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HISTORY OF JOSEPH SMITH.

JUNE, 1844.

Most of the forenoon was spent by Dan Jones and Col. Stephen Markham in hewing with a penknife, a warped door to get it on the latch, thus preparing to fortify the place against any attack.

The Prophet, Patriarch, and their friends took turns preaching to the guards, several of whom were relieved before their time was out, because they admitted they were convinced of the innocence of the prisoners. They frequently admitted they had been imposed upon, and more than once it was heard, "Let us go home, boys, for I will not fight any longer against these men."

During the day Hyrum encouraged Joseph to think that the Lord, for his Church's sake, would release him from prison. Joseph replied, "Could my brother Hyrum but be liberated, it would not matter so much about me; poor Rigdon, I am glad he is gone to Pittsburgh out of the way; were he to preside he would lead the church to destruction in less than five years."

Dr. Richards was busily engaged writing as dictated by the Prophet, and Elder Taylor amused him by singing. Joseph related his dream about William and Wilson Law; also his dream about trying to save a steamboat in a storm.

One of the counsel for the prosecution expressed a wish to Esq. Reid, that the prisoners should be brought out of jail for examination on the charge of treason; he was answered that the prisoners had already been committed "until discharged by due course of law;" and therefore the justice and constable had no further control of the prisoners, and that if the prosecutors wished the prisoners brought out of jail, they might bring them out on a writ of habeas corpus, or some other "due course of law;" when we would appear and defend.

12½ noon. Dr. Bernhisel arrived at the jail. Mr. Reid came with the following letter from General Deming:—

"Messrs. Smith:—I was requested by the Governor to order you such protection as circumstances might require. The guard have been acting upon the supposition that your protection excluded all persons but those admitted by a pass. I have caused the officer of the guard to be correctly instructed of his duties, so that you need suffer no further inconvenience. M. R. DEMING, Brig. Genl."

Head Quarters,

Carthage, June 26th, 1844.

Counselor Reid said he had got the magistrate on a pin hook, for the magistrate had committed them without examination, and had no further jurisdiction in the case, and he would not agree to a trial, unless (Captain) Justice Smith would consent to go to Nauvoo for examination, where witnesses could be had.

Reid said that a week ago, Harmon T. Wilson and another had concocted a scheme for a writ to take Joseph, and when he was apprehended to take him to Missouri, and Harmon T. Wilson returned from Missouri the night before the burning of the press.

1 p.m. Willard Richards wrote to his wife, and sent the letter by Cyrus C. Canfield.

It was common conversation on the camp ground and in the dining room of the hotel, in the presence of Governor Ford, "The law is too short for these men, but they must not be suffered to go at large;" and, "if the law will not reach them, powder and ball must."

½ past 2. Constable Bettisworth came with Alexander Simpson, and wanted to come in, with an order to the jailer demanding the prisoners; but as Mr. Stigall, the jailer, could find no law authorizing a justice of the peace to demand prisoners committed to his charge, he refused to give them up, until discharged from his custody by due course of law.

Justice Robert F. Smith then inquired what he must do? Governor Ford replied, "We have plenty of troops; there are the Carthage Greys under your command, bring them out."

Joseph sent Lorenzo D. Wasson to inform the Governor of what had just taken place, and also to inform his counsel, Messrs. Reid and Woods.

20 min. to 3. Dr. Bernhisel returned from the Governor, and said apparently the Governor was doing all he could.

3 p.m. Wrote to Messrs. Woods and Reid as follows:—

"Jail, Carthage, June 26; 3 p.m.

Messrs. Woods and Reid:—

Sirs:—Constable Bettisworth called a little while since, and wanted to come in, the guard would not; we have since learned that he wanted to take us before the magistrate, and we have since learned that there is some excitement because we did not go, and we wish to see you without delay.

We are informed that Dr. Foster has said that they can do nothing with us, only by powder and ball, as we have done nothing against the law.

Yours,

JOSEPH SMITH,

Per W. Richards."

which was carried by Elder John Taylor.

