served in both houses of the state legislature there — he was president of the senate in 1928-1929. He practiced law in Salt Lake City and taught in the University of Utah Law School. He was a veteran of World Wars I and II and the author of numerous articles on military history. His interest in the Nauvoo Legion began as a result of many years of work on a history of the Utah Territorial Militia.

By the spring of 1839 the Mormons who had been driven out of the state of Missouri had, for the most part, taken refuge in Illinois, where the people extended them a sympathetic welcome. The center of their new home was the small town of Commerce on the east bank of the Mississippi in Hancock County. The name of the post office there was changed to Nauvoo on April 21, 1840, and soon thereafter the citizens petitioned the Illinois legislature for a municipal charter. By an act approved December 16, 1840, by Governor Thomas Carlin, the legislature, of which Abraham Lincoln was a member, granted the city of Nauvoo a charter containing some unusually liberal provisions. It was made effective as of the first Monday in February, 1841.

One section of that charter authorized the formation of a local militia to be called the Nauvoo Legion. Since the adoption of the Constitution of the United States in 1789 the militia of the states and territories has been governed by law. In no sense has it functioned **sui generis**. As early as the Second Congress the militia pro-
visions of the Constitution were implemented by an act approved by President George Washington, May 8, 1792. That act served as the basic charter of the American militia and remained in force and effect without substantial amendment until shortly after the turn of the twentieth century. It provided for the enrollment of “each and every free able-bodied white male citizen ... of the age of eighteen years, and under the age of forty-five years,” and required that each man furnish his own arms, ammunition, and equipment. The militia was to “be arranged into divisions, brigades, regiments, battalions and companies, as the legislature of each state shall direct” — a division to be commanded by a major general, a brigade by a brigadier general, a regiment by a lieutenant colonel (later amended to colonel), a battalion by a major, and a company by a captain. No provision was made for a higher rank than major general. The law also prescribed the office of state adjutant general, appointed by the governor of each state, to whom a yearly strength return was to be submitted.

When Illinois became a state on December 3, 1818, its militia organization was governed by Article V of the state constitution:

Sec. 1. The militia of the State of Illinois shall consist of all free male able-bodied persons, negroes, mulattoes and Indians excepted, resident of the State, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be exempted by the laws of the United States or of this State, and shall be armed, equipped, and trained as the General Assembly may provide by law.

Sec. 2. No person or persons, conscientiously scrupulous of bearing arms shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

Sec. 3. Company, battalion and regimental officers, staff officers excepted, shall be elected by the persons composing their several companies, battalions and regiments.

Sec. 4. Brigadier and Major Generals shall be elected by the officers of their brigades and divisions respectively.

Sec. 5. All militia officers shall be commissioned by the Governor, and may hold their commissions during good behavior, or until they arrive at the age of sixty years.

Sec. 6. The militia shall, in all cases, except treason, felony or

1. Art. I, sec. 8; Art. II, sec. 2; and the Second Amendment.


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breach of the peace, be privileged from arrest during their attendance at musters and elections of officers, and in going to and returning from the same.  

That constitutional provision was still in effect, without change, in 1840. Most of the militia statutes then in force can be found in the Militia Code of 1833. The code was amended in 1837, 1839, and 1843 and recodified in the Revised Statutes of 1845 without substantive change.  

The 1845 code also closely followed the 1792 act of Congress. As to universal military obligation, it provided, “All free white male inhabitants, resident in this State, who are or shall be of the age of eighteen, and under the age of forty-five years . . . shall severally and respectively be enrolled in the militia . . . and every such person . . . shall . . . provide himself with a good musket, fuzee or rifle. . . . The field officers . . . shall be armed with a sword and pair of pistols, and the company officers with a sword” (Section 1).  

Section 2 provided for the organization of the militia in divisions, brigades, regiments, battalions, and companies, according to counties, with Hancock County in the Third Brigade of the Fifth Division. Section 3 set out the officers for the militia, with a major general to head a division; a brigadier general, a brigade; and a colonel, a regiment. It contained no authorization for rank higher than major general and limited the number of staff officers allowed. A state adjutant general was to be appointed by the governor (Section 4), and his duties were prescribed in Section 65. Regimental, battalion, and company officers were to be elected by their enrolled enlisted men, and general officers by their commissioned subordinates. Exact rules for conducting the elections were enumerated in Sections 7, 11-14, 21, 75-76. An annual muster was required for each regiment in September (Section 25), and for each battalion and company in April (Sections 26 and 27), in addition to “drill musters” (Section 31).  

