

## MUNICIPAL COURT OF NAUYOO.

## MISSOURI vs JOSEPH SMITH.

It has fallen to our lot of late years to keep an account of any remarkable circumstance that might transpire, in, and about this, and the adjoining states; as well as of distant provinces and nations. Among the many robberies, earthquakes, volcanic eruptions, tornadoes, fires, mobs, wars, &c. &c., which we have had to record, there is one circumstance of annual occurrence, which it has always fallen to our lot to chronicle. We allude not to the yearly inundations of the Nile, nor the frequent eruptions of Vesuvius or Etna, but to the boiling over of Tophet, *alias* the annual overflow of the excrescence of Missouri. Not, indeed, like the Nile, overflowing its parched banks, invigorating the alluvial soil and causing vegetation to teem forth in its richest attire; but like the sulphurous flame that burns unnoticed in the bowels of a volcano; kept alive by the combustion of its own native element, until it can contain itself no longer within the limits of its crater, it bursts beyond its natural bounds; and not satisfied with burning what is within its own bowels, it rushes furiously, wildly, and wantonly forth, and spreads its sulphurous lava all around, scattering desolations in its path, destroying the cot of the husbandman, the fisherman, and the palace of the nobleman, in one general sweep; covering vegetation with its fiery lava, and turning the garden into a bed of cinders. So Missouri has her annual ebullitions, and unable to keep her fire within her own bosom, must belch forth her sulphuric lava, and seek to overwhelm others with what is burning in her own bowels and destroying her very vitals; and as it happens that we are so unfortunate as to live near the borders of this monster, we must ever and anon, be smothered with the soot that flies off from her burning crater.

Without entering here into the particulars of the bloody deeds, the high-handed oppression, the unconstitutional acts, the deadly and malicious hate, the numerous murders, and the wholesale robberies of that people; we will proceed to notice one of the late acts of Missouri, or of the Governor of that state towards us. We allude to the late arrest of Joseph Smith.

Some two years ago Mr. Smith was apprehended upon a writ issued by Gov. Carlin upon a requisition from the Governor of Missouri, charging Mr. Smith with murder, arson, treason, &c. &c. Mr. Smith obtained a writ

of Habeas Corpus, which was made returnable at Monmouth; he appeared before Judge Douglas and was honorably acquitted. We thought then that the eyes of community would be opened, and that a stop would have forever been put to those unhallowed proceedings, but no! this could not be, she must still pursue her victim, and for want of some more plausible excuse, after that monster of iniquity Gov. Boggs, whose iniquitous exterminating order has rendered him notorious not only in this country, but throughout Europe, had been shot at by some unknown ruffian, and his life jeopardized; it was thought a good opportunity to commence an attack upon Joseph Smith, particularly as an election was near at hand in this State, and it was thought by some of our political demagogues that some political capital could be made of it; Joseph Smith must therefore be sacrificed at the shrine of the British despotism of Missouri, and that of political aspirants of this State. What was the pledge that Gov. Duncan gave the people, if they would elect him? that he would have the Mormon charters repealed, and deprive them of all their other privileges. Then the Mormons and Joseph Smith must be at the disposal of such inhuman reckless, blood thirsty, (we had like to have said,) republicans as these. Oh shame where is thy blush! and the attempted murder of Governor Boggs, to that is a good pretext. As if it were impossible that there should be found among the inhabitants of a State who had butchered scores in cold blood, who had robbed an innocent people of hundreds of thousands of dollars worth of property; and who had driven thirteen thousand people from their homes, who had never violated law, a man who was base enough to seek to murder another without having the thing so far fetched as to try to heap it upon the head of a man who had not been in the State for years. This case like the other was finally brought to an issue, and Mr. Smith after an impenetrable of trouble and expense was exculpated in Springfield, before Judge Pope of the United States Court for the District of Illinois. The persecution and injustice of Missouri, and the illegality of the case was then abundantly developed, and Judge Pope ordered the case to be inserted on the docket in a manner, that Mr. Smith should no more be troubled in relation to that matter. [Governor Ford at that time manifested a friendly disposition, and seemed

disposed to put a stop to that executive influence which had sought the destruction and overthrow of Mr. S.] Mr. S. returned in peace to the bosom of his family, and was received with joyous acclamation by a numerous host of friends who felt to rejoice that innocence had triumphed over persecution, fanaticism, and despotism.

Once more at peace, Mr. Smith flattered himself that his relentless persecutors must have satiated their rage and exhausted their ingenuity to find means to prosecute; and he had favorably hoped that had they invented any thing else; that the executive of this state, alive to the injustice that Mr. Smith had already experienced from the hands of Missouri, would not have countenanced or furthered any demands that might be made by that state upon the executive of this, for the person of Joseph Smith.— This we believe he had reason to expect; he was in hopes that the time of his trials, pertaining to the tyranny of that state, was at an end, and that he would be allowed to enjoy the precious boon of liberty, and to dwell in peace in the bosom of his family, and with his friends.— Feeling perfectly secure, he set off with his family to Mr. Wasson's, to visit his wife's sister, Mrs. Wasson and family, who resided about twelve miles from Dixon, Lee county, in this state. While he was there, a Mr. J. H. Reynolds, Sheriff of Jackson county, Missouri, (so he says) and Mr. Harman Wilson, of Carthage, arrived at Dixon, professing to be Mormon preachers; from thence they proceeded to Mr. Wasson's, at whose house Mr. Smith was staying. They found Mr. Smith outside of the door, and accosted him in a very uncouth ungentlemanly manner, quite in keeping however, with the common practice of Missourians. The following is as near the conversation as we can gather. Reynolds and his coadjutor Wilson, both stepped up at a time to Mr. Smith with their pistols cocked, and without shewing any writ or serving any process, Mr. Reynolds with his pistol cocked at Mr. Smith's breast, cried out, "G—d d—n you if you stir I'll shoot— G—d d—n you—if you stir one inch I'll shoot you, G—d d—n you—be still or I'll shoot you by G—d." "What is the meaning of this?" interrogated Mr. Smith. "I'll show you the meaning by G—d, and if you stir one inch I'll shoot you, G—d d—n you." "I am not afraid of your shooting, answered Mr. Smith, I am not afraid to die." He then bared his breast, and said "shoot away, I have endured so much oppression I am weary of life and kill me if you please. I am a strong man however, and with my own natural weapons could soon level both

of you; but if you have any legal process to serve, I am at all times subject to law and shall not offer resistance." "G—d d—n you if you say another word, we'll shoot you, by G—d." "Shoot away" answered Mr. Smith, "I am not afraid of your pistols." They then hurried him off to a carriage that they had, and without serving process, were for hurrying him off without letting him see, or bid farewell to his family or friends. Mr. Smith then said, "gentlemen if you have any legal process I wish to obtain a writ of Habeas Corpus." and was answered, "G—d d—n you, you sha'nt have one." Mr. Smith saw a friend of his passing and said these men are kidnapping me, and I wish a writ of habeas corpus to deliver myself out of their hands. This friend immediately proceeded to Dixon whence the Sheriff also proceeded full speed; on arriving at the house of Mr. McKennie, tavern keeper, A. S. Smith was thrust into a room and guarded there without being allowed to see anybody, and horses were ordered in five minutes. Mr. Smith then stated to Reynolds: "I wish to get counsel," and was answered "G—d d—n you, you sha'nt have counsel, one word more G—d d—n you and I'll shoot you." "What is the use of this so often," said Mr. Smith, "I have often told you to shoot, and I now tell you again to shoot away;" and seeing a person passing he said, I am falsely imprisoned here, and I want a lawyer. A lawyer came, and had the door banged in his face with the old threat of shooting if he came any nearer, another afterwards came and received the same treatment. Many of the citizens of Dixon by this time being apprised of his situation stepped forward; and gave the Sheriff to understand, that if that was their mode of doing business in Missouri, they had another way of doing it here, that they were a law-abiding people, and republicans, that Mr. Smith should have justice done him, and have the opportunity of a fair trial, but that if they persisted in their course, they had a very summary way of dealing with such people—and gave them to understand that Mr. Smith should not go without a fair and impartial trial. Mr. Reynolds finding further resistance to be useless allowed one or two attorneys to come to Mr. Smith, who gave them to understand that he had been taken up without process; that they had insulted and abused him, and he wanted a writ of habeas corpus. Up to this time they had altogether refused to allow the counsel to have private conversation with him.

A writ was sued out by Mr. Smith against Harman Wilson for a violation of the law in relation to writs of habeas corpus, the

said violation consisting in said Wilson having transferred said Smith to the custody of Reynolds for the purpose of removing Mr. Smith to Missouri, and thereby avoiding the effect and operation of said writ contrary to law.

There was also another writ sued out from the circuit court of Lee county, in favor of Mr. Smith, against Reynolds and Wilson for private damage, for false imprisonment, upon the ground that the writ issued by the Governor of Illinois, was a void writ in law, upon which said writ, said Reynolds and Wilson were held to bail; and were in the custody of the Sheriff of Lee county. Reynolds and Wilson obtained a writ of habeas corpus for the purpose of being discharged before Judge Young of Quincy, but they did not go before Judge Young, but gave bail at Carthage for their appearance at the circuit court of Lee county in said action.

Mr. Smith obtained a writ of habeas corpus from the Master in Chancery of Lee county, returnable before the Hon. John D. Caton, Judge of the ninth judicial circuit, at Ottawa, upon which said writ Mr. Smith was conveyed by Reynolds and Wilson, towards Ottawa as far as Pawpaw Grove, at which last mentioned place it was ascertained that Judge Caton was on a visit to New York. Upon which the party, Messrs. Smith, Reynolds, Wilson and others in company returned to Dixon, where another writ was issued by the said Master in Chancery, in favor of Smith, returnable before the nearest tribunal in the fifth judicial circuit, authorised to hear, and determine, writs of habeas corpus. It was ascertained that the nearest tribunal authorised to hear and determine upon writs of habeas corpus, was at Nauvoo. On their arrival at Nauvoo, a writ of habeas corpus was sued out before, and made returnable to the Municipal court of the city of Nauvoo, directed to Mr. Reynolds, upon which said writ Mr. Reynolds did produce the body of said Smith before said court, objecting however, to the jurisdiction of said court. It was ascertained by the counsel for said Smith that the Municipal court had full and ample power to hear and determine upon writs of habeas corpus. Upon examination before said court he was discharged from said arrest upon the merits of said case, and upon the further ground of substantial defects in said writ so issued by the Governor of the State of Illinois.

Why Governor Ford should lend his assistance in a vexatious prosecution of this kind we are at a loss to determine. He possesses a discretionary power in such cases, and has a right to use his judgment, as the chief magistrate of this State, and knowing, as he does, that the

whole proceedings, connected with this affair, are illegal, we think that in justice he ought to have leaned to the side of the oppressed and innocent, particularly when the persecuted and prosecuted were citizens of his own State who had a right to his sympathies and to be shielded by his paternal care, as the Father of this State. Does not his Excellency know? and do not all the citizens of the State know that the Mormons have been robbed and pillaged and plundered in that State without any redress? that the Mormons en-masse were exterminated from that State without any legal pretext whatever; and how then could they have any legal claim upon Joseph Smith or any Mormon? Have the Mormons ever obtained any redress for injuries received in Missouri? No! Is there any prospect of their receiving remuneration for their loss, or redress for their grievances? No! When a demand was made upon the Governor of Missouri, by Governor Carlin of this State for the persons who kidnapped several Mormons, were they given up by that State? No. Why then should our Executive feel so tenacious in fulfilling all the nice punctillios of law, when the very State that is making these demands has robbed, murdered and exterminated by wholesale without law and are merely making use of it at present as a cats-paw to destroy the innocent and murder those that they have already persecuted nearly to the death. It is impossible that the State of Missouri should do justice with her coffers groaning with the spoils of the oppressed and her hands yet reeking with the blood of the innocent. Shall she yet gorge her bloody maw with other victims? Shall Joseph Smith be given into her hands illegally? Never! No NEVER!! NO NEVER!!!

#### MUNICIPAL COURT OF THE CITY OF NAUVOO, ILLINOIS.

*Second day of special term, July 1st., 1843.*

Before Aldermen William Marks, Acting Chief Justice; and Alderman Daniel H. Wells, Newel K. Whitney, George W. Harris, Gustavus Hills, and Hiram Kimball, Associate Justices; presiding.

EX-PARTE JOSEPH SMITH, }  
ON HABEAS CORPUS. } Messrs. WALKER,  
PATRICK & SOUTHWICK, Counsel for SMITH.

MR. MASON, Counsel for REYNOLDS.

This case came before the court upon a return to a writ of habeas corpus, which was issued by this court, on the 30th of June, 1843, upon the petition of Joseph Smith, Senior, as follows:

STATE OF ILLINOIS, }  
City of Nauvoo. } Sct.

