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TABLE OF CONTENTS.

PAGE 281.—Poetry: The Rocky Mountains, dedicated to Lt. Gen. D. H. Wells, by W. W. Phelps.—History of Joseph Smith.
PAGE 282.—History of Joseph Smith.
PAGE 283.—History of Joseph Smith, continued.—Sermon by Elder John Taylor, Tabernacle, November 1.
PAGE 284.—The Atlantic Telegraph Cable.
PAGE 285.—Editorial: Arrivals.—Snow.—Summary.—Delhi.—S. Carolina.—Modern Sermon.—Electricity.—Apology.—Tornado.—For Blacksmiths.—Discovery.—Russia.
PAGE 286.—Sermon by Elder John Taylor, Nov. 1, concluded.—Discourse by Elder Geo. A. Smith, Nov. 1.
PAGE 287.—Discourse by Elder Geo. A. Smith, Nov. 1, concluded.—Present condition of the Jews.—To be a Woman of Fashion.—Tit for Tat.—To Pickle Green Tomatoes.—Business Notices.
PAGE 288.—Poetry: How things are done at Washington.—Another Hallstorm in Lenawee County.—Proper time for Transplanting.—The great American Giant.—Mind your preaching.—Married.—Died.

The Rocky Mountains.

Dedicated to Lt. Gen. D. H. Wells.

BY W. W. PHELPS.

TUNE—Bonnie Breast Knots.

The glory that to Abr'ham shined,
Before the christian world refined
The ancient gospel, for mankind,
Shines through the Rocky Mountains.
CHORUS—Hey the Rocky, ho the Rocky;
Hey the Rocky Mountains!
The sacred chambers of the Lord;
The bulwarks of Jehovah.

The men of God begin to pray;
The night of ages rolls away;
And brilliant dawns the latter day;
God reigns among the mountains.
CHORUS—Hey the Rocky, &c.

The mobbing host, whose god is gold,
With all their pomp and courage bold,
Do feel that God to them is cold,
Among the mountain passes.
CHORUS—Hey the Rocky, &c.

The wise and learned among the great,
In kingdoms, or each lesser state,
May cry, "What next will be our fate?"
And think before they thunder.
CHORUS—Hey the Rocky, &c.

The priests that scoff, like Jews, for pelf,
Think Jesus could not save himself,
May lay their fortunes on the shelf;
They've plenty time to wonder.
CHORUS—Hey the Rocky, &c.

Away; there shines the Mormon lamp,
Where many watch their country's camp,
And may be now and then a scamp,
That's herded at their pleasure.
CHORUS—Hey the Rocky, &c.

When Japheth's hired servants come
A thousand miles or more from home,
Their "West Point science," seemeth dumb
Where fire and snow translateth.
CHORUS—Hey the Rocky, &c.

The gentile warreth with his hands,—
The Mormon with his heart, and stands,
If pure like gold, for God's commands;
And God doth fight his battle.
CHORUS—Hey the Rocky, &c.
G. S. L. CITY, Oct. 27, 1857.

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HISTORY OF JOSEPH SMITH.

JUNE, 1844.

Joseph remonstrated against such barefaced, illegal, and tyrannical proceedings, but the constable still insisted that they should go to jail. Lawyer Woods requested the officer to wait until he could see Governor Ford, and was told by Bettisworth that he would only wait five minutes.

Joseph and Hyrum again remonstrated, and the constable waited until about 9 o'clock, when they heard by Mr. Wood that the Governor did not think it within the sphere of his duty to interfere, as they were in the hands of the civil law, and therefore he had not the power to stay process, or the due course of law, and that he could not interrupt a civil officer in the discharge of his duty.

Governor Ford knew this was illegal (for he had formerly been an associate justice of the Supreme Court of the State) and when he was appealed to by Captain Robert F. Smith to know what he must do, as he had found his mittimus as a magistrate; was illegal, and therefore that it was a false committal. Governor Ford replied, "You have the Carthage Greys at your command. Capt. Smith therefore commanded his 'Greys' to execute and carry into effect his illegal mittimus as a magistrate, thus practically blending the civil and military in the same person, at the same time; and the prisoners were violently and illegally dragged to jail without any examination whatever, while his Excellency was in the adjoining room to that from which they were thus taken. So much for his professions that the law must be executed.