Courts of inquiry and courts-martial were set up for the purpose.  

3. Published as part of Revised Statutes, 1845 (Springfield, 1845), 36.  
4. The Illinois Militia Code of 1833 was printed separately and not included in the Revised Statutes of that year.  
5. Chap. LXX, pp. 355-78, deals with the Illinois military forces in eighty-five sections.
THE NAUVOO LEGION

of investigating and trying military derelictions (Sections 37-42), and fines for nonattendance and other offenses were stated (Section 32). Provision was made for inducting the militia into state service at the call of the governor (Sections 43-50, 52). The authorized uniform of militia officers was to conform to that of the regular army (Section 55). Certain independent companies and separate battalions might be formed (Sections 8-10, 83) and adopt a constitution and bylaws (Sections 76-84).

Such were the federal and state constitutional and statutory foundations of the Nauvoo Legion, which was authorized in Section 25 of the Nauvoo city charter, granted by the Twelfth Illinois General Assembly:

Sec. 25. The city council may organize the inhabitants of said city subject to military duty into a body of independent military men, to be called the "Nauvoo Legion," the court martial of which shall be composed of the commissioned officers of said legion, and constitute the law making department, with full powers and authority to make, ordain, establish and execute all such laws and ordinances as may be considered necessary for the benefit, government, and regulation of said legion: Provided, Said court martial shall pass no law or act repugnant to, or inconsistent with the Constitution of the United States, or of this State, and, Provided, also, That the officers of the legion shall be commissioned by the Governor of the State. The said legion shall perform the same amount of military duty as is now, or may be hereafter required of the regular militia of the State, and shall be at the disposal of the mayor in executing the laws and ordinances of the city corporation, and the laws of the State, and at the disposal of the Governor for the public defense, and the execution of the laws of the State, or of the United States, and shall be entitled to their proportion of the public arms, and, Provided, also, That said legion shall be exempt from all other military duty.6

Apparent at once to the military student is the incongruity of the provision that made the commissioned officers into a body with extensive law-making powers and called, inaccurately, the "court martial." In the American Army a court-martial has always been

a judicial entity, functioning only (1) to hear the cases of military personnel accused of violating the Articles of War, (2) to determine innocence or guilt, and (3) to fix the prescribed sentence. It possesses and exercises no legislative duties whatsoever. Neither does an army court-martial perform any executive functions; that remains an attribute of command. A further departure from customary militia practice was the grant of authority to the mayor to call out the Legion to enforce city laws. (The later exercise of this prerogative proved to be one of the direct causes for the suppression of the Legion.) In considering the peculiar nature of these provisions, it must not be forgotten that they were approved by the Illinois legislature.

The Nauvoo City Council implemented this legislative grant of power in an ordinance passed February 8, 1841:

SEC. 1. Be it ordained by the City Council of the City of Nauvoo, that the inhabitants of the City of Nauvoo, and such citizens of Hancock county as may unite by voluntary enrollment, be, and they are hereby organized into a body of independent military men, to be called the "Nauvoo Legion," as contemplated in the 25th section of "An Act to incorporate the City of Nauvoo," approved December 16, 1840.

SEC. 2. The Legion shall be, and is hereby divided into two cohorts; the horse troops to constitute the first cohort, and the foot troops to constitute the second cohort.

SEC. 3. The general officers of the Legion shall consist of a lieutenant-general, as the chief commanding and reviewing officer, and president of the court martial and Legion; a major-general, as the second in command in the Legion, the secretary of the court martial and Legion, and adjutant and inspector-general; a brigadier-general, as the commander of the first cohort; and a brigadier-general, as commander of the second cohort.

SEC. 4. The staff of the lieutenant-general shall consist of two principal aids-de-camp, with the rank of colonels of cavalry; and a guard of twelve aids-de-camp, with the rank of captain of infantry; and a drill officer, with the rank of colonel of dragoons, who shall likewise be the chief officer of the guard.

