

I wrote the following:—

"To the Honorable, the Senate and House of Representatives of the United States of America, in Congress assembled:

Your memorialist, a free born citizen of these United States, respectfully sheweth, that from his infancy his soul has been filled with the most intense and philanthropic interest for the welfare of his native country; and being fired with an ardor, which floods cannot quench, crowns cannot conquer, nor diplomatic intrigue corrupt, to see those principles which emanated from the bosoms of the fathers of seventy-six, and which cost the noblest talents and richest blood of the nation, maintained inviolate and perpetuated to future generations; and the proud eagle of American freedom soar triumphant over every party prejudice and local sinistry, and spread her golden pinions over every member of the human family, who shall stretch forth their hands for succor from the lion's paw or the oppressor's grasp; and firmly trusting in the God of liberty, that he has designed universal peace and good will, union and brotherly love to all the great family of man, your memorialist asks your honorable body to pass the following

ORDINANCE.

An Ordinance for the protection of the citizens of the United States emigrating to the adjoining Territories, and for the extension of the principles of universal liberty.

PREAMBLE.

Whereas, many of the citizens of these United States have migrated, and are migrating to Texas, Oregon, and other lands contiguous to this nation; and whereas, Texas has declared herself free and independent, without the necessary power to protect her rights and liberties; and whereas, Oregon is without any organized government, and those who emigrate thither are exposed to foreign invasion and domestic feuds; and whereas, the Oregon, by geographical location and discovery more rightfully belongs to these United States than to any other general government; and whereas, it is necessary that the emigrants of that newly settling territory should receive protection; and whereas, the Texian government has petitioned the United States to be received into our Union, but yet retains her national existence; and whereas, the United States remember with gratitude the seasonable support they received, in a like situation from La Fayette; and whereas, the United States desire to see the principles of her free institutions extended to all men; especially where it can be done without the loss of blood and treasure to the nation; and whereas, there is an almost boundless extent of Territory on the west and south of these United States, where exists little or no organization of protective government; and whereas, the lands thus unknown, unowned or unoccupied, are among some of the richest and most fertile of the continent;

And whereas, many of the inhabitants of the Union would gladly embrace the opportunity of extending their researches and acquirements so soon as they can receive protection in their enterprise; thereby adding strength, durability, and wealth to the nation; and whereas, the red man, the robber, and the desperado have frequently interrupted such research and acquisition without justifiable cause; and whereas, Joseph Smith has offered and does hereby offer these United States, to show his loyalty to our confederate Union and the constitution of our republic; to prevent quarrel and bloodshed on our frontiers; to extend the arm of deliverance to Texas; to protect the inhabitants of Oregon from foreign aggression and domestic broils; to prevent the crowned nations from encircling us as a nation on our western and southern borders, and save the eagle's talon from the lion's paw; to still the tongue of slander, and show the world that a republic can be, and not be ungrateful.

To open the vast regions of the unpeopled west and south to our enlightened and enterprising yeomanry; to protect them in their researches; to secure them in their locations and thus strengthen the government and enlarge her borders; to extend her influence; to inspire the nations with the spirit of freedom and win them to her standard; to promote intelligence; to cultivate and establish peace among all with whom we may have intercourse as neighbors; to settle all existing difficulties among those not organized into an acknowledged government bordering upon the United States and Territories.

To save the national revenue in the nation's coffers; to supersede the necessity of a standing army on our western and southern frontiers; to create and maintain the principles of peace and suppress mobs, insurrections and oppression in Oregon and all lands bordering upon the United States and not incorporated into any acknowledged national government; to explore the unexplored regions of our continent; to open new fields for enterprise to our citizens and protect them therein; to search out the antiquities of the land and thereby promote the arts, and sciences, and general information; to amalgamate the feelings of all with whom he may have intercourse on the principles of equity, liberty, justice, humanity, and benevolence.

To break down tyranny and oppression and exalt the standard of universal peace; provided he shall be protected in those rights and privileges which constitutionally belong to every citizen of this republic; therefore, that the said memorialist may have the privilege, and that no citizen of these United States shall obstruct, or attempt to obstruct or hinder, so good, so great, so noble an enterprise to carry out those plans and principles as set forth in this preamble, and be shielded from every opposition by evil and designing men:—

Sec. 1. Be it ordained by the Senate and House

of Representatives of the United States of America, in Congress assembled, that Joseph Smith, of the city of Nauvoo, in the State of Illinois, is hereby authorized and empowered to raise a company of one hundred thousand armed volunteers, in the United States and Territories, at such times and places, and in such numbers, as he shall find necessary and convenient for the purposes specified in the foregoing preamble, and to execute the same.

