

# THE DESERET NEWS.

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## HISTORY OF JOSEPH SMITH.

JULY, 1842.

An earthquake was recently felt in Dumblane Cathedral, near Comrie, Scotland.

Monday, August 1.—A most disgraceful riot is reported to have commenced in Philadelphia, between the colored and white people, which continued three or four days.

Wednesday, 3.—In the city, transacting a variety of business in company with General James Adams and others. Brigadier General Wilson Law elected Major General of the Nauvoo Legion (by a small majority over Lyman Wight) in place of J. C. Bennett cashiered.

Thursday, 4.—In company with 15 others learning sword exercise with Colonel Brewer, and attending to a variety of business.

Friday, 5.—Engaged in a variety of business, and at 6 in the evening presided in the city council; counselor Taylor brought forward a bill to regulate proceedings in the Municipal Court under Habeas Corpus—the bill was read the first time, and upon motion for a second reading, it was referred to a select committee, namely, Alderman Spencer and Counselors Taylor and William Law, to report thereon at the next sitting of council.

Saturday, 6.—Passed over the river to Montrose, Iowa, in company with General Adams, Colonel Brewer, and others, and witnessed the installation of the officers of the Rising Sun Lodge of Ancient York Masons, at Montrose, by General James Adams, Deputy Grand Master of Illinois. While the Deputy Grand Master was engaged in giving the requisite instructions to the Master elect, I had a conversation with a number of brethren in the shade of the building on the subject of our persecutions in Missouri, and the constant annoyance which has followed us since we were driven from that State. I prophesied that the saints would continue to suffer much affliction and would be driven to the Rocky Mountains, many would apostatize, others would be put to death by our persecutors, or lose their lives in consequence of exposure or disease, and some of you will live to go and assist in making settlements and build cities, and see the saints become a mighty people in the midst of the Rocky Mountains.

Sunday, 7.—At home through the day.

Monday, 8.—This forenoon I was arrested by the Deputy Sheriff of Adams county and two assistants, on a warrant issued by Governor Carlin, founded on a requisition from Governor Reynolds of Missouri, upon the affidavit of Ex-Governor Boggs complaining of the said Smith as "being an accessory before the fact, to an assault with an intent to kill, made by one O. P. Rockwell on Lilburn W. Boggs," on the night of the sixth of May, A.D. 1842. Brother Rockwell was arrested at the same time as principal. There was no evasion of the officers, though the Municipal Court issued a writ of Habeas Corpus according to the constitution of the State, Article 8, and Section 13. This writ demanded the bodies of Messrs. Smith and Rockwell to be brought before the aforesaid Court; but these officers refused to do so, and finally without complying, they left them in the care of the 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 instructions, and Messrs. Smith and Rockwell went about their business.

I have yet to learn by what rule of right I was arrested to be transported to Missouri for a trial of the kind stated. "An accessory to an assault with an intent to kill," does not come under the provision of the fugitive act, when the person charged has not been out of Illinois, &c. An accessory before the fact to manslaughter is something of an anomaly. The isolated affidavit of Ex-Governor Boggs is no more than any other man's, and the Constitution says, "that no person shall be liable to be transported out of the State, for an offence committed within the same." The whole is another Missouri farce. In fact, implied power, and constructive guilt, as a dernier resort, may answer the purpose of despotic governments, but are beneath the dignity of the Sons of Liberty, and would be a blot on our judicial escutcheon.

I received a letter from the post office, which had been broken open, and I was grieved at the meanness of its contents.

The city council passed the following "Ordinance regulating the mode of proceeding in cases of Habeas Corpus before the Municipal Court."

Sec. 1. Be it ordained by the city council of the city of Nauvoo, that in all cases where any person or persons, shall at any time hereafter, be arrested or under arrest in this city, under any writ or process, and shall be brought before the Municipal Court of this city, by virtue of a writ of Habeas Corpus, the Court shall in every such case have power and authority, and are hereby required to examine into the origin, validity and legality of the writ or process, under which such arrest was made, and if it shall appear to the Court, upon sufficient testimony that said writ or process was illegal, or not legally issued, or did not proceed from proper authority, then the Court shall discharge the prisoner from

under said arrest; but if it shall appear to the Court, that said writ or process had issued from proper authority, and was a legal process, the Court shall then proceed and fully hear the merits of the case, upon which said arrest was made, upon such evidence as may be produced and sworn before said Court, and shall have power to adjourn the hearing, and also issue process from time to time, in their discretion, in order to procure the attendance of witnesses, so that a fair and impartial trial and decision may be obtained in every such case.