SEC. 5. The staff of the major-general shall consist of an adjutant, a surgeon-in-chief, a cornet, a quarter-master, a paymaster, a commissary, and a chaplain, with the rank of colonels of infantry; a surgeon for each cohort, a quarter-master-sergeant, sergeant-major, and
chief musician, with the rank of captains of light infantry, and two musicians, with the rank of captains of infantry.

Sec. 6. The staff of each brigadier-general shall consist of one aid-de-camp, with the rank of lieutenant-colonel of infantry, provided that the said brigadiers shall have access to the staff of the major-general, when not otherwise in service.

Sec. 7. No officer shall hereafter be elected by the various companies of the Legion, except upon the nomination of the court-martial; and it is hereby made the duty of the court-martial to nominate at least two candidates for each vacant office, whenever such vacancies occur.

Sec. 8. The court-martial shall fill and supply all offices ranking between captains and brigadier-generals by granting brevet commissions to the most worthy company officers of the line, who shall thereafter take rank, and command according to the date of their brevets, provided that their original place in the line shall not thereby be vacated.

Sec. 9. The court-martial, consisting of all the military officers, commissioned or entitled to commissions, within the limits of the city corporations, shall meet at the office of Joseph Smith, on Thursday, the 4th day of February, 1841, at 10 o’clock a.m.; and then and there proceed to elect the general officers of the Legion, as contemplated in the 3rd section of this ordinance.

Sec. 10. The court-martial shall adopt for the Legion, as nearly as may be, and so far as applicable, the discipline, drill, uniform, rules, and regulations of the United States army.

Passed February 8, 1841.

John C. Bennett, Mayor.

James Sloan, Recorder.

Responsibility for this ordinance rested, of course, with the municipal council and not with the state legislature.

Even though the last paragraph asserted that the Legion should conform to the “discipline, drill, uniform, rules, and regulations of the United States army,” it contained several military anomalies. The most unorthodox provision was the elaboration of the court-martial system. Not only was the court-martial authorized to enact military laws and regulations, as originally provided, but it was now empowered to nominate officers for original commissions and promotions. Unquestionably, this method of electing

7. Ibid., IV: 293-94.
officers represented a departure from the procedure practiced universally in the militia of the states and territories. Whether it actually violated the United States Act of 1792, the Constitution of Illinois, and the Illinois Militia Code is a legal question not of particular importance here, because it was accepted by the state militia authorities.

Although Sections 8 to 10 and 83 of the Militia Code authorized the formation of independent companies and separate battalions, and Sections 76 to 84 empowered those units to adopt constitutions and bylaws for their “regulation and government,” the city militia ordinance contemplated a military setup vastly larger than a company or battalion. As a matter of practical fact, no such thing as an independent unit has ever existed in the armed forces of the United States, whether of civilian militia or of the professional army. Each body is a component part of an over-all organization, subject to command and discipline in accordance with federal and state constitutions and laws. (This very independence later proved to be one of the factors which brought about the undoing of the Legion.)

The nomenclature was in some respects also unique. Ancient Rome first used the term “legion,” applying it to a body of about ten thousand soldiers. A “cohort” was one-tenth of a legion. Major General Henry Knox, secretary of war in the Cabinet of President Washington, directed on December 27, 1792, that both the army and the militia be divided into legions and sub-legions, but the plan was never installed in the militia and had only indifferent success with the regulars. It was discarded officially May 30, 1796.8 “Cohort” was never used. Just why these titles were adopted in Nauvoo does not appear. Similarly, the special staff function of “drill officer” has never been known in the United States Army, since all officers in command of units, large or small, are presumed to be qualified to drill and train them.

The ordinance specified that the commander of the Legion was to hold the exalted rank of lieutenant general. Since the city charter granted by the legislature was silent on that point, it

became a subject of bitter dispute later. Except for George Washington no officer in the United States Army, either regular or militia, had held the permanent lineal rank of lieutenant general up to that time. In 1847 Winfield Scott received the honorary rank of brevet lieutenant general for his service in the Mexican War, but he did not acquire higher command functions, for in the line he remained a major general. In the Civil War it required a special act of Congress to promote Ulysses S. Grant to the permanent rank of lieutenant general. The Act of 1792 provided for no rank beyond major general. The highest rank mentioned in the Illinois Constitution and statutes was that of major general, in command of a division. The matter may be considered academic, however, because Illinois Adjutant General Moses K. Anderson recommended that Joseph Smith be appointed a lieutenant general; Secretary of State Lyman Trumbull issued the commission; and Governor Thomas Carlin signed it. Just why all this was done still remains unexplained.