To the Honorable the Municipal Court, of the City of Nauvoo, Hancock County, and State of Illinois:—

Your petitioner, Joseph Smith, Senior, who has been arrested by, and under the name of Joseph Smith, Junior, states on oath, that he is now detained as a prisoner, and in the custody of Joseph H. Reynolds, in the said city of Nauvoo, and state of Illinois, who claims to be the agent of the state of Missouri, and that your petitioner was arrested by one Harman G. Wilson, by virtue of what purports to be a warrant issued by His Excellency, Thomas Ford, Governor of the state of Illinois, in the county of Lee, and state of Illinois, and by said Wilson, your petitioner was delivered into the custody of said Joseph H. Reynolds, at and within the county of Lee, aforesaid; that said supposed warrant, so issued by His Excellency, Thomas Ford, Governor as aforesaid, and the arrest thereupon, and the imprisonment consequent thereupon, by said Wilson, and afterward by said Joseph H. Reynolds, is illegal, and in violation of law, and without the authority of law, as he is informed and verily believes, for the following, besides other reasons, to wit:

1st. The said supposed warrant so issued by the said Governor of the State of Illinois, as aforesaid, does not confer any authority to arrest your petitioner, for that it commands the officers therein named, to arrest one Joseph Smith, Junior, whereas, the name of your petitioner is Joseph Smith, Senior, and your petitioner avers that he is not known and reputed by the name of Joseph Smith, Junior.

2nd. The said supposed warrant is defective and void, for that it does not recite that the Joseph Smith, Junior, mentioned therein, has been demanded by the Executive of the State of Missouri, of the Executive of the State of Illinois.

3rd. Said supposed warrant, is defective and void, for that it does not state that said Joseph Smith, Junior, therein named, has been indicted or that any other legal accusation of any offence has been legally preferred, and is as pending against him in the said State of Missouri.

4th. It is defective and void, for that it does not show that any legal foundation was furnished by the Executive of the State of Missouri, upon which to issue the same; and your petitioner avers that the same was issued without due authority of law.

5th. Said supposed warrant is in other respects defective and void.

6th. The said Joseph H. Reynolds, has no authority to detain your petitioner in custody; for that he is not an officer of the State of Illi-

nois, nor is he legally authorized by the said Governor of the State of Illinois, or otherwise, as the agent of the State of Missouri, in the State of Illinois, or in any other character and capacity to imprison your petitioner within the said State of Illinois.

7th. Your petitioner before the making of the said arrest upon which he is now detained and imprisoned, had been arrested for the same cause, and upon a charge for the same offence, for which he is now arrested and imprisoned, by virtue of a warrant issued by the Governor of the said State of Illinois, upon a requisition of the Executive authority of the said State of Missouri, and was discharged from said arrest and imprisonment by judgement of the Circuit Court of Warren county, at a court holden in the said county of Warren, in or about the month of June, A. D. 1841, in such manner as not to be liable to the said second arrest for the same cause.

8th. Your petitioner is not a fugitive from justice, and has not fled from the justice of the said State of Missouri, and he is not guilty and has not been guilty of treason in or against the said State of Missouri.

9th. Your petitioner was not, and has not been within the limits of the said State of Missouri, for more than four years next, before the making of said arrest and imprisonment whereby he is now detained, nor for or during four years before any indictment or other legal accusation was preferred against him.

10th. Your petitioner avers that the said supposed warrant, so issued by the said Governor of the said State of Illinois, and under color of which your petitioner is now imprisoned, and the document purporting to be an authority to receive the said Joseph Smith, Junior, are wholly defective and insufficient to legally authorize the arrest and imprisonment of your petitioner: Copies of which supposed warrant and the supposed authority from the Executive of the State of Missouri are hereunto annexed.

Wherefore, your petitioner prays that a writ of habeas corpus may be awarded, directed to the said Joseph H. Reynolds, commanding him that he bring your petitioner forthwith and without delay, before this honorable court, together with the causes of his caption and detention, in order that your petitioner may be dealt with according to law; and your petitioner as in duty bound, will ever pray.

JOSEPH SMITH, Sen.

Subscribed and sworn to before me, this 20th day of June, A. D. 1843, at the City of Nauvoo, Illinois.

JAMES SLOAN,

Clerk of the Municipal Court, of the City of Nauvoo.

STATE OF ILLINOIS, }  
CITY OF NAUVOO. } Sec.

The People of the State of Illinois to the Marshall of said City, Greeting:

WHEREAS application has been made before the Municipal Court of said City that the body of one Joseph Smith, Senior, of the said city of Nauvoo, (who is styled in the warrant by which he is held in custody, Joseph Smith Junior,) is in the custody of Joseph H. Reynolds. These are therefore to command the said Joseph H. Reynolds to safely have the body of the said Joseph Smith Senior, who is styled Joseph Smith Junior, in his custody detained, as it is said, together with the day and cause of his caption and detention, by whatever name the said Joseph Smith Senior may be known or called, before the Municipal Court of said city forthwith, to abide such order as the said Court shall make in their behalf: and further, if the said Joseph H Reynolds or other person or persons having said Joseph Smith Senior of said city of Nauvoo in custody, shall refuse or neglect to comply with the provisions of this writ, you, the Marshall of said City, or other person authorized to serve the same, are hereby required to arrest the person or persons so refusing or neglecting to comply as aforesaid, and bring him or them, together with the person or persons in his or their custody, forthwith before the Municipal Court aforesaid, to be dealt with according to law; and herein fail not, and bring this writ with you.

Witness, James Sloan, Clerk of the Municipal Court at Nauvoo, this 30th day of June in the year of our Lord one thousand eight hundred and forty-three.

JAMES SLOAN, Clerk.

I, Joseph H. Reynolds, the within named, do hereby return this writ, with the body of Joseph Smith, with the following cause of caption and detention, to wit: The within named Joseph Smith was arrested on a warrant issued by the Governor of the State of Illinois, by one Harmon G. Wilson, a Constable of Hancock county, State of Illinois, on the 23d day of June, 1843, a copy of which warrant is hereunto annexed and marked letter B, and delivered over to my custody as directed by said writ. The person of said Smith was, on said 23d of June, in the county of Lee and State of Illinois, by the said Wilson delivered over to my custody, and that I received and detained the said Smith in my custody by virtue of a certain warrant of attorney issued by the Governor of the State of Missouri, a copy of which is hereto annexed, and marked letter B, directing me to receive the said Smith, and convey

him to and deliver him to the sheriff of Davies county in the State of Missouri, and that the within detention referred to, is the same referred to, and none other.

JOSEPH H. REYNOLDS.

Nauvoo, June 30th, A. D. 1843.

EXECUTIVE DEPARTMENT, }  
CITY OF JEFFERSON. }

Know ye that I, Thomas Reynolds, Governor of the State of Missouri, having full trust and confidence in the integrity and abilities of Joseph H. Reynolds, do hereby constitute and appoint him as the agent of the said State of Missouri, to proceed to the State of Illinois, for the purpose of receiving from the proper authorities of that State, one Joseph Smith, Jr., charged with treason by him committed against the State of Missouri, and as having fled from justice to the State of Illinois, and I do hereby authorize and direct said Joseph H. Reynolds to convey said Joseph Smith Jr. from the State of Illinois, and deliver him to the custody of the sheriff of Davies county in the State of Missouri.

In testimony whereof, I have hereunto set my hand, and caused to be affixed the great seal of the State of Missouri.

Done at the City of Jefferson this 13th day of June in the year of our Lord one thousand eight hundred and forty-three.  
By the Governor, THO. REYNOLDS.

JAMES L. MINOR,  
Secretary of State.

Thomas Ford, Governor of the State of Illinois, to all Sheriffs and Constables of any county of the State, and to Harmon G. Wilson, of the county of Hancock, greeting:

Whereas it has been made known to me by the Executive authority of the State of Missouri, that one Joseph Smith, Junior, stands charged with the crime of treason, against the State of Missouri, and alleged that Joseph Smith Junior has fled from the justice of the said State of Missouri, and taken refuge in the State of Illinois,

Now therefore I, Thomas Ford, Governor of the State of Illinois, pursuant to the Constitution and Laws of the United States and of this State, do hereby command you to arrest and apprehend the said Joseph Smith, Junior, if he be found within the limits of the State aforesaid, and cause him to be safely kept and delivered to the custody of Joseph H. Reynolds, Esq., who has been duly constituted the agent of the said State of Missouri to receive the said fugitive from the justice of said State, he paying all fees and charges for the arrest and apprehension of said Joseph Smith, Junior, and make due returns to the Executive department of this

State of the manner in which this writ may be executed.

In testimony whereof, I have hereunto

L. a. set my hand and caused the great seal of the State to be affixed.

Done at the City of Springfield, this 17th day of June, in the year of our Lord one thousand eight hundred and forty-three, and of the Independence of the United States the sixty-seventh.

By the Governor, THOMAS FORD.

THOMPSON CAMPBELL,

*Secretary of State.*

The following witnesses were examined, viz Hyrum Smith, Parley P. Pratt, Brigham Young, George W. Pitkin, Lyman Wight, and Sidney Rigdon.

HYRUM SMITH sworn. Said that the defendant now in court is his brother, and that his name is not Joseph Smith Junior, but his name is Joseph Smith Senior, and has been for more than two years past. I have been acquainted with him ever since he was born, which was thirty-seven years in December last, and I have not been absent from him at any one time, not even the space of six months since his birth, to my recollection, and have been intimately acquainted with all his sayings, doings, business transactions and movements, as much as any one man could be acquainted with another man's business up to the present time, and do know that he has not committed treason against any State in the Union, by any overt act, or by levying war, or by aiding and abetting, or assisting an enemy in any State in the Union, and that the said Joseph Smith Senior has not committed treason in the State of Missouri, nor violated any law or rule of said State, I being personally acquainted with the transactions and doings of said Smith whilst he resided in said State, which was for about six months in the year 1833; I being also a resident in said State during the same period of time, and I do know that said Joseph Smith Senior never was subject to military duty in any State, neither was he in the State of Missouri, he being exempt by the amputation or extraction of a bone from his leg, and by his having a license to preach the Gospel, or being in other words a minister of the Gospel, and I do know that said Smith never bore arms, as a military man, in any capacity whatever, whilst in the State of Missouri, or previous to that time; neither has he given any orders or assumed any command in any capacity whatever; but I do know that whilst he was in the State of Missouri, that the People commonly called Mormons, were threatened with violence and extermination, and on or about the first Monday in August 1833, at the election at Gallatin,

the county seat in Davies county; the citizens who were commonly called Mormons were forbidden to exercise the rights of franchise, and from that unhallowed circumstance an affray commenced, and a fight ensued among the citizens of that place, and from that time a mob commenced gathering in that county threatening the extermination of the Mormons; the said Smith and myself upon hearing that mobs were collecting together, and that they had also murdered two of the citizens of the same place, and would not suffer them to be buried; the said Smith and myself went over to Davies county to learn the particulars of the affray, but upon our arrival at Diahman, we learned that none were killed but several were wounded—we tarried all night at Col. Lyman Wight's, the next morning the weather being very warm and having been very dry for some time previously, the springs and wells in that region were dried up; on mounting our horses to return, we rode up to Mr. Black's, who was then an acting Justice of the Peace, to obtain some water for ourselves and horses; some few of the citizens accompanied us there, and after obtaining the refreshment of water, Mr. Black was asked by said Joseph Smith Senior, if he would use his influence to see that the laws were faithfully executed and to put down mob violence, and he gave us a paper, written by his own hand, stating that he would do so. He also requested him to call together the most influential men of the county on the next day that we might have an interview with them; to this he acquiesced, and accordingly the next day they assembled at the house of Col. Wight and entered into a mutual covenant of peace, to put down mob violence and to protect each other in the enjoyment of their rights; after this we all parted with the best of feelings and each man returned to his own home. This mutual agreement of peace however did not last long; for but a few days afterwards the mob began to collect again until several hundreds rendezvoused at Millport, a few miles distant from Diahman. They immediately commenced making aggressions upon the citizens called Mormons, taking away their hogs and cattle, and threatening them with extermination or utter extinction; saying that they had a cannon and there should be no compromise only at its mouth: frequently taking men, women and children prisoners, whipping them and lacerating their bodies with hickory withes, and tying them to trees and depriving them of food until they were compelled to gnaw the bark from the trees to which they were bound in order to sustain life; treating them in the most cruel manner they could invent or think of, and doing every thing they could to excite the indignation of the Mormon