Sec. 2. And be it further ordained, that if any person or persons shall hinder or attempt to hinder or molest the said Joseph Smith from executing his designs in raising said volunteers and marching or transporting the same to the borders of the United States and Territories, he or they so hindering, molesting or offending, shall be punished by a fine not exceeding one thousand dollars each for every offence, or by hard labor on some public work not exceeding two years, or both, at the discretion of the nearest district court of the United States where the hindrance or offence shall be committed, having jurisdiction.

Sec. 3. And be it further ordained, the more fully to remove all obstructions and hindrances to the raising, enlisting and marching the volunteers as aforesaid, the said Joseph Smith is hereby constituted a member of the army of these United States, and is authorized to act as such in the United States and Territories, and on all lands bordering upon the United States and Territories for the purposes specified in the foregoing preamble, provided said land shall not be within the acknowledged jurisdiction of any acknowledged national government.

Sec. 4. And be it further ordained, that nothing in this ordinance shall be so construed by any individual or nation as to consider the volunteers aforesaid, as constituting any part of the army of the United States; neither shall the said Joseph Smith, as a member of the United States army, disturb the peace of any nation or government acknowledged as such, break the faith of treaties between the United States and another nation, or violate any known law of nations, thereby endangering the peace of the United States.

Sec. 5. And be it further ordained, that the said Joseph Smith shall confine his operations to those principles of action specified in the preamble to this ordinance, the perpetuity of which shall be commensurate with the circumstances and specifications which have originated it.

And your memorialist will ever pray, &c.

JOSEPH SMITH.

City of Nauvoo, Illinois, }

March 26, 1844.

Dr. Willard Richards wrote to the Saints at Augusta, Lee county, Iowa, requesting a brief history of the settling of that branch, and also asking a donation of lumber for his house.

In the afternoon Abiathar B. Williams made the following affidavit before Daniel H. Wells, Esq.:—

"State of Illinois, } ss.
Hancock county.

Personally appeared before me, Daniel H. Wells, acting justice of the peace in and for the said county, Abiathar B. Williams, who being duly sworn according to law, deposeth and saith, that on or about the 15th day of March A.D. 1844, Joseph H. Jackson came to my house and requested me to walk with him, which I did. During the time we were walking said Joseph H. Jackson said that he was then coming direct from Mr. Law's; that there was going to be a secret meeting in the city of Nauvoo, probably to-morrow evening; but as it was not decided he could not say positively as to the time, but he would inform me in season. The said Joseph H. Jackson said that Doctor Foster, Chancey L. Higbee and the Laws were red hot for a conspiracy, and he should not be surprised if in two weeks there should not be one of the Smith family left alive in Nauvoo. After we arrived at Mr. Loomis', near the Masonic Hall, in the city of Nauvoo, he related some things which he stated that Dr. Foster had said relative to his family. This he did in the presence of Mr. Eaton and myself, and strongly solicited myself and Mr. Eaton to attend the secret meeting and join them in their intentions. The said Joseph H. Jackson further said that Chancey Higbee had said that he, the said Chancey Higbee, had seen men tied hand and foot and run through the heart with a sword, and their heads taken off, and then buried, and he durst not say a word. This the said Jackson said in Mr. Loomis' room, and further this deponent saith not.

A. B. WILLIAMS.

Sworn to, and subscribed before me this 27th day of March, A.D. 1844,

{ L.S. } DANIEL H. WELLS, J.P."

Also M. G. Eaton made affidavit as follows: "State of Illinois, } ss.
Hancock county.

Personally appeared before me, Daniel H. Wells, an acting justice of the peace, in and for said county, M. G. Eaton, who being duly sworn according to law, deposeth and saith, that on or about the fifteenth day of March, A.D. 1844, Joseph H. Jackson came to me several times and requested me to go on the hill with him. I finally consented and went with him to the Key Stone Store, in the city of Nauvoo. Dr. Foster and one of the Higbees, I think Chancey L. Higbee, were in the store. The said Joseph H. Jackson, together with the said R. D. Foster and said Higbee, went into the back room of the store. They appeared to enter into private council. Soon after they went into the said room the said Joseph H. Jackson invited me into the room where they were then sitting. I immediately complied.