The original city militia ordinance did not mention age limits for military obligation in Nauvoo, but the question was clarified on February 20, 1841, when the court-martial adopted a resolution fixing the usual limits of eighteen and forty-five years. This same enactment set up a scale of fines for nonattendance at musters and ceremonies.

The organization of a military force usually starts with lower echelons and proceeds upward; this method seems to have been followed in the early stages of the Nauvoo Legion. "The Legion

9. It is a matter of almost universal knowledge that on June 15, 1775, the Continental Congress designated George Washington as commander-in-chief of the American Revolutionary Army with the rank of general. What is less well known is that President John Adams, on July 3, 1798, commissioned Washington a lieutenant general in the United States Army. The First President held this rank until he died Dec. 14, 1799. Francis B. Heilman, *Historical Register and Dictionary of the United States Army from Its Organization September 29, 1789, to March 2, 1903* (Washington, 1903), I: 1004-7.
10. Ibid., 870.
11. The act was approved Feb. 29, 1864; *Personal Memoirs of U. S. Grant* (New York, 1885-1886), II: 114-15; *U. S. Statutes at Large*, XIII: 11-12.
12. History of the Church, IV: 300.
THOMAS CARLIN,
GOVERNOR OF THE STATE OF ILLINOIS,

To All to Whom these Presents shall come—Greeting:

NOW YE. That THOMAS CARLIN, having been duly elected to the office of Governor of said State, for. and on behalf of, the People of said State, do commission him of said Regiment, to take rank from the 17th day of February 1841.

He is, therefore, carefully and diligently to discharge the duties of said office, by doing and performing all manner of things thereunto belonging; and I do strictly require all officers and soldiers under his command to be obedient to his orders; and he is to obey such orders and directions as he shall receive from time to time, from the Commander-in-Chief, or his superior officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused the Great Seal of State to be hereunto affixed. Done at Springfield, this 17th day of March in the year of our Lord one thousand eight hundred and forty-one, and of the Independence of the United States, the sixty-first.

BY THE GOVERNOR

Lyman Trumbull
SECRETARY OF STATE.

Courtesy A. William Lund, assistant church historian, Church of Jesus Christ of Latter-day Saints, Salt Lake City

Joseph Smith's commission as lieutenant general of the Nauvoo Legion, dated February 5, 1841, and signed by Governor Thomas Carlin and Secretary of State Lyman Trumbull.

at its organization,” Joseph Smith stated, “was composed of six companies.”

The official records of commissions issued to Illinois Militia officers were maintained in the office of the state adjutant general and are now in the Illinois State Archives. Although they are not complete for the period 1840 to 1845, rosters containing data on almost one thousand officers, including those of the Nauvoo Legion, were made available for this study. Unfortunately, the muster

13. Ibid., 296.
14. I am greatly obliged to Miss Margaret C. Norton, former assistant state archivist of Illinois, who very courteously furnished a microfilm of these returns to me. Excerpts from the original records of the adjutant general will be cited hereafter as Ill.AGO.
rolls and returns showing the names and numbers of noncommissioned officers and privates have not been preserved.

One of the earliest rosters of officers in the original Legion companies and battalions was dated "Springfield March 23rd 1841" and certified as correct by Adjutant General Anderson. The list contains the names and ranks of seventy-six officers, many of whom subsequently became important figures in Utah history. At least five were members of the Mormon Battalion in the Mexican War.16

The high command of the Nauvoo Legion was activated Thursday, February 4, 1841, at "a court-martial, composed of the commissioned officers of the state of Illinois, within the city of Nauvoo, assembled at the office of Joseph Smith." One lieutenant general, one major general, and two brigadier generals, all church leaders, were elected "by unanimous vote of the court-martial."17 Joseph Smith was chosen lieutenant general; John C. Bennett, major general; and Wilson Law and Don Carlos Smith, brigadiers.18

With a nucleus of four companies each, regimental organizations were effected May 1 and July 3. The following officers were elected:

**FIRST COHORT. First Regiment**—George Miller, colonel; Stephen Markham, lieutenant colonel; William Wightman, major. **Second Regiment**—George Coulson, colonel; Josiah Ells, lieutenant colonel; Hyrum Kimball, major.

