

The Power of Perception: The Failure of the Morgan Trials and the Formation of the Anti-Masonic Party

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Abstract:

On September 11, 1826, a group of freemasons took William Morgan, a retired bricklayer and stonemason, from his home of Batavia, New York to Canandaigua jail with a warrant for petit larceny. The following evening several men forcibly kidnapped Morgan off the steps of Canandaigua jail, in sight of several witnesses. Thereafter William Morgan was never again seen alive and his body was never found. While public distrust of freemasonry was certainly present in America prior to Morgan's disappearance, Morgan's kidnapping was a momentous catalyst in the rise of political Anti-Masonry and the formation of the Anti-Masonic Party. This paper seeks to evaluate the influence of the Morgan trials on the formation and tactics of the Anti-Masonic Party using primary narratives of Morgan's kidnapping and its aftermath written during or shortly after the Morgan trials as well as secondary sources from historians that have studied and analyzed the rise and fall of political Anti-Masonry.

When the Founding Fathers signed the Declaration of Independence in 1776 they could not have known that, just a short fifty years later, many Americans would perceive a new evil threatening the sovereignty of the nation, that of Freemasonry. While other secret societies forming immediately after the American Revolution, such as the high-profile Society of Cincinnati in 1783, had previously instigated public alarm regarding the sovereignty of the young nation, these worries quickly faded from national consciousness without much success or longevity.¹ In contrast the Anti-Masonic sentiment, beginning with the likely murder of William Morgan by freemasons in 1826, resulted in a ten-year period of Anti-Masonic excitement, the formation of America's first third-party, and an indelible change in American politics. Some researchers even have credited the populist spirit ignited by Morgan's disappearance as a leading cause for nineteenth century banking and economic reform.² Morgan's kidnapping and unresolved disappearance created a momentous social influence, especially in western New York, and was an undeniable catalyst in the rise of political Anti-Masonry. While a multitude of factors contributed to the popularity and growth of the Anti-Masonic Party in the 1830s, the general and perceived failure of the justice system throughout the Morgan trials was the most important cause for the formation of the Anti-Masonic movement.

Despite the length and the depth of the Morgan trials and the integral involvement of several prominent anti-masons in the investigation of Morgan's disappearance including Thurlow Weed, Frederick Whittlesey and John C. Spencer, few historians have analyzed the continued importance of the Morgan affair and the Morgan trials on the Anti-Masonic

¹ Markus Hünemörder, "Chapter Two: A Political Wolf in Sheep's Clothing: The Accusations Against the Society of the Cincinnati," in *The Society of the Cincinnati: Conspiracy and Distrust in Early America* (New York: Berghahn Books, 2006), 31-32.

² Howard Bodenhorn, "Bank Chartering and Political Corruption in Antebellum New York: Free Banking as Reform," in *Corruption and Reform: Lessons from America's Economic History*, ed. Edward L. Glaeser and Claudia Goldin (Chicago: University of Chicago Press, 2004), 247.

movement.³ The Morgan trials consisted of twenty separate grand jury investigations and eighteen trials in relation to Morgan's kidnapping and disappearance.⁴ Spanning from the first grand jury investigations in 1826 to the last ditch efforts to convict conspirators in 1831, the Morgan trials kept the Morgan affair at the forefront of the public consciousness for much of the Anti-Masonic movement. Yet historians have largely overlooked the influence of the Morgan trials on the Anti-Masonic movement, attributing the primary causes of the rise of Anti-Masonic Party to a culmination of social, political, and economic factors driven by paranoia in which Morgan's disappearance was merely the spark.

The events surrounding the Morgan affair and the Anti-Masonic Party have been the subject of much speculation and historical investigation and analysis. The first researched publication on the Morgan affair appeared in 1827, only months after Morgan's disappearance.⁵ Similarly lawyer and politician, Jabez Hammond, released the first historical analysis of the rise of the Anti-Masonic Party within his work, *The History of Political Parties in the State of New York* merely ten years after the Anti-Masons ran William H. Seward in the 1832 election.⁶ Explanations between historians on the subject have ranged widely. In his 1971 *The Birth of Mass Political Parties: Michigan, 1827-1861* historian Ronald P. Formisano concisely summarized modern historical analysis on the causes of the Anti-Masonic Party to include "class resentments, status anxiety, country-city antagonism, denominational rivalries, paranoia, hopes for a better life, and anger at misfortune and failure."⁷ Historian Lorman Ratner suggested that

³ Ronald P. Formisano and Kathleen Smith Kutolowski, "Antimasonry and Masonry: The Genesis of Protest, 1826-1827," *American Quarterly* 29.2 (1977): 140, accessed November 28, 2016 <http://www.jstor.org/stable/2712356>.

⁴ Formisano and Kutolowski, "Genesis of Protest", 148.

⁵ [Talbot, T.F. et al.]. *A Narrative of the Facts and Circumstance Related to the Kidnapping and Presumed Murder of William Morgan*. Brookfield: E. and G. Merriam, 1827.

⁶ Jabez D. Hammond, *The History of Political Parties in the State of New-York, From the Ratification of the Federal Constitution to December, 1840* Vol. II. (Albany: C. Van Benthuysen, 1842), 400.

⁷ Ronald P. Formisano, *The Birth of Mass Political Parties: Michigan, 1827-1861* (Princeton: Princeton University Press, 1971), 62.

causes behind Anti-Masonry included “loss of traditional belief; fear that after a half century the principles for which the country was formed were dying, as the last of its original leaders died; significant economic changes up or down... collapse of established political organizations; and geographic uprooting.”⁸

Both Formisano and Ratner noted in their respective works the importance of the religious rival at the time of the Anti-Masonic movement. Formisano emphasized the location of western New York as the epicenter of the Morgan affair as especially important in this regard. According to Formisano, it was “the most preached to proselytized, revived, and reformed area in all of Yankee Christendom.”⁹ The idea that people of this region were particularly prone to crusade also appears within historian Whitney R. Cross’ 1950 *The Burned-Over District*. The title of Cross’ work was a term coined by evangelist Charles Grandison Finney to describe western New York counties, the same counties that saw the largest citizen response to the Morgan affair.¹⁰ According to Cross, “upon this broad belt of land congregated a people extraordinarily given to unusual religious belief, particularly devoted to crusades aimed at the perfection of mankind.”¹¹

The most influential and accepted historical works on the Morgan affair, published in the 1960s by historians David Brion Davis, Lorman Ratner, and Richard Hofstadter focused on defining a certain “paranoid style” present within the United States following the impact of McCarthyism in the 1950s. In their efforts to link the Anti-Masonic movement in this same class of “paranoid style,” a term coined by Hofstadter within his 1965 *The Paranoid Style in American Politics*, these works, when evaluating the causes of the Anti-Masonic movement, singularly

⁸ Ratner, Lorman. *Antimasonry: The Crusade and the Party* (Englewood Cliffs: Prentice-Hall Inc., 1969), 7-8.

⁹ Formisano, *Birth of Mass Political Parties*, 62.

¹⁰ Hammond, *The History of Political Parties*, 400.

¹¹ Whitney R. Cross, *The Burned-Over District: the social and intellectual history of enthusiastic religion in western New York, 1800-1850* (Ithaca: Cornell University Press, 1950), 3.

sought and examined themes of counter-subversion and rising nativism.¹² Their overwhelming conclusions that the Anti-Masonic Party was merely one counter-subversive “crusade” of many in American history ultimately undercut the importance of the Morgan affair within the Anti-Masonic movement. Davis lists Anti-Masonry along with Anti-Mormonism and Anti-Catholicism as one example among several examples of American paranoia following the War of 1812 when Americans sought inwards for threats they no longer received from abroad, while Ratner explicitly stated in his *Antimasonry: The Crusade and the Party* that “Antimasonry belongs in the same category with Know Nothing-ism, the Red Scare, and McCarthyism.”¹³ Through these works Anti-Masonry primarily became defined as irrational, a “crusade against a foe, whose great strength and evil motives were the product of the Antimason’s imagination” and “one more exotic in a long parade of ‘bigots’ and ‘extremists.’”¹⁴

Although these historians did not inherently seek to discredit the Anti-Masons so much as to pinpoint a distinctive trend of paranoia within American history, their arguments comparing Anti-Masonry and other irrational crusades ultimately functioned to discredit very legitimate concerns of the Anti-Masonic Movement in much the same way as Anti-Mason opponent and Batavia Mason, Henry Brown. In 1829 Brown argued against Anti-Masonic movement in his *A Narrative of the Anti-Masonick Excitement* by negatively comparing Anti-Masonry to the Salem Witch Trials as an unfounded crusade. Brown also compared Anti-Masonry to other fictitious conspiracies including the Popish plot, the Meal-tub plot, and the perjury of Elizabeth Canning, who had falsely claimed she had been kidnapped and held against her will for a month in

¹² Richard Hofstadter, *The Paranoid Style in American Politics* (New York: Knopf, 1965).; Formisano and Kutowski, “Genesis of Protest,” 141.