Thus a justice of the peace, acting as a military officer also, by virtue of his commission as such, orders his command to appear under arms, and to incarcerate the prisoners

whom he had just before ordered the constable to commit to jail by mittimus, without having them brought before him for examination; and the Governor, having been himself at one time a judge upon the bench, knew and well understood the illegality of the above proceedings.

He also well knew that military power and authority had been used by one and the same person; and yet he, acting at that time as Commander in Chief, which gave him the supervision over all his officers, and in fact made him responsible for all their acts and movements, refused to interfere when requested by the prisoners to interpose his authority on their behalf against an illegal civil process, and also refused to countermand the illegal, oppressive, and unofficial order of one of his captains.

Moreover, having taken the oath of office, as Governor of the State of Illinois, he was by virtue of that oath bound to see the laws faithfully executed, and not, as in this instance, see them violated and trodden under foot, and even prompt one of his officers in his lawless course. Thus he violated his solemn pledges and oath of office.

Elder John Taylor says: "As I was informed of this illegal proceeding, I went immediately to the Governor and informed him of it, whether he was apprized of it before or not, I do not know, but my opinion is that he was. I represented to him the character of the parties who had made oath, the outrageous nature of the charge, the indignity offered to men in the position which they occupied, and that he knew very well that it was a vexatious prosecution, and that they were not guilty of any such thing.

The Governor replied that he was very sorry that the thing had occurred; that he did not believe the charges, but that he thought that the best thing to be done in the premises, was to let the law take its course.

I then reminded him that we had come out there at his instance, not to satisfy the law, which we had done before, but the prejudices of the people, in relation to the affair of the press; that we had given bonds, which we could not by law be required to do to satisfy the people, at his instance, and that it was asking too much to require gentlemen in their position in life to suffer the degradation of being immured in a jail, at the instance of such worthless scoundrels as those who had made this affidavit.

The Governor replied that it was an unpleasant affair and looked hard, but that it was a matter over which he had no control, as it belonged to the judiciary that he, as the executive, could not interfere with their proceedings, and that he had no doubt but that they would be immediately dismissed.

I told him that we had looked to him for protection from such insults, and that I thought we had a right to do so from the solemn promises he had made to me and Dr. Bernhisel, in relation to our coming without a guard or arms; that we had relied upon his faith, and had a right to expect him to fulfil his engagements, after we had placed ourselves implicitly under his care and complied with all his requests, although extra-judicial.

He replied that he would detail a guard, if we required it, and see us protected, but that he could not interfere with the judiciary.

I expressed my dissatisfaction at the course taken, and told him, that if we were to be subject to mob rule, and to be dragged contrary to law, into prison, at the instance of every infernal scoundrel whose oaths could be bought for a dram of whiskey, his protection availed very little, and we had miscalculated his promises.

Seeing there was no prospect of redress from the Governor, I returned to the room and found the constable, Bettisworth, very urgent to hurry bro. Joseph and Hyrum to prison whilst the brethren were remonstrating with him.

At the same time, a great rabble was gathered in the streets and around the door, and from the rowdiness manifested, I was afraid there was a design to murder the prisoners on the way to the jail.

Without conferring with any person, my next feeling was to procure a guard, and seeing a man habited as a soldier in the room, I went to him and said, 'I am afraid there is a design against the lives of the Messrs. Smith, will you go immediately and bring your captain, and if not convenient any other captain of a company, and I will pay you well for your trouble.'

He said he would, and departed forthwith and soon returned with his captain, whose name I have forgotten, and introduced him to me.

I told him of my fears and requested him immediately to fetch his company; he departed forthwith and arrived at the door with them, just at the time that the constable was hurrying the brethren downstairs.

A number of the brethren went along, and one or two strangers, and all of us safely lodged in prison; remained there during the night.

As Esq. Woods went to the door he met Captain Dunn, with some 20 men, they having come to guard the prisoners to jail. Mr. Woods accompanied Governor Ford to (Captain) Justice Robert F. Smith, who gave as a cause for issuing the warrant of committal, that the prisoners were not personally safe at the hotel. Mr. Woods then requested the

Governor to have a company of troops from some other county detailed to guard the jail.