people to rescue them, in order that they might make that a pretext of an accusation for the breach of the law and that they might the better excite the prejudice of the populace and thereby get aid and assistance to carry out their hellish purposes of extermination. Immediately on the authentication of these facts, messengers were despatched from Far West to Austin A. King, Judge of the fifth judicial district of the State of Missouri, and also to Major General Atchison, Commander-in-chief of that division, and Brigadier General Doniphan, giving them information of the existing facts, and demanding immediate assistance. Gen. Atchison returned with the messengers and went immediately to Dnatsman and from thence to Millport, and he found the facts were true as reported to him;—that the citizens of that county were assembled together in a hostile attitude to the amount of two or three hundred men, threatening the utter extermination of the Mormons, he immediately returned to Clay county and ordered out a sufficient military force to quell the mob. Immediately after they were dispersed and the army returned; the mob commenced collecting again soon after: we again applied for military aid, when General Doniphan came out with a force of sixty armed men to Far West; but they were in such a state of insubordination that he said he could not control them, and it was thought advisable by Col. Hinkle, Mr. Rigdon and others that they should return home; General Doniphan ordered Col. Hinkle to call out the militia of Caldwell and defend the town against the mob, for said he, you have great reason to be alarmed, for he said Neil Gillum from the Platte country had come down with 200 armed men and had taken up their station at Hunter's mill, a place distant about 17 or 18 miles north west of the town of Far West, and also that an armed force had collected again at Millport, in Davies county, consisting of several hundred men, and that another armed force had collected at DeWitt, in Carroll county, about 50 miles south east of Far West, where about 70 families of the Mormon people had settled upon the bank of the Missouri river at a little town called DeWitt. Immediately a messenger, whilst he was yet talking, came in from DeWitt, stating that three or four hundred men had assembled together at that place armed cap-a-pie, and that they threatened the utter extinction of the citizens of that place if they did not leave the place immediately, and that they had also surrounded the town and cut off all supplies of food, so that many of them were suffering with hunger. Gen. Doniphan seemed to be very much alarmed, and appeared to be willing to do all he could to assist, and to relieve the sufferings of the Mormon

people; he advised that a petition be immediately got up and sent to the Governor. A petition was accordingly prepared and a messenger despatched immediately to the Governor, and another petition was sent to Judge King. The Mormon people throughout the country were in a great state of alarm, and also in great distress; they saw themselves completely surrounded with armed forces on the north and on the north west and on the south, and also Bogard, who was a Methodist preacher, and who was then a captain over a militia company of 50 soldiers, but who had added to his number out of the surrounding counties about a hundred more, which made his force about 150 strong, was stationed at Crooked Creek, sending out his scouting parties, taking men, women and children prisoners, driving off cattle, hogs and horses, entering into every house on Log and Long Creeks, rifling their houses of their most precious articles, such as money, bedding, and clothing, taking all their old muskets and their rifles or military implements, threatening the people with instant death if they did not deliver up all their precious things, and enter into a covenant to leave the state or go into the city of Far West by the next morning, saying that "they calculated to drive the people into Far West, and then drive them to hell." Gillum also was doing the same on the north west side of Far West; and Sashall Woods, a Presbyterian minister, was the leader of the mob in Davies county; and a very noted man of the same society was the leader of the mob in Carroll county; and they were also sending out their scouting parties, robbing and pillaging houses, driving away hogs, horses and cattle, taking men, women and children and carrying them off, threatening their lives and subjecting them to all manner of abuses that they could invent or think of.

Under this state of alarm, excitement and distress, the messengers returned from the Governor and from the other authorities, bringing the fatal news, that the Mormons could have no assistance. They stated that the Governor said that "the Mormons had got into a difficulty with the citizens, and they might fight it out for all what he cared. He could not render them any assistance."

The people of DeWitt were obliged to leave their homes and go into Far West; but did not until after many of them had starved to death for want of proper sustenance, and several died on the road there, and were buried by the way side, without a coffin or a funeral ceremony, and the distress, sufferings, and privations of the people cannot be expressed. All the scattered families of the Mormon people, in all the counties except Davies, were driven into Far West, with but few exceptions.

This only increased their distress, for many thousands who were driven there, had no habitations or houses to shelter them, and were huddled together, some in tents and others under blankets, while others had no shelter from the inclemency of the weather. Nearly two months the people had been in this awful state of consternation, many of them had been killed, whilst others had been whipped until they had to swathe up their bowels to prevent them from falling out. About this time, General Parks came out from Richmond, Ray county, who was one of the commissioned officers who was sent out to Diahman, and myself and my brother Joseph Smith Senior, went out at the same time. On the evening that General Parks arrived at Diahman, my brother, the late Don Carlos Smith's wife came in to Col. Wight's about eleven o'clock at night, bringing her two children along with her, one about two years and a half old, the other a babe in her arms. She came in on foot, a distance of three miles, and waded Grand River, and the water was then about waist deep, and the snow about 3 inches deep. She stated that a party of the mob, a gang of ruffians, had turned her out of doors, had taken her household goods and had burnt up her house, and she had escaped by the skin of her teeth. Her husband at that time was in Virginia, and she was living alone. This cruel transaction excited the feelings of the people in Diahman, especially Col. Wight, and he asked Gen. Parks, in my hearing, *how long we had got to suffer such base treatment?* Gen. Parks said he did not know how long. Col. Wight then asked him what should be done? Gen. Parks told him "he should take a company of men, well armed, and go and disperse the mob wherever he should find any collected together, and take away their arms." Col. Wight did so precisely, according to the orders of Gen. Parks. And my brother Joseph Smith Sen. made no words about it.— And after Col. Wight had dispersed the mob and put a stop to their burning houses belonging to the Mormon people and turning women and children out of doors, which they had done up to that time to the amount of 8 or 10 houses which were consumed to ashes—after being cut short in their intended designs, the mob started up a new plan. They went to work and moved their families out of the county and set fire to their houses, and not being able to incense the Mormons to commit crimes; they had recourse to this stratagem to set their houses on fire and send runners into all the counties adjacent, to declare to the people that the Mormons had burnt up their houses and destroyed their fields, and if the people would not believe them, they would tell them to go and see if what they had said

was not true. Many people came to see, they saw the houses burning, and being filled with prejudice, they could not be made to believe but that the Mormons set them on fire, which deed was most diabolical and of the blackest kind, for indeed the Mormons did not set them on fire, nor meddle with their houses or their fields. And the houses that were burnt, together with the pre-emption rights, and the corn in the fields, had all been previously purchased by the Mormons of the people and paid for in money and with waggons and horses and with other property, about two weeks before; but they had not taken possession of the premises; but this wicked transaction was for the purpose of clandestinely exciting the minds of a prejudiced populace and the Executive, that they might get an order, that they could the more easily carry out their hellish purposes, in expulsion or extermination or utter extinction of the Mormon people. After witnessing the distressed situation of the people in Diahman, my brother Joseph Smith Senior and myself returned back to the city of Far West, and immediately despatched a messenger, with written documents, to General Atchison, stating the facts as they did then exist, praying for assistance if possible, and requesting the editor of the "Far West" to insert the same in his newspaper, but he utterly refused to do so. We still believed that we should get assistance from the Governor, and again petitioned him, praying for assistance, setting forth our distressed situation; and in the mean time the presiding Judge of the County Court issued orders—upon affidavits made to him by the citizens—to the Sheriff of the county, to order out the Militia of the county to stand in constant readiness, night and day, to prevent the citizens from being massacred, which fearful situation they were exposed to every moment. Every thing was very portentous and alarming. Notwithstanding all this, there was a ray of hope yet existing in the minds of the people that the Governor would render us assistance; and whilst the people were waiting anxiously for deliverance—men, women and children frightened, praying and weeping—we beheld at a distance, crossing the prairies and approaching the town, a large army in military array, brandishing their glittering swords in the sunshine, and we could not but feel joyful for a moment, thinking that probably the Governor had sent an armed force to our relief, notwithstanding the awful forebodings that pervaded our breasts. But to our great surprise, when the army arrived they came up and formed a line in double file in one half mile on the east of the city of Far West, and despatched three messengers with a white flag



to come to the city. They were met by Captain Morey with a few other individuals, whose names I do not now recollect. I was myself standing close by, and could very distinctly hear every word they said. Being filled with anxiety, I rushed forward to the spot, expecting to hear good news—but alas! and heart-thrilling to every soul that heard them—they demanded three persons to be brought out of the city before they should massacre the rest. The names of the persons they demanded, were Adam Lightner, John Clemenston and his wife. Immediately the three persons were brought forth to hold an interview with the officers who had made the demand, and the officers told them they had now a chance to save their lives, for they calculated to destroy the people and lay the city in ashes. They replied to the officers, and said, “If the people must be destroyed, and the city burned to ashes, they would remain in the city and die with them.” The officers immediately returned, and the army retreated and encamped about a mile and a half from the city. A messenger was immediately despatched with a white flag from the Colonel of the Militia of Far West, requesting an interview with General Atchison and General Doniphan; but as the messenger approached the camp, he was shot at by Bogard, the Methodist preacher. The name of the messenger was Charles C. Rich, who is now Brigadier General in the Nauvoo Legion. However, he gained permission to see General Doniphan; he also requested an interview with General Atchison. General Doniphan said that General Atchison had been dismounted by a special order of the Governor a few miles back, and had been sent back to Liberty, Clay county. He also stated that the reason was, that he (Atchison,) was too merciful unto the Mormons, and Boggs would not let him have the command, but had given it to General Lucas, who was from Jackson County, and whose heart had become hardened by his former acts of rapine and bloodshed; he being one of the leaders in murdering, driving, plundering and burning some two or three hundred houses belonging to the Mormon people in that county in the years 1833 and 1834.

Mr. Rich requested General Doniphan to spare the people, and not suffer them to be massacred until the next morning, it then being evening. He coolly agreed that he would not, and also said that “he had not as yet received the Governor’s order, but expected it every hour, and should not make any further move until he had received it; but he would not make any promises so far as regarded Neil Gillum’s army,” he having arrived a few minutes pre-

viously, and joined the main body of the army; he knowing well at what hour to form a junction with the main body. Mr. Rich then returned to the city, giving this information.—The Colonel immediately despatched a second messenger with a white flag, to request another interview with General Doniphan, in order to touch his sympathy and compassion, and if it were possible, for him to use his best endeavors to preserve the lives of the people. On the return of this messenger, we learned that several persons had been killed by some of the soldiers who were under the command of General Lucas. One Mr. Carey had his brains knocked out by the ~~mouth~~ <sup>barrel</sup> of a gun, and he lay bleeding several hours, but his family were not permitted to approach him, nor any one else, allowed to administer relief to him whilst he lay upon the ground, in the agonies of death. Mr. Carey had just arrived in the country, from the State of Ohio, only a few hours previous to the arrival of the army. He had a family, consisting of a wife and several small children. He was buried by Lucius N. Scovil, who is now the senior warden of the Nauvoo Lodge. Another man, of the name of John Tanner, was knocked on the head at the same time, and his skull laid bare the width of a man’s hand, and he lay, to all appearance, in the agonies of death for several hours; but by the permission of General Doniphan, his friends brought him out of the camp, and with good nursing he slowly recovered, and is now living. There was another man, whose name is Powell, who was beat on the head with the butt of a gun until his skull was fractured and his brains run out in two or three places. He is now alive, and resides in this county, but has lost the use of his senses. Several persons of his family were also left for dead, but have since recovered. These acts of barbarity were also committed by the soldiers under the command of General Lucas, previous to having received the Governor’s order of extermination.

It was on the evening of the 30th of October, according to the best of my recollection, that the army arrived at Far West, the sun about half an hour high. In a few moments afterwards, Cornelius Gillum arrived with his army, and formed a junction. This Gillum had been stationed at Hunter’s mills for about two months previous to that time—committing depredations upon the inhabitants—capturing men, women and children, and carrying them off as prisoners, lacerating their bodies with hickory withes. The army of “Gillum” were painted like Indians, some ~~of them~~ <sup>of them</sup> were more conspicuous than ~~the~~ <sup>others</sup>, designated by red spots, and he, also, was painted in a se-

similar manner, with red spots marked on his face, and styled himself the "DELAWARE CHIEF." They would whoop and holler and yell as nearly like Indians as they could, and continued to do so all that night. In the morning early, the Colonel of Militia sent a messenger into the camp with a white flag, to have another interview with General Doniphan.— On his return, he informed us that the Governors order had arrived. General Doniphan said that "the order of the Governor was, to exterminate the Mormons by God, but he would be damned if he obeyed that order, but General Lucas might do what he pleased." We immediately learned from General Doniphan that "the Governor's order that had arrived was only a copy of the original, and that the original order was in the hands of Major General Clark, who was on his way to Far West, with an additional army of six thousand men." Immediately after this, there came into the city a messenger from Haun's Mill, bringing the intelligence of an awful massacre of the people who were residing in that place, and that a force of two or three hundred, detached from the main body of the army, under the superior command of Colonel Ashley, but under the immediate command of Captain Nehemiah Comstock, who, the day previous, had promised them peace and protection, but on receiving a copy of the Governor's order "to exterminate or to expell" from the hands of Colonel Ashley, he returned upon them the following day and surprised and massacred the whole population of the town, and then came on to the town of Far West and entered into conjunction with the main body of the army. The messenger informed us that he himself with a few others fled into the thickets, which preserved them from the massacre, and on the following morning they returned and collected the dead bodies of the people and cast them into a well; and there were upwards of twenty who were dead or mortally wounded, and there are several of the wounded who are now living in this city.— One, of the name of Yocum, has lately had his leg amputated, in consequence of wounds he then received. He had a ball shot through his head, which entered near his eye and came out at the back part of his head, and another ball passed through one of his arms.

