

Here then one of the most eminent English barristers whose works are considered standard with us, declares, that a libelous and filthy press may be considered a nuisance, and our own charter, given us by the legislature of this State, gives us the power to remove nuisances, and by ordering that press abated as a nuisance, we conceived that we were acting strictly in accordance with law. We made that order in our corporate capacity, and the City Marshal carried it out. It is possible there may have been some better way, but I must confess that I could not see it.

In relation to the writ served upon us, we were willing to abide the consequences of our own acts; but were unwilling, in answering a writ of that kind, to submit to illegal exactions sought to be imposed upon us under the pretence of law, when we know they were in open violation of it.

When that document was presented to me by Mr. Bettisworth, I offered in the presence of more than twenty persons, to go to any other magistrate, either in our city or Appanoose, or any other place, where we should be safe, but we all refused to put ourselves into the power of a mob.

What right had that constable to refuse our request? He had none according to law; for you know, Governor Ford, that the statute law in Illinois is, that the parties served with the writ, 'shall go before him who issued it, or some other justice of the peace.' Why then should we be dragged to Carthage, where the law does not compel us to go? Does not this look like many others of our prosecutions with which you are acquainted? and had we not a right to expect foul play?

This very act was a breach of law, on his part, an assumption of power that did not belong to him, and an attempt, at least, to deprive us of our legal and constitutional rights and privileges. What could we do under the circumstances different from what we did do? We sued for, and obtained a writ of habeas corpus from the Municipal Court, by which we were delivered from the hands of Constable Bettisworth, and brought before and acquitted by the Municipal Court.

After our acquittal, in a conversation with Judge Thomas, although he considered the acts of the party illegal, he advised that to satisfy the people, we had better go before another magistrate, who was not in our church.

In accordance with his advice, we went before Esq. Wells, with whom you are well acquainted, both parties were present, witnesses were called on both sides; the case was fully investigated, and we were again dismissed.

And what is this pretended desire to enforce law, and these lying, base rumors put into circulation for, but to seek through mob influence, under pretence of law, to make us submit to requisitions that are contrary to law and subversive of every principle of justice?

And when you, sir, required us to come out here, we came, not because it was legal, but because you required it of us, and we were desirous of showing to you, and to all men that we shrunk not from the most rigid investigation of our acts.

We certainly did expect other treatment than to be immured in a jail, at the instance of these men, and I think, from your pledged faith, we had a right to, after disbanding our own forces and putting ourselves entirely in your hands; and now after having fulfilled my part, sir, as a man and an American citizen, I call upon you, Governor Ford, and think that I have a right to do so, to deliver us from this place, and rescue us from this outrage that is sought to be practiced upon us by a set of infamous scoundrels.

Gov. Ford. But you have placed men under arrest, detained men as prisoners, and given passes to others, some of which I have seen.

John P. Greene, City Marshal. Perhaps I can explain. Since these difficulties have commenced, you are aware that we have been placed under very peculiar circumstances, our city has been placed under a very rigid police guard; in addition to this, frequent guards have been placed outside the city to prevent any sudden surprise, and those guards have questioned suspected or suspicious persons as to their business.

To strangers, in some instances, passes have been given, to prevent difficulty in passing those guards, it is some of those passes that you have seen. No person, sir, has been imprisoned without a legal cause in our city.

Gov. Why did you not give a more speedy answer to the posse that I sent out?

Gen. Smith. We had matters of importance to consult upon; your letter showed anything but an amicable spirit. We have suffered immensely in Missouri from mobs, in loss of property, imprisonment and otherwise.

It took some time for us to weigh duly these matters, we could not decide upon matters of such importance immediately, and your posse were too hasty in returning; we were consulting for a large people, and vast interests were at stake.

We had been outrageously imposed upon and knew not how far we could trust any one; besides, a question necessarily arose, how shall we come? Your request was that we should come unarmed. It became a matter of serious importance to decide how far promises could be trusted, and how far we were safe from mob violence.

Col. Geddes. It certainly did look from all I have heard, from the general spirit of violence and mobocracy, that here prevails, that it was not safe for you to come unprotected.

Gov. I think that sufficient time was not allowed by the posse for you to consult and get ready. They were too hasty, but I suppose they found themselves bound by their orders. I think too there is a great deal of truth in

what you say, and your reasoning is plausible, yet I must beg leave to differ from you in relation to the acts of the City Council. That council, in my opinion, had no right to act in a legislative capacity, and in that of the judiciary.