**SECOND COHORT. First Regiment**—Charles C. Rich, colonel; Titus Billings, lieutenant colonel; John Scott, major. **Second Regiment**—Francis M. Higbee, colonel; Nelson Higgins, lieutenant colonel; Aaron

15. Ill. AGO.
17. The details are set forth in the journal of Joseph Smith; *History of the Church*, IV: 295-96.
18. The commissions for Law and the two Smiths are listed on a March 10 roster certified by Adjutant General Anderson and filed March 20, 1841. Bennett's commission was recorded on a roster dated Feb. 16 and filed June 14. All the commissions were effective as of Feb. 5. Ill. AGO.
As far as known, the Legion held its first parade and review on Tuesday, April 6. Later in the year similar ceremonies were conducted by the commanding general, but no muster rolls or strength returns of these assemblies are now in the adjutant general's files.

On August 10 Legion headquarters issued a general order reporting the death of Brigadier General Don Carlos Smith, youngest brother of Joseph Smith. The younger Smith had headed the Second Cohort, whose commissioned officers elected Charles C. Rich to fill the vacancy caused by his death.

Other Legion officers elected about the time Smith died are named in an unsigned letter to the adjutant general, dated August 10, 1841. Among them were "Sidney Rigdon, Judge Advocate of the Nauvoo Legion"; "Samuel Hix, Armour-bearer to the Major General of the Nauvoo Legion"; "Brigham Young, H. C. Kimball, P. P. Pratt, Orson Pratt, Orson Hyde, John E. Page, Assistant Chaplains of the 1st Cohort"; and "John Taylor, W. Woodruff, W. Smith, W. Richards, G. A. Smith, & W. Marks . . . Assistant Chaplains, 2 Cohort." Eleven of these twelve chaplains were members of the Quorum of Twelve Apostles of the Latter-day Saints church; Marks, though a high church official, was not an Apostle.

The last list of commissions in the file of the adjutant general for 1841 contains the names of Wilson Law, Hyrum Smith, William Law, George Miller, A. P. Rockwood, Lyman Wight, and George Robinson — all brevet major generals. Others on the roster were Edward Hunter (later of the Mormon Battalion), designated "Herald and Armor Bearer to Lieut Gen," and John Taylor, judge advocate.

Such were the beginnings of the Nauvoo Legion of Illinois. As of September 11, 1841, its strength was 1,490 men.
During 1842 the citizens of Nauvoo continued to expand their militia; by May 7 the Legion had twenty-six companies and "about two thousand troops." On that date Lieutenant General Smith held a parade and review in honor of distinguished visitors, including Judge Stephen A. Douglas. Shortly thereafter, Major General John C. Bennett was excommunicated from the church, ousted from the civil office of mayor of Nauvoo, and shorn of his military rank. Wilson Law was elected major general in his place, to rank from August 13. The report to the adjutant general of Law's election was made on August 17 by James Sloan, "War Secretary" of the Legion.

The files of the adjutant general's office contain numerous other 1842 rosters of officers elected and commissioned. A June 16 roster included Sloan as "War Secretary to the Major General"; "James Brown [subsequently captain, Company C, Mormon Battalion], Lieutenant Colonel 4 Regiment, 2 Cohort"; "William Pitt [an early band leader in Utah], Musician to the Nauvoo Legion"; and "Charles C. Rich, Brevet Major General June 3, 1842." Commissions were also issued that month to "George Cooke - Surgeon General of the Nauvoo Legion - with the title Major General" and "Hiram Kimball Major General."

The year 1843 witnessed still further growth of the Legion. On April 24 War Secretary Sloan sent the adjutant general a list that contained the name of Nelson Higgins (later captain of Company D in the Mormon Battalion), who was to be commissioned "Colonel, 2 Regiment, 2 Cohort - from July 30th 1843"; and on May 6 Hosea Stout, an early attorney general of Utah Territory, became colonel of the Fifth Regiment, Second Cohort.