The army, during all the while they had been encamped in Far West, continued to lay waste fields of corn, making logs, sheep and cattle common plunder, and shooting them down for sport. One man shot a cow and took a strip of her skin, the width of his hand, from her head to her tail and tied it around a tree, to slip his balter into, to tie his horse to. The city

was surrounded with a strong guard, and no man woman or child was permitted to go out or come in, under the penalty of death. Many of the citizens were shot in attempting to go out to obtain sustenance for themselves and families. There was one field fenced in, consisting of twelve hundred acres, mostly covered with corn. It was entirely laid waste by the horses of the army, and the next day after the arrival of the army, towards evening, Colonel Hinkle came up from the camp, requesting to see my brother Joseph, Parley P. Pratt, Sidney Rigdon, Lyman Wight, and George W. Robinson, stating that the officers of the army wanted a mutual consultation with those men, also stating that Generals Doniphan, Lucas, Wilson and Graham—(however General Graham is an honorable exception: he did all he could to preserve the lives of the people, contrary to the order of the Governor.)—he, Hinkle, assured them that these generals had pledged their sacred honor that they should not be abused or insulted, but should be guarded back in safety in the morning, or so soon as the consultation was over. My brother Joseph replied that he did not know what good he could do in any consultation, as he was only a private individual; however he said that he was always willing to do all the good he could and would obey every law of the land, and then leave the event with God. They immediately started with Colonel Hinkle to go down into the camp. As they were going down about half way to the camp, they met General Lucas with a phalanx of men, with a wing to the right and to the left, and a four-pounder in the centre. They supposed he was coming with this strong force to guard them into the camp in safety; but to their surprise, when they came up to General Lucas, he ordered his men to surround them, and Hinkle stepped up to the General and said, "These are the prisoners I agreed to deliver up." General Lucas drew his sword and said, gentlemen, you are my prisoners, and about that time the main army were on their march to meet them. They came up in two divisions, and opened to the right and left, and my brother and his friends were marched down through their lines, with a strong guard in front, and the evens in the rear, to the camp, and at the whoopings, hollers, yellings and shoutings of the army, which was so horrid and terrific that it frightened the inhabitants of the city. It is impossible to describe the feelings of horror and distress of the people. After being thus betrayed they were placed under a strong guard of thirty men, armed cap-a-pie, ~~where they~~ relieved every two hours. There they were compelled to lay on

the cold ground that night, and were told in plain language, that they need never to expect their liberties again. So far for their honors pledged. However, this was as much as could be expected from a mob under the garb of military and executive authority in the State of Missouri. On the next day, the soldiers were permitted to patrol the streets, to abuse and insult the people at their leisure, and enter into houses and pillage them, and ravish the women, taking away every gun and every other kind of arms or military implements: and about twelve o'clock on that day Colonel Hinkle came to my house with an armed force, opened the door and called me out of doors and delivered me up as a prisoner unto that force. They surrounded me and commanded me to march into the camp. I told them that I could not go: my family were sick, and I was sick myself, and could not leave home. They said they did not care for that—I must and should go. I asked when they would permit me to return. They made me no answer, but forced me along with the point of the bayonet into the camp, and put me under the same guard with my brother Joseph—and within about half an hour afterwards, Amasa Lyman was also brought and placed under the same guard.— There we were compelled to stay all that night, and lie on the ground: but along some time in the same night, Colonel Hinkle came to me and told me that he had been pleading my case before the Court Martial, but he was afraid he should not succeed. He said there was a Court Martial then in session, consisting of thirteen or fourteen officers, Circuit Judge A. A. King, and Mr. Birch, District Attorney; also Sashiel Woods, Presbyterian priest, and about 20 other priests of the different religious denominations in that country. He said they were determined to shoot us on the next morning in the public square in Far West. I made him no reply. On the next morning about sunrise, General Doniphan ordered his brigade to take up the line of march and leave the camp. He came to us where we were under guard, to shake hands with us, and bid us farewell. His first salutation was, 'By God you have been sentenced by the court martial to be shot this morning; but I will be damned if I will have any of the honor of it, or any of the disgrace of it; therefore I have ordered my brigade to take up the line of march and to leave the camp, for I consider it to be cold blooded murder, and I bid you farewell,' and he went away. This movement of General Doniphan, made considerable excitement in the army, and there was considerable whisperings amongst the officers. We listened very attentively, and frequently heard

it mentioned by the guard, that the damned Mormons would not be shot this time. In a few moments the guard was relieved with a new set; one of those new guard said that the damned Mormons would not be shot this time, for the movement of General Doniphan had frustrated the whole plan, and that the officers had called another court martial, and had ordered us to be taken to Jackson county, and there to be executed; and in a few moments two large wagons drove up and we were ordered to get into them, and while we were getting into them, there came up four or five men armed with guns, who drew up and snapped their guns at us, in order to kill us, some flashed in the pan, and others only snapped, but none of their guns went off. They were immediately arrested by several officers and their guns taken from them, and the drivers drove off. We requested of General Lucas to let us go to our houses and get some clothing; in order to do this, we had to be drove up into the city. It was with much difficulty that we could get his permission to go and see our families and get some clothing; but after considerable consultation, we were permitted to go under a strong guard of five or six men to each of us, and we were not permitted to speak to any one of our families, under the pain of death. The guard that went with me ordered my wife to get me some clothes immediately, within two minutes, and if she did not do it, I should go off without them. I was obliged to submit to their tyrannical orders, however painful it was, with my wife and children clinging to my arms and to the skirts of my garments, and was not permitted to utter to them a word of consolation, and in a moment was hurried away from them at the point of the bayonet. We were hurried back to the wagons and ordered into them, all in about the same space of time. In the mean while our father, and mother, and sisters, had forced their way to the wagons to get permission to see us; but were forbidden to speak to us; and they immediately drove off for Jackson county. We travelled about twelve miles that evening, and encamped for the night. The same strong guard was kept around us, and were relieved every two hours, and we were permitted to sleep on the ground, the nights were then cold, with considerable snow on the ground, and for the want of covering and clothing, we suffered extremely with the cold. That night was a commencement of a fit of sickness from which I have not wholly recovered unto this day, in consequence of my exposure to the inclemency of the weather. Our provision was fresh beef roasted in the fire on a stick; the army having no bread in conse-

quence of the want of mills to grind the grain. In the morning at the dawn of day, we were forced on our journey, and were exhibited to the inhabitants along the road; the same as they exhibit a caravan of elephants or camels. We were examined from head to foot, by men women and children, only I believe they did not make us open our mouths to look at our teeth. This treatment was continued incessantly, until we arrived at Independence, in Jackson county. After our arrival at Independence, we were driven all through the town for inspection, and then we were ordered into an old log house, and there kept under guard as usual, until supper, which was served up to us as we sat upon the floor, or on billets of wood, and we were compelled to stay in that house all that night and the next day. They continued to exhibit us to the public, by letting the people come in and examine us, and then go away and give place for others, alternately all that day and the next night; but on the morning of the following day we were all permitted to go to the tavern to eat and to sleep; but afterward they made us pay our own expenses, for board, lodging, and attendance, and for which they made a most exorbitant charge. We remained in the tavern about two days and two nights, when an officer arrived with authority from General Clark, to take us back to Richmond, Ray county, where the general had arrived with his army to await our arrival there; but on the morning of our start for Richmond, we were informed by General Wilson, that it was expected by the soldiers that we would be hung up by the necks on the road, while on the march to that place, and that it was prevented by a demand made for us by General Clark, who had the command in consequence of seniority, and that it was his prerogative to execute us himself; and he should give us up into the hands of the officer, who would take us to General Clark, and he might do with us as he pleased. During our stay at Independence, the officers informed us that there were eight or ten horses in that place belonging to the Mormon people, which had been stolen by the soldiers, and that we might have two of them to ride upon, if we would cause them to be sent back to the owners after our arrival at Richmond. We accepted of them, and they were rode to Richmond, and the owners came there and got them. We started in the morning under our new officer, Colonel Price, of Keytsville, Chariton county, with several other men to guard us over. We arrived there on Friday evening, the 9th day of November, and were thrust into an old log house, with a strong guard placed over us. After we had been

there for the space of half an hour, there came in a man who was said to have some notoriety in the penitentiary, bringing in his hands a quantity of chains and padlocks. He said he was commanded by General Clark to put us in chains. Immediately the soldiers rose up and pointing their guns at us, placed their thumb on the cock, and their finger on the trigger; and the state's prison keeper went to work; putting a chain around the leg of each man, and fastening it on with a padlock, until we were all chained together, seven of us.

In a few moments came in General Clark, we requested to know of him what was the cause of all this harsh and cruel treatment.— He refused to give us any information at that time; but said he would in a few days; so we were compelled to continue in that situation; camping on the floor, all chained together, without any chance or means to be made comfortable; having to eat our victuals as it was served up to us, using our fingers and teeth instead of knives and forks. Whilst we were in this situation, a young man of the name of Grant, brother-in-law to my brother William Smith, came to see us, and put up at the tavern where General Clark made his quarters, he happened to come in time to see General Clark make choice of his men, to shoot us on Monday morning, the 12th day of November, he saw them make choice of their rifles, and load them with two balls in each, and after they had prepared their guns, General Clark saluted them by saying *“Gentlemen, you shall have the honor of shooting the Mormon leaders on Monday morning at eight o'clock.”* But in consequence of the influence of our friends, the heathen general was intimidated, so that he durst not carry his murderous designs into execution, and sent a messenger immediately to Fort Leavenworth to obtain the military code of laws. After the messenger's return, the general was employed nearly a whole week, examining the laws; so Monday passed away without our being shot; however, it seemed like foolishness to me for so great a man as General Clark pretended to be, should have to search the military law to find out whether preachers of the gospel, who never did military duty, could be subject to court martial. However, the general seemed to learn that fact after searching the military code, and came into the old log cabin where we were under guard, and in chains, and told us he had concluded to deliver us over to the civil authorities; as persons guilty of treason, murder, arson, larceny, theft, and stealing. The poor deluded general did not know the difference between theft, larceny, and stealing. Accordingly we were handed over to the pretended

civil authorities, and the next morning our chains were taken off, and we were guarded to the court-house, where there was a pretended court in session; Austin A. King being the judge, and Mr. Birch, the district attorney;—the two extremely and very honorable gentlemen who sat on the court martial when we were sentenced to be shot. Witnesses were called up and sworn at the point of the bayonet and if they would not swear to the things they were told to do, they were threatened with instant death, and I do know, positively, that the evidence given in by those men whilst under duress, was false. This state of things was continued twelve or fourteen days, and after that time we were ordered by the judge, to introduce some rebutting evidence, saying, if we did not do it, we would be thrust into prison. I could hardly understand what the judge meant, for I considered we were in prison already, and could not think of any thing but the persecutions of the days of Nero, knowing that it was a religious persecution, and the court an inquisition: however, we gave him the names of forty persons who were acquainted with all the persecutions and sufferings of the people.—The judge made out a subpoena, and inserted the names of those men and caused it to be placed in the hands of Bogard, the notorious Methodist minister, and he took fifty armed soldiers and started for Far West. I saw the subpoena given to him and his company, when they started. In the course of a few days they returned with almost all those forty men, whose names were inserted in the subpoena and thrust them into jail, and we were not permitted to bring one of them before the court, but the judge turned upon us with an air of indignation and said, gentlemen you must get your witnesses or you shall be committed to jail immediately; for we are not going to hold the court open on expense much longer, for you any how. We felt very much distressed and oppressed at that time. Colonel Wight said, what shall we do? Our witnesses are all thrust into prison, and probably will be, and we have no power to do any thing, of course we must submit to this tyranny and oppression; we cannot help ourselves. Several others made similar expressions in the agony of their souls; but my brother Joseph did not say any thing, he being sick at that time with the tooth ache, and agony in his face, in consequence of a severe cold brought on by being exposed to the severity of the weather. However, it was considered best by General Doniphan and Lawyer Reese, that we should try to get some witnesses before the pretended court. Accordingly, I myself gave the names of about twenty other persons; the judge

inserted them in a subpoena, and caused it to be placed into the hands of Bogard the Methodist priest, and he again started off with his fifty soldiers to take those men prisoners, as he had done to the forty others. The judge sat and laughed at the good opportunity of getting the names, that they might the more easily capture them, and so bring them down to be thrust into prison, in order to prevent us from getting the truth before the pretended court, of which himself was the chief inquisitor or conspirator. Bogard returned from his second expedition with one prisoner only, whom he also thrust into prison.

The people at Far West had learned the intrigue and had left the State, having been made acquainted with the treatment of the former witnesses. But we, on learning that we could not obtain witnesses; whilst privately consulting with each other what we should do, discovered a Mr. Allen, standing by the window on the outside of the house, we beckoned to him as though we would have him come in, he immediately came in. At that time Judge King retorted upon us again, saying, gentlemen are you not going to introduce some witnesses; also, saying it was the last day he should hold the court open for us, and if we did not rebut the testimony that had been given against us, he should have to commit us to jail. I had then got Mr. Allen into the house, and before the court, so called. I told the judge we had one witness, if he would be so good as to put him under oath; he seemed unwilling to do so; but after a few moments consultation, the state's attorney arose and said he should object to that witness being sworn, and that he should object to that witness giving in his evidence at all; stating that this was not a court to try the case, but only a court of investigation on the part of the state. Upon this, General Doniphan arose, and said 'he would be God damned if the witness should not be sworn, and that it was a damned shame that these defendants should be treated in this manner; that they could not be permitted to get one witness before the court, whilst all their witnesses, even forty at a time, have been taken by force of arms, and thrust into the 'bull-pen' in order to prevent them from giving their testimony.' After Doniphan sat down, the judge permitted the witness to be sworn, and enter upon his testimony. But so soon as he began to speak, a man by the name of Cook, who was a brother-in-law to Priest Bogard, the Methodist, and who was a lieutenant, and whose place at that time, was to superintend the guard, stepped in before the pretended court, and took him by the nape of his neck and jammed his head down

under the pole or log of wood, that was placed around the place where the inquisition was sitting, to keep the by-standers from intruding upon the majesty of the inquisitors, and jammed him along to the door, and kicked him out of doors. He instantly turned to some soldiers who were standing by him, and said to them, 'go and shoot him, damn him, shoot him—damn him.'