They should have passed a law in relation to the matter, and then the Municipal Court, upon complaint could have removed it; but for the City Council to take upon themselves the law making and the execution of the law is, in my opinion, wrong; besides, these men ought to have had a hearing before their property was destroyed; to destroy it without, was an infringement of their rights; besides, it is so contrary to the feelings of American people to interfere with the press.

And furthermore, I cannot but think that it would have been more judicious for you to have gone with Mr. Bettisworth to Carthage, notwithstanding the law did not require it. Concerning your being in jail, I am sorry for that, I wish it had been otherwise. I hope you will soon be released, but I cannot interfere.

Joseph Smith. Governor Ford, allow me, sir, to bring one thing to your mind, that you seem to have overlooked. You state that you think it would have been better for us to have submitted to the requisition of Constable Bettisworth, and to have gone to Carthage.

Do you not know, sir, that that writ was served at the instance of an anti-Mormon mob, who had passed resolutions, and published them to the effect that they would exterminate the Mormon leaders, and are you not informed that Captain Anderson was not only threatened when coming to Nauvoo, but had a gun fired at his boat by this said mob in Warsaw, when coming up to Nauvoo, and that this very thing was made use of as a means to get us into their hands, and we could not, without taking an armed force with us, go there without, according to their published declarations, going into the jaws of death?

To have taken a force would only have fanned the excitement, as they would have stated that we wanted to use intimidation, therefore we thought it the most judicious to avail ourselves of the protection of the law.

Gov. I see, I see.

Joseph Smith. Furthermore, in relation to the press, you say that you differ from me in opinion; be it so, the thing after all is only a legal difficulty and the courts I should judge competent to decide on that matter.

If our act was illegal we are willing to meet it, and although I cannot see the distinction that you draw about the acts of the City Council, and what difference it could have made in point of fact, law or justice, between the City Council's acting together or separate, or how much more legal it would have been for the Municipal Court, who were a part of the City Council, to act separate, instead of with the councilors.

Yet if it is deemed that we did a wrong, in destroying that press, we refuse not to pay for it, we are desirous to fulfil the law in every particular, and are responsible for our acts.

You say that the parties ought to have had a hearing. Had it been a civil suit, this of course would have been proper, but there was a flagrant violation of every principle of right; a nuisance; and it was abated on the same principle that any nuisance, stench or putrid carcass would have been removed.

Our first step, therefore, was to stop the foul noisome, filthy sheet, and then the next, in our opinion, would have been to have prosecuted the man for a breach of public decency.

And furthermore, again, let me say, Governor Ford, I shall look to you for our protection. I believe you are talking of going to Nauvoo; if you go, sir, I wish to go along. I refuse not to answer any law, but I do not consider myself safe here.

Gov. I am in hopes that you will be acquitted, but if I go, I will certainly take you along; I do not, however, apprehend danger. I think you are perfectly safe, either here or anywhere else. I cannot, however, interfere with the law. I am placed in peculiar circumstances, and seem to be blamed by all parties.

Joseph Smith. Gov. Ford, I ask nothing but what is legal, I have a right to expect protection, at least from you, for independent of law, you have pledged your faith, and that of the State for my protection, and I wish to go to Nauvoo.

Gov. And you shall have protection, Gen. Smith. I did not make this promise without consulting my officers, who all pledged their honor to its fulfilment. I do not know that I shall go to-morrow to Nauvoo, but if I do, I will take you along.

10½ a.m. The Governor left, after saying that the prisoners were under his protection, and again pledging himself that they should be protected from violence, and telling them that if the troops marched the next morning to Nauvoo as he then expected, they should probably be taken along, in order to insure their personal safety; with how much sincerity may be seen by the following affidavits:—

"Territory of Utah, ss.

Great Salt Lake County, ss.

Personally appeared before me, Thomas Bullock, Recorder of Great Salt Lake County, Alfred Randall, who deposes and says that about ten o'clock on the morning of the (26) twenty-sixth day of June, one thousand eight hundred and forty four he was in Carthage, Hancock county, Illinois, and as the troops under Governor Thomas Ford were in squads round the square, he went up to several of them, and heard one of the soldiers say, 'When I left home I calculated to see old Joe dead before I returned; when several others said, 'So did I; 'so did I; and 'I'll be damned if I don't,' was the general reply.

One fellow then spoke up and said, 'I

shouldn't wonder if there is some damned Mormon hearing all we have to say; another, who stood next to Randall, replied, 'If I knew there was I would run him through with my bayonet.'

