

Two letters came into the post-office from the sheriff of Clark county, Missouri; from them it appears that that State wishes to continue the old game of seizing witnesses and making prisoners of them, to cover up her nobocracy and kidnapping under legal form. The following answer was written:—

"City of Nauvoo, Ill., Dec. 21, 1843.

Sir:—Two letters were put into my hands this morning relative to the witnesses of Mr. Avery's innocence as to being accessory to horse stealing some four years since. In the first place, Mr. Avery was abducted from this State without process, contrary to law; in the second place the principal for felony, by the law of Missouri, should be indicted within three years, &c. Again, the revised statutes of Missouri have a wise provision in such cases as Mr. Avery's. If Mr. Avery, therefore, will sue out a commission, according to the law concerning depositions, (R. S., page 219 to 222) directed to Alderman Geo. W. Harris, an acting justice of the peace for the city of Nauvoo, and county of Hancock, the necessary testimony to establish Mr. Avery's innocence will be taken according to law, and forwarded to the proper officer in due time.

Respectfully, &c.,

W. W. PHELPS.

J. White, Esq., Dep. Sheriff, }
Clark co., Waterloo, Mo. }

P.S. You will have the politeness to shew this to Mr. Avery."

In the evening I was visited by several strangers, and had considerable conversation with them.

Friday, 22.—At home at 9 o'clock, a.m., reading a magazine to my children.

A little after 12, went into the store room occupied by Butler and Lewis, and commenced a conversation with Dr. John F. Charles to convince him that nobocracy is not justifiable; and that I did not deal in politics.

David Holman living about 2 miles from Ramus, went out in the evening with his family visiting. About 10 o'clock he discovered his house on fire. The neighbors had inquired how long he would be gone; a man rode to Carthage. A company went up, secured the provisions to themselves, and fired the house.

Warm and pleasant weather.

Saturday, 23.—At home counselling the brethren who called on me; and attending to my domestic duties, making preparations for a Christmas dinner party.

Prayer meeting in the Assembly Room.

Sunday, 24.—At home; received a visit from Mr. Richardson, one of the men who assisted in kidnapping Avery; he manifested some repentance and sorrow for his part in that transaction, and promised to use what influence he had with the Missourians to have Avery set at liberty.

Monday, 25.—This morning about 1 o'clock, I was aroused by an English sister, Lettice Rushton, widow of Richard Rushton, senior, (who ten years ago lost her sight) accompanied by three of her sons, with their wives, and her two daughters with their husbands, and several of her neighbors, singing, "Mortals, awake, with angels join," &c., which caused a thrill of pleasure to run through my soul. All of my family and boarders arose to hear the serenade, and I felt to thank my Heavenly Father for their visit, and blessed them in the name of the Lord. They also visited my brother Hyrum, who was awakened from his sleep; he arose and went out of doors. He shook hands with, and blessed each one of them in the name of the Lord, and said that he thought at first that a cohort of angels had come to visit him; it was such heavenly music to him.

At home all day. About noon gave counsel to some brethren who called on me from Morley Settlement, and told them to keep law on their side, and they would come out well enough.

At two o'clock, about 50 couple sat down at my table to dine; while I was eating, my scribe called, requesting me to solemnize the marriage of his brother, Dr. Levi Richards, and Sarah Griffiths; but as I could not leave, I referred him to Prest. B. Young, who married them.

A large party supped at my house, and spent the evening in music, dancing, &c., in a most cheerful and friendly manner. During the festivities, a man with his hair long, and falling over his shoulders, and apparently drunk, came in, and acted like a Missourian. I requested the captain of the police to put him out of doors, a scuffle ensued, and I had an opportunity to look him full in the face, when to my great surprise and joy untold, I discovered it was my long tried, warm, but cruelly persecuted friend, Orrin Porter Rockwell, just arrived from nearly a year's imprisonment, without conviction in Missouri.

The following is his statement of his experience and sufferings by that accursed people:—

"I, Orrin Porter Rockwell, was on my way from New Jersey to Nauvoo; and while at St. Louis, on the 4th March, 1843, was arrested by a Mr. Fox, on oath of Elias Parker, who swore I was the O. P. Rockwell advertised in the papers, as having attempted to assassinate Lilburn W. Boggs, and was taken before a magistrate in St. Louis.

I was then put into the St. Louis County Jail, and kept two days with a pair of iron hobbles on my ankles. About midnight was taken into the stage coach in charge of Fox, and started for Jefferson city: there were nine passengers, two of them women. I sat on the middle seat; one of the men behind me commenced gouging me in the back. I spoke to him, and told him that it was dark, and I could not see him, but that he was no gentleman: one of the ladies whispered to him, and he ceased the operation.

