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## TABLE OF CONTENTS.

PAGE 9.—History of Joseph Smith—A Sagacious Elephant—Washing Silver Ware—Quarrels among Relatives—An Hour a Day—Daily Labor.  
PAGE 10.—Poetry, "Give me Three Grains of Corn, Mother?"—News Direct from Russia—Espionage in Loo-Choo—A Tale of Odd-Fellowship, or Woman's Curiosity.  
PAGE 11.—The Run on the Blanktown Bank—Johnnie—Wonders of the Atmosphere—Proverbs.  
PAGE 12.—Discourse by D. H. Wells, Tab., Mar. 9—Proverb.  
PAGE 13.—Discourse by H. C. Kimball, Tab., Mar. 9—Editorial: Mission North. Notice to H. Nebeker and P. Webb—Agents for the "News"—Gardening—[Editorial continued on page 16.]  
PAGE 14.—Tight and unsupported Dress—The Steam Engine—Zat is my Trunk—How Murat met his Fate—The Disobedient Boy—Singular Habits of Menagerie Beasts—Paddy's Idea of Perdition—Cut It Short—Archaeological Discoveries in Somersetshire—How Poverty makes the Man—What Pride costs—Chinese Morality—A Scene not in the Bill—No such Word as Fall—A Baby Elephant—Fact.  
PAGE 15.—Occupation! what a glorious thing—The Chinese—Stopping Newspapers—A Merchant's Chances of Salvation—Fact—Proverbs—Anecdote—Weight of Seeds—Obeying Scripture—Advertisements.  
PAGE 16.—Editorial: Convention—Postmasters—Fort Bridger, Dec. Mail, &c.—News—Correction—Anecdote—Poetry: "The last Flake of Snow"—Agricultural—Mass Meeting at Parowan, concluded—Anecdote—The Mormon Trade—Proverbs—Married—New Advertisements.

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## HISTORY OF JOSEPH SMITH.

JANUARY, 1843.

The proceedings in this affair from the affidavit to the arrest affords a lesson to governors and judges whose action may hereafter be invoked in cases of this character. The affidavit simply says that the affiant was shot with intent to kill, and he believes that Smith was accessory before the fact to the intended murder, and is a citizen or resident of the State of Illinois. It is not said who shot him, or that the person was unknown. The governor of Missouri in his demand calls Smith a fugitive from justice, charged with being accessory before the fact to an assault with intent to kill, made by one O. P. Rockwell, on Lilburn W. Boggs, in this state (Missouri). This governor expressly refers to the affidavit as his authority for that statement.

Boggs in his affidavit does not call Smith a fugitive from justice, nor does he state a fact from which the governor had a right to infer it. Neither does the name of O. P. Rockwell appear in the affidavit, nor does Boggs say Smith fled. Yet the governor says he has fled to the State of Illinois. But Boggs only says he is a citizen or resident of the State of Illinois. The governor of Illinois responding to the demand of the executive of Missouri, for the arrest of Smith, issues his warrant for the arrest of Smith, reciting that "whereas Joseph Smith stands charged by the affidavit of Lilburn W. Boggs with being accessory before the fact to an assault with intent to kill, made by one O. P. Rockwell, on Lilburn W. Boggs, on the night of the 6th day of May, 1842, at the county of Jackson, in said State of Missouri, and that said Joseph Smith has fled from the justice of said state, and taken refuge in the State of Illinois."

Those facts do not appear by the affidavit of Boggs; on the contrary, it does not assert that Smith was accessory to O. P. Rockwell; nor that he had fled from the justice of the State of Missouri, and taken refuge in the State of Illinois.

The court can alone regard the facts set forth in the affidavit of Boggs, as having any legal existence. The mis-recitals and over statements in the requisition and warrant, are not supported by oath, and cannot be received as evidence to deprive a citizen of his liberty, and transport him to a foreign state for trial. For these reasons Smith must be discharged.

At the request of J. Butterfield, counsel for Smith, it is proper to state in justice to the present executive of the State of Illinois, Governor Ford, that it was admitted on the argument, that the warrant which originally issued upon the said requisition, was issued by his predecessor; that when Smith came to Springfield to surrender himself up upon that warrant, it was in the hands of the person to whom it had been issued at Quincy, in this state, and that the present warrant, which is a copy of the former one, was issued at the request of Smith, to enable him to test its legality by writ of habeas corpus.

Let an order be entered that Smith be discharged from his arrest.