20 min. to 4. Upon the refusal of the jailer to give up the prisoners, the constable with the company of Carthage Greys, under the command of Frank Worrell, marched to the jail, and, by intimidation and threats compelled the jailer against his will and conviction of duty, to deliver Joseph and Hyrum to the constable, who forthwith, and contrary to their wishes compulsarily took them.

Joseph, seeing the mob gathering, and assuming a threatening aspect, concluded it best to go with them then; and putting on his hat, walked boldly into the midst of a hollow square of the Carthage Greys; yet evidently expecting to be massacred in the streets before arriving at the Court House, politely locked arms with the worst mobocrat he could see, and Hyrum locked armed arms with Joseph, followed by Dr. Richards, and escorted by a guard. Elders Taylor, Jones, Markham and Fullmer followed, outside the hollow square, and accompanied them to the Court Room.

4 o'clock. Case called by Robert F. Smith, Captain of the Carthage Greys. The counsel for the prisoners then appeared, and called for subpoenas for witnesses on the part of the prisoners, and expressed their wish to go into the examination as soon as the witnesses could be brought from Nauvoo to Carthage. This was objected to most vehemently by the opposite counsel.

4.25. Took copy of order to bring prisoners from jail for trial, as follows:—

"State of Illinois, }

Hancock County, }

To David Bettisworth, constable of said county:

You are hereby commanded to bring the bodies of Joseph Smith and Hyrum Smith from the jail of said county, forthwith before me at my office for an examination on the charge of treason, they having been committed for safe keeping until trial could be had on such examination, and the State now being ready for such examination.

Given under my hand and seal this 26th day of June, 1844.

(Signed) R. F. SMITH, J. P." [L.S.]

4.30. Made a copy of the list of witnesses.

4.35. C. L. Higbee, O. C. Skinner, Thos. Sharp, Sylvester Emmons and Thos. Morrison, appeared as counsel for the State.

The writ was returned, endorsed "Served on June 25th," which was false.

Mr. Wood said, they were committed to jail without any examination whatever.

Mr. Reid urged a continuance of the case till the witnesses could be obtained from Nauvoo, for the defence.

4½ p.m. Mr. Skinner suggested that the court adjourn until 12 o'clock to-morrow.

Mr. Wood proposed that the court adjourn until witnesses could be got together, or until to-morrow at any time, and again adjourn if they are not ready, without bringing the prisoners into court.

Mr. Reid hoped no compulsory measures would be made use of by the prosecution in this enlightened country.

Mr. Skinner: If witnesses cannot be had after due diligence by the defence, a continuance will be granted.

Court said this writ was served yesterday, (which was not the case, unless it could be served without the prisoners or their counsel knowing it.)

On motion of counsel for the prisoners, examination was postponed till to-morrow at 12 o'clock noon, and subpoenas were granted to get witnesses from Nauvoo, twenty miles distance; whereupon the prisoners were remanded to prison, with the following mittimus:—

"State of Illinois, }

Hancock County, }

To the keeper of the jail of Hancock County, Illinois, greeting:—

Whereas Joseph Smith and Hyrum Smith have been arrested and brought before me, Robert F. Smith, a justice of the peace in and for said county for examination, on the charge of treason against the State of Illinois, and have applied for a continuance, which is granted until the 27th June, 1844, at 12 o'clock, m.

These are therefore to command you to receive the said Joseph Smith and Hyrum Smith into your custody in the jail of the county, there to remain until they are brought before me for said examination according to law.

Given under my hand and seal this 26th day of June, 1844.

R. F. SMITH, J. P." [L.S.]

5.30. Returned to jail, and Joseph and Hyrum were thrust into close confinement.

Patriarch John Smith came from Macedonia to the jail to see his nephews Joseph and Hyrum; the road was thronged with mobbers; three of them snapped their guns at him, and he was threatened by many others who recognized him; the guard at the jail refused him admittance.

Joseph saw him through the prison window, and said to the guard, "Let the old gentleman come in, he is my uncle." The guard replied they did not care who the hell he was uncle to, he should not go in.