Captain Dunn with his company escorted Joseph and Hyrum Smith from their lodgings, together with Willard Richards, John Taylor, John P. Greene, Stephen Markham, Dan Jones, John S. Fuller, Dr. Southwick, and Lorenzo D. Wasson, to the jail. Markham had a very large hickory cane, which he called "the rascal beater." Dan Jones had a smaller walking stick, and they walked on either side of Joseph and Hyrum, keeping off the drunken rabble, who several times broke through the ranks.

They were received by the jailor, Mr. Geo. W. Stigall, and put into the criminal's cell; but he afterwards gave them the debtor's apartment, where the prisoners and their friends had amusing conversations on various interesting subjects, which engaged them till late. Prayer was offered, which made Carthage prison into the gate of heaven for a while. They laid promiscuously on the floor, where they all slept from $\frac{1}{2}$ past 11 until 6 a.m. of the 26th.

Counselor H. T. Reid, in his published statement, writes as follows:—"The recitals of the mittimus, so far as they relate to the prisoners having been brought before the justice for trial, and it there appearing that the necessary witnesses of the prosecution were absent, are WHOLLY UNTRUE, unless the prisoners could have appeared before the justice, without being present in person or by counsel; nor is there any law of Illinois which permits a justice to commit persons charged with crimes to jail, without examination as to the probability of their guilt."

June 26.—7 a.m., Joseph, Hyrum and the rest of the brethren took breakfast with Stigall, and were then removed to the room upstairs.

Dr. Southwick went to see the Governor. At 7 $\frac{1}{2}$, Markham, Wasson and Jones were severally sent by Joseph with messages to the Governor; but at 8 got no return.

He also sent word to his counsel, that he wanted a change of venue to Quincy, Adams county.

At 8 a.m., Joseph and Hyrum had conversation with the jailor, Mr. Stigall, who said a week last Wednesday, the mob were calculating to have made an attack on Nauvoo, and they expected about 9000 persons, but only about 200 came. They had sent runners to Missouri, and all round the counties in Illinois.

At 10 min. past 8, Joseph wrote to Governor Ford as follows:—

"Carthage Jail, June 26, 1844: }
10 min. past 8 a.m. }
His Excellency Gov. Ford:—Sir:

I would again solicit your Excellency for an interview, having been much disappointed the past evening. I hope you will not deny me this privilege any longer than your public duties shall absolutely require.

We have been committed under a false mittimus, and consequently the proceedings are illegal, and we desire the time may be hastened when all things shall be made right, and we relieved from this imprisonment.

Your servant,
JOSEPH SMITH.

P.S. Please send an answer per bearer." and sent it by Mr. Stigall.

At 8 $\frac{1}{2}$ a.m., Markham and Jones returned, stating that the Governor said he was taken by surprise last evening, and was very sorry; was afraid we would think he had forfeited his word about having an interview, that the wrath of the people was about to turn on the head of Jackson, the mob, &c. That the Governor was doing as fast as he could.

12 min. before 9. Received the following reply on the same sheet: "The interview will take place at my earliest leisure to-day."

THOMAS FORD."

10 min. to 9. Mr. Reid and others arrived at the jail, and investigated the merits of the case, and concluded to take a change of venue before Justice Greenleaf, of Augusta, Hancock co., and to send for Dr. James H. Lyon, Col. J. Brewer, Edward Bonney, M. G. Eaton, Dr. Abiathar Williams, Thos. A. Lyne, Geo. J. Adams, Dr. J. M. Bernhisel, Daniel H. Wells, Daniel Spencer, Orson Spencer, Dr. J. R. Wakefield, Geo. P. Siles, Jonathan Dunham, Albert P. Rockwood, Capt. G. C. Anderson, William Marks, Hiram Kimball, Lorenzo D. Wasson, and Samuel Seales as witnesses.

9.27 a.m. The Governor, in company with Col. Geddes arrived at the jail, when a lengthy conversation was entered into in relation to the existing difficulties, and after some preliminary remarks, at the Governor's request, bro. Joseph gave him a general outline of the state of affairs in relation to our difficulties, the excited state of the country; the tumultuous, mobocratic movements of our enemies; the precautionary measures used by himself, (Joseph Smith) the acts of the City Council, the destruction of the press, and the moves of the mob, and ourselves up to that time.

