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HISTORY OF JOSEPH SMITH.

AUGUST, 1842.

Aug.—Monday, 15.—This forenoon several reports were in circulation in the city, that the militia are on their way here, and the same is said to have been stated by the stage driver, but it is supposed that it is only a scheme to alarm the citizens. Emma presented the foregoing letter to Major General Law, to which he responded as follows:—

“Nauvoo City, Illinois, August 15,
afternoon, 1842.”

Lieutenant General Joseph Smith—Dear Friend. I this morning received a line from you, by the young man (Walker)—respecting the guns, &c. One of them is in the Stone shop by the Nauvoo House. One I expect to get put into Mr. Ivins' barn, and the other I cannot get under lock and key in any place I know of yet, but I will have them taken the best care of that I can.

I have also received from the hand of your lady your orders at length, respecting matters and things and I am happy indeed to receive such orders from you, for your views on these subjects are precisely my own. I do respond with my whole heart to every sentiment you have so nobly and so feelingly expressed, and while my heart beats, or this hand which now writes, is able to draw and wield a sword, you may depend on it being at your service in the glorious cause of Liberty and Truth, ready in a moment's warning to defend the rights of man, both civil and religious. Our common rights and peace is all we ask, and we will use every peaceable means in our power to enjoy them, but our rights we must have, peace we must have, if we have to fight for them.

There has nothing worthy of notice come to my knowledge to-day, the gentlemen officers are seemingly very unhappy and out of humor with themselves more than with any body else, they see we have the advantage of them and that they cannot provoke us to break the law; and I think they know if they do that, we will use them up the right way. I guess they see that in our patience we possess our souls, and I know that if they shed, or cause to be shed, a drop of blood, of one of the least amongst us, that the lives of the transgressors shall atone for it, with the help of our God.

I send you the Ordinance that was passed by the Court Martial on Saturday last, for your approval or otherwise, as it cannot become a law without your approbation. I also send you the returns of the election for Major General, as you ordered the election, you will please order the War Secretary of the Legion (Colonel Sloan) to send for a commission.

With the warmest feelings of my heart, I remain most respectfully yours,

WILSON LAW.

P.S.—Afternoon 6 o'clock, I have just learned that Mr. Pittman got a letter about noon and got ready immediately, and started off as he said for Carthage, but I think for Quincy, giving it up for a bad job.

About dark brother Woolley returned from Carthage and stated that he had conversed with Chauncey Robinson, who informed him that he had ascertained, that the Sheriffs were determined to have me, and if they could not succeed themselves, they would bring a force sufficient to search every house in the city, and if they could not find me there, they would search the State, &c.

As before stated the Sheriffs left the city, about four o'clock, saying they were going to Carthage but brother Woolley did not meet them on the road. It is believed they are gone to Quincy.

In consequence of these reports it was considered wisdom that some of the brethren should go and inform me, accordingly about nine o'clock Hyrum Smith, George Miller, William Law, Amasa Lyman, John D. Parker, Newel K. Whitney and William Clayton started by different routes on foot, and came to the place where I was—when the statement was made to me I proposed to leave the city, expecting I was no longer safe, but upon hearing the whole statement from those present, I said I should not leave my present retreat yet, I did not think I was discovered, neither did I think I was any more unsafe than before. I discovered a degree of excitement and agitation manifest in those who brought the report, and I took occasion to gently reprove all present for letting report excite them, and advised them not to suffer themselves to be wrought upon by any report, but to maintain an even, undaunted mind—each one began to gather courage, and all fears were soon subsided, and the greatest union and good feeling prevailed amongst all present. Various subjects then were conversed upon, and counsel given, which was felt to be both reasonable and salutary, after conversing a while in the grove, the company retired into the house, and sat and conversed until about two o'clock, at which time they departed, evidently satisfied and much encouraged by the interview.

Issued the following editorial for the Times and Seasons:—

“PERSECUTION.