¹³ David Brion Davis, “Some Themes of Counter-Subversion: An Analysis of Anti-Masonic, Anti-Catholic, and Anti-Mormon Literature,” *The Mississippi Valley Historical Review* 47.2 (1960): 205-206, accessed October 3, 2016 <http://links.jstor.org/sici?sici=0161-391X%28196009%2947%3A2%3C205%3ASTOCAA%3E2.0.CO%3B2-T>; Ratner, *The Crusade and the Party*, 1.

¹⁴ *Ibid.*, 12; Formisano and Kutowski, “Genesis of Protest”, 141.

London.¹⁵ By comparing Anti-masonry to these unfounded allegations Brown clearly intended to rewrite the narrative of the Anti-Masons, especially as throughout his work he consistently and actively sought to mislead and misrepresent the Anti-Masonic movement through several deceptions. These deceptions included misrepresenting an abridged passage of text as unabridged to discredit the incriminating testimony of the masonic apostate, Edward Giddins,¹⁶ and suggesting the innocence of Batavia masons in the conspiracy by presenting a list of Batavia masons that had offered a monetary reward, upon which included several people implicated in the affair, with two of the signers, “Wm. R. Thompson” and “J.S. Ganson”, later being formally indicted in the conspiracy.¹⁷

Ultimately, like Brown, Ratner and Davis’ depictions of the Anti-Masonic movement as irrational and imaginary fail to account for the legitimate and blatant obstructions to justice perpetrated by Masons throughout the entirety of the five yearlong Morgan Trials. Furthermore, these historical evaluations ignore the perceived failure of the judicial system and the ramifications of such continued perceived injustice had on the rise of the Anti-masonic party. Although the conspiracy could not have been as far-reaching as the anti-masons suggested, it was not inherently irrational. According to the research of historians Ronald P. Formisano and Kathleen Smith Kutolowski in their 1977 paper “Antimasonry and Masonry: The Genesis of Protest, 1826-1827,” “grounds existed permitting reasonable persons to believe that Masons were systematically violating the republican norm of equality before the law and due process of

¹⁵ Henry Brown *A Narrative of the Anti-Masonick Excitement, in the Western Part of the State of New-York, During the Years 1826, '7, '8, and a Part of 1829* (Batavia: Adams & M’olhary, 1829).

¹⁶ For a comparison of Brown’s abridged version to Giddins’ original words published in his *Savage Treatment of William* see Appendix A.

¹⁷ Brown, *Anti-Masonick Excitement*, 69; John C. Spencer “Report, &c.,” in *The Broken Seal: Or, Personal Reminiscences of the Morgan Abduction and Murder*, ed. Samuel D. Greene (Boston: Samuel D. Greene, 1870), 261; Thurlow Weed, *Autobiography of Thurlow Weed*, ed. Harriet A. Weed (Boston: Houghton, Mifflin and Company, 1884) 255.

justice.”¹⁸ Similarly, one of the first historians on the subject, Jabez D. Hammond, published a letter in 1842, written explicitly for Hammond’s account of the political history of New York by a former anti-mason, that stated that “the institution and its members, were pursued politically, because there was no other mode, short of violence, by which it could be successfully combatted.”¹⁹

Masons did hold a disproportionate number of government positions in New York during 1826 and at least five of the key figures involved in the Morgan’s Affair were government officials, namely Sheriff William R. Thompson, Sheriff Eli Bruce, Constable Daniel H. Dana, Constable Holloway Hayward, and Constable Jesse French. With the help of some of these officials Morgan was taken across county lines by means of a government-issued warrant and held against his will in a government owned building in which at least one of his captors, Ezekiel Jewett, was in the payroll of the government.²⁰ While the scale of masonic corruption was much smaller than the anti-masons insinuated and likely did not extend past the circumstances of the Morgan affair, jury-rigging, recalcitrant and perjuring witnesses, and the outright absconding of several key witnesses and possible conspirators throughout the length of the Morgan trials gave Anti-Masons legitimate reasons to fear for the state of the justice system.

As the institution of Masonry, first appearing in America in the 1730s and composed of thousands of members across the nation, was an amorphous, secretive body with no central Grand Lodge there was no cohesive national representation the Anti-Masons could reproach or appeal to for change. To illustrate this point, in 1826, at the beginning of the outrage, there were twenty-six separate Grand Lodges, each with their own separate autonomy, sporting an excess of

¹⁸ Formisano and Kutolowski, “Genesis of Protest”, 142.

¹⁹ Hammond, *History of Political Parties*, 400.

²⁰ Edward Giddins, *An Account of the Savage Treatment of Captain William Morgan, in Fort Niagara, Who Was Subsequently Murdered by the Masons, and Sunk in Lake Ontario, for Publishing the Secrets of Masonry*, 5th ed. (Boston: The Anti-Masonic Bookstore, 1829), 15.

100,000 members.²¹ Although such a broad conspiracy appears irrational, throughout the Morgan Trials largely successful efforts made by masons across the country to protect the accused of wrong doing seemed to reasonably suggest the reality of a broad conspiracy to the Anti-Masons.

I. Captain William Morgan, the Masonic “Judas Iscariot”

Born in Culpepper County, Virginia at the cusp of the American Revolution, William Morgan was an average man by all accounts.²² Before losing his ability to work due to the inflammation of his eyes, Morgan was both an occupational mason, working as a bricklayer and stonemason, and a speculative mason, attaining the standing of Royal Arch Mason in Le Roy, New York, on May 31, 1825 at the Western Star Chapter R.A.M. No. 33.²³ Yet despite the extended fascination with William Morgan as a martyr symbol, glorified even into the late 1800s with the erection of a memorial monument to Morgan in Batavia Cemetery by the National Christian Association in 1882, little is known about the true facts of his life or character.²⁴

The accounts of Morgan’s character and livelihood vary widely between masonic and Anti-masonic narratives of Morgan’s life. Common masonic-defending narratives portrayed Morgan as the masonic “Judas Iscariot,” betraying his masonic oaths by revealing the secrets of masonry for his own monetary gain.²⁵ Others suggested that Morgan had a vendetta against the institution of Masonry following his rejection from a masonic charter in Batavia in 1825 or 1826

²¹ Robert Morris, *The Masonic Martyr: the biography of Eli Bruce, sheriff of Niagara County, New York, who for his attachment to the principles of masonry, and his fidelity to his trust, was imprisoned twenty-eight months in the Canandaigua jail* (Louisville: Morris & Monsarrat, 1861): 4, accessed November 2, 2016. <http://galenet.galegroup.com/servlet/Sabin>.

²² Frederic Whittlesey, *Abduction and Murder of William Morgan: An Interesting and Authentic Narrative of the Abduction and Probable Murder of William Morgan by Freemasons, in the State of New York, September, 1826* (Hallowell: Main Free Press Office, 1832), 3.

²³ Brown, *Anti-Masonick Excitement*, 16.

²⁴ P.C. Huntington, *The True History Regarding Alleged Connection of the Order of Ancient, Free and Accepted masons with the Abduction and Murder of William Morgan, in Western New York, in 1826 Together with Much Interesting and Valuable Contemporary History Compiled from Authentic Documents and Records* (New York: M.W. Hazen Co., 1886), 157.

²⁵ Morris, *Masonic Martyr*, 10.

and had chosen to write his expose for revenge.²⁶ Most masonic narratives vilified Morgan's character, with various narratives claiming that Morgan was money scheming, a drunk, abused his wife, and was a fraud.²⁷ Within his *The Masonic Martyr*, published in 1861, masonic historian Robert Morris denies that Morgan even received any other degrees besides that of Royal Arch Mason and was therefore not a mason but a "base impostor."²⁸ While Morgan was never seen alive again after September 1826 many masons, even years after the affair, continued to insist that Morgan had orchestrated attacks against his own person and property to make more money while he lived happily in hiding abroad.

In contrast, Anti-masonic rhetoric firmly insisted that Morgan was "an intelligent man, and an inflexible republican, convinced of the danger of *Secret Societies*, in a free Government, resolved to use his best endeavors for theirs suppression."²⁹ Despite the lack of formal government documents to verify this claim, Anti-Masons insisted that Morgan was a valiant war veteran having fought in the War of 1812, with some even going so far as to say that Morgan was a Captain in General Andrew Jackson's army at the Battle of New Orleans.³⁰ As early as September 22, 1826 Morgan's printing partner, David C. Miller, declared that Morgan was a martyr and he himself published that Morgan had served "at the elbow of the immortal Jackson, braving death on the plains of Orleans."³¹ The partisan and polarized depictions of Morgan never ceased. Even almost one hundred years after Morgan's disappearance, John C. Palmer continued to reiterate Masonic rhetoric regarding the depravity of Morgan's character in his *The Morgan Affair and Anti-Masonry*, published in 1924.³² Similarly Batavia Anti-Mason Samuel D. Greene

²⁶ Brown, *Anti-Masonick Excitement*, 16-17; Morris, *Masonic Martyr*, 10-12.