Joseph replied, "you will not hinder so old and infirm a man as he is from coming in;" and then said, "come in, uncle;" on which, after searching him closely, the guard let him pass into the jail, where he remained about an hour. He asked Joseph if he thought he should again get out of the hands of his enemies, when he replied, "My brother Hyrum thinks I shall; I wish you would tell the brethren in Macedonia that they can see by this, that it has not been safe for me to visit them; and tell Almon W. Babbitt, I want him to come and assist me as an attorney at my expected trial to-morrow before Captain R. F. Smith."

Father Smith then left the jail to convey this message to A. W. Babbitt, who was at Macedonia.

6 p.m. Copied witnesses' names, and mittimus.

Dr. Bernhisel brought the following:—

"I would advise the jailer to keep the Messrs. Smith in the room in which I found them this morning, unless a closer confinement should be clearly necessary to prevent an escape.

THOMAS FORD,

Governor and Commander in Chief."

June 26th, 1844."

6½ p.m. Received the following letter from William Clayton:—

"Nauvoo, June 26th, 1844.

Dear President:—

I write this line to inform you that Mr. Marsh, who lives down the river, and of whom you have had corn, pork, &c., has sent word that if you want any bail he is ready for one to any amount, and further that he has got some corn left which he wants you to have, lest the mob get it. (We will endeavor to obtain it.)

They have already taken two loads, but he has charged them a dollar a bushel for it.

The Amaranth has just landed at the foot of Main Street, and unloaded 200 bbls. flour,—95 for Mr. Kimball, and the balance for Bryant.

Captain Singleton, who came at the head of the police this morning, is sending a request to the Governor to call them home; he says he finds no difficulties to settle here, but there is plenty to settle at home. He furthermore says that while the police were at Carthage, they were treated as soldiers, but since they came to Nauvoo they have been treated as gentlemen.

The company all got home safe and well last night.

A messenger is about to start forthwith to Judge Thomas.

All is peace in Nauvoo; many threats keep coming that the mob are determined to attack the city in your absence, but we have no fears.

With fervency and true friendship, I remain,

Yours eternally,

W. CLAYTON."

This letter was sent from Nauvoo by Joel S. Miles. Joseph instructed Cahoon to return to Nauvoo with all haste, and fetch a number of documents for the promised trial.

25 min. to 7. Sent a message to Counselor Woods to get subpoenas for Samuel James, Edward Hunter and Philip B. Lewis, with instructions to bring with them the papers that they carried to the Governor at Springfield, and which the Governor had not seen, as he had started for Carthage before they arrived at Springfield.

¾ to 8. Supper.

8 p.m. Counselors Woods and Reid called with Elder J. P. Greene, and said that the Governor and military officers had held a council which had been called by the Governor, and they decided that the Governor and all the troops should march to Nauvoo at 8 o'clock to-morrow, except one company of about 50 men, in order to gratify the troops, and return next day, the company of fifty men to be selected by the Governor from those of the troops whose fidelity he could most rely on, to guard the prisoners, who should be left in Carthage Jail; and that their trial be deferred until Saturday, the 29th.

After the consultation, the justice (Robert F. Smith) who was one of the officers in command, altered the return of the subpoenas until the 29th. This was done without consulting either the prisoners or their counsel.

About 8½ p.m., Patriarch John Smith met Lawyer Babbitt, and delivered the message; when Babbitt replied, "You are too late, I am already engaged on the other side."

9 p.m. Messrs. Woods, Reid and Greene returned to Hamilton's Hotel.

9½. Elder John Taylor prayed. Willard Richards, John Taylor, John S. Fullmer, Stephen Markham, and Dan Jones staid with Joseph and Hyrum in the front room.

During the evening the Patriarch Hyrum Smith read and commented upon extracts from the Book of Mormon, on the imprisonments and deliverance of the servants of God for the

gospel's sake. Joseph bore a powerful testimony to the guards, of the divine authenticity of the Book of Mormon—the restoration of the gospel—the administration of angels—and that the kingdom of God was again established upon the earth, for the sake of which he was then incarcerated in that prison, and not because he had violated any law of God or man.