The soldiers ran after the man to shoot him, he fled for his life and with great difficulty made his escape. The pretended court immediately arose, and we were ordered to be carried to Liberty, Clay county, and there to be thrust into jail. We endeavored to find out for what cause, but all that we could learn was because we were Mormons. The next morning a large wagon drove up to the door, and a blacksmith came into the house with some chains and handcuffs, he said his orders were from the judge, to handcuff us, and chain us together, he informed us that the judge had made out a mittimus, and sentenced us to jail for treason; he also said the judge had done this that we might not get bail; he also said the judge stated his intention to keep us in jail until all the Mormons were driven out of the state; he also said that the judge had further stated that if he let us out before the Mormons had left the state, that we would not let them leave, and there would be another damned fuss kicked up; I also heard the judge say to myself, whilst he was sitting in his pretended court, that there was no law for us, nor the Mormons, in the State of Missouri: that he had sworn to see them exterminated, and to see the Governor's order executed to the very letter, and that he would do so; however, the blacksmith proceeded and put the irons upon us, and we were ordered into the wagon and they drove off for Clay county, and as we journeyed along on the road, we were exhibited to the inhabitants and this course was adopted all the way, thus making a public exhibition of us, until we arrived at Liberty, Clay County. There we were thrust into prison again, and locked up—and were held there in close confinement for the space of six months, and our place of lodging was the square side of a hewed white oak log—and our food was any thing but good and decent; poison was administered to us three or four times, the effect it had upon our system, was, that it vomited us almost to death, and then we would lay some two or three days in a torpid, stupid state, not even caring or wishing for life. The poison being administered in too large doses, or it would inevitably have proved fatal, had not the power of Jehovah interposed in our behalf, to save us from their wicked pur-

pose. We were also subjected to the necessity of eating human flesh, for the space of five days, or go without food, except a little coffee, or a little corn bread, the latter I chose in preference to the former. We none of us partook of the flesh except Lyman Wight; we also heard the guard which was placed over us making sport of us, saying that they had fed us upon 'Mormon beef.' I have described the appearance of this flesh to several experienced physicians, and they have decided that it was human flesh. We learned afterwards, by one of the guard, that it was supposed that that act of savage cannibalism, in feeding us with human flesh, would be considered a popular deed of notoriety; but the people on learning that it would not take, tried to keep it secret; but the fact was noised abroad before they took that precaution. Whilst we were incarcerated in prison, we petitioned the Supreme Court of the State of Missouri for habeas corpus, twice, but were refused both times by Judge Reynolds, who is now the Governor of that State. We also petitioned one of the county judges for a writ of habeas corpus, which was granted in about three weeks afterwards; but were not permitted to have any trial; we were only taken out of jail and kept out for a few hours and then remanded back again. In the course of three or four days after that time, Judge Turnham came into the jail in the evening, and said he had permitted Mr. Rigdon to get bail, but said he had to do it in the night, and had also to get away in the night, and unknown to any of the citizens, or they would kill him; for they had sworn to kill him if they could find him: and as to the rest of us, he dared not let us go, for fear of his own life, as well as ours. He said it was damned hard to be confined under such circumstances, for he knew we were innocent men, and he said the people also knew it; and that it was only a persecution and treachery, and the scenes of Jackson county acted over again, for fear that we would become too numerous in that upper country. He said the plan was concocted first by the governor down to the lowest judge, and that that damned Baptist priest, Riley, who was riding into town every day to watch the people, stirring up the minds of the people against us all he could, exciting them and stirring up their religious prejudices against us, for fear they would let us go. Mr. Rigdon, however, got bail and made his escape to Illinois. The jailor, Samuel Tillery, Esq., told us also, that the whole plan was concocted by the governor down to the lowest judge in that upper country, early in the previous spring, and that the plan was more fully carried out at the time that General

Aitchison went down to Jefferson City, with General Wilson, Lucas and Gillum, the self-styled 'DELEWARE CHIEF.' This was some time in the month of September, when the mob were collected at De Witt, in Carroll county. He also told us that the governor was now ashamed enough of the whole transaction and would be glad to set us at liberty if he dared to do it; but said he, you need not be concerned, for the governor has laid a plan for your release. He also said that Squire Birch, the State's Attorney, was appointed to be Circuit Judge, on the circuit passing through Davies county, and that he (Birch) was instructed to fix the papers, so that we would be sure to be clear from any incumbrance, in a very short time.

Sometime in April, we were taken to Davies county, as they said, to have a trial, but when we arrived at that place, instead of finding a court or a jury, we found another inquisition, and Birch, who was the district attorney, the same man who was one of the court martial when we were sentenced to death, was now the circuit judge of that pretended court; and the grand jury that was empanelled, were all at the massacre at Hawn's Mill, and lively actors in that awful, solemn, disgraceful, cool-blooded murder, and all the pretence they made of excuse, was, they had done it because the governor ordered them to do it. The same jury sat as a jury in the day time, and were placed over us as a guard in the night time; they taunted and boasted over us, of their great achievements at Hawn's Mills, and at other places, telling us how many houses they had burned, and how many sheep, cattle and hogs they had driven off, belonging to the Mormons, and how many rapes they had committed, and what squealing and kicking there was among the damned bitches; saying that they lashed one woman upon one of the damned Mormon meeting benches, tying her hands and her feet fast, and sixteen of them abused her as much as they had a mind to, and then left her bound and exposed in that distressed condition. These fiends of the lower region boasted of these acts of barbarity, and tantalized our feelings with them for ten days. We had heard of these acts of cruelty previous to this time, but we were slow to believe that such acts of cruelty had been perpetrated. The lady who was the subject of their brutality, did not recover her health, to be able to help herself for more than three months afterwards. This grand jury constantly celebrated their achievements with grog and glass in hand, like the Indian warriors at their war dances, singing and telling each other of their exploits, in murdering the Mor-

mons, in plundering their houses and carrying off their property; at the end of every song they would bring in the chorus: 'God damn God, God damn Jesus Christ, God damn the Presbyterians, God damn the Baptists, God damn the Methodists,' reiterating one sect after another in the same manner, until they came to the Mormons, to them it was, 'God damn the God damn Mormons; we have sent them to hell.' Then they would slap their hands and shout hosanna, hosanna, glory to God, and fall down on their backs, and kick with their feet a few moments; then they would pretend to have swooned away into a glorious trance, in order to imitate some of the transactions at camp meetings. Then they would pretend to come out of their trance, and would shout and again slap their hands and jump up, while one would take a bottle of whiskey and a tumbler, and turn it out full of whiskey, and pour it down each other's necks, crying 'damn it take it, you must take it; and if any one refused to drink the whiskey, others would clinch him whilst another poured it down his neck, and what did not go down the inside, went down the outside; this is a part of the farce acted out by the grand jury of Davies county, whilst they stood over us as guards, for ten nights successively. And all this in the presence of the great Judge Birch, who had previously said in our hearing, that there was no law for the Mormons in the state of Missouri. His brother was then acting as district attorney in that circuit, and if any thing, was a greater cannibal than the judge. After all these ten days of drunkenness, we were informed that we were indicted for treason, murder, arson, larceny, theft and stealing. We asked for a change of venue from that county to Marion county, but they would not grant it; but they gave us a change of venue from Davies to Boone county; and a mittimus was made out by the pretended Judge Birch, without date, name or place. They fitted us out with a two horse wagon, and horses, and four men, besides the sheriff, to be our guard; there were five of us. We started from Galatin the sun about two hours high, P. M., and went as far as Diahman that evening and staid till morning. There we bought two horses of the guard and paid for one of them in our clothing, which we had with us, and for the other we gave our note. We went down that day as far as Judge Morin's, a distance of some four or five miles. There we staid until the morning, when we started on our journey to Boone county, and travelled on the road about twenty miles distance. There we bought a jug of whiskey, with which we treated the company, and while there the sheriff showed us the mitti-

mus, before referred to, without date or signature, and said that Judge Birch told him never to carry us to Boon county, and never to show the mittimus; and said he, I shall take a good drink of grog and go to bed; and you may do us you have a mind to. Three others of the guard drank pretty freely of whiskey, sweetened with honey; they also went to bed, and were soon asleep, and the other guard went along with us and helped to saddle the horses. Two of us mounted the horses, and the other three started on foot, and we took our change of venue for the State of Illinois; and in the course of nine or ten days arrived safely at Quincy, Adams county, where we found our families in a state of poverty, although in good health; they having been driven out of the state previously; by the murderous militia, under the exterminating order of the Executive of Missouri; and now, the people of that state, a portion of them, would be glad to make the people of this state believe that my brother Joseph has committed treason, for the purpose of keeping up their murderous and hellish persecution, and they seem to be unrelenting, and thirsting for the blood of innocence, for I do know most positively that my brother Joseph has not committed treason, nor violated one solitary item of law or rule, in the State of Missouri.

But I do know that the Mormon people, *en masse*, were driven out of that State, after being robbed of all they had, and they barely escaped with their lives: as well as my brother Joseph, who barely escaped with his life, his family also, was robbed of all they had, and barely escaped with the skin of their teeth, and all of this in consequence of the exterminating order of Governor Boggs, the same being confirmed by the Legislature of that State. And I do know—so does this court, and every rational man who is acquainted with the circumstances, and every man who shall hereafter become acquainted with the particulars thereof—will know, that Governor Boggs, and Generals Clark, Lucas, Wilson and Gillum, also Austin A. King, have committed treason upon the citizens of Missouri, and did violate the Constitution of the United States, and also the Constitution and laws of the State of Missouri; and did exile and expel, at the point of the bayonet, some twelve or fourteen thousand inhabitants from the State, and did murder some three or four hundreds of men, women and children in cold blood, and in the most horrid and cruel manner possible, and the whole of it was caused by religious bigotry and persecution, because the Mormons dared to worship Almighty God according to the dictates of their own con-

science, and agreeably to His divine will, as revealed in the scriptures of eternal truth, and had turned away from following the vain traditions of their fathers, and would not worship according to the dogmas and commandments of those men who preach for hire and divine for money, and teach for doctrine the precepts of men—expecting that the Constitution of the United States would have protected them therein. But notwithstanding the Mormon people had purchased upwards of *two hundred thousand dollars worth of land*, most of which was entered and paid for at the land office of the United States in the State of Missouri—and although the President of the United States has been made acquainted with these facts, and the particulars of our persecutions and oppressions, by petition to him, and to Congress—yet they have not even attempted to restore the Mormons to their rights, or given any assurance that we may hereafter expect redress from them. And I do also know, most positively and assuredly, that my brother, Joseph Smith, Senior, has not been in the State of Missouri since the spring of the year 1839. And further this Deponent saith not.

HYRUM SMITH.

PARLEY P. PRATT sworn. Says that he fully concurs in the testimony of the preceding witness, so far as he is acquainted with the same, and that Joseph Smith has not been known as Joseph Smith Junior, for the time stated by Hyrum Smith. He was an eye-witness of most of the scenes testified to by said Hyrum Smith, during the persecutions of our people in Missouri. That during the latter part of summer and fall of the year 1838, there were large bodies of the mob assembled in various places for the avowed object of killing, driving, robbing, plundering and exterminating the Mormons, and actually committed many murders and other depredations, as related by the preceding witness. The Governor was frequently petitioned, as also the other authorities, for redress and protection. At length Austin A. King, the Judge of the Circuit Court of the Fifth Judicial District, ordered out somewhere near a thousand men for the avowed purpose of quelling the mob and protecting the Mormons. These being under arms for several weeks, did, in some measure, prevent the mob's proceedings for some time, after which, Judge King withdrew the force, refusing to put the State to further expense, for our protection, without orders from the Governor. The mobs then again collected in great numbers in Carroll, Davies, and Caldwell counties, and expressed their determination to drive the Mormons from the State or kill them. They did



actually drive them from De Witt, firing upon some, and taking others prisoners. They turned a man by the name of Smith Humphrey and family out of doors, when sick, and plundered his house and burned it before his eyes. They also plundered the citizens generally, taking their lands, houses and property. Those whose lives were spared, precipitately fled to Far West in the utmost distress and consternation. Some of them actually died on the way, through exposure, suffering and destitution. Other parties of the mob were plundering and burning houses in Davies county; and another party of the mob were ravaging the south part of Caldwell county, in a similar manner. The Governor was again and again petitioned for redress and protection, but utterly refused to render us any assistance whatever. Under these painful and distressing circumstances, we had the advice of Generals Aitchison, Doniphan and Parks, to call out the Militia of Caldwell and Davies counties, which was mostly composed of Mormons, and to make a general defence. The presiding Judge of Caldwell county, Elias Higbee, gave orders to the Sheriff of said county to call out the Militia. They were called out under the command of Colonel Hinkle, who held a commission from the Governor, and was the highest military officer in the county. This force effectually dispersed the mob in several places, and a portion of them were so organized in the city of Far West, that they could assemble themselves upon the shortest notice, and were frequently ordered to assemble in the public square of said city, in cases of emergency. These proceedings against the mob being misrepresented by designing men, both to the Governor and other authorities and people of the State, caused great excitement against the Mormons. Many tried to have it understood that the Mormons were in open rebellion, and making war upon the State. With these pretences, Governor Boggs issued the following exterminating order:

HEAD QUARTERS OF THE MILITIA,  
CITY OF JEFFERSON,  
October 27th, 1838.