“If ye will live godly in Christ Jesus, ye shall

suffer persecution,” was the solemn proclamation made by one of the ancient servants of God; a prophecy that has received its fulfilment in all ages, that has been known and understood by all saints, and that has been engraven upon the memories of all the faithful: for while blood, and fire, and sword, and torture, have been brought into requisition against the saints; whilst chains, and fetters and death have been employed, and their sighings and mournings have been wafted on the wings of the wind; their solitary hours and midnight cries; their distress and calamity have been disregarded. This eternal truth has re-echoed in their ears; it has touched their inmost soul; it has been written on the tablet of their hearts—“if ye will live godly in Christ Jesus, ye shall suffer persecution.”

Ever since the formation of the Church of Jesus Christ of Latter Day Saints, calumny, reproach and persecution have flown plentifully into their lap—detraction, slander, falsehood, and misrepresentation have been gratuitously heaped upon them; they have been assailed by vexatious law suits, organized mobs, and illegally treated by militia; they have been imprisoned, whipped, tarred and feathered, and driven from their homes; they have had their property confiscated, and have suffered banishment, exile and death for their religion.

Missouri has been one of the principal actors in the scene; she has made many a wife a widow, and many a child an orphan. The tears of the oppressed have plentifully watered her soil; the cries of her robbed and spoiled have rung through her valleys, and been re-echoed from hill to hill; many a weary pilgrim born down with oppression and weary of life has laid himself down to sleep in the arms of death, while the blood of the innocent has drenched her soil. And never till the trump of God shall sound, the sleeping dead shall arise, the books be opened and the secret history of peoples and nations be unfolded, will the amount of their sufferings be fully known. That day will unfold scenes of wickedness, misery and oppression, and deeds of inhumanity and blood that the most eloquent cannot depict; the pencil of the limner portray, and that is beyond the power of language to unfold—scenes of misery, of woe, and human suffering. Dipped in the malice of the most fiendish hate, the cup of misery has been rung out, and they have drunk it to the very dregs.

Missouri, frantic with rage, and not yet filled with blood, wishes now to follow her bleeding victims to their exile, and satiate herself with blood. And not satisfied with staining her own escutcheon, she wishes to decoy the noble, generous, and patriotic sons of Illinois—to deceive them with appearances—to draw them into her snare, that she may be sharer in her crimes, and participate in her guilt, and stamp with eternal infamy her character. We have already to blush for the gullibility of many of her editors who feel desirous to fan the deadly flame, and stain their hands with her foul deeds. We would advise such to halt, to pause for a moment—to reflect upon what they are doing. Have you not witnessed their wanton persecution? their cruel oppression? their deadly hate? Have you not loudly exclaimed against such proceeding? Stood forth in defence of republicanism—and as true patriots defended the rights of man? And can you now advocate a cause that would attempt to, or even moot the question of making an innocent, virtuous people “tremble at the sight of gathering hosts?”

Who is it that has made his affidavit that Joseph Smith has been accessory to shooting him? Governor Boggs of Missouri, a man, who, three years ago issued an order to exterminate fifteen thousand men, women and children in republican America; a man who sanctioned mobocracy, and raised militia for that effect; a man who has been the cause of the death of scores of innocent people, and has actually been a wholesale murderer. This is the man who prefers the charge; a man who has long ago violated his constitutional oath; we would deprecate at all times the commission of so diabolical a crime as that of murder, if committed upon our greatest enemies; and would content ourselves with letting the Lord take vengeance into his own hands; yet we would seriously ask if his statement concerning Joseph Smith is probable, or even possible, under the circumstances mentioned by him? Could Governor Boggs swear that Joseph Smith was accessory before the fact, when he has not seen him for three years? And when Joseph Smith has not been in the State of Missouri for that time? Whatever his belief might be about his being engaged in the plot, he could not swear to it. Concerning Rockwell, he was in Missouri, and it is reported that he is gone there to prove himself clear, but we should think that Missouri is the last place to go to for justice; we don't think that she is capable of administering it to the Mormons; she must, however, first atone for her bloody deeds, and refund to them what she has robbed them of, before their confidence can be restored in her justice, or righteousness; but we would ask is there no one to murder men, but Mormons? Are not assassins stalking through her streets daily? Let the history of the frequent murders committed in St. Louis and other places in Missouri answer. But again who does not know that Boggs has been in frequent difficulties with

other people; that he has been on the point of duelling with Senators, and that his life has been frequently threatened, and that not by Mormons; this we are prepared to prove. Without saying more upon this subject we will proceed to give a history of the arrest.