At the close I arose and bowed to the court, which adjourned to 10 o'clock to-morrow. I accepted an invitation to see Judge Pope in his room, and spent an hour in conversation with his honor, in which I explained to him that I did not profess to be a prophet more than every man ought who professes to be a preacher of righteousness, and that the testimony of Jesus is the spirit of prophecy, and gave the judge a brief but general view of my principles. Esq. Butterfield asked me—"to prophesy how many inhabitants would come to Nauvoo." I said, I will not tell how many inhabitants will come to Nauvoo, but when I went to Commerce, I told the people I would build up a city, and the old inhabitants replied, "we will be damned if you can." So I prophesied that I would build up a city, and the inhabitants prophesied I could not, and we have now about 12,000 inhabitants. I will prophesy we will build up a great city, for we have the stakes, and have only to fill up the interstices.

The judge was very attentive and agreeable, and requested of me that my secretary, Dr. Richards, would furnish him a copy of his decision for

the press. Dined at General Adams', and in the afternoon visited Mr. Butterfield with Dr. Clayton. In the evening visited Mr. Goves, and lodged at General Adams' with Dr. Richards.

Friday 6th. In the morning went to see Judge Pope with Dr. Richards, who presented the judge with a report of his decision; called on Mr. Butterfield and gave him two notes of \$230 each, having paid him \$40 as fee for his service in my suit. I took certified copies of the doings of the court, and waited on Governor Ford for his certificate thereto, after which he offered me a little advice, which was that I "should refrain from all political electioneering." I told him that I always had acted on that principle, and proved it by General Law and Dr. Richards, and that the "Mormons" were driven to union in their elections by persecution, and not by my influence, and that the "Mormons" acted on the most perfect principle of liberty in all their movements.

During the day I had considerable conversation in the court room with the lawyers &c., on various topics, and particularly on religion. Judge Pope's son wished me well, and hoped I should "not be persecuted any more," and I blessed him. Mr. Butterfield said I must deposit my discharge and all my papers in the archives of the Temple when it is completed. My discharge here referred to commenced with my petition for habeas corpus, and closed with the certificate of Thomas Ford, Governor of Illinois, including all the documents relating to my trial, on separate sheets of paper, attached by a blue ribbon, and secured by the seal of the court, and reads as follows:

"Pleas before the circuit court of the United States for the district of Illinois, at the December term, A. D. 1842, December 31st.

In the matter of Joseph Smith; petition for habeas corpus.

Justin Butterfield, attorney for said petitioner, comes and moves the court for the allowance of a writ of habeas corpus, and files the annexed petition, and the papers referred to therein. To the honorable the circuit court of the United States for the district of Illinois:

The petition of Joseph Smith respectfully sheweth that he has been arrested and is detained in custody by William F. Elkin, sheriff of Sangamon county, upon a warrant issued by the governor of the State of Illinois, upon the requisition of the governor of Missouri, as a fugitive from justice, a copy of the said warrant, and the requisition and the affidavit upon which the same was issued, is hereto annexed. And your petitioner is also arrested by Wilson Law and by him also held and detained in custody (jointly with the said sheriff of Sangamon county) upon a proclamation issued by the governor of the State of Illinois, a copy of which proclamation is hereto annexed. Your petitioner prays that a writ of habeas corpus may be issued by this court, directed to the said William F. Elkin and Wilson Law, commanding them forthwith and without delay to bring your petitioner before this honorable court to abide such order and direction as the said court may make in the premises. Your petitioner states that he is arrested and detained as aforesaid under color of a law of the United States, and that his arrest and detention is illegal and in violation of law, and without the authority of law, in this, that your petitioner is not a fugitive from justice, nor has he fled from the State of Missouri; and your petitioner as in duty bound will ever pray.

JOSEPH SMITH.

The governor of the State of Missouri to the governor of the State of Illinois—greeting:

Whereas it appears by the annexed documents, which is hereby certified as authentic, that one Joseph Smith is a fugitive from justice, charged with being accessory before the fact, to an assault with intent to kill, made by one O. P. Rockwell on Lilburn W. Boggs, in this State, and it is represented to the executive department of this State, has fled to the State of Illinois.

Now therefore, I Thomas Reynolds, governor of the State of Missouri, by virtue of the authority in me vested by the Constitution and laws of the United States, do by these presents demand the surrender and delivery of the said Joseph Smith to Edward R. Ford, who is hereby appointed as the agent to receive the said Joseph Smith on the part of this State.

In testimony whereof, I governor of the State of Missouri, have hereunto set my hand, and caused to be affixed the great seal of state of Missouri.