The next night the driver being drunk, run against a tree, and broke the king bolt; and

not knowing what to do, ironed as I was, I crawled into the boot, and found an extra bolt, and in the dark fixed the coach, got it off the tree, and we started on; soon after run against a bank, and could not move. I was asleep at the time, but the bustle awoke me, when I told them if they would take off my irons I would get off and drive, as the driver was too drunk to manage the horses; they refused. I, however, got hold of the lines, and by the help of other passengers lifting at the wheels, got it righted, and I drove to the next stand, near the Osage river: the roads were very bad, and the load heavy so we got along slowly.

There was an officer of the U. S. army in the coach. We were two days and two nights from St. Louis, in reaching Jefferson city, where I was lodged in the jail two days and two nights. The U. S. officer went on.

Started on for Independence, still in charge of Fox; at Boonville overtook the U. S. officer. We three were all that were in the coach all the way from Boonville to Independence. Sheriff Reynolds told me afterwards that when he looked into the stage, that he took me for the guard and the officer for the prisoner, for he looked like the guilty one.

Was about four days going to Independence; arrived there just at night; a large crowd gathered around, making many remarks; some were for hanging me at once. I was then placed in the jail, in two or three days, underwent a sham trial before a justice of the peace; the court house was crowded, and the men were armed with hickory clubs. They set on boys from 10 to 12 years of age to kick and punch me, which they did repeatedly. While in court Fox was the main witness introduced, and he swore falsely.

Fox swore that I had stated to him that I had not been in the country for five years. I informed the court that Fox swore falsely, in proof thereof, that the people of Independence knew that I had traveled through Independence several times during that time, for the people were all well aware of my having visited this place, which fact alone should satisfy them that Fox was swearing for money, which I afterwards learned that he obtained and divided with Parker.

The magistrate committed me to prison for my safe preservation, as he was afraid the people would kill me, but he could find no crime against me: this I was told by the officer who conveyed me to prison.

I was re-committed to jail, still wearing the iron hobbles, and was kept in the upper part in the day time, and in the dungeon at night with a little dirty straw for a bed, without any bedding, no fire, and very cold weather, for eighteen days I was not free from shaking with cold. I then got permission to buy 1½ bushels of charcoal, which I put into an old kettle and kept a little fire; when that was gone, I could not obtain any more.

After I was arrested at St. Louis, I was visited by Joseph Wood an apostate Mormon, who professed to be a lawyer; he was accompanied by Mr. Blannerhasset, who told me that everything I had would be taken from me, and proposed to take charge, keep and return to me any property I might have with me. I let him have a pair of pistols, a bowie knife and watch, which he never returned to me.

After the weather got a little warmer, they furnished me a few old newspapers to read. A family lived at the corner of the jail: the women once in a while used to send out a little negro girl with a small basket of victuals. She handed up to the grate a big Missouri whip stock with a piece of twine, which I tied to the pole and drew up the basket, and let it down again.

I made a pin hook and tied to the twine, and baited with a chunk of corn dodger hard enough to knock a negro down with, and stuck it out of the grated window, and fished for pukes; when passers-by came along, they would stop and gawk at me awhile and pass on.

A preacher who had a family of girls, lived on the opposite side of the street. The girls would watch and laugh at them, and call out and ask me if I got any bites; I replied no, but some glorious nibbles.

Numbers were put into the jail with me at different times, and taken out again. One of them, who was charged with a fraudulent issue of U. S. Treasury notes, was allowed to have his saddle bags with him. They contained some fire steels, gun flints, and articles of Indian trade. I sawed the irons nearly off with one of the fire steels; he got the negro girl to get him a knife and I finished cutting the fetters with it: he would frequently call for a good supper and pay for it, which was allowed him, but not allowed me. He was very anxious to escape, and urged me to undertake it with him; he ordered a good supper, and he ate very hearty. I would not eat, telling him that he could not run if he ate so much. Nearly dusk, as the jailer came in to get the dishes, we sprang to the door, and I locked him in, and threw the key into the garden. In coming down stairs we met the jailer's wife; I told her that her husband was unharmed, I had only locked him up. We had a board fence to climb over, which was about 12 feet high: I climbed it, and ran about 20 rods, when he called me to come back and help him over, which I did; if I had not, I should have escaped. The pure air had so great an effect upon me, that I gave out and slacked my pace; the populace of the place came up and I told them to run, they would soon catch him, and that I had given out and could not run; they soon returned with him: I fell into the crowd and walked back to the jail yard.

