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## HISTORY OF JOSEPH SMITH.

JULY, 1843.

Missouri has three courts of law peculiar to that State: the supreme court, the circuit court and the county court. The two former, about the same as in many other States of the Union. The county court is composed of three judges, elected by the people of the respective counties. This court is in some respects like the court of probate in Illinois, or the surrogate's court of New York; but the powers of this court are more extensive than the courts of Illinois or New York.

The judges, or any one of them, of the county court of Missouri, has the power of issuing habeas corpus, in all cases where arrests are made within the county where they reside. They have also all the power of justices of the peace in civil, as well as criminal case; for instance, a warrant may be obtained from one of these judges by affidavit, and a person arrested under such warrant.

From another of these judges, a habeas corpus may issue and the person arrested be ordered before him, and the character of the arrest be inquired into; and if in the opinion of the judge, the person ought not to be held by virtue of said process, he has power to discharge him. They are considered conservators of the peace, and act as such.

In the internal regulation of the affairs of Missouri, the counties in some respects are nearly as independent of each other as the several States of the Union. No considerable number of men armed, can pass out of one county into, or through another county, without first obtaining the permission of the judges of the county court, or some one of them, otherwise they are liable to be arrested by the order of said judges, and if in their judgment they ought not thus to pass, they are ordered back from whence they came; and in case of refusal, are subject to be arrested or even shot down in case of resistance.

The judges of the county court, or any one of them, have the power to call out the militia of said county upon affidavit being made to them for that purpose by any of the citizens of said county: showing it just, in the judgment of such judge or judges, why said militia should be called out to defend any portion of the citizens of said county.

The following is the course of procedure: affidavit is made before one or any number of the judges, setting forth that the citizens of said county, or any particular portion of them, is either invaded or threatened with invasion by some unlawful assembly whereby their liberties, lives or property may be unlawfully taken.

When such affidavit is made to any one of the judges, or all of them, it is the duty of him or them, before whom such affidavit is made, to issue an order to the sheriff of the county, to make requisition upon the commanding officer of the militia of said county, to have immediately put under military order such a portion of the militia under his command, as may be necessary for the defence of the citizens of said county.

In this way the militia of any county may be called out at any time deemed necessary by the county judges, independently of any other civil authority of the State.

In case that the militia of the county is insufficient to quell the rioters, and secure the citizens against the invaders, then recourse can be had to the judge of the circuit court, who has the same power over the militia of his judicial district, as the county judges have over the militia of the county. And in case of insufficiency in the militia of the judicial district of the circuit judge, recourse can be had to the Governor of the State, and all the militia of the State called out, and if this should fail, then the Governor can call on the President of the United States.

I have given this expose of the internal regulations of the affairs of Missouri, in order that the court may clearly understand what I have before said on this subject, and what I may hereafter say on it.

It was in view of this order of things that General Doniphan, who is a lawyer of some celebrity in Missouri, gave the recommendation he did at Far West, when passing into Daviess county with his troops, for the defence of the citizens of said county.

It was in consequence of this, that he said that those of Caldwell county, which went into Daviess county, should go in small parties, and

unarmed, in which condition they were not subject to any arrest from any authority whatever.

In obedience to these recommendations the militia of Caldwell county was called out; affidavit having been made to one of the judges of the county, setting forth the danger which it was believed the citizens were in, from a large marauding party, assembled under the command of one Cornelius Gillum, on a stream called Grindstone.

When affidavit was made to this effect, the judge issued his order to the sheriff of the county, and the sheriff to the commanding officer, who was Colonel George M. Hinkle, and thus were the militia of the county of Caldwell put under military orders.

General Doniphan, however, instead of going into Daviess county, soon after he left Far West returned to Clay county with all his troops, giving as his reason the mutinous character of his troops, whom he believed would join the mob, instead of acting against them, and that he had not power to restrain them.

In a day or two afterwards, General Parks of Ray county, also came to Far West, and said that he had sent on a number of troops to Daviess county to act in concert with General Doniphan. He also made the same complaint concerning his troops, that Doniphan had, doubting greatly whether they would render any service to those in Daviess who were threatened with violence by the mobs assembling; but on hearing that Doniphan, instead of going to Daviess county had returned to Clay, followed his example and ordered his troops back to Ray county, and thus were the citizens of Caldwell county and those of Daviess county, who were marked out as victims by the mob, left to defend themselves the best way they could.

What I have here stated in relation to Generals Doniphan and Parks, were conversations had between myself and them, about which I cannot be mistaken, unless my memory has betrayed me.

The militia of the county of Caldwell were now all under requisition, armed and equipped according to law. The mob after all the authorities of the State had been recalled, except the force of Caldwell county, commenced the work of destruction in earnest; showing a determination to accomplish their object.

Far West, where I resided, which was the shire town of Caldwell county, was placed under the charge of a Captain by the name of John Killian, who made my house his head quarters; other portions of the troops were distributed in different places in the county, wherever danger was apprehended. In consequence of Captain Killian making my house his head quarters, I was put in possession of all that was going on, as all intelligence in relation to the operations of the mob was communicated to him. Intelligence was received daily of depredations being committed, not only against the property of the citizens, but their persons; many of whom when attending to their business, would be surprised and taken by marauding parties, tied up and whipped in a most desperate manner.