²⁷ Brown, *Anti-Masonick Excitement*; Morris, *Masonic Martyr*.

²⁸ Morris, *Masonic Martyr*, 10.

²⁹ Giddins, *An Account of the Savage Treatment*, 14

³⁰ Edward Giddins, *An Account of the Savage Treatment*, 14.

³¹ David C. Miller, *The Republican Advocate*, n.p. September 22, 1826.

³² John C. Palmer, *The Morgan Affair and Anti-Masonry* (Washington, D.C: The Masonic Service Association of the

continued to spread Anti-Masonic propaganda through the end of his life, publishing his autobiography *The Broken Seal* in 1870 that highlighted the wrongs done against Morgan and himself in Batavia by masons.³³

Nonetheless, Morgan in life is not as important a figure to history so much as what he came to represent in death, a martyr for American republicanism and the right of free speech. Regardless of Morgan's motives in writing his expose, the circumstances of his disappearance suggested to many Americans that he had been murdered in his quintessentially American fight for free speech against a tyrannical society. The 1882 Morgan Monument in Batavia continues to display this theme in perpetuity with the inscription "Sacred to the memory of WM. Morgan... a martyr to the freedom of writing, printing, and speaking the truth."³⁴

II. The Circumstances of Morgan's Kidnapping and Tensions in Batavia 1826

On the night of September 12, 1826, men affiliated with the masons kidnapped Morgan from the steps of Canandaigua jail and henceforth Morgan was never seen alive again and his body was never found.³⁵ Morgan's kidnapping followed several suspicious and threatening acts committed against him in Batavia after his intentions to publish an exposé of the institution of masonry, with David Miller as printer, became public knowledge in the town of his residence, Batavia, New York, in the summer of 1826.³⁶ Almost immediately the two men received backlash from the masonic community in western New York. In June and July 1826 Miller suddenly lost subscribers to his newspaper, Miller and Morgan were both sued for small debts,

United States, 1924), 23.

³³ Samuel D. Greene, *The Broken Seal: Or, Personal Reminiscences of the Morgan Abduction and Murder* (Boston: Samuel D. Greene, 1870).

³⁴ Huntington, *The True History*, 157.

³⁵ Whittlesey, *Interesting and Authentic Narrative*, 5.

³⁶ *Ibid.*, 3.

and Morgan was arrested on a civil suit.³⁷ By August the situation escalated with advertisements taken out on August 9th against Morgan in newspapers across the western counties of New York and in the local Batavia papers.³⁸ The notice was of a threatening nature declaring Morgan to be “a swindler and a dangerous man,” compelling members to “*observe, mark, and govern* themselves accordingly.”³⁹

Although it was unclear precisely the measures this notice suggested fellow masons should execute, many outsiders saw threats of this nature as references to Masonic oaths, sworn by members upon initiation into a degree.⁴⁰ In particular Anti-Masons focused on the Entered Apprentice’s penalty that warns that the punishment to a mason for revealing the secrets of masonry was “to have his throat cut across, his tongue taken out by the roots, and his body buried in the ocean.”⁴¹ This theory would be especially pervasive within the Anti-Masonic movement with a particular focus by Anti-Masons on the threatening and compelling nature of masonic oaths. The subtitle of the renouncing mason Edward Giddins’ account resonated with this theme claiming that Morgan had been “murdered by the masons, and sunk in Lake Ontario, for publishing the secrets of masonry.”⁴²

On Saturday August 19, 1826, three masons and the constable of Pembroke, Daniel H. Dana, stormed Morgan’s room, seizing Morgan and some of his papers.⁴³ Due to the mysterious absence of the jailer and the sheriff of Batavia, William R. Thompson, when friends of Morgan sought for Morgan’s release it was too late for Morgan to be released until Monday the 21st.⁴⁴

³⁷ [T.F. Talbot et al.], *A Narrative of the Facts and Circumstances Related to the Kidnapping and Presumed Murder of William Morgan* (Brookfield: E. and G. Merriam, 1827), 7.

³⁸ Whittlesey, *Interesting and Authentic Narrative*, 3; [Talbot et. al.], *Narrative of the Facts*, 8-9.

³⁹ Whittlesey, *Interesting and Authentic Narrative*, 3.

⁴⁰ Morris, *Masonic Martyr*, 16.

⁴¹ Giddins, *Account of the Savage Treatment*, 22.

⁴² *Ibid.*, 14.

⁴³ Whittlesey, *Interesting and Authentic Narrative*, 4; [Talbot et. al.], *Narrative of the Facts*, 9.

⁴⁴ *Ibid.*

Thompson would later be indicted in the conspiracy “to kidnap William Morgan and carry him from Batavia to parts unknown” at Genesee in June 1829.⁴⁵ By September Miller and Morgan began to face violence as groups of men on two different nights, September 8th and September 10th, attempted to burn down Miller’s printing offices to suppress the publication of the expose.⁴⁶ While some people, especially those in the town of Batavia, thought Miller himself had set a fire to draw more publicity to his publication to increase his profit, investigators found straw, turpentine-soaked cotton balls, and turpentine poured over the sides of the building as well as a dark lantern, which helped convince the town someone had intentionally set the building on fire with evil intent.⁴⁷

Although Morgan was not actually illegally kidnapped until September 12, on September 11, 1826, a group of freemasons took William to Canandaigua jail from Batavia with a warrant for petit larceny in regards to a shirt and cravat Morgan had borrowed from Canandaigua tavern owner, Ebenezer C. Kingsley in May, but had not yet returned.⁴⁸ These masons included Nicholas G. Chesebro, master of the Canandaigua Lodge, Halloway Hayward, constable of Canandaigua, and masons Henry Howard, Harris Seymour, Moses Roberts and Joseph Scofield. All of these men would later be indicted and tried in the Morgan trials.⁴⁹ On the way they picked up Asa Nowlen in Avon, John Butterfield in Caledonia, and Ella G. Smith in Le Roy.⁵⁰ Once Morgan came before Judge Chipman and showed the shirt and cravat in question Judge Chipman dismissed the case. Yet as soon as Morgan was discharged he was arrested for the debt of two dollars and sixty-nine cents that Morgan owed to the tavern keeper Aaron Ackley. Morgan was

⁴⁵ Spencer, “Report, &c.” 261.

⁴⁶ Whittlesey, *Interesting and Authentic Narrative*, 4; Brown, *Anti-Masonick Excitement*, 25; [Talbot et al.], *Narrative of the Facts*, 11.

⁴⁷ Brown, *Anti-Masonick Excitement*, 26-27; [Talbot et al.], *Narrative of the Facts*, 12.

⁴⁸ Brown, *Anti-Masonick Excitement*, 29; [Talbot et al.], *Narrative of the Facts*, 13.

⁴⁹ Whittlesey, *Interesting and Authentic Narrative*, 8; Brown, *Anti-Masonick Excitement*, 31.

⁵⁰ [Talbot et al.], *Narrative of the Facts*, 13.

then committed to jail on this offense, as Constable Howard Hayward would not accept Morgan's coat as bail.⁵¹ Morgan stayed in jail for the entirety of September 12, 1826, sharing a cell with Daniel Tallmadge.⁵² According to Tallmadge's deposition sworn to Judge Jeffery Chipman on September 23, 1826, Morgan expressed concern over the masonic affiliation of his jailer and doubts in regards to leaving the jail with Loton Lawson.⁵³

Loton Lawson, a farmer of Canandaigua, had come to the jail around seven in the evening on the night of September 12, 1826, to pay Morgan's debt to Aaron Ackley.⁵⁴ Before attempting to pay Morgan's debt Lawson asked Morgan in the presence of the jail keeper's wife, Mary W. Hall, if Morgan wished to be released by him. Morgan consented but asked to be released in the morning, to which Lawson insisted Morgan had to be released that evening after Mr. Hall returned.⁵⁵ After a failed thirty-minute search for Mr. Hall, Lawson returned and asked Mary Hall to accept Lawson's payment of Morgan's debt and release him from the jail as Mr. Hall could not be found. Mary Hall refused on the grounds that she did not know the amount of the debt. Lawson emphasized that it was such a small debt he would pay five dollars and that would certainly cover the expense. As Hall still refused Lawson returned three separate times to the jail with three different men, Edward Sawyer, a man unknown to Hall, and Nicholas G. Chesebro, in his efforts to persuade Hall to accept the payment. Hall only accepted the payment under an agreement with Nicholas G. Chesebro, as Chesebro had been assigned Morgan's debt.⁵⁶ Furthermore in her deposition sworn to Jeffery Chipman Hall suggested that she had seen

⁵¹ Brown, *Anti-Masonick Excitement*, 31; Whittlesey, *Interesting and Authentic Narrative*, 5.

