

THE DESERET NEWS.

Truth and Liberty.

VOL. V.

GREAT SALT LAKE CITY, WEDNESDAY, MARCH 5, 1856.

NO. 52.

[Copyright Secured.]

HISTORY OF JOSEPH SMITH.

JANUARY, 1843.

Jan.—Sunday morning, Jan. 1, 1843.—The speaker of the House of Representatives called on me to say we might have the hall for preaching this day. Had a pleasant interview with Mr. Butterfield, Judge Douglass, Senator Gillespie and others. In reply to Mr. Butterfield, I stated that the most prominent point of difference in sentiment between the Latter Day Saints and sectarians was, that the latter were all circumscribed by some peculiar creed, which deprived its members the privilege of believing anything not contained therein, whereas the Latter Day Saints have no creed, but are ready to believe all true principles that exist, as they are made manifest from time to time.

At the suggestion of the company, I explained the nature of a prophet. If any person should ask me if I were a prophet I should not deny it, as that would give me the lie, for according to John the testimony of Jesus is the spirit of prophecy; therefore if I profess to be a witness or teacher and have not the spirit of prophecy, which is the testimony of Jesus, I must be a false witness, but if I be a true teacher and witness I must possess the spirit of prophecy, and that constitutes a prophet; and any man who says he is a teacher or preacher of righteousness and denies the spirit of prophecy, is a liar and the truth is not in him, and by this key false teachers and imposters may be detected.

At half-past 11 a.m., we repaired to the Representatives' Hall, where Elder Orson Hyde preached, from the 3rd chapter of Malachi, to most of the members of the legislature, and the various departments of the State.

I dined with Judge Adams at one p.m., and at half-past two returned to the hall, and heard Elder Taylor preach from Revelations 14 chap. 6th and 7th verses, on the first principles of the gospel. There was a respectable congregation who listened with good attention, notwithstanding the great anxiety to "see the Prophet."

I supped at Mr. Bowman's, where I saw sister Lucy Stringham (who was one of the first fruits of the church at Colesville, New York), and many more of the saints. At 7, I returned to Judge Adams'.

Monday 2.—After breakfasting with Judge Adams, I prophesied in the name of the Lord that I should not go to Missouri dead or alive. At 9 1-2 a.m., repaired to the court room, and at 10, Judge Pope took his seat on the bench, accompanied by several ladies.

My case was called up, when Mr. Lamborn, the attorney-general of Illinois, requested the case to be continued till the next day, and Wednesday morning was set for my trial. My attorney, Mr. Butterfield, filed some objections to points referred to in the habeas corpus, and at half-past 10, I repaired to the senate lobby, and had conversation with several gentlemen. Dined at the American House. As we rose from table, Judge Brown invited me to his room and informed me he was about publishing a history of Illinois, and wished me to furnish a history of the rise and progress of the Church of Latter Day Saints to add to it.

At half-past 1 p.m., returned to General Adams. A gentleman from St. Louis told General Law that the general impression was, that Smith was innocent, and it would be a kind of murder to give him up, that "he ought to be whipped a little and let go." It was evident that prejudice was giving way in the public mind.

At 4, Mr. Lamborn, Mr. Prentice, the marshal, and some half-a-dozen others called to see me. The marshal said it was the first time during his administration that the ladies had attended court on a trial. A peculiarly pleasant and conciliatory feeling prevailed in the company, and the marshal invited me to a family dinner, when I should be freed.

At 5, went to Mr. Sollars with Elders Hyde and Richards. Elder Hyde inquired the situation of the negro. I replied, they came into the world slaves, mentally and physically; change their situation with the whites and they would be like them. They have souls and are subjects of salvation. Go into Cincinnati or any city, and find an educated negro, who rides in his carriage, and you will see a man who has risen by the powers of his own mind to his exalted state of respectability. The slaves in Washington are more refined than the presidents, and the black boys will take the shine off of those they brush and wait on.

Elder Hyde remarked, "put them on the level and they will rise above me." I replied, if I raised you to be my equal, and then attempted to oppress you, would you not be indignant and try to rise above me, as did Oliver Cowdery, Peter Whitmer and many others, who said I was a fallen prophet and they were capable of leading the people, although I never attempted to oppress them but had always been lifting them up. Had I anything to do with the negro, I would confine them by strict law to their own species and put them on a national equalization.