Such outrages were common during the progress of these extraordinary scenes, and all kinds of depredations were committed. Men driving their teams to and from mills where they got grinding done, would be surprised and taken, their persons abused, and their teams, wagons, and loading all taken as booty by the plunderers. Fields were thrown open and all within exposed to the destruction of such animals as chose to enter. Cattle, horses, hogs and sheep were driven off, and a general system of plunder and destruction of all kinds of property, carried on to the great annoyance of the citizens of Caldwell, and that portion of the citizens of Daviess marked as victims by the mob.

One afternoon a messenger arrived at Far West calling for help, saying that a banditti had crossed the south line of Caldwell, and were engaged in threatening the citizens with death if they did not leave their homes and go out of the State within a very short time; the time not precisely recollected; but I think it was the next day by ten o'clock, but of this I am not certain. He said they were setting fire to the prairies, in view of burning houses and desolating farms, that they had set fire to a wagon loaded with goods and they were all consumed, that they had also set fire to a house, and when he left, it was burning down.

Such was the situation of affairs at Far West at that time, that Captain Killian could not spare any of his forces, as an attack was hourly expected at Far West.

The messenger went off, and I heard no more about it, till some time the night following, when I was awakened from sleep by the voice of some man apparently giving command to a military body; being somewhat unwell, I did not get up. Some time after I got up in the morning, the Sheriff of the county stopped at the door, and said that David W. Patten had had a battle with the mob last night at Crooked River, and that several were killed and a number wounded; that Patten was among the number of the wounded, and his wound supposed to be mortal. After I had taken breakfast another gentleman called, giving me the same account, and asked me if I would not take my horse and ride out with him and see what was done. I agreed to do so, and we started, and after going some three or four miles, met a company coming into Far West, we turned and went back with them.

This mob proved to be that headed by the Reverend Samuel Bogard, a Methodist preacher, and the battle was called the Bogard battle. After this battle there was a short season of quiet, the mobs disappeared, and the militia returned to Far West; though they were not discharged, but remained under orders until it should be known how the matter would turn.

In the space of a few days, it was said that a large body of armed men were entering the south part of Caldwell county. The County court ordered the military to go and inquire what was their object in thus coming into the county without permission.

The military started as commanded, and little or no information was received at Far West about their movements until late the next afternoon, when a large army was descried making their way towards Far West. Far West being an elevated situation, the army was discovered while a number of miles from the place.

Their object was entirely unknown to the citizens as far as I had any knowledge, on the subject; and every man I heard speak of their object, expressed as great ignorance as myself. They reached a small stream on the south side of the town, which was studded with timber on its banks and for perhaps from half a mile to a mile on the south side of the stream, an hour before sundown.

There the main body halted, and soon after a detachment under the command of Brigadier General Doniphan, marched towards the town in line of battle. This body was preceded, probably three fourths of a mile in advance of them, by a man carrying a white flag, who approached within a few rods of the eastern boundary of the town, and demanded three persons, who were in the town, to be sent to their camp, after which the whole town, he said, would be massacred. When the persons who were inquired for were informed, they refused to go, determined to share the common fate of the citizens. One of those persons did not belong to the Church of Latter Day Saints. His name is Adam Lightner, a merchant in that city.

The white flag returned to the camp. To the force of General Doniphan, was the small force of Caldwell militia, under Colonel Hinkle, opposed. Who also marched in line of battle to the southern line of the town. The whole force of Colonel Hinkle did not exceed three hundred men—that of Doniphan, perhaps three times that number. I was no way connected with the militia, being over age; neither was Joseph Smith, senior.

I went into the line formed by Colonel Hinkle though unarmed, and stood among the rest to await the result, and had a full view of both forces, and stood there. The armies were within rifle shot of each other.

About the setting of the sun Doniphan ordered his army to return to the camp at the creek: they wheeled and marched off. After they had retired, it was consulted what was best to do—by what authority the army was there no one could tell, as far as I knew—it was agreed to build through the night a sort of fortification, and if we must fight, sell our lives as dear as we could, accordingly all hands went to work, rails, house logs, and wagons, were all put in requisition, and the south line of the town as well secured as could be done by the men and means, and the short time allowed; expecting an attack in the morning.

The morning at length came, and that day passed away and still nothing done; but plundering the cornfields, shooting cattle and hogs, stealing horses and robbing houses, and carrying off potatoes, turnips, and all such things as the army of General Lucas could get, for such in the event they proved to be. The main body being commanded by Samuel D. Lucas, a deacon in the Presbyterian church. The next day came, and then it was ascertained that they were there by order of the Governor.

A demand was made for Joseph Smith, senior, Lyman Wight, George W. Robinson, Parley P. Pratt, and myself to go into their camp. With this demand we instantly complied and accordingly started.