⁵² "No. 3. Ontario County: Daniel Tallmadge subscribed and sworn to Jeffrey Chipman, J.P. September 23, 1826," in *A Narrative of the Facts and Circumstance Related to the Kidnapping and Presumed Murder of William Morgan* by [Talbot, T.F. et al.] (Brookfield: E. and G. Merriam, 1827), 46.

⁵³ *Ibid.*, 46.

⁵⁴ Whittlesey, *Interesting and Authentic Narrative*, 5.

⁵⁵ "No. 2. Ontario County: Mary W. Hall subscribed and sworn to Jeffrey Chipman, J.P. September 23, 1826," in *A Narrative of the Facts and Circumstance Related to the Kidnapping and Presumed Murder of William Morgan* by [Talbot, T.F. et al.] (Brookfield: E. and G. Merriam, 1827), 44.

⁵⁶ *Ibid.*

Chesebro and her husband talking before he had left and “supposed that it probably was understood between them” and for this reason relinquished Morgan into the care of Lawson.⁵⁷ After Hall unlocked Morgan’s cell Lawson took Morgan by the arm and as Hall locked the cell she heard cries of murder. When Hall ran to the door she saw Morgan be dragged by two men, one being Lawson, as Chesebro and Sawyer looked on without helping. After the Morgan passed either Chesebro or Sawyer rapped on the concrete as a signal for a carriage to come.⁵⁸ Morgan’s cellmate Daniel Tallmadge heard Morgan’s cries of murder,⁵⁹ as well as Martha Davis⁶⁰ and Lasira I. Osborn, in homes across the street from the jail.⁶¹ Martha Davis and Seth Osborn also deposed that they saw a scuffle outside the jailhouse on the night of September 12, 1826.⁶²

Although the men taking Morgan did have a legal warrant for Morgan’s arrest issued by Jeffery Chipman, justice of the peace of Canandaigua, the whole affair drew suspicions almost immediately. For one the larceny for which the men arrested Morgan was a miniscule offense, regarding what appeared to be a misunderstanding rather than an actual theft. This conclusion is supported by Kingsley’s own deposition in which he explicitly stated that he had no intention of legally pursuing the issue before being prompted to make a complaint against Morgan by Nicholas G. Chesebro and others.⁶³ Furthermore, Morgan’s second arrest regarding his debt to Aaron Ackley seemed to suggest that the masons were grasping at straws for any reason to commit Morgan to jail, even a measly debt of two dollars. Even Lawson, in attempting to

⁵⁷ “No. 2,” 45.

⁵⁸ Ibid.

⁵⁹ “No. 3,” 46.

⁶⁰ “No. 4. Ontario County: Martha Davis subscribed and sworn to Jeffrey Chipman, J.P., September 23, 1826,” in *A Narrative of the Facts and Circumstance Related to the Kidnapping and Presumed Murder of William Morgan* by [Talbot, T.F. et al.] (Brookfield: E. and G. Merrian, 1827), 46.

⁶¹ “No. 5. Ontario County: Lasira I. Osborn subscribed and sworn to Jeffrey Chipman, J.P., September 23, 1826,” in *A Narrative of the Facts and Circumstance Related to the Kidnapping and Presumed Murder of William Morgan* by [Talbot, T.F. et al.] (Brookfield: E. and G. Merrian, 1827), 48.

⁶² “No. 6. Ontario County: Seth Osborn subscribed and sworn to Jeffrey Chipman, J.P., September 23, 1826,” in *A Narrative of the Facts and Circumstance Related to the Kidnapping and Presumed Murder of William Morgan* by [Talbot, T.F. et al.] (Brookfield: E. and G. Merrian, 1827), 48.

⁶³ Talbot et al., *Narrative of the Facts and Circumstances*, 13.

persuade Mary Hall to release Morgan, emphasized the smallest of Morgan's debt and offered to give her five dollars, more than twice the debt, for her to release Morgan.⁶⁴ Why the Masons felt they needed to actually commit Morgan to jail, especially if they had always intended on kidnapping him, remains unclear, what is clear however, is that this involvement in the judicial system supported the later Anti-Masonic conclusions that the justice system has been corrupted by masons for their own personal will.

Over the course of the three weeks following Morgan's disappearance the citizens of Batavia became increasingly worried about the fate of Morgan. The strange arrest and carrying of David Miller to Le Roy on September 12, 1826 and Lucinda Morgan's own failed attempt and journey with masons George Ketchum and Nathan Follet to bargain for William Morgan's release by surrendering Morgan's writings only served to aggravate a public feeling that Morgan had come to harm, explicitly due to his writings.⁶⁵ These worries came to fruition with the formation of the Genesee County investigating committee by early October 1826, composed of Theodore F. Talbot, David E. Evans, Trumbull Cary, Wm. Keyes, William Davis, Jonathan Lay, Timothy Fitch, Lyman D. Prindle, E. Southworth, and James P. Smith.⁶⁶ Over the course of the next few months, similar investigating committees would form in Rochester, Lewiston, Victor, Chili, Wheatland, and Bloomfield.⁶⁷ By January 1827 these committees had traced Morgan's path from Canandaigua jail to Lewiston, NY.⁶⁸

⁶⁴ "No. 2.", 43-44.

⁶⁵ Brown, *Anti-Masonick Excitement*, 35 and 54-59; [Talbot et al.], *Narrative of the Facts*, 15-18. ; "No. 1. Genesee County: Lucinda Morgan subscribed and sworn to Daniel H. Chandler, J. P. September 22, 1826," in *A Narrative of the Facts and Circumstance Related to the Kidnapping and Presumed Murder of William Morgan* by [Talbot, T.F. et al.] (Brookfield: E. and G. Merrian, 1827).

⁶⁶ "No. 12. To The Public, October 4, 1826," in *A Narrative of the Facts and Circumstance Related to the Kidnapping and Presumed Murder of William Morgan* by [Talbot, T.F. et al.] (Brookfield: E. and G. Merrian, 1827), 56.

⁶⁷ [Talbot, T.F. et al.]. *A Narrative of the Facts and Circumstance Related to the Kidnapping and Presumed Murder of William Morgan*. Brookfield: E. and G. Merrian, 1827.

⁶⁸ Whittlesey, *Interesting and Authentic Narrative*, 12.

In 1827 the Lewiston Committee, made up thirty-eight individual investigators from seven county-level investigating committees, released a joint report on the facts they had learned since Morgan's disappearance, entitled *A Narrative of the Facts and Circumstances Related to the Kidnapping and presumed murder of William Morgan*, also known as the "Lewiston Report."⁶⁹ In the report the committee concluded that at least a dozen masons were directly involved in Morgan's transportation from Canandaigua Jail to Fort Niagara on the Niagara River and at least several dozen more knew of Morgan's kidnapping, assisted the kidnapers in their travels, or knew that Morgan was in Fort Niagara without taking any action.⁷⁰ Thus, due to the large number of participants, from the very beginning of the investigation Morgan's kidnapping appeared to indicate a darker conspiracy with many actors, all working with the intention of undermining the rule of law.

According to the investigators Morgan's kidnapers took him forcibly off the steps of Canandaigua jail into a carriage driven by Hiram Hubbard.⁷¹ Those present at this time likely would have included Loton Lawson, John Whitney, James Gillis, Burrage Smith, traveling in a separate sulky, and Edward Doyle, following behind on horseback, among others.⁷² The carriage traveled through Victor and Rochester before stopping at Easworth's Tavern outside of Rochester. From there Orson Parkhurst in Ezra Platt's carriage picked up Morgan and others while Hubbard returned with four or five others back to Rochester.⁷³ Parkhurst drove through Clarkson to Captain Issac Allen's where the horses were traded for Allen's fresh horses.⁷⁴

⁶⁹ For more information regarding the committee members and the county committees involved see Appendix B.

⁷⁰ [Talbot, T.F. et al.], *Narrative of the Facts*.

⁷¹ "No 4," 47.

⁷² Whittlesey, *Interesting and Authentic Narrative*, 6.

⁷³ *Ibid.*; [Talbot, T.F. et al.], *Narrative of the Facts*, 23

⁷⁴ Whittlesey, *Interesting and Authentic Narrative*, 6.