They retired to rest late; Joseph and Hyrum occupied the only bedstead in the room, while their friends lay side by side on the mattresses on the floor. Dr. Richards sat up writing until his last candle left him in the dark; the report of a gun fired close by, caused Joseph to arise, leave the bed, and lay himself on the floor, having Dan Jones on his left, and John S. Fullmer on his right. Joseph laid out his right arm, and said to John S. Fullmer, "Lay your head on my arm for a pillow, brother John;" and when all were quiet they conversed in a low tone about the prospects of their deliverance; Joseph gave expression to several presentiments that he had to die, and said, "I would like to see my family again;" and "I would to God that I could preach to the Saints in Nauvoo once more." Fullmer tried to rally his spirits, saying he thought he would often have that privilege; when Joseph thanked him for the remarks and good feelings expressed to him.

Soon after Dr. Richards retired to the bed which Joseph had left, and when all were apparently fast asleep, Joseph whispered to Dan Jones, "Are you afraid to die?" Dan said, "Has that time come, think you? Engaged in such a cause I do not think that death would have many terrors." Joseph replied, "You will yet see Wales, and fulfil the mission appointed you, before you die."

Thursday, 27.—5 a.m. John P. Greene and Wm. W. Phelps called at the jail, on their way to Nauvoo.

5½ a.m. Arose. Joseph requested Dan Jones to descend and inquire of the guard the cause of the intrusion in the night. Frank Worrell, the officer of the guard, who is one of the Carthage Greys, in a very bitter spirit said, "We have had too much trouble to bring old Joe here to let him ever escape alive, and unless you want to die with him you had better leave before sundown; and you are not a damned bit better than him for taking his part, and you'll see that I can prophesy better than old Joe; for neither he nor his brother, nor any one who will remain with them will see the sun set to-day."

Joseph directed Jones to go to Governor Ford, and inform him what he had been told by the officer of the guard. While Jones was going to Governor Ford's quarters, he saw an assemblage of men, and heard one of them who was apparently a leader, making a speech, saying that "our troops will be discharged this morning in obedience to orders, and for a sham we will leave the town; but when the Governor and the McDonough troops have left for Nauvoo this forenoon, we will return and kill those men, if we have to tear the jail down." This sentiment was applauded by three cheers from the crowd.

Capt. Jones went to the Governor, told him what had occurred in the night, what the officer of the guard had said, and what he had heard while coming to see him, and earnestly solicited him to avert the danger.

His Excellency replied, "You are unnecessarily alarmed for the safety of your friends, sir; the people are not that cruel."

Irritated by such a remark, Jones urged the necessity of placing better men to guard them than professed assassins, and said, "The Messrs. Smith are American citizens, and have surrendered themselves to your Excellency upon your pledging your honor for their safety; they are also Master Masons, and as such I demand of you the protection of their lives."

Governor Ford's face turned pale, and Jones remarked, "If you do not do this, I have but one more desire, and that is, if you leave their lives in the hands of those men to be sacrificed —" "What is that, sir?" he asked in a hurried tone. "It is," said Jones, "that the Almighty will preserve my life to a proper time and place that I may testify that you have been timely warned of their danger."

Jones then returned to the prison, but the guard would not let him enter. He again returned to the hotel, and found Governor Ford standing in front of the McDonough troops, who were in line ready to escort him to Nauvoo.

The disbanded mob retired to the rear, shouting loudly that they were only going a short distance out of town, when they would return and kill old Joe and Hyrum as soon as the Governor was far enough out of town.

Jones called the attention of the Governor to the threats then made, but he took no notice of them, although it was impossible for him to avoid hearing them.

Jones then requested the Governor to give him passports for himself and friends to pass in and out of the prison, according to his promise made to the prisoners; he refused to give them; but he told Genl. Deming to give one to Dr. Willard Richards, Joseph Smith's private secretary.

While obtaining this, Jones' life was threatened, and Chauncey L. Higbee said to him in the street, "We are determined to kill Joe and Hyrum, and you had better go away to save yourself."