Sec. 2. And be it further ordained that if upon investigation it shall be proven before the Municipal Court, that the writ or process has been issued, either through private pique, malicious intent, or religious or other persecution, falsehood or misrepresentation, contrary to the constitution of this State, or the constitution of the United States, the said writ or process shall be quashed and considered of no force or effect, and the prisoner or prisoners shall be released and discharged therefrom.

Sec. 3. And be it also further ordained that in the absence, sickness, debility, or other circumstances disqualifying or preventing the Mayor from officiating in his office, as Chief Justice of the Municipal Court, the Aldermen present shall appoint one from amongst them to act as Chief Justice, or President pro tempore.

Sec. 4. This ordinance to take effect and be in force from and after its passage.

Passed August 8, 1842.

HYRUM SMITH,

Vice-Mayor and President pro tempore.

JAMES SLOAN, Recorder."

A disgraceful and bloody mob occurred at Cincinnati this evening, in and about the "Sans Souci House."

Tuesday, 9.—In company with Judge Ralston and Lawyer Powers, preparing for the return of the Sheriff; prepared a writ of Habeas Corpus from the Master in Chancery.

Wednesday, 10.—The Deputy Sheriff returned to Nauvoo, but I was absent, and he did not see me, or brother Rockwell. He endeavored to alarm my wife and the brethren with his threats, if I was not forthcoming, but they understood the law in such cases, and his threats proved harmless.

Thursday, 11.—This forenoon brother William Law entered into conversation with the Sheriff upon the illegality of the whole proceedings in reference to the arrest, when the Sheriff acknowledged that he believed Joseph was innocent, and that Governor Carlin's course which he had pursued, was unjustifiable and illegal.

I spent the day at Uncle John Smith's in Zarahemla, and sent word that I wished to see Emma, brothers Hyrum Smith, William Law, and others, with instructions to meet me on the island between Nauvoo and Montrose. After dark, Emma, Hyrum, William Law, N. K. Whitney, George Miller, William Clayton, and Dimick B. Huntington, met at the water side near the Brick Store, and proceeded in a skiff between the islands, until they arrived near the lower end; and then hailed to shore. After waiting a very little while, the skiff arrived from the opposite shore, and in it were myself and brother Erastus H. Derby. A council was then held in the skiffs, and various statements set forth in regard to the state of things. It was reported that the Governor of Iowa had issued a warrant for my apprehension, and that of O. P. Rockwell, and that the Sheriff of Lee county was expected down immediately; very strong evidence was also manifested that Governor Reynolds of Missouri was not acquainted with these proceedings. That Ex-Governor Boggs had made oath before a Justice of the Peace, or a Judge, and that the Judge had made the requisition, and not Governor Reynolds, also that the writ issued by Carlin was illegal and unjustifiable. It is absolutely certain that the whole business is another glaring instance of the effects of prejudice against me as a religious teacher, and that it proceeds from a persecuting spirit, the parties having signified their determination to have me taken to Missouri, whether by legal or illegal means. It was finally concluded that I should be taken up the river in a skiff, and be landed below Wiggan's farm, so called, and that I should proceed from thence to brother Edward Sayers and there abide for a season. This being concluded upon, we separated, myself and brother Derby being rowed up the river by brother Dunham, and the remainder crossed over to Nauvoo. It was agreed that brother Albert P. Rockwood should proceed up the river on shore unto the place where the skiff should stop, and there light up two fires as a signal for a stopping place. After the boat had proceeded some distance above the city, a fire was discovered on shore, we concluded that it was the signal and immediately rowed towards shore. When near the shore one of the company hailed a person on the banks, but received a very unsatisfactory answer, whereupon we turned about and put to the channel, and upon coming near the middle of the river, discovered two fires a little higher. We immediately steered towards the fires and were happy to find brother Rockwood awaiting our arrival. We then proceeded through the timber to brother Sayers' house, where we were very kindly received and made welcome. Judge Ralston and Lawyer Powers departed each for home, expressing their perfect willingness to aid us in

every possible manner. Judge Ralston also promised to ascertain the state of affairs in Quincy, and give us the earliest information.