Parkhurst continued to drive until Elihu Mather caught the carriage with his brother's horses and took over driving so that Parkhurst could return East with Allen's horses. The group continued west in the carriage, picking up Jeremiah Brown, while Burrage Smith and Jared Darrow in a separate carriage traveled to Lockport to request the aid of Niagara Sheriff Eli Bruce. The carriage carrying Morgan stopped at Solomon C. Wright's Tavern outside of Lockport and picked up Bruce and David Hague. Bruce and Hague sat in the back with Morgan while Mather drove, and Jeremiah Brown sat with Mather in the box. The carriage carried on to Mollineux's tavern where the men exchanged horse and Brown and Mather switched as drivers. In Lewiston the conspirators called upon Samuel Burton, proprietor of the stage line, who arranged a carriage to be driven by non-mason Corydon Fox.⁷⁵ The men switched to Fox's carriage and continued to Youngstown, stopping to pick up Colonel William King, before continuing to Fort Niagara. Fox let out David Hague, Eli Bruce, William King, and Morgan there and returned to Lewiston.⁷⁶

While most secondary historical evaluations of Morgan's kidnapping, the ensuing trials, and the Anti-Masonic party do not include such a close evaluation of the path the kidnapers took and the men involved at each stage, this illustration of the journey serves to demonstrate the extent of the people involved and the complexity of the journey. The sheer number of people involved at different times throughout Morgan's kidnapping made it difficult to prove that any one person murdered Morgan or held conspiratorial intent to murder Morgan, especially without a body that proved that Morgan was in fact dead. Moreover, as the conspirators passed through five separate counties (Ontario, Genesee, Niagara, Monroe, and Orleans), in some trials it was difficult to prove if a crime had been committed in the county where the indictment had been found. For example Orsamus Turner and Jared Darrow were not convicted in Canandaigua in

⁷⁵ Whittlesey, *Interesting and Authentic Narrative*, 6.

⁷⁶ *Ibid.*

1828 because although witnesses could demonstrate their participation in Niagara County they could not demonstrate their actual participation in Ontario County.⁷⁷ Anti-Masonic rhetoric appearing within Edward Giddins' *Statement of Facts* promoted the theory that the masons deliberately had "contrived" their plot knowing that it would be difficult for prosecutors and thus knowingly sought to circumvent the judicial process. According to Giddins, other conspirators convinced him to participate by suggesting that "even if a discovery should be made the punishment would but trifling, as the crime could be made nothing more than false imprisonment."⁷⁸ Thus as a renouncing mason Giddins would be influential in establishing that "the circumstances attending it, indicated an extended conspiracy, much deliberation and forethought, many agents and a powerful motive which could impose such entire secrecy (sic) upon so many actors in such extended operations."⁷⁹

From here the investigating committees could never definitely prove what happened to Morgan but, based on Edward Giddins' 1829 *An Account of the Savage Treatment of Captain William Morgan*, it was generally accepted that the men called upon Edward Giddins, Royal Arch Mason and ferry keeper at Fort Niagara, to help take Morgan across the river to Canada. When the Canadian Masons refused to take Morgan the men returned to Fort Niagara and locked Morgan in the magazine where Giddins was his keeper for several days. Although there were several discussion of killing Morgan and the five or six masons present at Fort Niagara all "agreed that he ought to be executed—that he had forfeited his life—that, according to the laws of the institution, he must die, and that we, as masons, were bound to execute him" the hesitance of two masons, just as the men set out to kill Morgan on September 15, 1826, delayed Morgan's

⁷⁷ Whittlesey, *Interesting and Authentic Narrative*, 9.

⁷⁸ Giddins, *Account of the Savage Treatment*, 15.

⁷⁹ Hammond, *History of Political Parties*, 371.

murder.⁸⁰ The next day Giddins himself became hesitant and suggested that the men release Morgan. The men were not convinced, forcing Giddins to turn over his key.⁸¹ Giddins left Fort Niagara and did not return until September 21. Although, if Giddins' account is to be believed, he was not present when Morgan was murdered, Giddins insisted that Morgan was murdered and his body thrown into the Niagara River on September 19, 1826.⁸²

Giddins' narrative is supported by evidence found by investigators in the Fort Niagara magazine and the testimony of James H. Shedd at the February 1831 trial of Elisha Adams.⁸³ Two committee investigators first investigated the Fort Niagara magazine in October 1826 and found evidence that suggested a man had been held there, including an ammunition box that appeared to contain human excrement.⁸⁴ In March three Lewiston joint-committee members investigated Fort Niagara again and also found evidence that suggested a man had been held there, explicitly against his will.⁸⁵ The evidence included the damage to a large stock lock and the block that it had been nailed to and a plank of wood. As the lock had been forcibly removed from the wall and the plank of wood had probably been used to force the doors closed after the lock had been pried off the wall the investigators believed a man had been held there.⁸⁶ According to the Lewiston Report this lock and block "had manifestly been thrown with great force, and very many times, against the door, at the upper corner; and the blows had been so continually repeated that the door was bruised in two places."⁸⁷ While the men on this occasion

⁸⁰ Giddins, *Account of the Savage Treatment*, 19.

⁸¹ Giddins, *Account of the Savage Treatment*, 20.

⁸² Giddins, *Account of the Savage Treatment*, 20.

⁸³ Weed, *Autobiography*, 286.

⁸⁴ [Talbot, T.F. et al.], *Narrative of the Facts*, 26.

⁸⁵ [Talbot, T.F. et al.], *A Narrative of the Facts*, 29; "No. 26. Niagara County: Edward Giddins subscribed and sworn to A.G. Hinman at Porter, Niagara County, March 19, 1827," in *A Narrative of the Facts and Circumstance Related to the Kidnapping and Presumed Murder of William Morgan* by [Talbot, T.F. et al.], (Brookfield: E. and G. Merriam, 1827), 69.

⁸⁶ [Talbot, T.F. et al.], *Narrative of the Facts*, 29.

⁸⁷ *Ibid.*

did not find an ammunition box with human excrement they did find an ammunition box with a stain that suggested it might have been the same box seen earlier.⁸⁸ Additionally investigator Theodore F. Talbot and Bates Cook testified to this account at the trial of Ezekiel Jewett.⁸⁹ Meanwhile James H. Shedd's testimony corroborated a story Giddins recounted within his *Statement of Facts* in regards to how Giddins knew that Morgan had in fact been murdered on the nineteenth even though he said had left the fort on the sixteenth. Both Shedd and Giddins' accounts suggested that Elisha Adams had discovered Morgan to be missing from the magazine on the morning of September 20, 1826, and believed that Morgan had been murdered in the night.⁹⁰

III. Corruption, Deceit, and the Morgan Trials

Beginning with the first affidavits procured in Batavia on September 23, 1826, the Morgan trials lasted until April 1831 when the statute authorizing the appointment of a special counsel "expired by its own limitation" and was not renewed by the New York Grand Assembly, despite there being four or five indictments outstanding at this time.⁹¹ While the trials could have continued in the counties even without a special counsel, further trials did not occur due to "the insufficient means of the county attorneys, who are the public prosecutors, to contend against such obstacles as are constantly interposed, and with the general impression that all attempts to obtain a fair administration of justice in these cases [would] be fruitless."⁹² Despite the length and expense of the Morgan trials along with the work of three separate Special Counsels and two special circuit courts, the Anti-Masons believed the Morgan trials represented a monumental

⁸⁸ [Talbot, T.F. et al.], *Narrative of the Facts*, 29.

⁸⁹ Weed, *Autobiography*, 282.

⁹⁰ Weed, *Autobiography*, 290

⁹¹ Spencer, "Report, &c," 277.

⁹² *Ibid.*

failure to the justice system. Special Counsel John C. Spencer, turned fervent Anti-Mason by the obstructions to justice he faced throughout prosecuting the trials, articulated the frustrations felt by the Anti-Masons at the close of the Morgan trials best, stating in 1831 that “The sword of justice has fallen pointless and blunted at the feet of Freemasonry.”⁹³

The Anti-Masons were successful politically and socially in shuttering masonic lodges with the number of lodges falling from almost 450 in 1825 to a measly 82 in 1830.⁹⁴ The Morgan trials however, were an arduous process with successes that were few and far between. Despite the twenty grand juries, eighteen trials, and indictments found against more than forty-four individual men, only nine men were actually convicted of wrongdoing in the Morgan affair, and none of these men were convicted for any part of the conspiracy larger than mere kidnapping. Yet even counting the nine convictions as a success, the majority of the Morgan trials largely appeared fruitless with little gain as seven of the nine convictions occurred within four months in 1827, during the first two trials. Thus in the four years between April 1827 and May 1829 the Anti-Masons only saw two successful convictions, the August 1828 conviction of Eli Bruce and the May 1829 conviction of John Whitney. Furthermore as the last conviction that of John Whitney’s, took place in May 1829, the two years of trials between May of 1829 and April of 1831 leading up to the 1832 presidential election resulted in no tangible success for the Anti-Masons.

While some might argue that the lack of convictions during this time stemmed from the actual innocence of the indicted masons or an aggrandizement of offenses alleged by the Anti-Masons rather than a grand cover-up attempt as the Anti-Masons claimed, the Anti-Masons perceived, with merit, that the lack of convictions was the result of deliberate obstructive actions

⁹³ Spencer, “Report, &c.” 277.

⁹⁴ Formisano and Kutolowski, “Genesis of Protest,” 143-144.

by masons to prevent the conviction of their own in the Morgan affair. According to Anti-Mason Frederick Whittlesey “Great numbers of the members of that fraternity, made use of every possible device to prevent the discovery of a high handed offence, and to obstruct the administration of justice, and the due execution of the laws.”⁹⁵ While less than 20 percent of the indicted masons were convicted, several masons were implicated in the affair and by all reason *should* have been convicted.