Because faith is wanting, the fruits are. No man since the world was ever had faith without having something along with it. The ancients

quenched the violence of fire, escaped the edge of the sword, women received their dead, &c.; by faith the worlds were made. A man who has none of the gifts has no faith, and he deceives himself if he supposes he has. Faith has been wanting not only among the heathen, but in professed Christendom also, so that tongues, healings, prophecy, and prophets and apostles, and all the gifts and blessings have been wanting.

Some of the company thought I was not a very meek prophet, so I told them, "I am meek and lowly in heart," and will personify Jesus for a moment to illustrate the principle, and cried out with a loud voice, "Woe unto you, ye doctors; woe unto you, ye lawyers; woe unto you, ye scribes, pharisees and hypocrites," &c. But you cannot find the place where I ever went that I found fault with their food, their drink, their house, or their lodgings; no, NEVER; and this is what is meant by the meekness and lowliness of Jesus.

Mr. Sollars stated that James Mullone, of Springfield, told him as follows: "I have been to Nauvoo, and seen Joe Smith, the Prophet; he had a gray horse, and I asked him where he got it, and Joe said, 'You see that white cloud.' " "Yes," "Well, as it came along, I got the horse from that cloud." This is a fair specimen of the ten thousand foolish lies circulated by this generation to bring the truth and its advocates into disrepute.

What is it that inspires professors of Christianity generally with a hope of salvation? It is that smooth, sophisticated influence of the devil, by which he deceives the whole world. But said Mr. Sollars, "May I not repent and be baptized and not pay any attention to dreams, visions, and other gifts of the Spirit?" I replied, suppose I am traveling and am hungry, and meet with a man and tell him I am hungry, and he tells me to go yonder, there is a house of entertainment, go and knock, and you must conform to all the rules of the house or you cannot satisfy your hunger; knock, call for food, sit down and eat, and I go and knock and ask for food, and sit down to the table, but do not eat, shall I satisfy my hunger? No! I must eat; the gifts are the food; and the graces of the Spirit are the gifts of the Spirit.

When I first commenced this work, and had got two or three individuals to believe, I went about 30 miles with Oliver Cowdery, and only one horse between us, to see them. When we arrived, a mob of about a hundred men came upon us before we had time to eat, and chased us all night, and we arrived back again in a little after daylight, having traveled about 60 miles in all, and without food. I have often traveled all night to see the brethren, and when traveling to preach the gospel among strangers have frequently been turned away without food.

Thus the evening was spent in conversation and teaching, and closed by singing and prayer, when we parted, and Elders Hyde, Richards and myself lay down upon a bed on the floor, and enjoyed refreshing rest till morning.

Tuesday, 3.—After breakfast called on sister Crane and blessed her little baby Joseph Smith, and returned to Judge Adams', where we conversed with Messrs. Trobridge, Jonas, Browning and others, on my old Missouri case of treason. At half-past 9 went to the court room, and had conversation with Messrs. Butterfield, Owen, Pope, Prentice and others.

At 12 returned and spent the afternoon at Judge Adams'. At dusk the marshal called with subpoenas for my witnesses. Spent the evening with the brethren at Judge Adams' in a very social manner, and prophesied in the name of the Lord that no very formidable opposition would be raised at my trial on the morrow. Slept on a sofa as usual while at Springfield.

Wednesday 4. At 9 o'clock a.m. repaired to the court room, Judge Pope on the bench, and 10 ladies by his side, when Josiah Lamborn, attorney general of the State of Illinois, appeared and moved to dismiss the proceedings, and filed the following objections to the jurisdiction of the court, viz:

1st. The arrest and detention of Smith was not under or by color of authority of the United States, or of any officer of the United States, but under and by color of authority of the State of Illinois, by the officers of Illinois. 2nd. When a fugitive from justice is arrested by authority of the governor of any state upon the requisition of the governor of another state, the courts of justice, neither state or federal, have any authority or jurisdiction to enquire into any facts behind the writ.

My counsel then offered to read in evidence, affidavits of several persons showing conclusively that I was at Nauvoo, in the county of Hancock, and State of Illinois, on the whole of the 6th and 7th days of May, in the year 1842, and on the evenings of those days more than three hundred miles distant from Jackson county, in the State of Missouri, where it is alleged that the said Boggs was shot, and that I had not been in the State of Missouri at any time between the 10th day of February and the 1st day of July, 1842, the said persons having been with me during the whole of that period. That on the 6th day of May aforesaid, I attended an officer's drill at Nauvoo aforesaid, in the presence of a large number of people, and on the 7th day of May aforesaid

I reviewed the Nauvoo Legion in presence of many thousand people.