Sheriff J. H. Reynolds laid his hand upon my shoulder, he being the first to approach me; asked where the key was, I told him in the garden.

Smallwood Nowlin was the first who pro-

posed to hang me on the spot, when Reynolds gave me a push towards the crowd, and said, 'there he is, God damn him, do what you damn please with him.' Nowlin's son-in-law (by marrying one of his Mulatto wenches,) a Mexican stepped up to me to lay hold of me, when I told him to stand off or I would mash his face; he stepped back.

I then walked up stairs into the jail; was followed by Reynolds and others until the room and stairs were full. Reynolds asked me what I had cut my irons off with; I went to the saddle bags and handed him the knife and fire steel; while feeling for them I got hold of a piece of buck skin that had some three or four pounds of bullets tied up in it, which I intended to use in mashing in the head of any one that should attempt to put a rope on my neck. A rope was passed along over the heads of the people into the room to a bald-headed man. About this time pistols could be heard cocking in every part of the room, and bowie knives were produced as if for fight. In a few minutes the room was clear of all but three or four persons.

I was then put into the dungeon, my feet ironed together, my right hand to my left foot, so close that I could not half straiten myself: The irons, when put on my wrists, were so small that they would hardly go on, and swelled them; but in eighteen days I could slip them up and turn them around my arm at the elbow. I was fed on cold corn dodger and meat of the poorest description; and if I did not eat it all up, it was returned the next time.

About a month after the court sat, my irons were taken off, and I was so weak that I had to be led to the court-room by the officer. I was notified that a bill was found against me for breaking jail, and that the grand jury had failed to find a bill against me on the charge of shooting Boggs, as charged in the advertisement offering a reward for my apprehension.

I was taken into court, and was asked by the judge if I had any counsel; I told him I had not. He asked if I had any means to employ a counsel; I answered I had none with me that I could control. He then said, here are a number of counselors; if I was acquainted with any of them, I could take my choice: I told him I would make choice of Mr. Doniphan, who arose and made a speech, saying he was crowded with business, but that here are plenty of young lawyers who could plead for me as well as he could. The judge heard his plea, and then told me he did not consider that a sufficient excuse, and I could consider Mr. Doniphan my counsel.

I was then ordered back to jail, and ironed again in the same way. Mr. Doniphan asked for and obtained a change of venue to Clay county, which is in another district.

When the officers came to Independence jail for me, they requested me to get ready in a hurry, as they feared the mob would kill me. I told them I wanted to put on a clean shirt, if it cost me my life, as I had not been permitted to enjoy the luxury of a change of linen since I had boarded at the expense of Jackson county: while I was changing my shirt, the officers several times told me to hurry, or the mob would be on me and kill me.

When I got ready to start the officers furnished me a very hard trotting horse, with a miserable poor saddle, tied my feet under the horse with ropes, and my hands behind my back, and started off at a good round trot, in charge of two officers. In a short time a strange gentleman fell into our company, who was also on horseback; it was six miles to the ferry, where we could cross the Missouri river; when we got there, we saw the boat land on the opposite side, when several men got off the boat and took a course to the woods, through which the road ran. The boat returned, this stranger asked, 'where are those men going,' and was answered, 'they are going to the woods to hew timber.'

We then crossed, and took our way for Liberty. When we left the boat, we saw no signs of people, nor heard any sound of axes. After traveling some two or three miles, the woods became dense and brushy; we heard the crackling of brush and the noise of men traveling through it. The officers and the stranger appeared frightened and urged speed, keeping close watch. We came to an opening in the woods, when the noise of cracking of brush ceased: we traveled safely to Liberty, where this stranger told his friends, that he overheard several men in Independence planning to waylay me in the thick timber on the Missouri bottom, at the place where we heard the noises, but his being in company counteracted their plot. I was then lodged in Liberty jail. In a few days afterwards I learned that the men who went into the brush told it, that they went into the woods according to agreement to waylay me, but when they saw this stranger it frustrated their plans.

In about ten days, on pretext of informality in the papers, I was remanded back to Independence jail; it was rumored that I was again going to be waylaid; when the two officers from Clay county took me by a different road, and so I escaped the second time.

When I was put in Independence jail, I was again ironed hand and foot, and put in the dungeon, in which condition I remained about two months. During this time Joseph H. Reynolds, the sheriff, told me he was going to arrest Joseph Smith, and they had received letters from Nauvoo which satisfied them that Joseph Smith had unlimited confidence in me, that I was capable of toling him in a carriage or on horseback any where that I pleased; and if I would only tole him out by riding or any other way, so that they could apprehend him, I might please myself whether I staid in Illinois or came back to Missouri, they would protect me, and any pile that I would name, the citizens of Jackson county would donate, club together

and raise, and that I should never suffer for want afterwards; 'you only deliver Jo Smith into our hands, and name your pile.' I replied, 'I will see you all damn'd first, and then I won't.'