One example is Elisha Adams, who, according to Giddins’ account, probably was entrusted the key to the magazine by Colonel William King after Giddins expressed his belief that Morgan should be released.⁹⁶ Before he came to trial in March 1831, in a special circuit in Niagara County with Judge Nelson presiding, Adams had absconded to Vermont in the summer of 1827 rather than fulfill his subpoena to court in Canandaigua.⁹⁷ Adams only returned after Thurlow Weed went to his estate in Vermont and arrested him in the middle of the night with a requisition from the governor of New York to the governor of Vermont and with the help of the Sherriff of Orange County.⁹⁸ Weed then escorted Adams to Canandaigua to secure his testimony at the trial of Eli Bruce, Orsamus Turner, and Jared Darrow.⁹⁹ Although Adams promised to testify what he knew, when he was called to the stand he denied having any knowledge of Morgan or any other person being confined in the Fort Niagara magazine and he also denied having any charge of a prisoner.¹⁰⁰ While these actions did not make Adams inherently guilty of the charges he was tried for in March 1831, there was certainly reason for Anti-Masons to believe him to be guilty. Yet Adams was not convicted, solely because one juror, William

⁹⁵ Whittlesey, *Interesting and Authentic Narrative*, 9.

⁹⁶ Giddins, *Account of the Savage Treatment*, 20.

⁹⁷ Whittlesey, *Interesting and Authentic Narrative*, 13.

⁹⁸ Weed, *Autobiography*, 259; Whittlesey, *Interesting and Authentic Narrative*, 13.

⁹⁹ Weed, *Autobiography*, 259-262.

¹⁰⁰ *Ibid.*, 263

Wilson, a mason, refused to agree with the guilty verdict of the eleven jurors and thus the jury was discharged.¹⁰¹

Similarly in the trial of Solomon C. Wright and Jeremiah Brown the jury returned with a verdict of not guilty “much to the surprise of bench, bar, and people” after the jury was out for thirty-six hours.¹⁰² According to the Anti-Masons, ten of the jurors wanted to convict Wright and Brown but two refused, avowing “to hold out to the ‘bitter end’ against such a verdict.” After the trial a man was brought before the court and reprimanded for supplying food to the two jurors who refused to find Brown and Wright guilty.¹⁰³ Masonic jurors also impacted several other grand jury investigations. Anti-Masons believed that Masonic jurors led to inaction of the grand jury assembled in Niagara county in January 1827 to investigate a list of witnesses living in Canada presented by a Lewiston investigation member, the failure to find indictments against Edward Doyle, Ezra Platt, and others at a grand jury in Monroe county in March 1827, and the decision to not any complaints to a grand jury in Niagara County in May 1827 where fourteen of the nineteen jury members were masons.¹⁰⁴ Whittlesey and other Anti-Masons particularly condemned the masonic lodges for never reprimanding or having their own censure of masons obstructing justice through the juries.¹⁰⁵

In addition to masonic jurors negatively affecting Grand Jury investigations, there was also evidence of masonic jury-rigging during the Morgan trials in both Niagara and Genesee Counties. It is significant that jury-rigging occurred in the very same counties whose masonic sheriffs were later indicted in the conspiracy, supporting the Anti-Mason idea that there was in fact a cover-up attempt. Sheriff Eli Bruce of Niagara was indicted at Canandaigua in September

¹⁰¹ Spencer, “Report, &c.” 275.

¹⁰² Weed, *Autobiography*, 284.

¹⁰³ *Ibid.*,

¹⁰⁴ Spencer “Report, &c.” 243, 247-251; Weed, *Autobiography*, 255.

¹⁰⁵ Whittlesey, *Interesting and Authentic Narrative*, 16.

1827 while Sheriff William R. Thompson of Genesee was indicted at Genesee in June 1829.¹⁰⁶ Jury-rigging was possible due to the law at the time that gave sheriffs the power to assemble grand juries and select jurors.¹⁰⁷ Under Bruce's direction Deputy Sheriff and Royal Arch Mason Hiram B. Hopkins assembled a jury with a majority of masonic-friendly jurors in Niagara County in April 1827 to hear a complaint against Sheriff Eli Bruce by a member of the Niagara investigating committee. As a result several unusual occurrences took place at this Grand Jury. Despite overwhelming evidence, and the fact that thirteen of the witnesses examined before that grand jury were later indicted, Bruce himself was not indicted.¹⁰⁸ In addition to the witnesses, following the grand jury one of the grand jurors would also be implicated in the conspiracy and indicted.¹⁰⁹

As an example of the misconduct under this jury, the jury decided by a large majority that a witness did not have to answer a question on the grounds that "he considered his testimony irrelevant, and because he was a poor man, who got his living by labor; and if he should testify, it might prove a serious injury to himself and his family."¹¹⁰ When one juror insisted that the witness answer, the witness did tell the jury what he knew, primarily that Bruce had been involved in carrying Morgan to Niagara. Rather than listen to the witness other "witnesses were introduced and examined to impeach the credibility of the last named witness."¹¹¹ Although the grand jury was assembled to investigate wrongdoings made by Bruce, the masonic foreman "was seen to leave the jury room, and retire to a private room with Bruce, and there remain for a

¹⁰⁶ Whittlesey, *Interesting and Authentic Narrative*, 8; Spencer, "Report, &c.," 261.

¹⁰⁷ Whittlesey, *Interesting and Authentic Narrative*, 12.

¹⁰⁸ Weed, *Autobiography*, 254.

¹⁰⁹ Weed, *Autobiography*, 253.

¹¹⁰ Spencer, "Report, &c.," 248; Weed, *Autobiography*, 253.

¹¹¹ *Ibid.*

considerable time.”¹¹² The results of this grand jury left many Anti-Masons incredulous, the feelings of which were best expressed by this quote by John C. Spencer:

Seventeen of this grand jury made a formal representation to the governor of the state, that, after a long, laborious, and ‘particular examination of all the witnesses, it did not appear that Eli Bruce, or any other person named, was guilty of, or accessory to, the abduction of William Morgan;’ and they make known to the governor the result of their inquiries, ‘that blame may not rest on the innocent!’ It would scarcely be believed that the Eli Bruce, here referred to, is the same man who has been proved over and over again, by the same witnesses who were examined by that grand jury, to have been the chief actor in conducting Morgan through Niagara county, who hired horses twice, and a carriage once, for the purpose, and who was himself, in open court, sworn that he did so!”¹¹³

The unusual occurrences taking place throughout the Genesee Grand jury also hinted at signs of deliberate masonic intervention in the judicial process. At the February 1827 Court of General Sessions in Genesee County Dr. S.S. Butler, a Knight Templar, was made foreman. Under Butler’s command masons were specifically made jurors with a two-thirds majority. According to the accounts of politician and Anti-Mason Thurlow Weed, Dr. Butler was said to have told his masonic friends on the jury that “We have a majority of jurors, and our friends must not be indicted.”¹¹⁴ Butler himself would later be indicted by a grand jury in the conspiracy just two month afterwards by grand jury in April 1827.¹¹⁵ At the time of his nomination it was known that he had been a messenger between conspirators Chesebro and James Ganson on the day of Miller’s arrest from Batavia on September 12, 1826.¹¹⁶ According to Formisano and Kutolowski’s research the corruption in regards to the grand jury went quite deep as “Ganson’s

¹¹² Spencer, “Report, &c.,” 249.

¹¹³ Spencer, “Report, &c.,” 250.

¹¹⁴ Weed, *Autobiography* 247.

¹¹⁵ Formisano and Kutolowski, “Genesis of Protest,” 154.

¹¹⁶ *Ibid.*

son John, also a Mason, sat on the June 1827 Sessions jury while his son-in-law (not a Mason) was a member of the next Oyer and Terminer jury. That jury also included an officer of the Batavia lodge; another man implicated in the plot, Morgan's former Masonic employer, and the editor of the *Batavia Times*, later indicated for libels against Anti-Masonic leaders" and "two of the Masons indicted later served on grand juries dealing with other Morgan cases."¹¹⁷

It was not just Anti-Masons that found masonic jurors to be superseding justice. While the state government never truly seemed to show a regard for the Morgan affair, with the exception of Governor De Witt Clinton who issued rewards for information relating to Morgan's disappearance and even contacted heads of state in Canada, the legislature actually intervened twice in the Morgan trials due to the prevalence of masonic jurors in the Morgan trials.¹¹⁸ The legislature passed a law after 1828 that caused grand jurors to be selected from lots rather than by the county sheriff. Furthermore, on March 18, 1828, Acting Governor Nathaniel Pitcher sent a special message to the Senate where he acknowledged that "the efforts of individual citizens, though stimulated by a patriotic zeal, had no always been guided by discretion [tended] rather to prevent rather than to promote a judicial development of the truth."¹¹⁹ Pitcher recommended a law that would allow for the appointment of a special counsel to ensure the democratic process would be upheld. In surprisingly swift action, within a month the bill created and passed by the Senate became law on April 15, 1827 and Pitcher appointed Daniel Mosely, Esq. of Onondaga to be special counsel.¹²⁰ Over the course of the Morgan trials there would be two other men that served as the special counsel. John C. Spencer replaced Mosely after Mosely resigned to become

¹¹⁷ Formisano and Kutolowski, "Genesis of Protest," 154.