When we came in sight of their camp, the whole army was on parade, marching toward the town, we approached and met them, and were informed by Lucas that we were prisoners of war. A scene followed that would defy any mortal to describe, a howling was set up that would put any thing I ever heard before or since, at defiance; I thought at the time it had no parallel except it might be in the perdition of ungodly men. They had a cannon.

I could distinctly hear the guns as the locks were sprung, which appeared from the sound to be in every part of the army. General Doniphan came riding up where we were, and swore by his maker that he would hew the first man down that cocked a gun, one or two other officers on horseback also rode up, ordering those who had cocked their guns to uncock them or they would be hewed down with their swords, we were conducted into their camp and made to lay on the ground through the night.

This was late in October—we were kept here for two days and two nights. It commenced raining and snowing until we were completely drenched, and being compelled to lay on the ground, which had become very wet, and the water was running round us and under us—what consultation the officers and others had in relation to the disposition which was to be made of us, I am entirely indebted to the report made to me by General Doniphan, as none of us were put on any trial.

General Doniphan gave an account of which the following is the substance as far as my memory serves me: That they held a Court Martial and sentenced us to be shot at 8 o'clock the next morning after the Court Martial was held, in the public square, in the presence of our families—that this Court Martial was composed of seventeen preachers and some of the principal officers of the army—Samuel D. Lucas presided—Doniphan arose and said, that neither himself nor his brigade should have any hand in the shooting; that it was nothing short of cold blooded murder, and left the Court Martial and ordered his brigade to prepare and march off the ground.

This was probably the reason why they did not carry the decision of the Court Martial into effect. It was finally agreed that we should be carried into Jackson county; accordingly on the third day after our arrest the army was all paraded, we were put into wagons and taken into the town—our families having heard that we were to be brought to town that morning to be shot. When we arrived a scene ensued such as might be expected, under the circumstances.

I was permitted to go alone with my family into the house, there I found my family so completely plundered of all kinds of food that they had nothing to eat but parched corn which they ground with a hand mill, and thus were they sustaining life.

I soon pacified my family and allayed their feelings by assuring them that the ruffians dare not kill me. I gave them strong assurances that they dare not do it, and that I would return to them again. After this interview I took my leave of them, and returned to the wagon, got in and we were all started off for Jackson county.

Before we reached the Missouri river a man came riding along the line apparently in great haste. I did not know his business. When we got to the river Lucas came to me and told me that he wanted us to hurry, as Jacob Stollings had arrived from Far West with a message from Gen. John C. Clark ordering him to return with us to Far West as he was there with a large army, he said he would not comply with the demand, but did not know but Clark might send an army to take us by force. We were hurried over the river as fast as possible with as many of Lucas' army as could be sent over at one time and sent hastily on, and thus we were taken to Independence, the shire town of Jackson county, and put into an old house and a strong guard placed over us.

In a day or two they relaxed their severity, we were taken to the best tavern in town and there boarded and treated with kindness—we were permitted to go and come at our pleasure without any guard. After some days Colonel Sterling G. Price arrived from Clark's army with a demand to have us taken to Richmond, Ray county. It was difficult to get a guard to go with us, indeed, we solicited them to send one with us, and finally got a few men to go and we started; after we had crossed the Missouri, on our way to Richmond, we met a number of very rough looking fellows, and as rough acting as they were looking, they threatened our lives. We solicited our guard to send to Richmond for a stronger force to guard us there, as we considered our lives in danger. Sterling G. Price met us with a strong force and conducted us to Richmond where we were put in close confinement.

One thing I will here mention which I forgot—while we were at Independence I was introduced to Burrell Hicks, a lawyer of some note in the country. In speaking on the subject of our arrest and being torn from our families, said he presumed it was another Jackson county scrape. He said the Mormons had been driven from that county and that without any offence on their part. He said he knew all about it, they were driven off because the people feared their political influence. And what was said against the Mormons was only to justify the mob in the eyes of the world for the course they had taken. He said this was another scrape of the same kind.

This Burrell Hicks, by his own confession was one of the principal leaders in the Jackson county mob.

After this digression I will resume—The same day that we arrived at Richmond, Price came into the place where we were, with a number of armed men, who immediately, on entering the room cocked their guns, another followed with chains in his hands, and we were ordered to be chained altogether—a strong guard was placed in and around the house, and thus we were secured. The next day General Clark came in, and we were introduced to him—the awkward manner in which he entered and his apparent embarrassment was such as to force a smile from me.

He was then asked for what he had thus cast us into prison? To this question he could not or did not give a direct answer. He said he would let us know in a few days, and after a few more awkward and uncouth movements he withdrew. After he went out I asked some of the guard what was the matter with General Clark, that made him appear so ridiculous? They said he was near sighted: I replied that I was mistaken if he were not as near witted as he was near sighted.

We were now left with our guards, without knowing for what we had been arrested, as no civil process had issued against us—for what followed until General Clark came in again to tell us that we were to be delivered into the hands of the civil authorities. I am entirely indebted to what I heard the guards say—I heard them say [A few paragraphs are unavoidably thrown into page 348]