The reading of these affidavits was objected to by the attorney general of the State of Illinois, on the grounds that it was not competent for Smith to impeach or contradict the return of the habeas corpus. It was contended by my counsel, 1st, that I had a right to prove that the return was untrue. 2nd, that the said affidavits did not contradict the said return, as there was no averment under oath in said return that I was in Missouri at the time of the commission of the alleged crime or had fled from the justice of that State. The court decided that the said affidavits should be read in evidence, subject to all objections; and they were read accordingly, all of which will appear on my discharge. B. S. Edwards Esq. opened the defence in an animated speech, and made some very pathetic allusions to our sufferings in Missouri, followed by Mr. Butterfield, who made the following points:

1st. This court has jurisdiction. The requisition purports on its face to be made, and the warrant to be issued, under the constitution and laws of the United States, regulating the surrender of fugitives from justice, 2nd sec. 4th article constitution of United States. 1st sec. of the act of Congress of 12th Feb. 1793. When a person's rights are invaded under a law of the United States, he has no remedy except in the courts of the United States, 2nd, sec. 3rd article constitution United States, 12th Wendall, 325—16 Peters 543.

The whole power in relation to the delivering up of fugitives from justice and labor, has been delegated to the United States, and Congress have regulated the manner and form in which it shall be exercised. The power is exclusive. The state legislatures have no right to interfere, and if they do, their acts are void, 2nd and 3rd clause of 2nd sec., 4th article constitution United States, 2nd vol. laws United States 331—16 Peters 617, 618, 623; 4th Wheaton's Reports, 122, 193-12; Wendall 313.

All courts of the United States are authorized to issue writs of habeas corpus when the prisoner is confined under or by color of authority of the United States, act of Congress of Sept. 24th, 1789, sec. 14; 2nd condensed 33; 3rd Cranch 447; 3rd Peters 193.

2nd. The return to the habeas corpus is not certain and sufficient to warrant the arrest and transportation of Smith. In all cases on habeas corpus previous to indictment, the court will look into the depositions before the magistrate, and though the commitment be full and in form, yet if the testimony prove no crime, the court will discharge ex-parte; Taylor 5th; Cowen 50. The affidavit of Boggs does not show that Smith was charged with any crime committed by him in Mo., nor that he was a fugitive from justice. If the commitment be for a matter for which by law the prisoner is not liable to be punished, the court must discharge him; 3 Bacon 434. The executive of this state has no jurisdiction over the person of Smith to transport him to Missouri, unless he has fled from that state.

3. The prisoner has a right to prove facts not repugnant to the return, and even to go behind the return and contradict it, unless committed under a judgment of a court of competent jurisdiction; 3d Bacon 435, 438; 3d Peters 202; Gale's revised laws of Illinois 323. The testimony introduced by Smith at the hearing, showing conclusively that he was not a fugitive from justice, is not repugnant to the return.

J. Lamborn, attorney general of the State of Illinois, in support of the points made by him, cited 2nd condensed reports 37; Gordon's Digest 73; Gale's Statutes of Illinois 318; Conkling 85; 9th Wendall 212.

In the course of his plea, Mr. Butterfield showed that Governor Reynolds had subscribed to a lie in his demand for me, as will appear on the paper, and said that Governor Carlin would not have given up his dog on such a requisition. That an attempt should be made to deliver up a man who has never been out of the state, strikes at all the liberty of our institutions. His fate to-day may be yours to-morrow. I do not think the defendant ought under any circumstances, to be given up to Missouri. It is a matter of history that he and his people have been murdered or driven from the state. If he goes there it is only to be murdered, and he had better be sent to the gallows. He is an innocent and unoffending man. If there is a difference between him and other men it is that this people believe in prophecy, and others do not, the old prophets prophesied in poetry and the modern in prose.

Esq. Butterfield managed the case very judiciously. The court room was crowded during the whole trial, the utmost decorum and good feeling prevailed, and much prejudice was allayed. Esq. Lamborn was not severe, apparently saying little more than his relation to the case demanded.