SIR—

Since the order of the morning to you, directing you to come with four hundred mounted men, to be raised within your Division, I have received, by Amos Rees, Esq., and Wiley C. Williams, Esq., one of my aids, information of the most appalling character, which changes entirely the face of things, and places the Mormons in the attitude of an avowed defiance of the Laws, and of having made war upon the people of the State. Your orders are therefore, to hasten your operations and endeavor to reach Richmond in Ray county, with all possible speed. The Mormons must be treated as enemies, and must be exterminated, or driven from the State, if necessary for the public peace.

Their outrages are beyond all description. If you can increase your force, you are authorized to do so, to any extent you may think necessary. I have just issued orders to Major General Wollock of Marion county, to raise five hundred men and to march them to the northern part of Davies county and there to unite with General Doniphan of Clay—who has been ordered with five hundred men to proceed to the same point for the purpose of intercepting

the retreat of the Mormons to the north. They have been directed to communicate with you by express. You can also communicate with them if you find it necessary. In stand therefore, of proceeding as at first directed, to re-instate the citizens of Davies in their houses, you will proceed immediately to Richmond, and there operate against the Mormons. Brigadier General Parks of Ray, has been ordered to have four hundred of his Brigade in readiness to join you at Richmond. The whole force will be placed under your command.

(Signed)

L. W. BOGGS,  
Governor and Commander-in-Chief.

In the mean time, Major General Lucas, and Brigadier General Wilson, both of Jackson county, (who had, five years previously, assisted in driving about twelve hundred Mormon citizens from that county, besides burning two hundred and three houses, and assisting in murdering several, and plundering the rest,) raised forces to the amount of several thousand men, and appeared before the city of Far West in battle array. A few of the Militia then paraded in front of the city, which caused the cowardly assailants to come to a halt at about a mile distant, in full view of the town. A messenger arrived from them and demanded three persons before they massacred the rest and laid the town in ashes. The names of the persons demanded were Adam Lightner, John Clemenson and his wife. They gave no information who this army were, nor by what authority they came; neither had we at that time any knowledge of the Governor's order, nor any of these movements, the mail having been designedly stopped by our enemies, for three weeks previously. We had supposed on their first appearance, that they were friendly troops, sent for our protection; but on receiving this alarming information of their wicked intentions, we were much surprised, and sent a messenger with a white flag to enquire of them who they were, and what they wanted of us, and by whose authority they came. This flag was fired upon by Captain Bogard, the Methodist priest, who afterwards told me the same with his own mouth. After several attempts, however, we got an interview, by which we learned who they were, and that they pretended to have been sent by the Governor to exterminate our people. Upon learning this fact, no resistance was offered to their will or wishes. They demanded the arms of the Militia, and forcibly took them away. They requested that Mr. Joseph Smith and other leaders of the Church should come into their camp for consultation, giving them a sacred promise of protection and safe return. Accordingly Messrs Joseph Smith, Sidney Rigdon, Lyman Wight, George W. Robinson and myself, started in company with Colonel Hinkle, to their camp, when we were soon abruptly met by General Lucas with several hundreds of his soldiers, in a hostile manner, who immediately surrounded

us, and set up the most hideous yells that might have been supposed to have proceeded from the mouths of demons, and marched us, as prisoners, to their lines. There we were detained for two days and nights, and had to sleep on the ground in the cold month of November, in the midst of rain and mud—were continually surrounded with a strong guard, whose mouths were filled with cursing and bitterness, black-guardism and blasphemy; who offered us every abuse and insult in their power, both by night and day; and many individuals of the army cocked their rifles & taking deadly aim at our heads, swore they would shoot us. While under these circumstances, our ears were continually shocked with the relation of the horrid deeds they had committed, and which they boasted of.— They related the circumstance in detail of having, the previous day, disarmed a certain man in his own house, and took him prisoner, and afterwards *beat out his brains with his own gun!* in presence of their officers. They told of other individuals laying here and there in the brush, whom they had shot down without resistance, and who were laying, unburied, for the hogs to feed upon. They also named one or two individual females of our society, whom they had forcibly bound, and twenty or thirty <sup>of these</sup> ~~one~~ after another, committed rape upon. One of these females was a daughter of a respectable family, with whom I have been long acquainted, and with whom I have since conversed, and learned that it was truly the case. Delicacy at present forbids my mentioning the names. I also heard several of the soldiers acknowledge and boast of having stolen money in one place, clothing and bedding in another, and horses in another, whilst corn, pork, and beef, were taken by the whole army to support the men and horses; and in many cases cattle, hogs and sheep were shot down, and only a small portion of them used, the rest left to waste. Of these crimes, of which the soldiers boasted, the general officers freely conversed, and corroborated the same. And even General Doniphan, who professed to be opposed to such proceedings, acknowledged the truth of them; and gave us several particulars in detail. I believe the name of the man whose brains they knocked out, was Carey; and another individual who had his chest broken open and several hundred dollars in specie taken out, was the same Smith Humphrey whose house the mob burned at DeWitt.

After the Mormons were all disarmed, General Lucas gave them a compulsory order for men, women and children, to leave the State forthwith, without any exceptions—counting it a mercy to spare their lives on these conditions. Whilst these things were proceeding,

instead of releasing us from confinement, Hyrum Smith and Amasa Lyman were forcibly added to our number, as prisoners, and under a large military escort, commanded by General Wilson, before mentioned, we were all marched to Jackson county, a distance of between fifty and sixty miles, leaving our families and our friends at their mercy, in a destitute condition, to prepare for a journey of more than two hundred miles, at the approach of winter, without our protection, and every moment exposed to robbery, ravishment, and other insult—their property robbed and their houses and lands already wrested from them.

We were exhibited like a caravan of wild animals on the way and in the streets of Independence, and were also kept prisoners for a show for several days. In the mean time, a General Clark had been sent by Governor Boggs, with an additional force of six thousand men, from the lower country, to join General Lucas in his operations against the Mormons. He soon arrived before Far West with his army, and confirmed all Lucas had done, and highly commended them for their virtue, forbearance and other deeds in bringing about so peaceable and amicable an adjustment of affairs. He kept up the same scene of savage, plunder, ravishment and depredation, for the support and enrichment of his army—even burning the houses and fences for fuel. He also insisted that every man, woman and child of the Mormon society should leave the State, except such as he detained as prisoners; stating that the Governor had sent him to exterminate them, but that he would, as a mercy, spare their lives, and give them until the first of April following, to get out of the State. He also ordered them, at the point of the bayonet, to sign a deed of trust of all their real estate, to defray the expenses of what he called "THE MORMON WAR." After arranging all these matters to his satisfaction, he returned to Richmond, thirty miles distant, taking about sixty heads of families with him, and marching them through a severe snow storm, on foot, as prisoners, leaving their families in a perishing condition.

Having established his head-quarters at Richmond, Ray county, he sent to General Lucas and demanded us to be given up to him. We were accordingly transported some thirty or forty miles, delivered over to him, and put in close confinement, in chains, under a strong guard. At length we obtained an interview with him, and enquired why we were detained as prisoners. I said to him, Sir, we have now been prisoners under the most aggravating circumstances for two or three weeks, during which time we have received no information as to why we

are prisoners, or for what object, as no writ has been served upon us. We are not detained by the civil law, and as ministers of the gospel in time of peace, who never bear arms, we cannot be considered prisoners of war, especially as there has been no war. And from present appearances, we can hardly be considered prisoners of hope. Why then these bonds? Said he, You were taken to be tried. Tried by what authority? said I. By court martial, replied he. By court martial? said I. Yes, said he.—How, says I, can men, who are not military men, but ministers of the gospel, be tried by court martial, in this country where every man has a right to be tried by a jury? He replied it was according to the treaty with General Lucas, on the part of the State of Missouri, and Colonel Hinkle, the commanding officer of the Fortress of Far West, on the part of the Mormons, and in accordance with the Governor's order. And, said he, I approve of all that Lucas has done, and am determined to see it fulfilled. Said I, Colonel Hinkle was but a Colonel of the Caldwell county militia, and commissioned by the Governor, and the Mormons had no Fortress; but were, in common with others, citizens of Missouri, and therefore we recognise no authority in Colonel Hinkle, to sell our liberties or make treaties for us.

Several days afterwards, General Clark again entered our prison and said he had concluded to deliver us over to the civil authorities. Accordingly we were soon brought before Austin A. King Judge of the Fifth circuit, where an examination was commenced, and witnesses sworn at the point of the bayonet, and threatened on pain of death if they did not swear to that which would suit the court. During this examination, I heard Judge King ask one of the witnesses, who was a Mormon, if he and his friends intended to live on their lands any longer than April, and to plant crops? Witness replied, why not? The Judge replied, If you once think to plant crops or to occupy your lands any longer than the first of April, the citizens will be upon you; they will kill you every one, men, women and children, and leave you to manure the ground without a burial. They have been mercifully withheld from doing this on the present occasion, but will not be retrained for the future. On examining a Mormon witness for the purpose of substantiating the charge of Treason against Mr. Smith. He questioned him concerning our religious faith:

First. Do the Mormons send missionaries to foreign nations? The witness answered in the affirmative.

Secondly. Do the Mormons believe a certain

passage in the Book of Daniel? naming the passage, which reads as follows: 'And the kingdom and dominion, and the greatness of the kingdom under the whole heaven, shall be given to the people of the saints of the Most High, whose kingdom is an everlasting kingdom, and all dominions shall serve and obey him' Dan. vii: 27. On being answered in the affirmative, the judge ordered the scribe to put it down as a strong point for treason; but this was too much for even a Missouri lawyer to bear; he remonstrated against such a course of procedure, but in vain. Said he, judge you had better make the bible treason. After an examination of this kind, for many days, some were set at liberty, others admitted out on bail, and themselves and bail expelled from the state forthwith, with the rest of the Mormon citizens. And Joseph Smith, Hyrum Smith, Sidney Rigdon, Lyman Wight and others were committed to the Clay county jail for further trial. Two or three others, and myself, were put into the jail at Ray county, for the same purpose.

The Mormon people now began to leave the state, agreeably to the exterminating order of Governor Boggs. Ten or twelve thousand left the state during the winter, and fled to the state of Illinois. A small number of widows, and the poor, together with my family and some of the friends of the other prisoners, still lingered in Far West, when a small band of armed men entered the town and committed many depredations and threatened life; and swore if my wife and children, and others whom they named were not out of the state, in so many days, they would kill them; as the time now drew near for the completion of the exterminating order of Governor Boggs. Accordingly, my wife and children, and others, left the state as best they could; wandered to the state of Illinois, there to get a living among strangers, without a husband, father, or protector. Myself and party still remained in prison, after all the other Mormons had left the state; and even Mr. Smith and his party, had escaped to bring up the rear. In June, by change of venue, we were removed from Ray county, to Columbia, Boone county, upwards of one hundred miles towards the state of Illinois; and by our request a special court was called, for final trial; but notwithstanding we were removed more than one hundred miles from the scenes of their depredations, yet such was the fact, that neither our friends or witnesses dared come into that state to attend our trial, as they had been banished from the state by the governor's order of extermination; executed to the very letter, by the principal officers of the state, civil and military. On these grounds, and having had all

these opportunities to know, I testify that neither Mr. Smith, nor any other Mormon has the least prospect for justice, or to receive a fair and impartial trial in the state of Missouri. If tried at all, they must be tried by authorities who have trampled all law under their feet, and who have assisted in committing murder, robbery, treason, arson, rape, burglary and felony; and who have made a law of banishment, contrary to the laws of all nations; and executed this barbarous law with the utmost rigor and severity. Therefore, Mr. Smith, and the Mormons generally, have suffered the end of the law, of which they had no choice, and therefore, the state of Missouri has no further claims, whatever, upon any of them.

I furthermore testify that the authorities of other states, who would assist Missouri, to wreak further vengeance upon any individual of the persecuted Mormons, are either ignorantly or wilfully aiding and abetting in all these crimes.