¹¹⁸ Spencer, "Report, &c.," 271; Weed *Autobiography*, 240-241.

¹¹⁹ Weed, *Autobiography*, 258.

¹²⁰ *Ibid.*

a circuit judge.¹²¹ Victory Birdseye then replaced Spencer after Spencer resigned the position in disgust over severe budget cuts by the state legislature.¹²²

In other cases besides those in which masonic jurors disrupted justice, justice to Morgan could not officially be carried out based on the “circumstantial” nature of the evidence. Yet adequate evidence could not be collected due to the recalcitrance of witnesses. One such example is the three-week trial in June 1830 of Ezekiel Jewett, the keeper of Fort Niagara when Morgan was held in the magazine.¹²³ In an unprecedented case, five witnesses outright refused to testify or answer questions asked by the prosecution. As a result witness Orsamus Turner received sixty days and court and a fine of two hundred and fifty dollars for refusing to answer three questions relating to Jewett’s knowledge about Morgan’s being held at Fort Niagara.¹²⁴ Eli Bruce and John Whitney, who refused to even be sworn, were both found in contempt of court, with Bruce sentenced to thirty days’ imprisonment and Whitney sentenced to thirty days’ imprisonment and two hundred and fifty dollar fine.¹²⁵ Finally witness William P. Daniels, who had come to court with his own counsel, refused to answer whether he had been at Solomon C. Wright’s house on the night of September 12, 1826, on the grounds that answering the question “would involve him in a crime more serious than a misdemeanor—an indictment against him as an accessory, before the fact, to the murder of Morgan.”¹²⁶ Witness John Jackson also refused to answer a question on the grounds “that it might subject him to an indictment for an offence of high magnitude.”¹²⁷ Ultimately although “there was a not a particle of doubt that Morgan was confined in the magazine of the fort, while Jewett had charge of both,” as it could not be proven

¹²¹ Whittlesey, *Interesting and Authentic Account*, 17.

¹²² Weed, *Autobiography*, 274.

¹²³ Weed, *Autobiography*, 283.

¹²⁴ Whittlesey, *Interesting and Authentic Narrative*, 15.

¹²⁵ *Ibid.*

¹²⁶ Spencer, “Report, &c.,” 274.

¹²⁷ Weed, *Autobiography*, 278.

that Jewett participated in Morgan's kidnapping, ever had been in the same room with Morgan or that it was "positively" Morgan in the magazine, Jewett could not be convicted.¹²⁸ It should be added here according to Thurlow Weed, Jewett's acquittal was so frustrating to justice that Judge Birdseye became from that day a political Anti-Mason and would have convinced Judge Marcy as well "but for his high position in and peculiar relations to the Democratic party"¹²⁹

Even the successes of the Morgan trials were largely seen as unsatisfactory such as with the trial of Nicholas G. Chesebro, Edward Sawyer, Loton Lawson, and John Sheldon. The trial of Chesebro, Sawyer, Lawson, and Sheldon began in early January 1827 with much fanfare and public interest. Stretching six days, the trial was a grand operation with over one hundred witnesses subpoenaed.¹³⁰ On January 6, 1827, all four men were found guilty and sentenced by Judge Throop in a fiery speech, often later sighted by Anti-Mason for its condemning words against the four men.¹³¹ Yet, while all four men were convicted, the New York citizens who had been agitated by Morgan's disappearance still found the trial to be largely unsuccessful and unsatisfying. As Chesebro, Sawyer, and Lawson pleaded guilty on advice of their counsel little new information came to light in the trial and the public's thirst for information on Morgan's supposed death remained unquenched.¹³² Ultimately the trial served only to increase suspicions regarding the masons as the public general perceived the three men's decision to plead guilty as an act initiated in a deliberate attempt to avoid disclosing information and further guilt in a trial setting.¹³³ Two of the witnesses, Burrage Smith and John Whitney, were also thought to have been purposely preventing the truth from coming out by their refusal to answer questions fear of

¹²⁸ Weed, *Autobiography*, 283.

¹²⁹ *Ibid.*, 284.

¹³⁰ William L. Stone. *Letters on Masonry and Anti-Masonry Addressed to the Hon. John Quincy Adams* (New York: O. Halsted, Corner of Nassau and Cedar-Streets, 1832.) 194.

¹³¹ Stone, *Letter on Masonry*, 199.

¹³² Formisano and Kutolowski, "Genesis of Protest," pg.

¹³³ [Talbot, T.F. et al.], *Narrative of the Facts*, 34-35.

self-incrimination.¹³⁴ The absconding of Smith and Whitney shortly after the trial only bolstered this idea.¹³⁵ Furthermore the trial did not receive the adequate level of attention by those who could ensure justice was carried out. While Governor De Witt Clinton requested the attendance of Samuel A Talcott, Attorney General, in a letter postmarked December 11, 1826, Talcott failed to do so.¹³⁶

Ultimately at the end of the trial Morgan's body had not been found and his fate was still unknown. While the men *had* been convicted they were not convicted for murder, which was the real crime the people gallantly rallied around and believed the men to be guilty of doing. These feelings were only encouraged by the fact that the men did not attempt to prove that Morgan was still alive as a means of defense. As a result the budding Anti-Masons were only further convinced of the mason's guilt as Morgan's death was thought to be more assured. According to the Lewiston Committee, "if [Lawson] chose to sit down quietly under such overwhelming suspicions of his being an accessory to murder, who can suppose that Morgan was then living?"¹³⁷ The outraged members of society could not even be comforted by the punishment these men did receive for their part in Morgan's kidnapping as in New York state at the time kidnapping was only a misdemeanor and thus the men received relatively lenient sentences.¹³⁸ Lawson received the longest sentence from Judge Enos Throop at two years in county jail, but Sawyer and Sheldon only received one month and three months respectively.¹³⁹ Kidnapping did not become a felony until April 16, 1827, when the New York Assembly passed an act making

¹³⁴ Stone, *Letters on Masonry*, 197.

¹³⁵ Whittlesey, *Interesting and Authentic Narrative*, 10.

¹³⁶ Weed, *Autobiography*, 232.

¹³⁷ [Talbot, T.F. et al.], *Narrative of the Facts*, 35.

¹³⁸ Weed, *Autobiography*, 255.

¹³⁹ Stone, *Letters on Masonry*, 194.

kidnapping a felony “punishable by imprisonment in the state prison for a term not exceeding fourteen years,” as a response to Morgan’s kidnapping.¹⁴⁰

Burrage Smith and John Whitney’s refusal to testify on the grounds of self-incrimination would become a commonly used ploy throughout the trials by various masonic witnesses in attempts to stymie the judicial process by evasive behavior. While in some cases, such as with Corydon Fox at the August 1828 trial of Bruce, Turner, and Darrow, the witnesses had legitimate reasons accepted by the court for their refusal. In many other cases however, the refusal on these grounds was not valid and resulted in blatant contempt of court such as in the case of Ezekiel Jewett. Masons used this defense as early as December 1826 when Edward Doyle and one other refused to testify on these grounds for a Monroe County grand jury.¹⁴¹ Isaac Allen also used this tactic at a grand jury in Monroe County in March 1829, refusing to answer whether he had supplied horse to the kidnappers. When he continued to refuse he was sent to prison.¹⁴² Prior to refusing to be sworn at Jewett’s trial Bruce also refused to be sworn at before a Genesee grand jury in June 1829.¹⁴³

Refusing to answer was just one way witnesses delayed or prevented judicial proceeding. Several witness gave recognizances only to fail to appear at trial, such as Edward Doyle and Hannah Farnsworth. In May 1829 Edward Sawyer was fined twenty-five dollars as punishment for not appearing as a witness while James Mather was fined twenty dollars for failing to obey his subpoena to the trial of Whitney and Gillis in Canandaigua.¹⁴⁴ At the same court John Voorhis was indicted for convincing Lyman Aldrich to not testify as a witness and for “carrying

¹⁴⁰ Weed, *Autobiography*, 255.

¹⁴¹ [Talbot, T.F. et al.], *Narrative of the Facts*, 73.

¹⁴² Whittlesey, *Interesting and Authentic Narrative*, 15.

¹⁴³ *Ibid.*

¹⁴⁴ Weed, *Autobiography*, 273.

him off to prevent his appearance.”¹⁴⁵ At least ten conspirators and witnesses outright absconded in an attempt to evade justice. These men, and one woman, included Colonel William King, Burrage Smith, John Whitney, Joseph Scofield, Orson Parkhurst, Elisha Adams, Richard Howard, Isaac Farwell, Prior Harris, and Hannah Farnsworth.