Late in the year, in view of impending trouble, Joseph Smith, as mayor of Nauvoo, instructed Major General Law to hold necessary portions of the Legion in readiness "to compel obedience to the ordinances of said city and secure the peace of the citizens."

27. *Ill. AGO*.
28. *Ill. AGO*, June 6, 1842.
29. Adjutant General to the Secretary of State, June 20, 1842, in *Ill. AGO*.
30. *Ill. AGO*.
The instructions were repeated in substance on December 18, 1843.32 It is virtually impossible, because of a lack of relevant data, to rate the Nauvoo Legion as a military unit with respect to efficiency, discipline, equipment, armament, uniforms, and readiness for field service. The remaining records of the state adjutant general supply no information as to the number and nature of drills and musters or as to maneuvers — if any. Nor is anything known of the state of discipline in the Legion. In general, discipline in the militia of the United States at this period was not conspicuous for its effectiveness. Yet it is a reasonable assumption that the requirement of strict obedience to leadership in the church hierarchy probably manifested itself also in the Legion.

As to the state of training, any conclusions must remain highly speculative. In 1843 Nauvoo still stood on the edge of the western frontier. It might be inferred, therefore, that the native-born Americans, who almost exclusively constituted the membership of the Legion, knew how to shoot and had some skill in horsemanship. If the Legion had taken to the field for extended service, it would no doubt have stood out as a notable exception to the militia of the time.

No reliable facts are available about the auxiliary services of the Legion — supply, ordnance, or medical care. The Illinois Militia Code required uniforms similar to those of the regular forces. Whether the Legion wore uniforms at its parades and reviews is unknown, and the age of photography was not sufficiently advanced to leave any evidence on the point. If the Legion behaved in accordance with the practice of contemporaneous militia bodies, however, the high-ranking officers probably appeared in colorful and flamboyant dress, while the enlisted men made shift with such homemade accouterments and clothing as they could piece together. For the most part the militiamen supplied their own weapons; yet the War Department and the state of Illinois did furnish some armament. Governor Thomas Ford stated that "the Legion had been furnished with three pieces of cannon and about two hundred and fifty stand of small arms; which popular

32. Ibid., 120.
rumor increased to the number of thirty pieces of cannon and five or six thousand stand of muskets.\textsuperscript{33}

In one characteristic, however, the fully developed Nauvoo Legion stood out as unique among American militia organizations: the large proportion of generals to privates. Although the Illinois Militia Code provided for only six major generals (to command the state's six divisions), the Legion had at least thirteen officers of that lofty rank and an even greater number of brigadiers. One of Utah's most distinguished soldiers, Brigadier General Richard W. Young, declared that "the Nauvoo Legion was a very top heavy corps. The staffs of the general officers were unusually large and somewhat fantastic."\textsuperscript{34}

The troubles of the Mormon people erupted with violence in 1844. This study is not concerned with these difficulties except as the Nauvoo Legion was involved.

With the influx of new converts Nauvoo had experienced a phenomenally rapid growth. It now claimed to be the largest city in Illinois, with a population of at least 12,000 and perhaps as high as 20,000. The Legion had mushroomed in proportion, attaining an estimated 5,000 members. The non-Mormon citizens in the surrounding area looked with some apprehension at the Mormons' independent armed body, which Governor Ford called "a military force at their own command."\textsuperscript{35}

Not only was persecution raging from without, but serious defections were occurring within the church itself. Already John C. Bennett and Sidney Rigdon had apostasized. They were soon followed by Wilson and William Law, the former being the Legion's

\textsuperscript{33} Thomas Ford, \textit{History of Illinois, from Its Commencement as a State in 1818 to 1847} (Chicago and New York, 1854), 268.

\textsuperscript{34} Richard W. Young, "The Nauvoo Legion," \textit{The Contributor}, IX (1888-1889): 42. This was an official publication of the church, later suspended. General Young's articles dealt primarily with the Indian campaigns in early Utah. A grandson of Brigham Young's, he was graduated from West Point, class of 1882, and from Columbia Law School. Upon retirement in 1889 he practiced law in Salt Lake City but returned to active duty during the Spanish-American War, serving in the Philippines with the Utah Volunteer Batteries. Again during World War I he became colonel and brigadier general, Fortieth Division, in France. He died in 1920.