The following report is by Elder John Taylor:—

Governor. General Smith, I believe you have given me a general outline of the difficulties that have existed in the country, in the documents forwarded to me by Dr. Bernhisel and Mr. Taylor, but unfortunately there seems to be a great discrepancy between your statements and those of your enemies; it is true that you are substantiated by evidence and affidavit,

but for such an extraordinary excitement as that which is now in the country, there must be some cause, and I attribute the last outbreak to the destruction of the Expositor, and to your refusal to comply with the writ issued by Esq. Morrison. The press in the United States is looked upon as the great bulwark of American freedom, and its destruction in Nauvoo was represented, and looked upon as a high-handed measure, and manifests to the people a disposition on your part, to suppress the liberty of speech and of the press; this, with your refusal to comply with the requisitions of a writ, I conceive to be the principal cause of this difficulty, and you are moreover represented to me as turbulent and defiant of the laws and institutions of your country.

Gen. Smith. Governor Ford, you, sir, as Governor of this State, are aware of the persecutions and persecutions that I have endured. You know well that our course has been peaceable and law-abiding, for I have furnished this State, ever since our settlement here, with sufficient evidence of my pacific intentions and those of the people with whom I am associated, by the endurance of every conceivable indignity and lawless outrage perpetrated upon me, and upon this people, since our settlement here, and you yourself know that I have kept you well posted in relation to all matters associated with the late difficulties; if you have not got some of my communications, it has not been my fault.

Agreeably to your orders, I assembled the Nauvoo Legion for the protection of Nauvoo and the surrounding country against an armed band of marauders, and ever since they have been mustered I have almost daily communicated with you in regard to all the leading events that have transpired, and whether in the capacity of Mayor of the city, or Lieutenant General of the Nauvoo Legion, I have striven according to the best of my judgment, to preserve the peace and administer even handed justice to all; but my motives are impugned, my acts are misconstrued, and I am grossly and wickedly misrepresented. I suppose I am indebted for my incarceration here to the oath of a worthless man that was arraigned before me and fined for abusing and maltreating his lame, helpless brother.

That I should be charged by you, sir, who know better, of acting contrary to law, is to me a matter of surprise. Was it the Mormons or our enemies who first commenced these difficulties? You know well it was not us, and when this turbulent, outrageous people commenced their insurrectionary movements, I made you acquainted with them, officially, and asked your advice, and have followed strictly your counsel in every particular.

Who ordered out the Nauvoo Legion? I did, under your direction. For what purpose? To suppress these insurrectionary movements. It was at your instance, sir, that I issued a proclamation calling upon the Nauvoo Legion to be in readiness, at a moment's warning, to guard against the incursions of mobs, and gave an order to Jonathan Dunham, acting Major General, to that effect. Am I then to be charged for the acts of others, and because lawlessness and mobocracy abound, am I, when carrying out your instructions, to be charged with not abiding law? Why is it that I must be made accountable for other men's acts? If there is trouble in the country neither I, nor my people made it; and all that we have ever done, after much endurance on our part, is to maintain and uphold the Constitution and institutions of our country, and to protect an injured, innocent and persecuted people against misrule and mob violence.

Concerning the destruction of the press to which you refer, men may differ somewhat in their opinions about it; but can it be supposed that after all the indignities to which we have been subjected outside, that this people could suffer a set of worthless vagabonds to come into our city, and right under our own eyes and protection, vilify and calumniate, not only ourselves but the character of our wives and daughters, as was impudently and unblushingly done in that infamous and filthy sheet? There is not a city in the United States that would have suffered such an indignity for twenty-four hours. Our whole people were indignant and loudly called upon our city authorities for a redress of their grievances, which if not attended to, they themselves would have taken the matter into their own hands and have summarily punished the audacious wretches, as they deserved.

The principles of equal rights that have been instilled into our bosoms from our cradles, as American citizens, forbid us submitting to every foul indignity and succumbing and pandering to wretches so infamous as these. But independent of this, the course that we pursued we considered to be strictly legal; for notwithstanding the insult, we were anxious to be governed strictly by law and therefore convened the city council; and being desirous in our deliberations to abide law, summoned legal counsel to be present on the occasion.

Upon investigating the matter, we found that our city charter gave us power to remove all nuisances; and furthermore upon consulting Blackstone upon what might be considered a nuisance, that distinguished lawyer, who is considered authority, I believe, in all our courts, states among other things that "a libelous and filthy press may be considered a nuisance and abated as such."