In a few minutes Randall went to another crowd of soldiers, and heard one say, 'I guess this will be the last of Old Joe; from there Randall went to Hambleton's Hotel, where Governor Thomas Ford was standing by the fence side, and heard another soldier tell Governor Thomas Ford, 'The soldiers are determined to see Jo Smith dead before they leave here.' Ford replied, 'If you know of any such thing, keep it to yourself.'

In a short time Randall started for his own home, staid all night, and arrived in Nauvoo on the twenty seventh of June, when Governor Ford was making his notorious speech to the citizens. And further this deponent saith not.

ALFRED RANDALL.  
Subscribed and sworn to before me this twelfth day of February, one thousand eight hundred and fifty five.

THOMAS BULLOCK,  
Recorder, Great Salt Lake County."

On the 26th day of June, A.D. 1844, near the Mansion, in the city of Nauvoo, I fell in company with Col. Enoch C. March and Geo. T. M. Davis, Esq., from Alton, Ills., editor of the Telegraph, who had just arrived from Carthage, where they said they had been for some days, in company with Gov. Ford and others, in council upon the subject of the arrest and trial of Joseph and Hyrum Smith, who were then prisoners in the county jail in Carthage.

After considerable conversation between myself and them on the subject of the Mormon religion, and the reasons why I had embraced that faith, and renounced my former religious discipline, viz., that of the Methodists, Mr. March asked me what I thought of Joe Smith, and if I had any hopes of his return to Nauvoo in safety?

I answered that I knew Joseph Smith was a true prophet of the living God, as good and virtuous a man as ever lived upon the earth; that the Book of Mormon was true as holy writ, and was brought forth precisely in the way and manner it purported to be, by the gift and power of the Lord Almighty, and from no other source, and that the revelations he had received and published were eternal truth, and heaven and earth would pass away before one jot or tittle of the same should fail, and all that he pretended and testified to concerning the ministration of holy angels from the heavens to him, the Urim and Thummim, the voice of God, his correspondence with the heavens,—was the truth and nothing but the truth; and that in relation to his return I had no doubt but that he would be honorably discharged upon his trial by the court, and would be preserved in safety from the power of his enemies—that he was in the hands of his God whom he loved and faithfully served, and he who held the destinies of nations in his own hands, would deliver him from his enemies, as he had done hundreds of times before.

Col. March replied, 'Mr. Wright, you are mistaken and I know it, you do not know what I know; I tell you they will kill Joe Smith before he leaves Carthage, and I know it, and you never will see him alive again.' Said I, 'Enoch, I do not believe it, he is in the hands of God, and God will deliver him.' Says he, 'I know better, when you hear of him again, you will hear he is dead, and I know it, and I will tell you why I know it. The people at Carthage wanted permission from the Governor to kill you all and burn up your city, and Ford, (the Governor) asked me if I thought it was best to suffer it. I replied, 'No, no, for God's sake, Ford, don't suffer it, that will never do, no never. Just see for a moment, Ford, what that would do; it would be the means of murdering thousands of innocent men, women and children, and destroying thousands of dollars' worth of property, and that would never do, it would not be sanctioned, it would disgrace the nation. You have now got the principal men here under your own control, they are all you want; what more do you want? When they are out of the way, the thing is settled, and the people will be satisfied, and that is the easiest way you can dispose of it; and Governor Ford concluded upon the whole that was the best policy, and I know it will be done.'

"Mayor's Office, Great Salt Lake City, ss.

Utah Territory, January 13, A.D. 1855, ss.

Personally appeared before me, Jedediah M. Grant, Mayor of said city, Jonathan Calkins Wright, who being duly sworn deposed and saith that the foregoing statements contained in his report of the conversation between himself and Enoch C. March, in presence of George T. M. Davis, Esq., on the 26th day of June, 1844, in the city of Nauvoo, is true, to the best of his knowledge and belief; and further this deponent saith not.

JONATHAN CALKINS WRIGHT.  
Sworn to and subscribed before me this 13th day of January, 1855, in Great Salt Lake City, Utah Territory.

J. M. GRANT,  
Mayor of G. S. L. City."

"Personally appeared before me, Thomas Bullock, County Recorder in and for Great Salt Lake County, in the Territory of Utah, Orrin Porter Rockwell, who being first duly sworn, deposed and saith that about the hour of three o'clock in the afternoon of the twenty seventh day of June, one thousand eight hundred and forty four, a short time only before Governor Ford addressed the citizens of Nauvoo, he (Ford) and his suite occupied an upper room in the mansion of Joseph Smith, in the city of Nauvoo, when he, the said Rockwell, had of necessity to enter said upper room for his hat, and as he entered the door, all were sitting silent except one man, who was standing behind a chair making a speech, and while in the act of dropping his right hand from an

uplifted position, said, 'THE DEED IS DONE BEFORE THIS TIME,' which were the only words I heard while in the room, for on seeing me they all hushed in silence. At that time I could not comprehend the meaning of the words, but in a few hours after I understood them as referring to the murder of Joseph and Hyrum Smith in Carthage jail.