Friday, 12.—This forenoon it appeared still more evident that the whole course of proceedings by Governor Carlin and others were illegal. After some consultation with brother William Law, Emma concluded to despatch a messenger with a letter to Lawyer Powers of Keokuk, to request him to go to Burlington, Iowa Territory, and there see the Governor of Iowa, and endeavor to ascertain whether Governor Reynolds had made any requisition on him, for myself and Rockwell. William Walker proceeded to cross the river, on my horse, "Jo. Duncan," in sight of a number of persons—one chief design in this movement, was, to draw the attention of the Sheriffs and public from all idea that I was on the Nauvoo side of the river.

At night William Clayton and John D. Parker, left Nauvoo after dark and came to see me, and found me cheerful and in good spirits.

Saturday, 13.—This forenoon brother Hyrum received a letter from Elder Hollister at Quincy, stating that Governor Carlin had said that his proceedings were illegal, and he should not pursue the subject any farther. The letter also stated that Ford (the agent to receive me from the hands of the Sheriff, and carry me to Missouri) had concluded to take the first boat and start home; and that he was going to fetch a force from Missouri. All this my friends thought was only a scheme got up for the purpose of throwing us off our guard, that they might come unexpectedly, kidnap, and carry me to Missouri.

I had sent a request to Emma to come and see me, and she had concluded to start in the carriage, but while it was preparing, it attracted the attention of the Sheriff who kept a close watch of all movements. To avoid suspicion, Emma walked to Sister Murphy's and waited the arrival of the carriage, which passed off down the river with William Clayton and Lorin Walker, with raised curtains, receiving Emma by the way, without any discovery, by the Sheriff; when about four miles down the river, the carriage turned on to the prairie and passing round the city, turned into the timber opposite Wiggan's farm, when Emma alighted and walked to brother Sayers', and the carriage returned. I was in good spirits, although somewhat afflicted in body, and was much rejoiced to meet my dear wife once more.

A report came over the river that "there are several small companies of men in Montrose, Nashville, Keokuk, &c. in search of Joseph, they saw his horse go down the river yesterday and were confident he was on that side. They swear they will have him. It is said there is a reward of thirteen hundred dollars offered for the apprehension and delivery of Joseph and Rockwell, and this is supposed to have induced them to make search. The Sheriff and Deputy have uttered heavy threats several times; saying that if they could not find Joseph they would lay the city in ashes. They say they will tarry in the city a month, but they will find him."

Great Freshet in Virginia, Indian murders in Florida, and riots in Canada, are reported in this day's Wasp.

Sunday, 14.—Spent the forenoon chiefly in conversation with Emma on various subjects, and in reading my history with her—both felt in good spirits and very cheerful. Wrote the following letter to Wilson Law (who was officially reported to have been duly elected to the office of Major General of the Nauvoo Legion) as follows:

"Head Quarters of Nauvoo Legion, Aug. 14, 1842.

Major General Law—Dear General:—I take this opportunity to give you some instructions how I wish you to act in case our persecutors should carry their pursuits so far as to tread upon our rights as free born American citizens. The orders which I am about to give you, is the result of a long series of contemplation since I saw you. I have come fully to the conclusion both since this last difficulty commenced, as well as before, that I never would suffer myself to go into the hands of the Missourians alive, and to go into the hands of the officers of this State is nothing more or less, than to go into the hands of the Missourians; for the whole farce has been gotten up, unlawfully and unconstitutionally, as well on the part of the Governor as others, by a mob spirit, for the purpose of carrying out mob violence, to carry on mob tolerance in a religious persecution. I am determined therefore to keep out of their hands, and thwart their designs if possible, that perhaps they may not urge the necessity of force and blood against their own fellow citizens, and loyal subjects; and become ashamed and withdraw their pursuits. But if they should not do this and shall urge the necessity of force; and if by any means should be taken, these are therefore to command you forthwith, without delay, regardless of life or death, to rescue me out of their hands. And further to treat any pretensions to the contrary, unlawful and unconstitutional, and as a mob got up for the purpose of a religious persecution to take away the rights of men.