On Monday the 8th instant General Smith was arrested upon a warrant under the signature of Governor Carlin, in accordance as stated with a call from Governor Reynolds of Missouri, upon the affidavit of Ex-Governor Boggs. Mr. Rockwell was arrested at the same time as principal. There was no evasion of this call for the persons of Messrs. Smith and Rockwell. The Municipal Court, however, issued a writ of Habeas Corpus, according to the constitution and city charter; this writ demanded the bodies of Smith and Rockwell to be brought before the said court, but the officers in charge of these men refused to obey its call; though after some deliberation, they left them in charge of the City Marshal, without the original writ by which they were arrested, and by which only they could be retained, and returned back to Governor Carlin for further instruction; thus Messrs. Smith and Rockwell were free from the arrest, as the Marshal had no authority to hold them in custody; some two or three days after, the aforesaid officers returned, for the purpose of executing the Governor's order, without paying attention to the writ of Habeas Corpus issued by the Municipal Court; but Messrs. Smith and Rockwell were absent.

In a free government every person's rights and privileges are the same; no extraordinary process can issue legally, nor no extra-judicial act be required; justice, like her representative goddess, is blind to appearances, and favors no one. In this point of view, then, let us legally examine the case in question:—Mr. Boggs makes an affidavit in Missouri, and charges one O. P. Rockwell with “shooting Liburn W. Boggs with intent to kill,” on the night of the sixth of May, 1842, and that the said Rockwell had fled from justice to the State of Illinois. Shooting with intent to kill, and Mr. Boggs alive two or three months after to swear to it, may be set down as insufficient grounds for a writ from the Governor of one State, to demand a person as a fugitive from justice in another State; for aught that appears to the contrary, he might have shot in his own defence and be justifiable; as the charge is not grounded on the wilful, malicious, or felonious intent, without the fear of God before his eyes, to murder; the affidavit is therefore not sufficient for the apprehension, detention and transportation of the said Rockwell to the courts of Missouri. Here we deny that the O. P. Rockwell arrested is the one intended in the writ, this Rockwell being not guilty.

If Mr. Boggs knew, of himself, the fact that Mr. Rockwell shot at him with intent to kill, why did he delay the prosecution some two or three months? If he obtained his knowledge from a second or third person, why not avail himself of their affidavits in the body of the writ?

Again, Mr. Boggs charges one Mr. Joseph Smith with being “accessory before the fact to an assault with intent to kill,” on the night of the sixth of May, 1842. This must allude to some other Joseph Smith, as the Joseph Smith of this city, was in Nauvoo on the aforesaid sixth of May, 1842, and on the next day he was at his post as Lieut. Gen. of the Nauvoo Legion. Nor can it be proved that he has been in the State of Missouri for the last three years.

But for the sake of argument admit the language of the writ, and Joseph Smith as an accessory before the fact, with intent to kill, must have aided or abetted by words, or by means, while in the State of Illinois, and cannot come under the purview of the fugitive act. Having not fled from justice from another State; and, according to the express language of the constitution; “he could not be liable to be transported out of the State for an offence committed within the same.”

An accessory before the fact in manslaughter is an anomaly—and now if the Joseph Smith of Nauvoo, has committed a crime of the nature charged in the writ, which we deny in toto, he should be held amenable to the laws of Illinois, and in the ordinary course of procedure by indictment, in accordance with the right of the constitution, which says that he should have a “speedy public trial by an impartial jury of the vicinage.”

Judging now from all the facts of the case, taking the two affidavits together, we must say that the whole forms but a poor excuse for executive interference, and when properly weighed by good judges of law in criminal jurisprudence, will be found wanting in all the important counts which constitute a fair case.

As to the writ of Habeas Corpus, issued by the Municipal Court of the city of Nauvoo, it was not acted upon, though we believe that so long as it was not incompatible with the spirit and meaning of the constitution of the State, and of the constitution of the United States, its power was sovereign, as to the rights and privileges of citizens, granted to them by the City Charter, having these express privileges, in words as follows: “to make, ordain, establish and execute all such ordinances, not repugnant to the constitution of the United States and of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of the

city”—and “the Municipal Court shall have power to grant writs of Habeas Corpus in all cases arising under the ordinances of the City Council.”