Done at the city of Jefferson, this 22nd day of July, in the year of our Lord one thousand eight hundred and forty two; of the independence of the United States the sixty seventh, and of this State the twenty third.

By the Governor. THOS. REYNOLDS.  
Jas. L. Minor, Secretary of State.

STATE OF MISSOURI, ss.  
County of Jackson.

This day personally appeared before me, Samuel Weston, a justice of the peace within and for the county of Jackson, the subscriber Lilburn W. Boggs, who being duly sworn doth depose and say, that on the night of the sixth day of May, 1842, while sitting in his dwelling in the town of Independence, in the county of Jackson, he was shot with intent to kill, and that his life was despaired of for several days, and that he be-

lieves, and has good reason to believe from evidence and information now in his possession, that Joseph Smith, commonly called the Mormon Prophet, was accessory before the fact of the intended murder; and that the said Joseph Smith is a citizen or resident of the State of Illinois, and the said deponent hereby applies to the governor of the State of Missouri to make a demand on the governor of the State of Illinois to deliver the said Joseph Smith, commonly called the Mormon Prophet, to some person authorized to receive and convey him to the state and county aforesaid, there to be dealt with according to law.

LILBURN W. BOGGS.

Sworn to and subscribed before me, this 20th day of July, 1842.

SAMUEL WESTON, J. P.

## STATE OF ILLINOIS.

Office of Secretary of State.

I Lyman Trumbull, Secretary of State, of the State of Illinois, do hereby certify the foregoing to be a true and perfect copy of the demand of the governor of the State of Missouri upon the governor of this State, for the apprehension and surrender of Joseph Smith who is charged with being a fugitive from justice, and the affidavit of Lilburn W. Boggs attached to the same, which are on file in this office.

In testimony whereof I have hereunto set my hand, and affixed the great seal of state at Springfield, this thirty first day of December, A. D. one thousand eight hundred and forty two.

LYMAN TRUMBULL,

Secretary of State.

I do hereby certify the foregoing to be true copies of the demand and affidavit upon which the writ for the apprehension of Joseph Smith was this day issued.

Dec. 31, 1842. L. TRUMBULL,  
Secretary of State.

The people of the State of Illinois to the sheriff of Sangamon county—greeting:

Whereas it has been made known to me by the executive authority of the State of Missouri, that one Joseph Smith stands charged by the affidavit of one Lilburn W. Boggs, made on the 20th day of July, 1842, at the county of Jackson, in the State of Missouri, before Samuel Weston, a justice of the peace within and for the county of Jackson aforesaid, with being accessory before the fact to an assault with intent to kill, made by one O. P. Rockwell on Lilburn W. Boggs, on the night of the sixth of May, A. D. 1842, at the county of Jackson in said State of Missouri, and that the said Joseph Smith has fled from the justice of said state and taken refuge in the State of Illinois.

Now therefore, I Thomas Ford, governor of the State of Illinois, pursuant to the Constitution and laws of the United States, and of this State, do hereby command you to arrest and apprehend the said Joseph Smith, if he be found within the limits of the state aforesaid, and cause him to be safely kept and delivered to the custody of Edward R. Ford, who has been duly constituted the agent of the said state of Missouri to receive said fugitive from the justice of said state, he paying all fees and charges for the arrest and apprehension of said Joseph Smith, and make due return to the executive department of this state, the manner in which this writ may be executed.

In testimony whereof I have hereunto set my hand and caused the great seal of the state to be affixed.

Done at the city of Springfield, this 31st day of December, in the year of our Lord one thousand eight hundred and forty two; and of the Independence of the United States the sixty seventh.

By the Governor. THOMAS FORD.  
Lyman Trumbull, Secretary of State.

## PROCLAMATION.

EXECUTIVE DEPARTMENT, ILL.  
September 20, 1842.

Whereas a requisition has been made upon me, as the executive of this state, by the governor of the State of Missouri, for the apprehension and surrender of O. P. Rockwell, who is charged with the crime of shooting Lilburn W. Boggs with intent to kill, in the county of Jackson and State of Missouri, on the night of the sixth day of May, A. D. 1842.

And whereas a demand has also been made by the governor of Missouri upon me for the apprehension and surrender of Joseph Smith, commonly called the Mormon Prophet, who is charged with the crime of being accessory to the shooting of said Boggs at the time and place aforesaid, with intent to kill.