And further, that our chartered rights and privileges shall be considered by us as holding the supremacy in the premises, and shall be maintained. Nothing short of the Supreme Court of this State having authority to disannul them; and the Municipal Court having jurisdiction in

my case. You will see therefore that the peace of the city of Nauvoo is kept, let who will endeavor to disturb it. You will also see, that whenever any mob, force, or violence is used, on any citizen thereof, or that belongeth thereunto, you will see that that force or violence is immediately dispersed and brought to punishment; or meet it, and contest it, at the point of the sword, with firm, undaunted and unyielding valor; and let them know that the spirit of old Seventy-Six, and of George Washington yet lives, and is contained in the bosoms and blood of the children of the fathers thereof. If there are any threats in the city, let legal steps be taken against them; and let no man, woman, or child be intimidated, nor suffer it to be done. Nevertheless as I said in the first place, we will take every measure that lays in our power, and make every sacrifice that God or man could require at our hands, to preserve the peace and safety of the people without collision. And if sacrificing my own liberty for months and years without stooping to the disgrace of Missouri persecution and violence, and Carlin's misrule and corruption, I bow to my fate with cheerfulness, and all due deference in the consideration of the lives, safety, and welfare of others. But if this policy cannot accomplish the desired object, let our charter and municipality, free trade and sailor's rights be our motto, and go ahead David Crockett like, and lay down our lives like men, and defend ourselves to the best advantage we can to the very last. You are therefore hereby authorized and commanded, by virtue of the authority which I hold, and commission granted me by the Executive of this State, to maintain the very letter and spirit of the above contents of this letter, to the very best of your ability; to the extent of our lives, and our fortunes, and to the lives and fortunes of the Legion; as also all those who may volunteer their lives and fortunes with ours; for the defence of our wives and children, our fathers, and our mothers; our homes, our grave yards, and our tombs; and our dead and their tombstones, and our dear bought American liberties, with the blood of our Fathers, and all that is dear and sacred to man.

Shall we shrink at the onset? No! Let every man's brow be as the face of a Lion; let his breast be unshaken as the mighty oak, and his knee confirmed as the sapling of the forest; and by the voice and loud roar of the cannon; and the loud peals and thundering of artillery; and by the voice of the thunders of heaven as upon Mount Sinai; and by the voice of the heavenly hosts; and by the voice of the eternal God; and by the voice of innocent blood; and by the voice of innocence; and by the voice of all that is sacred and dear to man, let us plead the justice of our cause; trusting in the arm of Jehovah, the Eloheem, who sits enthroned in the heavens; that peradventure he may give us the victory; and if we bleed, we shall bleed in a good cause, in the cause of innocence and truth; and from henceforth will there not be a crown of glory for us? And will not those who come after us, hold our names in sacred remembrance? And will our enemies dare to brand us with cowardly reproach?

With these considerations, I subscribe myself, yours most faithfully and respectfully, with acknowledgements of your high and honored trusts as Major General of the Nauvoo Legion.

JOSEPH SMITH,  
Mayor of the City of Nauvoo,  
and Lieutenant General

of the Nauvoo Legion of Illinois Militia.

P.S.—I want you to communicate all the information to me, of all the transactions, as they are going on daily, in writing, by the hand of my aides-de-camp. As I am not willing that any thing that goes from my hands to you should be made a public matter, I enjoin upon you to keep all things in your own bosom; and I want every thing that comes from you to come through my aides. The bearer of this will be able to pilot them in a way that will not be prejudicial to my safety.

JOSEPH SMITH."

I gave the foregoing letter to Emma with a charge to deliver it to General Law to-morrow. After considerable conversation on various subjects and partaking of dinner, Emma accompanied by brothers Derby and Clayton started for Nauvoo. The morning had been very wet and the roads were very muddy. It was difficult walking—they proceeded to the river and entered a skiff in which they proceeded across the river, and then down the side of the islands—soon after they got on the water, the wind began to blow very hard and it was with much difficulty and apparent danger that they could proceed; but they continued on, and after considerable toil arrived opposite the city of Nauvoo—they went between the islands and crossed over the river to Montrose. As soon as they landed the wind abated, and was nearly calm. Brother Derby wanted to return up the river without the additional toil of crossing to Nauvoo—they met with brother Ivins' skiff just about to go over to Nauvoo, they got into that skiff and left brother Derby to return at his own leisure. Before they could get over, the wind arose again considerably, but they arrived safe home about six o'clock in the evening, where they found Mr. Powers from Keokuk who had just returned from Burlington. While there he ascertained that there was no writ issued in Iowa for me.

The people enquired "if it was not true that