\textsuperscript{35} Ford, \textit{History of Illinois}, 265. On the population of Nauvoo, see the \textit{Dictionary of American History} (New York, 1940), IV: 68.
ranking major general. Soon thereafter, with several members of the Higbee and Foster families, the Laws started a newspaper called the *Nauvoo Expositor*. The city council regarded the first and only edition of June 7 as so scurrilous that on June 10 it declared the paper a public nuisance and authorized the mayor to have it abated. He directed the city marshal to destroy the *Expositor* press and ordered Jonathan Dunham, acting major general, to use the Nauvoo Legion in assisting the marshal, "if called upon to do so."36 By eight o'clock that night the marshal reported back to the mayor that he had destroyed the newspaper's press and equipment.

So far as the Legion was concerned, this event marked the beginning of the end. Anti-Mormons accused it of being the instrumentality used to suppress the *Expositor*. According to Governor Ford, the "rejected Mormons" went to Carthage, where they took out warrants against the mayor and council for riot; these officials were arrested but were released by the city court on a writ of habeas corpus. Meanwhile, the greatest excitement prevailed. The Nauvoo Legion was called out and the city placed under martial law. Finally, Governor Ford personally went to Hancock County, where a force of armed Illinois Militia, estimated at between 1,600 and 1,800 men, had mobilized — but still a small number when compared to the Nauvoo Legion.

From Carthage he sent word to Smith and the council that if they surrendered, they would be protected. Otherwise, he said, "the whole force of the State would be called out ... to compel their submission."37 As a result, Joseph Smith and his brother Hyrum agreed to submit to arrest on charges of inciting a riot and went to Carthage, where they were incarcerated in the Hancock County jail. On June 27, having ordered most of the militia disbanded, Governor Ford went to Nauvoo, accompanied by two of the three Illinois Militia companies still on active duty. While he was gone, the prisoners at Carthage, who were under the ostensible protection of the Carthage Grays (a local militia company), were attacked

by a mob of approximately two hundred armed men and Joseph and Hyrum Smith were killed. 38

The death of the leader of the Latter-day Saints marked the virtual end of the Nauvoo Legion. Only two documents concerning the unit are found in the files of the adjutant general at that time. The first is related to Brigham Young's succession to the command of the organization:

**Adjutant Generals Office**

**Springfield Sept 23rd 1844**

**Officers**

<table>
<thead>
<tr>
<th>Name</th>
<th>Rank</th>
<th>Cohort</th>
<th>Date of Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brigham Young</td>
<td>Lieut General</td>
<td>Nauvoo Legion</td>
<td>31st August 1844</td>
</tr>
<tr>
<td>Charles C. Rich</td>
<td>Major General</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jonathan Dunham</td>
<td>Brigadier Gen</td>
<td>2 Cohort</td>
<td>14th Sept 1844</td>
</tr>
</tbody>
</table>

Nauvoo Legion

I hereby certify the foregoing list of officers to be correct as appears from election returns filed in my office

M K Anderson Adjt Gen

Indorsed 1844 Militia Returns Nauvoo Legion Dec 16

The other is a roster listing commissions for one major and seventeen junior officers. 40

The bitter feeling that now ran rampant in the Nauvoo area was reflected in high places in the state, and, in January, 1845, the Illinois legislature repealed the city charter. That action terminated the legal authority for the Legion and it became officially dead.

But the Latter-day Saints did not forget their military unit in "Nauvoo the Beautiful." In 1849, three years after leaving Illinois for a new home in the Rocky Mountains, they formed the provisional State of Deseret and, as part of the government, created a comprehensive militia force, called unofficially the Nauvoo Legion. The title became legal in 1852 through one of the earliest statutes.

39. Ill. AGO, Sept. 23, 1844.
40. Ill. AGO, Dec. 12, 1844.
The Illinois Adjutant General’s certification of the election of Brigham Young as lieutenant general of the Nauvoo Legion.

of the newly founded Territory of Utah. The Legion flourished under that name until 1870, when its activities were prohibited by proclamation of Territorial Governor J. Wilson Shaffer. Congress finally abolished the Legion in 1887, but it was revived in 1894 as the National Guard of Utah.