Court adjourned till to-morrow 9 a.m., for the making up of opinion. After an introduction to several persons I retired to Judge Adams', and after dinner spent some time in conversation with bro. Hyrum and Theodore Turley; at 5 1/2 o'clock I rode in Mr. Prentice's carriage to his house, accompanied by General Law and Elder O. Hyde, where I had a very interesting visit with Mr. Prentice and family, Judge Douglas, Esquires Butterfield, Lamborn, and Edwards, Judge Pope's son and many others; partook of a splendid sup-

per, with many interesting anecdotes, and every thing to render the repast and visit agreeable, and returned to Judge Adams' about 11 o'clock.

ITEMS BY THE CAL. MAIL.

THE SIOUX SEEKING PEACE.—The St. Louis Democrat publishes the following extract from a private letter, dated from the above, Fort Pierre, 10th Nov., 1855:—

"A few days ago, 30 or 40 Sioux Indians came to Fort Pierre to pay a visit to General Harney. He held a council, and had Campbell, the interpreter, to tell them that he wanted ten of the principal men of each band of the Sioux to come and see him within one hundred days; and should they listen to his words, and do as he wants them to, it would be for their good, he would make peace with them.

But if any of the bands should not come at the above time, he would then know that they wish to fight. He told them that it was immaterial to him how they acted, as he would just as soon fight as have peace; that he was sent by their Great Father to fight them, but since he had killed the Brules he had pity on them.

All the Indians that have come to see him, say they don't want to fight. They want to live. He told them that he could not fight men that didn't want to fight."

WASHINGTON, Dec. 8, 1855.

Late dispatches received from Washington and Oregon Territories, report a distressing state of affairs as regards our Indian relations in those distant regions. A disastrous and bloody Indian war is anticipated by the Government.—Many murders, including our Indian agent, have been committed, and hostilities of a most serious nature now exist.

With a view to protect the inhabitants of these Territories, and punish those warlike tribes who are spreading death among the people, the Government has determined to send a regiment of infantry forthwith to the scene of disturbances. The new regiment now at Fort Monroe (Old Point Comfort) has been selected for the duty. This regiment, it will be recollected, has been drilled in Hardie's 'Shanghai' tactics. The men are armed with the Minie rifles, carrying a ball with accuracy one thousand yards, and are trained to travel all day at the pace of five miles per hour.—[Ex.]

The following order has been issued:—

1. The 9th regiment of Infantry will proceed via Panama to San Francisco, California; and, if not otherwise directed at that place by orders from headquarters of the Department of the Pacific, will repair thence without delay to Fort Vancouver, Washington Territory.

2. Transportation will be furnished from New York, to be at Fort Monroe, (Va.) by the 11th or 12th, and the regiment will embark on or before the 14th inst.

3. Officers on regimental recruiting service, regimental recruiting parties or recruits, will be immediately called in, and officers of the regiment on leave of absence will rejoin it without delay.

By command of Brevet Lieut. Gen. Scott.
Irvin McDowell, Ass't Adjutant General.

INDIAN FIGHTING.—Considerable Indian fighting appears to be still going on in Oregon and the northern part of California. The Jacksonville Sentinel (O. T.) of Dec. 20th, says:—

"Here at the south, the campaign goes effectively on. When it became apparent that the force of Indians at the Meadows could not be reached during the deep snows, Major Brue's battalion was disposed with a view of covering the exposed localities, and operating, if possible, against some inferior bodies of the enemy.

As soon as the different companies reached their positions, scouts were sent into the mountains in every direction, and the situation of several bands ascertained; and the immediate result has been the discovery of three camps, two of which have been destroyed by the troops, and the other is being watched until a reinforcement can be obtained, when it will probably share the fate of the others.

Information having been received of a camp of Indians on the north side of Rogue river, just below the mouth of the Big Butte, and four miles from the river, a detachment of thirty-four men from Capt. Rice's company made a night movement upon them—attacking them at day-break, when off their guard—and after about six hours' fighting, killed eighteen and wounded two others, took almost twenty squaws and several children prisoners, burned their rancherie and obtained one horse.

One warrior escaped unhurt. The Indians had horses not far from the camp, but circumstances would not admit of search for them, and they were left. No injury was sustained by the whites, except that some hands and feet were frozen. Lieut. John S. Miller and John Tenan were so seriously frozen as to be compelled to leave the field for a little time.

[Continued on page 418.]