About the time that Joseph was arrested by Reynolds at Dixon, I knowing that they were after him, and no means under heaven of giving him any information, my anxiety became so intense upon the subject, knowing their determination to kill him, that my flesh twitched on my bones; I could not help it, twitch it would. While undergoing this sensation, I heard a dove light on the window in the upper room of the jail, and commence cooing, and then went off. In a short time he came back to the window, where a pane was broken; he crept through between the bars of iron, which were about 2½ inches apart. I saw it fly round the trap-door several times; it did not alight, but continued cooing until it crept through the bars again, and flew out through the broken window.

I relate this, as it was the only occurrence of the kind that happened during my long and weary imprisonment; but it proved a comfort to me,—the twitching of my flesh ceased, and I was fully satisfied from that moment that they would not get Joseph into Missouri, and that I should regain my freedom. From the best estimates that can be made, it was at the time when Joseph was in the custody of Reynolds.

In a few days afterwards, Sheriff Reynolds came into the jail, and told me that he had made a failure in the arrest of Joseph.

After the lawyers had been about two months making out fresh papers, I was again conveyed to Liberty jail, on a miserable horse, with feet and hands tied as before, but a different road.

In a few days afterwards my mother found where I was, and she came to see me and brought me \$100, whereby I was enabled to fee Mr. Doniphan for his services as counsel.

The time of trial being continually delayed, I began to be uneasy; I was handcuffed in the dungeon, which is the basement story of the prison, and is about nine feet high. I took down the stove pipe, pushed my clothes up through the stove pipe hole, and then crawled through the hole in the floor which was made of logs about 14 inches thick, into the upper room: the hole was so small that it scratched my flesh and made me bleed from many wounds, then examined the inside door, and with the bale of the water pail I unbolted it; but finding I could not get through the outside door, I returned to my dungeon through the same narrow pass.

The following night I made another attempt through the same way; but failing to get through the outside door, I lay down on the upper floor where the boys who were bringing my food next morning found me; they made an alarm, when five or six men came and again conveyed me down into the dungeon, it caused quite an excitement.

My mother, learning that Mr. Doniphan had returned home, she went to him and prevailed on him to come and speak to me at the dungeon grate. While he was talking to me, a little boy, the son of a poor widow, about five or 6 years old, who had previously been to see me, and finding I had no fire, had run home and brought some fire and chips to the grate; Mr. Doniphan said, 'you little devil you, what are you doing here with this fire?' he replied, 'I am going to give it to Mr. Rockwell, so that he can warm him.' Doniphan then said, 'you little devil you, take this fire and leave;' when the little urchin replied, (looking him in the face,) 'Mr. Doniphan, you go to hell, I am going to give Mr. Rockwell this fire, so that he can warm him,' and he pushed it through the grate, gave me the chips, and continued to supply my daily wants of chips and fire, while I continued in the dungeon.

From Mr. Doniphan I learned that a special term of court was called, and my trial would come on in about fifteen days. The night following this visit, some men came to the grates of my dungeon, and asked if I wanted to get out; I told them no, as I had been informed that day that I should have a trial in a fortnight; they replied, 'honor bright, if you wish to get out, we'll let you out in a few minutes;' I replied that I would rather remain, as my trial would come on so soon. Next morning one of the men came, put some money in the cleft of a stick and put it through the hole to me; he refused to tell his name, but I knew by his voice that he was one of the men who came to me in the night.

The trial came on according to my last notification; I was tried for breaking Independence jail; and although the law of Missouri reads that in order to break jail, a man must break a lock, a door or a wall, still Judge King ruled that it was breaking jail to walk out when the door is open, and under this ruling the jury brought in a verdict of 'five minutes' imprisonment in the county jail; but I was kept there four or five hours, during which time several attempts were made to get up some other charge against me.

About 8 p.m., on Dec. 13, General Doniphan took me out, and told me I must take across the country on foot, and not walk on any traveled road, unless it was during the night, as they would be apt to follow and again take me, as they did not care on what grounds, so they could make me trouble.

I accordingly started, accompanied by my mother, and went to the house of a widow, where I obtained my first supper in freedom for more than nine months. We then traveled two miles and obtained \$4.

I then took through the woods to the road, where I heard two men riding on horseback: I hid behind a shady tree, and overheard one of them say, 'he has not been gone many minutes, we shall soon overtake him.'