Soon after I went in, the said Higbee commenced talking about the spiritual wife system. He said he had no doubt but some of the Elders had ten or twelve apiece. He said they married them whether the females were willing or not, and they did it by recording the marriage in a large book, which book was sealed up after the record was made, and was not to be opened for a long time, probably not until many of the husbands of those who were thus married were dead. They would then open the book and break the seals in the presence of those females, and when they saw their names recorded in that book they would believe that the doctrine was true and they must submit. He said this book was kept at Mr. Hyrum Smith's. I asked the said Chancey L. Higbee

[Here follows some expressions too indecent for insertion.]

The aforesaid R. D. Foster then asked me what I would think if during my absence from home a carriage should drive up to my house, a person alight, and the carriage then drive off again; this person should then go into my house and begin to tell my wife a great many things against me to prejudice her mind against me and use every possible means to do this, and finally would introduce and preach the spiritual wife doctrine to her and make an attempt to seduce her; and further, this person should sit down to dine with my wife, bless the victuals, &c., and while they were thus engaged I should come home and find them thus associated, this person should rise up and say how do you do, and bless me in a very polite manner, &c. And also, if upon these appearances, I should feel jealous that something was wrong, and when the person was gone I would ask my wife what had been the conversation between her and this person, but she would refuse to tell me? I then draw a pistol and present it to her head and threaten to shoot her if she did not tell me all, but she would still refuse. I then would give her a double barrelled pistol, and say to her, 'defend yourself, for if you don't tell me, either you or I would shoot.' She would then faint away through fear and excitement, and when she came to again, she would begin and tell you how this person had been trying to poison your wife's mind against you, and by preaching the spiritual wife system to her had endeavored to seduce her. I replied, I should think he was a rascal; but who has had such a trial as that? The said R. D. Foster answered that he was the man who had had that trial and who had been thus abused.

The said Dr. Foster, Higbee and Joseph H. Jackson then remarked that they were about to hold a secret meeting to oppose and try to put a stop to such things. The said Joseph H. Jackson also said that if any person undertook to arrest him he should begin to cut them.

The said R. D. Foster further said he was afraid of his life and dare not be out nights.

The said Higbee said he had not a doubt but there had been men killed in Missouri who had secrets that they were afraid they would divulge. He said he was afraid of his life.

The said Jackson further said that he should not be surprised if there should be a real mass and an insurrection in the city in less than two months, and that if a disturbance should take place the Carthaginians and others would come and help them.

He mentioned some names of persons who would come from Carthage, which names I do not remember. The same day when in Mr. Loomis' room, I heard the said Jackson say that the Laws were ready to enter into a secret conspiracy, tooth and nails.

The said Higbee also said while at the Key Stone Store that if ever he was brought before the mayor's court again, and the mayor told him to hold his tongue, that he should get up and tell him he had a right to speak and should do so, and then if any man attempted to put him out of court he would shoot him through, and further this deponent saith not.

M. G. EATON.

{ L.S. } Sworn to and subscribed before me this 27th day of March, A.D. 1844, DANIEL H. WELLS, J. P.

This evening Dr. Reynolds, of Iowa city, lectured on astronomy in the Assembly Room. Thursday, 28.—Dull day, drizzling rain, cold N.E. wind.

Transferred the trial of Ianthus Rolfe to Aaron Johnson, J. P.

This afternoon had the Assembly Room and office plastered where the same had been knocked off, &c.

Friday, 29.—Night boisterous; about 8 a.m., hail storm, N.E. wind; nipping frost; frost, hail, and strong wind all day.

Spent the day at home.

Saturday, 30.—This morning I heard there was some disturbance on the hill; rode up and found it reported that a robbery had been committed at the Key Stone Store, kept by Mr. Rollason, of some \$4 or \$500 and some goods, and they were suspicious of a certain black man.

I issued a search warrant and returned to my office, where I found the black man, Chism, with his back lacerated from his shoulders to his hips, with 20 or more lashes. My clerk, Dr. Richards, kept him secreted, and called Aaron Johnson, a justice of the peace, who issued a warrant for —, a Missourian, who had boarded at my house a few days, and on testimony fined him \$5 and costs for whipping — Chism. One Easton a witness, said he could not testify without implicating himself, and he was apprehended and held in custody. W. H. J. Marr, Esq., refused to testify because he was counsel.

I got prepared a Memorial to his Excellency John Tyler, the President of the United States, embodying in it the same sentiments as are in my petition to the Senate and House of Representatives of the United States, dated 26th March, 1844, asking the privilege of raising

100,000 men to extend protection to persons wishing to settle Oregon and other portions of the Territory of the United States and extend protection to the people in Texas.

Sabbath, 31.—Cold, fine day.