Absconding masons bolstered the cause of the Anti-Masons who contended that the only reason a man accused of conspiracy of murder would flee from his business and home is if the charge had some merit. The Anti-Masons particularly held disdain for those mason who absconded due to the difficulty and expense in tracking these men down. Furthermore, these masons not only fled justice but continued to evade justice, sometimes with the help of other masonic government officials and with great frustration to the investigating Anti-Masons. One example of this was the attempt to arrest Colonel William King at Cantonment Towson in Arkansas that was thwarted by his being alerted by Lieutenant Colquhoun.¹⁴⁶ Another example was an attempt to arrest Burrage Smith, whom a Rochester committee member had seen in Albany. Although a warrant was made out for his arrest in the morning the executing constable did not receive it until the afternoon, by which point Smith had already been alerted and escaped.¹⁴⁷ In one particularly egregious case, Thurlow Weed himself spent thirteen days in August 1829 attempting to attain the absconded Orson Parkhurst and escort him back to New York to testify.¹⁴⁸ Although Weed successful apprehended Parkhurst in Vermont, Parkhurst was able to escape Weed’s custody with the help of a stranger, after which Parkhurst continued to

¹⁴⁵ Weed, *Autobiography*, 273.

¹⁴⁶ *Ibid.*, 245.

¹⁴⁷ Whittlesey *Interesting and Authentic Narrative*, 12

¹⁴⁸ “Statement of Disbursements for Travelling Expenses, Board and Journeys Paid to Witnesses and Messengers, and for Officers Fees, in Execution of the Act of 15th April, 1828, in Relation to the Abduction of William Morgan, Down to October, 1828,” in *Legislative Documents of the Senate and Assembly of the State of New-York: Fifty-Third Session, 1830*. Volume III, (Albany: E. Crosswell, 1830), 19; Weed, *Autobiography*, 268-269.

keep his location unknown.¹⁴⁹ Parkhurst's continued evasion of justice not only cost the government seventy-eight dollars paid by John C. Spencer as Special Counsel but also cost other potential convictions as Parkhurst's important testimony was believed to be able to identify "many persons at Rochester as having been engaged in the carrying of Morgan through that place."¹⁵⁰

Consistently over the span of five years men of power and authorities were implicated. From the very first seizure of Morgan's person on August 19th, 1826 by freemasons Johnson Goodwill, Kelsey Stone, and John Wilson, government officials in the state of New York were involved in the Morgan affair as the Constable of Pembroke, Daniel H. Dana, helped to break into Morgan's room and throughout the entire incident the sheriff of Batavia, William R. Thompson, could not be found, despite being seen with the four men directly before they ambushed Morgan's room.¹⁵¹ While the involvement of merely one or two government officials in the conspiracy could be dismissed as an outlier, the involvement of the government officials in the Morgan affair appeared to be not a rare happenstance but an integral part of the Morgan affair and, thus, of the Anti-Masonic platform. Not only did government officials such as Pembroke and Elisha Adams, actively participate in injuries against Morgan, government officials, such as Sheriff Eli Bruce and Deputy Sheriff Hiram Hopkins also actively sought to prevent masons from being indicted by rigging the grand juries in Niagara county. Additionally, involvement of government officials in the conspiracy from the Southern states all the way up into Upper Canada with the alleged involvement of Upper Canada's Parliament Member Edward McBride suggested to Anti-Masons a widespread problem in which freemasonry was the only common denominator or explanation for such behavior.

¹⁴⁹ Weed, *Autobiography*, 269.

¹⁵⁰ Spencer, "Report, &c.," 164; "Statement of Disbursements," 19.

¹⁵¹ Whittlesey, *Interesting and Authentic Narrative*, 4; Talbot et al., *Narrative of the Facts and Circumstances* 9

While historians and masons alike painted the Anti-Masons as paranoid in believing that the masonic institution could hold a “tyrannical” power over the democratic country there was certainly a strong presence of masons in the social and political elite. Robert Morris himself, a prominent mason, even conceded in his pro-masonic *The Masonic Martyr* that “the élite of the State in wealth, science, politics, and trade, were, in 1826, conspicuous among its members.”¹⁵² According to the research of historians Formisano and Kutolowski twelve of the twenty-four county officials between 1821 and 1827 in Genesee County were masons.¹⁵³ Furthermore in Genesee County five of the seven judges that presided during the Morgan trials were masons. Even a District Attorney, Levi Rumsey, had potential masonic bias. Although Rumsey was not a mason he “was a brother of one of Olive Branch’s founders and a son-in-law of Ephraim Towner, a prominent Batavia Mason whose brother was among those indicted for conspiracy.”¹⁵⁴

Ultimately actions taken by members in the masonic community throughout the Morgan trials convinced the people of western New York that masonry itself was an institution which allowed these outrages to continue. For this reason political Anti-Masonry began in 1827 when citizens in western New York made a conscious and coordinated attempt to prevent any person that affiliates as a mason from being elected to public office.¹⁵⁵ Regardless of the innocence or guilt of masons in the actual disappearance of Morgan, events taken place during the extent of the Morgan trials give credence to what previously has been dismissed as Anti-Masonic paranoia. To many Anti-Masons involved in the investigation of Morgan’s disappearance there did seem to be a theme of masonic subversion, to such an extent that Special Prosecutor John C. Spencer, a

¹⁵² Morris, *Masonic Martyr*, 5.

¹⁵³ Formisano and Kutolowski, “Genesis of Protest,” 144-145.

¹⁵⁴ *Ibid.*, 155.

¹⁵⁵ Hammond, *History of Political Parties*, 372.

previous lawyer for the defense in the first Morgan trial, would himself be convinced of a large conspiracy and become an adamant Anti-Mason.

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Appendix A

The following passage appears verbatim from Giddins' *An Account of the Savage Treatment of Captain William Morgan, in Fort Niagara, Who Was Subsequently Murdered by the Masons, and Sunk in Lake Ontario, for Publishing the Secrets of Masonry*. The underlined sections are parts that Henry Brown purposely did not include in his *A Narrative of the Anti-Masonick Excitement, in the Western Part of the State of New-York, During the years 1826, '7, '8, and a Part of 1829* and thus do not appear when Brown included Giddins' passage in his own work.

A man sat in front of him, (Morgan), with a pistol in his hand, ready to shoot him if he made any resistance; and this pistol belonged to one who held a high office in the county. Morgan attempted to put his hand into his vest pocket, but the cord with which his arms were tied prevented him from doing so, and he said to me, (Giddins) "My friend have the goodness to put your hand into my vest pocket, and take out a quid of tobacco. I put my hand into his pocket agreeably to his request, and found a small piece of tobacco and a small pocketknife; I gave him the tobacco, and returned the knife, which was, however, afterwards taken from him. Soon after this, Morgan in a faint voice, said, "Gentlemen, I am your prisoner, and I know that I am completely in your power; show your magnanimity by using me kindly," or words to that effect: He (Morgan,) was immediately interrupted by the person who sat in front of him, who said, as he presented a pistol, to his breast, "Silence you ~~damned-d-d~~ rascal, or I will shoot you in a ~~minute~~ moment; no more of your preaching!" After this Morgan request one of us to loosen the bandage a little, as it pained his eyes most intolerably: the same person above referred to put his hand under the bandage, and exclaimed, "It don't hurt you; it is not tight: silence!" "Again, after this, Morgan made another attempt to speak, but before he could articulate a

single phrase, this man bore the pistol against his breast apparently with some force, and said to him, “Do you feel that,” “I do,” said Morgan. “Well” resumed this man, “if you attempt to speak another word you are a dead man.” Morgan was then silent, after uttering a groan, which was enough to pierce the hearts of any but conspirators.¹⁵⁶

Appendix B

Committees that Compiled Lewiston Report¹⁵⁷

Genesee County: T.F. Talbot, Trumbull Carry, Timothy Fitch, James P. Smith, Lyman D. Prindle, Eleazer Southworth, Wm. Keys, Jonathan Lay, Wm. Davis, Hinman Holden.

Rochester Committee: Josiah Bissell, jr. F. F. Backus, Heman Norlon, Frekerick (sic) Whittlesey, Thurlow Weed, Samuel Works.

Victor Committee: Samuel Rawson, Elijah Sedgwick, Samuel Ewing, Nathan Jenks, James M. Wheeler, Thomas Wright, John Sargeant.

Chili Committee: Isaac Lacy, Wm. Pixly, Benjamin Bowen, Samuel Lacy.

Wheatland Committee: John Garbutt, Truman Edson, Clark Hall.

Bloomfield Committee: Ralph Wilcox, Heman Chapin, Bani Bradley, Josiah Porter, Orson Benjamin, Jonathan Buel.

Lewiston Committee: Bates Cooke, John Phillips.

¹⁵⁶ Brown, *Anti-Masonick Excitement*, 46; Giddins *An Account of the Savage Treatment*, 17.

¹⁵⁷ [Talbot, T.F. et al.], *Narrative of the Facts*, 37.