ORRIN P. ROCKWELL.  
Subscribed and sworn to before me, the fourteenth day of April, 1856.

THOMAS BULLOCK,  
Great Salt Lake County Recorder."

"State of Deseret, ss.  
Great Salt Lake County, ss.  
Personally appeared before me, Thomas Bullock, Recorder in and for Great Salt Lake County, this third day of October, one thousand eight hundred and fifty, William G. Sterrett, who being first duly sworn, deposed and saith, that on the twenty seventh day of June, one thousand eight hundred and forty four, in the city of Nauvoo, county of Hancock, and State of Illinois, I heard Thomas Ford, Governor of Illinois, address an assembly of several thousand citizens, gathered around the frame of a building situated at the corner of Water and Main Streets; he reproached the people in severe terms for the course they had taken in resisting the posse committatus, and among other things said, 'the retribution thereof will be terrible, and you must make up your minds for it; I hope you will not make any more trouble, but be a law abiding people, for if I have to come again, it will be worse for you.'

And your deponent further saith, that about half past five in the afternoon, the said Governor Thomas Ford and his guard visited the Temple and the workshops on the Temple Block.

Mr. Alphens Cutler, one of the Building Committee of the Temple, sent me to watch them in and about the Temple. I was close to the Governor when one of his men called him to look at one of the oxen of the font in the basement of the Temple, that had part of one horn broken off; the Governor stepped up to it, and laying his hand on it remarked, 'This is the cow with the crumpled horn, that we read of; one of the staff continued, 'that tossed the maiden all forlorn,' and they all had a laugh about it.

Several of the horns were broken off the oxen by the Governor's attendants; a man who stood behind me said, 'I'll be damned, but I would like to take one of those horns home with me, to show as a curiosity, but it is a pity to break them off.'

After they had passed round the font, one of them remarked, 'This Temple is a curious piece of workmanship, and it was a damned shame that they did not let Joe Smith finish it, so that we could have seen what sort of a finish he would have put on it, for it is altogether a different style of architecture from any building I have ever seen or read about; another said, 'but he is dead by this time, and he will never see this Temple again.'

I replied, 'They cannot kill him until he has finished his work; the Governor thereupon gave a very significant grin, when one of his suite who stood next to me, said, 'Whether he has finished his work or not, by God he'll not see this place again, for he's finished before this time.'

Another of his suite pulled out his watch and said, 'Governor, it's time we were off, we have been here too long already, whether you go or not, I'm going to leave, and that damned quick.' The Governor said, 'Yes, it's time for us to be going; they then all left the stone shop, mounted their horses, which were hitched near the Temple, and went out of the city towards Carthage, by way of Mullholland Street, taking with them one of the horns that the company had knocked off. And further this deponent saith not.

WM. G. STERRETT.  
Sworn to and subscribed before me, the day and year first above written.

THOMAS BULLOCK,  
G. S. L. County Recorder."

While Joseph was writing at the jailer's desk, William Wall stepped up, wanting to deliver a verbal message to him from his uncle, John Smith. He turned round to speak to Wall, but the guard refused to allow them any communication.

At noon Joseph wrote to Judge Thomas, as follows:—

"Carthage Jail, June 26, 1844.

His Hon. Judge Thomas:—

Dear Sir:—You will perceive by my date that I am in prison. Myself and brother Hyrum were arrested yesterday on charge of treason; without bringing us before the magistrate, last evening we were committed on a mittimus from Justice Robert F. Smith, stating that we had been before the Magistrate, which is utterly false; but from the appearance of the case at present, we can have no reasonable prospect of anything but partial decisions of law, and all the prospect we have of justice being done, is to get our case on habeas corpus before an impartial judge,—the excitement and prejudice is such in this place, testimony is of little avail.

Therefore, sir, I earnestly request your honor to repair to Nauvoo without delay, and make yourself at home at my house until the papers can be in readiness for you to bring us on habeas corpus. Our witnesses are all at Nauvoo, and there you can easily investigate the whole matter; and I will be responsible to you for all trouble and expense."

W. Richards made copies of the orders of Joseph Smith as Mayor to Marshal John P. Greene, and as Lieutenant General to Major General Jonathan Dunham.

Joseph remarked, 'I have had a good deal of anxiety about my safety since I left Nauvoo,