At home this morning until nine, when I went over to my reading room, again heard read, and signed my memorial to Congress for the privilege of raising 100,000 volunteers to protect Texas, Oregon, &c., dated 26th inst.; and also a Memorial to the President for the same purpose, if the other fail.

Also signed an introductory letter to Elder Orson Hyde, who is going to carry the Memorials to Washington, as follows:

"City of Nauvoo, Illinois, }
March 30, 1844.

To whom it may concern. We, the mayor and recorder of said city, do certify that Orson Hyde, Esq., the bearer, a counselor in the city council of said city, is sent as our agent by the authorities of said city, to transact such business as he may deem expedient and beneficial for the party whom he represents; and as such agent and gentleman of principle and character, he by us is recommended to the due consideration of all the executive officers of the Government, both houses of Congress, and gentlemen generally of the United States.

In witness whereof we have hereunto set our hands and affixed the seal of said corporation at the time and place aforesaid.

JOSEPH SMITH, Mayor.

WILLARD RICHARDS, Recorder."

About this time br. Alexander Mills, one of the police, informed me that Chancey L. Higbee drew a pistol on him the night before and threatened to shoot him. I instructed him to make complaint to Esquire Wells and have him apprehended.

Monday, April 1.—In the court room in the mansion, Mr. J. Easton was brought up as being accessory to whipping Chism; referred the case to Alderman Wells. On investigation it appeared to the satisfaction of the court that he had been on trial for the same offence before Robert D. Foster and acquitted.

I extract from the Neighbor:—

"After the court dismissed the case, General Smith fearlessly stated that he believed that it was a plot on the part of those who were instrumental in getting up the previous trial to thwart the ends of justice and screen the prisoner from the condemnation he justly deserves. Mr. Foster then stated by way of an apology, that at the time he issued the warrant he did not know that the prisoner was under an arrest, or that there was any process out against him.

We hope for the honor of such a man as Mr. Foster that his statement is true. Mr. Foster, however, called upon one of his jurors, Mr. Carn, to corroborate what he had said; but, to our astonishment, he replied that when Mr. Foster summoned him to appear and act as a jurymen, that he was not informed what case he was to act upon, nor did he learn until he entered the office, where he acted according to the evidence given, but believed then as well as now, that it was a sham trial and a mere mockery of justice. We state facts as they are, and let the public judge for themselves.

The statement of the negro was that Messrs. Easton, Townsend and Lawyer W. H. J. Marr, were the persons engaged in this diabolical affair. Mr. Gibbs, one of the witnesses against Townsend, believed the above persons were engaged in it; but as a negro knows nothing in this State, and Mr. Gibbs could not positively swear to it, of course we don't know; but we have our opinion and so have the public. We don't remember of ever having seen more indignation manifest than was manifested on this occasion, and the public mind is not satisfied at the turn affairs have taken. Lynch law will not do in Nauvoo, and those who engage in it must expect to be visited by the wrath of an indignant people, not according to the rules of Judge Lynch, but according to law and equity."

It was thought best to acquit Easton and leave the case to the circuit court.

Francis M. Higbee and Chancey L. Higbee were brought up before Esquire Wells for assaulting the police and acquitted.

Chancey L. Higbee, a lawyer, was brought before Daniel H. Wells, Esq., on the charge of using abusive language to, and insulting the City Marshal, while in the discharge of his official duty. He was fined ten dollars.

Also Robert D. Foster, Esq., was taken before Isaac Higbee, J. P., and fined ten dollars, for a breach of the ordinance pertaining to gambling, &c.

We are sorry to find that our lawyers and magistrates should be taking the lead among gamblers and disorderly persons and be numbered among law breakers, rather than supporting virtue, law, and the dignity of the city.

Tuesday, 2.—At home, somewhat unwell, and kept my house this fine day.

John P. Greene, marshal; Andrew Lytle and John Lytle, policemen, were arrested by a warrant issued by Robert D. Foster, on complaint of Francis M. Higbee for false imprisonment. As the case was going to trial, the prisoners were taken by John D. Parker with a writ of habeas corpus before the municipal court, and to-morrow at 1 p.m. was fixed for trial.

Wednesday, 3.—At 1 p.m. presided in a special session of the municipal court, with Aldermen William Marks, Newel K. Whitney, Orson Spencer, George W. Harris, Gustavus Hills, George A. Smith and Samuel Bennett as associate justices. John P. Greene, Andrew Lytle and John Lytle were brought up on habeas corpus, having been taken from the officer who held them on a writ issued by Robert D.