And whereas in obedience to the Constitution and laws of the United States, and of this state, executive warrants have been issued, and the said Rockwell and Smith arrested as fugitives from justice from the State of Missouri; and whereas the said Rockwell and Smith resisted the laws by refusing to go with the officers who had them in custody as fugitives from justice, and escaped from the custody of said officers.

Now, therefore, I, Thomas Carlin, governor of the State of Illinois, in conformity to an act entitled "An act concerning fugitives from justice," approved Jan. 6, 1827, do offer a reward of two hundred dollars to any person or persons, for the apprehension and delivery of each or either of

the above named fugitives from justice, viz: O. P. Rockwell and Joseph Smith, to the custody of James M. Pitman and Thomas C. King, or to the sheriff of Adams county at the city of Quincy.

In testimony whereof I have hereunto set my hand, and caused the great seal of state to be affixed, the day and date above mentioned.

By the Governor.

THOMAS CARLIN.

Lyman Trumbull, Secretary of State.  
The Fulton Advocate, Quincy Herald, Galena Sentinel, and Rockford Pilot will copy the above two weeks.

A SAGACIOUS ELEPHANT.—The "cultivator," which was sufficiently large to anchor any twenty of the small native bullocks, looked a mere nothing behind the splendid elephant who worked it, and it cut through the wiry roots of the rank turf as a knife peels an apple. It was amusing to see this same elephant doing the work of three separate teams when the seed was in the ground. She first drew a pair of heavy harrows; attached to these and following behind were a pair of light harrows; and behind these came a roller. Thus the land had its first and second harrowing and rolling at the same time. This elephant was particularly sagacious; and her farming work being completed, she was employed in making a dam across a stream—She was a very large animal, and it was beautiful to witness her wonderful sagacity in carrying and arranging the heavy timber required. The rough trunks of trees from the lately felled forest were lying within fifty yards of the spot, and the trunks required for the dam were about fifteen feet long, and fourteen to eighteen inches in diameter. These she carried in her mouth, shifting her hold along the log before she raised it, until she had obtained the exact balance; then, steadying it with her trunk, she carried every log to the spot, and laid them across the stream in parallel rows. These she herself arranged, under the direction of her driver, with the reason apparently of a human being. The most extraordinary part of her performance was the arranging of two immense logs of red keener, (one of the heaviest woods.) These were about eighteen feet long and two feet in diameter, and they were intended to lie on either bank of the stream parallel to the brook and close to the edge. These she placed with the greatest care in their exact positions, unassisted by any one. She rolled them gently over with her head, then, with one foot, and keeping her trunk on the opposite side of the log, she checked its way whenever its own momentum would have carried it into the stream. Although I thought the work admirably done, she did not seem quite satisfied, and she presently got into the stream, and gave one end of the log an extra push with her head, which completed her task, the two trees lying exactly parallel to each other, close to the edge of either bank.—[S. W. Baker's Eight Years' Wanderings in Ceylon.

WASHING SILVER WARE.—It seems that housekeepers who wash their silver ware with soap and water, as the common practice is, do not know what they are about. The proprietor of one of the largest and oldest silver establishments in the city of Philadelphia says that "housekeepers ruin their silver by washing it in soap suds; it makes it look like pewter. Never put a particle of soap about your silver; then it will retain its original lustre. When it wants polish, take a piece of soft leather and whiting and rub it hard."

QUARRELS AMONG RELATIVES.—A brother should not be too officious, and a younger should always pay deference to an elder. There is a deference to be paid even among relatives.—Petty differences by their accumulation, darken the fire-side as often as great ones, and among brothers nothing more tends to bring about a temporary estrangement than too meddling an interference in each other's affairs. Individual responsibility should always be respected, and without confidence there can be no respect.—[Ex.

AN HOUR A DAY.—Andrew Johnson, the present re-elected Governor of Tennessee, at the age of thirty was a journeyman tailor, and could neither read nor write. Sensible of his ignorance, he made his wife read to him while he was at work and she at leisure—and one hour each day she taught him his letters and the use of the pen. He constantly improved his one hour a day, although very poor and illly able to spare the time; and a little over two years ago, and at the age of forty, he was made Governor of Tennessee by a large majority.—[Ex.

DAILY LABOR.—God never allowed any man to do nothing. How miserable is the condition of those men who spend their time as if it were given them, and not lent, as if hours were waste creatures, and such as never should be accounted for—as if God would take this for a good bill of reckoning.—Item spent upon my pleasures, forty years! These men shall once find that no blood can privilege idleness, and that nothing is more precious to God than that which they desire to cast away—time.—[Bishop Hall.