Now, it is well known that if this Court exceeded the bounds of the chartered power, or transcended the limits of the constitution of the State, or United States, it could be made to respond in a writ of *quo warranto*; and, as a writ of Habeas Corpus can only test the *validity*, not the *virtue* of a process (as testimony to prove the *guilt* or *innocence* of a person—under an investigation by Habeas Corpus, is inadmissible), we believe, that judges, lawyers, and jurors, will not be very apprehensive that the law of the land, or the rights of the people, will suffer violence on this account.

Under the existing animosity of the inhabitants of the State of Missouri, manifested towards the Church of Latter Day Saints, prudence would dictate great caution, and forbearance in the proceedings of public functionaries, relative to claims for persons or property in favor of either party, holding sacred the old maxim: “That it would be better to let ninety and nine guilty persons go unpunished, than to punish one innocent person unjustly.”

Concerning the whole matter, we believe that the parties are entirely innocent of the charges alleged against them; and that the whole of it is a wicked and malicious persecution. But it may here be asked by some, if they are innocent, why did they not apply to the master in chancery for a writ of Habeas Corpus, present themselves before the Judge of the District Court, and prove themselves clear?

First, we would answer, that the writ of our Municipal Court was treated with contempt by the officers, and it would have been dishonoring our Municipal authorities to have acknowledged the insufficiency of their writ, and to have let our city charter be wantonly trodden under foot; and that could not have been enforced without coercion, and perhaps employing military force, which under the present excited state of society might have been construed to treason.

In the second place, if they appealed to the District Court it might have availed them nothing, even if the Judge felt disposed to do justice (which we certainly believe he would have done) as their dismissal would rest upon some technicalities of law, rather than upon the merits of the case; as testimony to prove the guilt or innocence of the persons charged, could not be admitted on the investigation on a writ of Habeas Corpus, the question not being whether the persons are guilty or not guilty; but merely to test the validity of the writ; which if proved to be issued in due form of law, however innocent the parties might be, would subject them to be transported to Missouri—to be murdered.

Upon the whole we think that they have taken the wisest course; we have no reflections to make upon their conduct, and shall maintain unshaken our opinions unless we have more light on the subject than we now possess.

MOVEMENTS OF EX-PRESIDENT FILLMORE.—The Cork (Ireland) Reporter thus alludes to the honors paid to a distinguished visitor at the Irish lakes:—

The ex-President of the United States, Millard Fillmore, accompanied by Mr. Davis, of the New York bar, and a courier, has been sojourning for the last few days at the Lake Hotel, Killarney. Having been fortunate in having a fine day through the ‘Gap,’ he expressed himself delighted with the enchanting scenery of this most beautiful spot, and the varied beauties of the lakes and the mountains surrounding.

As he was leaving in the morning, the buglers connected with the Lake Hotel placed themselves under a tree out of view, and commenced playing ‘Yankee Doodle.’ As he passed, the boatmen, grouped in different parts of the avenue, gave him three hearty cheers as an acknowledgment of their gratitude to the great republic of America. The distinguished gentleman repeatedly acknowledged the compliment, which was as unexpected as it was enthusiastic.

TURKEY AND RUSSIA.—In Turkey there is no legal barrier to missionary operations or to the circulation of the Scriptures. In Russia exactly the reverse of this is true. Rev. Mr. Stallybrass, who labored as a missionary in Siberia 24 years, was at length expelled by the government. He states that in Russia it is hardly possible to obtain a copy of the Scriptures, except in an old edition, printed eight or nine centuries ago in the Slavonian language, now obsolete, and which even the great body of the priests are not able to read. From the time that Nicholas ascended the throne, not a single copy of the Scriptures in the modern Russ was permitted to be circulated!—[Ex.]

CELEBRATING GOV. REEDER'S REMOVAL.—When the news reached the Shawnee mission that the President had removed Governor Reeder, the Legislature immediately passed the following preamble and resolution:—

Whereas, reliable information has been received of the removal of A. H. Reeder; and, whereas this body wishes to make suitable arrangements for the day we celebrate; therefore,

Resolved, That we adjourn.—[Ex.]