Cross examined. He states that he was very intimate with Mr. Smith all the time he resided in the state of Missouri, and was with him almost daily, and that he knows positively that Mr. Smith held no office, either civil or military, either real or pretended, in that State; and that he never bore arms, or did military duty, not even in self defence; but that he was a peaceable, law-abiding, and faithful citizen, and a preacher of the gospel, and exhorted all the citizens to be peaceable, long suffering and slow to act, even in self defence. He further stated that there was no fortress in Far West, but a temporary fence, made of rails, house logs, floor planks, wagons, carts, &c., hastily thrown together, after being told by General Lucas that they were to be massacred the following morning, and the town burnt to ashes, without giving any information by what authority. And he further states that he only escaped himself from that state by walking out of the jail when the door was open to put in food, and came out in obedience to the governor's order of banishment, and to fulfil the same.

PARLEY P. PRATT.

GEORGE W. PITKIN sworn. says that he concurs with the preceding witnesses H. Smith and P. P. Pratt, in all the facts with which he is acquainted, that in the summer of 1838 he was elected Sheriff of the county of Caldwell and State of Missouri. That in the fall of the same year while the County was threatened and infested with mobs, he received an order from Judge Higbee the presiding Judge of said County, to call out the Militia and he executed the same. The said order was presented by Joseph Smith, Sen. who showed the

witness a letter from General Atchinson giving such advice as was necessary for the protection of the citizens of said county; reports of the mobs destroying property were daily received. Has no knowledge that Joseph Smith was concerned in organizing or commanding said Militia in any capacity whatever. About this time he received information that about forty or fifty "Yauger-Rifles" and a quantity of ammunition were being conveyed through Caldwell to Davies County for the use of the mob: Upon which he deputized William Allred to go with a company of men and to intercept them if possible, he did so and brought the said arms and ammunition into Far West which were afterwards delivered up to the order of Austin A. King, judge of the fifth circuit in Missouri.

It was generally understood at that time that said arms had been stolen by Neil Gillum, and his company of volunteers, who had been upon a six months tour of service in the war between the United States and the Florida Indians, they were supposed to have been taken from the Fort at "Tampa Bay," and brought to Richmond Clay County and that Captain Pollard or some other person loaned them to the mob—He further says that whilst in office as sheriff he was forcibly and illegally compelled by Lieutenant Cook, the son in law or brother in law of Bogard, the Methodist Priest—to start for Richmond and when he demanded of him by what authority he acted he was shown a Bowie knife and a brace of Pistols—And when he asked what they wanted of him he said they would let him know when he got to Richmond. Many of the citizens of Caldwell County were taken in the same manner without any legal process whatever and thrust into prison.

GEORGE W. PITKIN:

BRIGHAM YOUNG sworn. Says that, so far as he was acquainted with the facts stated by the previous witnesses, he concurs with them, and that he accompanied Mr. Joseph Smith into the State of Missouri, and arrived at Far West on the 14th day of March, 1838, and was neighbor to Mr. Smith until he was taken by Governor Boggs' militia, a prisoner of war, as the said, and that he was knowing to his character whilst he was in the State of Missouri; and that he, Mr. Smith, was in no way connected with the militia of that State: neither did he bear arms at all, nor give advice, but was a peaceable, law-abiding, good citizen, and a true republican in every sense of the word. He was with Mr. Smith a great share of the time, until driven out of Missouri by an armed force, under the exterminating order of Governor Boggs. He heard the most of Mr. Smith's pub-

ic addresses, and never did he hear him give advice or encourage anything contrary to the laws of the State of Missouri; but to the contrary, always instructing the people to be peaceable, quiet, and law-abiding, and if necessity should compel them to withstand their enemies, by whom they were daily threatened in mobs at various points, that they, the Mormons, should attend to their business strictly, and not regard reports; and if the mob did come upon them, to contend with them by the strong arm of the law; and if that should fail, our only relief would be self defence: and be sure and act only upon the defensive. And there were no operations against the mob by the militia of Caldwell county only by the advice of Generals Atchison, Doniphan, and Parks.

At the time that the army came in sight of Far West, he observed their approach, and thought some of the militia of the State had come to the relief of the citizens; but to his great surprise, he found that they were come to strengthen the hands of the mobs that were around us, and which immediately joined the army. A part of these mobs were painted like Indians, and "Gillum," their leader, was also painted in a similar manner, and styled himself the "DELAWARE CHIEF," and afterwards he, and the rest of the mob, claimed and obtained pay, as militia, from the State, for all the time they were engaged as mob, as will be seen by reference to the acts of the Legislature. That there were Mormon citizens wounded and murdered by the army under the command of General Lucas, and he verily believes that several women were ravished to death by the soldiery of Lucas and Clark. He also stated that he saw Joseph Smith, Sidney Rigdon, Parley P. Pratt, Lyman Wight, and George W. Robinson, delivered up by Colonel Hinkle to General Lucas, but expected they would have returned to the city that evening or the next morning, according to agreement, and the pledge of the sacred honor of the officers that they should be allowed to do so: but they did not return at all. The next morning, General Lucas demanded and took away the arms of the Militia of Caldwell county, (which arms have never been returned,) assuring them that they should be protected; but so soon as they obtained possession of the arms, they commenced their ravages by plundering the citizens of their bedding, clothing, money, wearing apparel, and everything of value they could lay their hands upon; and also attempting to violate the chastity of the women in sight of their husbands and friends—under the pretence of hunting for prisoners and arms. The soldiers shot down our oxen, cows, hogs and fowls, at our own

doors, taking part away, and leaving the rest to rot in the streets. The soldiers also turned their horses into our fields of corn.

Here the witness was shewn General Clark's speech, which is as follows, viz:

"GENTLEMEN,—You whose names are not attached to this list of names, will now have the privilege of going to your fields, and of providing corn, wood, &c., for your families. Those that are now taken will go from this to prison, be tried, and receive the due demerit of their crimes; but you, (except such as charges may hereafter be preferred against,) are at liberty as soon as the troops are removed that now guard the place, which I shall cause to be done immediately. It now devolves upon you to fulfil the treaty that you have entered into, the leading items of which I shall now lay before you. The first requires that your leading men be given up to be tried according to law; this you have complied with. The second is, that you deliver up your arms; this has also been attended to. The third stipulation is, that you sign over your properties to defray the expenses that have been incurred on your account; this you have also done. Another article yet remains for you to comply with,—and that is, that you leave the State forth-with. And whatever may be your feelings concerning this, or whatever your innocence is, it is nothing to me. General Lucas (whose military rank is equal with mine,) has made this treaty with you; I approve of it. I should have done the same had I been here, and am therefore determined to see it executed. The character of this State has suffered almost beyond redemption, from the character, conduct and influence that you have exerted; and we deem it an act of justice to restore her character by every proper means.—The order of the Governor to me was, that you should be exterminated, and not allowed to remain in the State. And had not your leaders been given up, and the terms of the treaty complied with before this time, your families would have been destroyed, and your houses in ashes. There is a discretionary power vested in my hands, which, considering your circumstances, I shall exercise for a season. You are indebted to me for this clemency. I do not say that you shall go now, but you must not think of staying here another season, or of putting in crops; for the moment you do this the citizens will be upon you; and if I am called here again in case of non-compliance with the treaty made, do not think that I shall act as I have done now. You need not expect any mercy, but extermination, for I am determined the Governor's order shall be executed. As for your Leaders, do not think, do not imagine for a mo-

ment, do not let it enter into your minds that they will be delivered and restored to you again, for their fate is fixed, the die is cast, their doom is sealed. I am sorry, Gentlemen, to see so many apparently intelligent men found in the situation that you are; and Oh! if I could invoke that Great Spirit of the unknown God to rest upon and deliver you from that awful chain of superstition, and liberate you from those fetters of fanaticism with which you are bound—that you no longer do homage to a man, I would advise you to scatter abroad, and never again organize yourselves with Bishops, Priests, &c., lest you excite the jealousies of the people and subject yourselves to the same calamities that have now come upon you. You have always been the aggressors—you have brought upon yourselves these difficulties, by being disaffected, and not being subject to rule. And my advice is, that you become as other citizens, lest by a recurrence of these events you bring upon yourselves irretrievable ruin."

When asked by the Court if it was correct? and after reading it, he replied—

Yes, as far as it goes—for, continued he, I was present when that speech was delivered, and when fifty-seven of our brethren were betrayed into the hands of our enemies as prisoners, which was done at the instigation of our open and avowed enemies: such as William McClellan and others, and the treachery of Colonel Hinkle. In addition to the speech referred to, General Clark said that, we must not be seen as many as five together. If you are, said he, the citizens will be upon you, and destroy you; but to flee immediately out of the State. There was no alternative for them but to flee: that they need not expect any redress, for there was none for them. With respect to the treaty, the witness further says, that there never was any treaty proposed or entered into on the part of the Mormons, or even thought of. As to the leaders being given up, there was no such contract entered into or thought of by the Mormons, or any one called a Mormon, except by Colonel Hinkle. And with respect to the trial of the prisoners at Richmond: I do not consider that tribunal a legal court, but an inquisition—for the following reasons: That Mr. Smith was not allowed any evidence whatever on his part, for the conduct of the court, as well as the judge's own words affirmed, that there was no law for Mormons in the State of Missouri. And he also knew that when Mr. Smith left the State of Missouri, he did not flee from justice, for the plain reason that the officers and the people manifested by their works and their words, that there was no law, nor justice for the people called Mormons. And further he

knows that Mr. Smith has ever been a strong advocate for the laws and constitutions of his country—and that there was no act of his life while in the State of Missouri, according to his knowledge, that could be implied or construed in any way whatever, to prove him a fugitive from justice; or that he has been guilty of "murder, treason, arson, larceny, theft, and stealing," the crimes he was charged with by General Clark, when he delivered him over to the civil authorities; and he supposes that the learned general did not know but there was a difference between "larceny, theft and stealing."

The witness also says that they compelled the brethren to give away their property by executing a Deed of Trust, at the point of the bayonet, and that Judge Cameron stood and saw the Mormons sign away their property, and then he and others would run and kick up their heels, and said they were glad of it, and "we have nothing to trouble us now." This judge also said, God damn them, see how well they feel now. General Clark also said he had authority to make what treaties he pleased; and the governor would sanction it.

The witness also stated that he never transgressed any of the laws of Missouri; and he never knew a Latter Day Saint break a law while there. He also said that if they would search the records of Clay, Caldwell, or Davies counties, they could not find one record of crime against a Latter Day Saint, or even in Jackson county, so far as witness knew.

BRIGHAM YOUNG.

LYMAN WIGHT sworn. Saith that he, has been acquainted with Joseph Smith Senior for the last twelve years, and that he removed to the State of Missouri in the year 1831, when the Church of Jesus Christ of Latter Day Saints was organized, agreeably to the law of the land. No particular difficulty took place until after some hundreds had assembled in that land who believed in the Book of Mormon, and Revelations which were given through said Joseph Smith Senior. After nearly two years of peace had elapsed, a strong prejudice among the various sects arose, declaring that Joseph Smith was a false prophet, and ought to die: and I heard hundreds say they had never known the man, but if they could come across him, they would kill him as soon as they would a rattlesnake. Frequently heard them say of those who believed in the doctrine he promulgated, that if they did not renounce it, they would exterminate or drive them from the county in which they lived. On enquiring of them if they had any prejudice against us, they said No, but Joe Smith ought to die, and if he ever comes to

this country, we will kill him, God damn him.

Matters went on thus until some time in the summer of 1833, when mobs assemble in considerable bodies, frequently visiting private houses, threatening them with death and destruction instantly, if they did not renounce Joe Smith as a prophet, and the Book of Mormon. Some time towards the last of the summer of 1833, they commenced their operations of mobocracy. On account of their priests, by making in their prejudices against Joseph Smith Senior, as I believe, gangs of from thirty to sixty, visiting the house of George Bebee, calling him out of his house at the hour of midnight, with many guns and pistols pointed at his breast, beating him most inhumanly with clubs and whips; and the same night or night afterwards, this gang unroofed thirteen houses in what was called the Whitmer Branch of the Church in Jackson county. These scenes of mobocracy continued to exist with unabated fury. Mobs went from house to house, thrusting poles and rails in at the windows and doors of the houses of the Saints, tearing down a number of houses, turning hogs, horses, &c., into cornfields, burning fences, &c. Some time in the month of October, they broke into the store of S. Gilbert & Co., and I marched up with thirty or forty men to witness the scene, and found a man by the name of McArty, brickbatting the store door with all fury, the silks, calicoes, and other fine goods, entwined about his feet, reaching within the door of the store-house. McArty was arrested and taken before squire Weston, by seven testimonies, and then acquitted without delay. The next day the witnesses were taken before the same man for false imprisonment, and by the testimony of this one burglar, were found guilty, and committed to jail. This so exasperated my feelings that I went with two hundred men to enquire into the affair, when I was promptly met by the colonel of the militia, who stated to me that the whole had been a religious farce, and had grown out of a prejudice they had imbibed against said Joseph Smith, a man with whom they were not acquainted. I here agreed that the church would give up their arms, provided the said Colonel Pitcher would take the arms from the mob. To this the colonel cheerfully agreed, and pledged his honor with that of Lieutenant Governor Boggs, Owen, and others. This treaty entered into, we returned home, resting assured on their honor, that we would not be farther molested. But this solemn contract was violated in every sense of the word. The arms of the mob were never taken away, and the majority of the militia, to my certain knowledge, were engaged the next day

with the mob, (Colonel Pitcher and Boggs not excepted,) going from house to house in gangs of from sixty to seventy in number, threatening the lives of women and children, if they did not leave forthwith. In this diabolical scene, men were chased from their houses and homes, without any preparations for themselves or families. I was chased by one of these gangs across an open prairie five mile without being overtaken, and lay three weeks in the woods, and was three days and three nights without food. In the mean time, my wife and three small children, in a skiff passed down Big Blue river a distance of fourteen miles and crossed over the Missouri river, and there borrowed a rag carpet of one of her friends and made a tent of the same, which was the only shield from the inclemency of the weather during the three weeks of my expulsion from home. Having found my family in this situation, and making some enquiry, I was informed I had been hunted through Jackson, Lafayette and Clay counties, and also the Indian territory. Having made the enquiry of my family, why it was they had so much against me, the answer was, "He believes in Joe Smith and the Book of Mormon, God damn him, and we believe Joe Smith to be a damned rascal!!" Here on the bank of the Missouri river were eight families, exiled from plenteous homes, without one particle of provisions, or any other means under the heavens to get any only by hunting in the forest. I here built a camp twelve feet square, against a sycamore log, in which my wife bore me a fine son on the 27th of December. The camp having neither chimney nor floor, nor covering sufficient to shield them from the inclemency of the weather, rendered it intolerable. In this doleful condition, I left my family for the express purpose of making an appeal to the American people to know something of the toleration of such vile and inhuman conduct, and travelled one thousand and three hundred miles through the interior of the United States, and was frequently answered "That such conduct was not justifiable in a republican government; yet we feel to say that we fear that Joe Smith is a very bad man, and circumstances alter cases. We would not wish to prejudge a man, but in some circumstances, the voice of the people ought to rule." The most of these expressions were from professors of religion; and in the aforesaid persecution, I saw one hundred and ninety women and children driven thirty miles across the prairie, with three decrepit men only in their company, in the month of Nov., the ground thinly crusted with sleet, and I could easily follow on their trail by the blood that flowed from their lacerated feet!! on the

stubble of the burnt prairie. This company not knowing the situation of the country, nor the extent of Jackson county, built quite a number of cabins, that proved to be in the borders of Jackson county. The mob, infuriated at this, rushed on them in the month of January 1834, burned these scanty cabins, and scattered the inhabitants to the four winds, from which cause many were taken suddenly ill, and of this illness died. In the mean time, they burned two hundred and three houses and one grist mill, these being the only residences of the Saints in Jackson county.

The most part of one thousand and two hundred Saints, who resided in Jackson county, made their escape to Clay county. I would here remark that among one of the companies that went to Clay county, was a woman named Sarah Ann Higbee who had been sick of chills and fever for many months; and another of the name of Keziah Higbee, who was under the most delicate circumstances, lay on the bank of the river, without shelter, during one of the most stormy nights I ever witnessed, while torrents of rain poured down during the whole night, and streams of the smallest ~~mountains~~ were magnified into rivers. The former was carried across the river, apparently a lifeless corpse.—The latter was delivered of a fine son, on the bank, within twenty minutes after being carried across the river, under the open canopy of heaven, and from which cause, I have every reason to believe, she died a premature death. The only consolation they received, under these circumstances, was "God damn you, do you believe in Joe Smith now?" During this whole time, the said Joseph Smith, Senior, lived in Ohio, in the town of Kirtland, according to the best of my knowledge and belief, a distance of eleven hundred miles from Jackson county, and thinks that the church had but little correspondence with him during that time. We now mostly found ourselves in Clay county—some in negro cabins—some in gentlemen's kitchens—some in old cabins that had been out of use for years—and others in the open air, without anything to shelter them from the dreary storms of a cold and stormy winter.

Thus like men of servitude we went to work to obtain a scanty living among the inhabitants of Clay county. Every advantage which could be taken of a people under these circumstances was not neglected by the people of Clay county.

A great degree of friendship prevailed between the Saints and this people under these circumstances for the space of two years; when the Saints commenced purchasing some small possessions for themselves; this together with the emigration created a jealousy on the part of the

old citizens—that we were to be their servants no longer. This raised an apparent indignation and the first thing expressed in this excitement was: "you believe too much in Joe Smith,"—consequently they commenced catching the Saints in the streets, whipping some of them until their bowels gushed out, and leaving others for dead in the streets. This so exasperated the Saints that they mutually agreed with the citizens of Clay county that they would purchase an entire new county north of Ray and cornering on Clay. There being not more than 40 or 50 inhabitants in this new county, who frankly sold out their possessions to the Saints, who immediately set in to enter the entire county from the General Government. The county having been settled, the Governor issued an order for the organization of the county into a regiment of militia, and an election being called for a Colonel of said regiment—I was elected unanimously, receiving 236 votes, in August 1837. Then organized with subaltern officers according to the statutes of the State, and received legal and lawful commissions from Governor Boggs for the same.

I think, sometime in the latter part of the winter said Joseph Smith moved to the district of country the Saints had purchased, and he settled down like other citizens of a new county, and was appointed the first Elder in the Church of Jesus Christ of Latter Day Saints, holding no office in the county either civil or military. I declare that I never knew said Joseph Smith to dictate by his influence or otherwise any of the officers either civil or military, he himself being exempt from military duty from the amputation from his leg of a part of the bone on account of a fever sore.

I removed from Caldwell to Davies county, purchased a pre-emption right, for which I gave 750 dollars, gained another by the side thereof, put in a large crop and became acquainted with the citizens of Davies, who appeared very friendly. In the month of June or July there was a town laid off, partly on my pre-emption, and partly on lands belonging to Government—the emigration commenced flowing to this newly laid off town very rapidly. This excited a prejudice in the minds of some of the old citizens who were an ignorant set, and not very far advanced before the aborigenes of the country in civilization or cultivated minds, fearing lest this rapid tide of emigration should deprive them of office of which they were dear lovers. This was more plainly exhibited at the Aug. election in the year 1838. The old settlers then swore that not one Mormon should vote at that election; accordingly they commenced operations by fist and skulls; this terminated in the loss of some teeth, some



flesh, and some blood. The combat being very strongly contested on both sides—many Mormons were deprived of their votes; and I was followed to the polls by three ruffians with stones in their hands, swearing they would kill me if I voted.

A false rumor was immediately sent to Far West, such as two or three Mormons were killed and were not suffered to be buried. The next day a considerable number of the Saints came out to my house—said Joseph Smith came with them—he enquired of me concerning the difficulty—the answer was political difficulties—he then asked if there was any thing serious—the answer was, no, I think not—we then all mounted our horses and rode up into the Prairie a short distance from my house to a cool spring near the house of Esq. Black where the greater number stopped for refreshment, whilst a few waited on Esq. Black—he was interrogated to know whether he justified the course of conduct at the late election or not—he said he did not, and was willing to give his protest in writing, which he did, and also desired that there should be a public meeting called which I think was done on the next day. Said Joseph Smith was not addressed on the subject but I was, who, in behalf of the Saints, entered into an agreement with the other citizens of the county that we would live in peace, enjoying those blessings fought for by our forefathers, but while some of their leading men were entering into this contract, others were raising mobs, and in a short time the mob increased to 205 rank and file, and they encamped within six miles of Ondiahman. In the mean time Joseph Smith and those who came with him from Far West returned to their homes in peace suspecting nothing—but I seeing the rage of the mob and their full determination to drive the Church from Davies county, sent to General Atchison (Major General of the Division in which we lived,) he immediately sent Brigadier General Doniphan, with between 200 and 300 men. Gen. Doniphan moved his troops near the mob force, and came up and conversed with me on the subject—after conversing some time on the subject, Major Hughes came and informed General Doniphan that his men were mutinizing, and the mob were determined to fall on the Saints in Ondiahman. I having a Col's. commission under Doniphan, was commanded to call out my troops forthwith, and to use Doniphans own language "kill every G—d—n mobocrat or make them prisoners, and if they come upon you give them hell"—he then returned his troops and gave them an address, stating the interview he had with me, and he also said to the mob, that if they were so disposed they could go on with their measures—that he considered that Col. Wight with the militia under

his command all-sufficient to quell every G—d—n mobocrat in the county, and if they did not feel disposed so to do, to go home or G—d—n them he would kill every one of them.—The mob then dispersed. During these movements Joseph Smith nor any of those of Far West or any other place were set at Ondiahman only those who were settlers and legal citizens of the place. The mob again assembled and went to DeWitt, Carroll county, there being a small branch of the Church at that place, but of the transactions at this place I have no personal knowledge. They succeeded in driving the Church from that place, some to the east and some to the west, &c. This increased their ardor, and with redoubled forces from several counties of the State, they returned to Davies county to renew the attack, many wanton attacks and violations of the rights of citizens took place at this time from the hands of this hellish band. I believing forbearance no longer to be a virtue, again sent to the Major General for military aid, who ordered out Brigadier General Parks. Parks came part of the way, but fearing his men would mutinize and join the mob, he came on ahead and conversed with me a considerable time. The night previous to his arrival the wife of Don Carlos Smith was driven from her house by this ruthless mob, and came into Ondiahman, a distance of three miles, carrying two children on her hips, one of which was then rising of two years old, the other six or eight months old—the snow being over shoe-mouth deep, and she having to wade Grand River which was at this time waist deep, and the mob burnt the house and every thing they had in it—and General Parks, passing the ruins thereof, seemed fired with indignation at their hellish conduct, and said he had hitherto thought it imprudent to call upon the militia under my command in consequence of popular opinion, but he now considered it no more than justice that I should have command of my own troops, and said to me, "I therefore command you forthwith to raise your companies immediately and take such course as you may deem best in order to disperse the mob from this county." I then called out sixty men and placed them under the command of Captain David W. Patton, and I also took about the same number—Capt. Patton was ordered to Galatin, where a party of the mob were located, and I to Millport, where another party was located. I and Captain Patton formed the troops under our command, and General Parks addressed them as follows:—

"Gentlemen, I deplore your situation—I regret that transactions of this nature should have transpired in our once happy State—your condition is certainly not an enviable one—surrounded by mobs on one side, and popular opinion

nd prejudice against you on the other—gladly would I fly to your relief with my troops, but I fear it would be worse for you—most of them have relations living in this county, and will not fight against them. One of my principal Captains, namely Samuel Bogard and his men have already mutinized and have refused to obey my command. I can only say to you, gentlemen, follow the command of Colonel Wight, whom I have commanded to disperse all mobs found in Davies county, or to make them prisoners and bring them before the civil authorities forthwith. I wish to be distinctly understood that Colonel Wight is vested with power and authority from me to disperse from your midst all who may be found on the side of mobocracy in the county of Davies. I deeply regret gentlemen (knowing as I do the vigilance and perseverance of Colonel Wight in the cause of freedom and rights of man) that I could not even be a soldier under his command in quelling the hellish outrages I have witnessed. In conclusion, gentlemen, be vigilant and persevere and allay every excitement of mobocracy. I have visited your place frequently—find you to be an industrious and thriving people, willing to abide the laws of the land.— And I deeply regret that you could not live in peace and enjoy the privileges of freedom. I shall now, gentlemen, return and dismiss my troops and put Captain Bogart under arrest—leave the sole charge with Colonel Wight, who I deem sufficiently qualified to perform according to law in all military operations necessary.”

Captain Patton then went to Gallatin, when coming in sight of Gallatin, he discovered about 100 of the mob holding some of the Saints in bondage, and tantalizing others in the most scandalous manner—at the sight of Captain Patton and company the mob took fright and such was their hurry to get away, some cut their bridle reins, and some pulled the bridles from their horses heads and went off with all speed, nothing to prevent the speed of their horses.

I went to Millport, and on my way discovered that the inhabitants had become enraged at the orders of the Generals Doniphan and Parks, and that they had sworn vengeance, not only against the Church but also against the two Generals, together with General Atchison, and to carry out their plans they entered into one of the most diabolical schemes ever entered into by man, and these hellish schemes were injuriously carried out: Firstly, by loading their families and goods in covered waggons, setting fire to their houses, moving into the midst of the mob and crying out the Mormons have driven us and burnt our houses. In this situation I found the country between my house and Millport, and also found Millport evacuated and burnt. Rumors were

immediately sent to the Governor, with the news that the Mormons were killing and burning every thing before them, and that great fears were entertained that they would reach Jefferson city before the runners could bring the news. This was not known by the Church of Latter Day Saints, until 2200 of the militia had arrived within half a mile of Far West, and they then supposed the militia to be a mob. I was sent for from Ondiahman to Far West—reached there the sun about one hour high in the morning of the 29th of October, 1838, called upon Joseph Smith, enquired the cause of the great uproar, he declared he did not know, but feared the mob had increased their numbers, and was endeavoring to destroy us—I enquired of him if he had had any conversation with any one concerning the matter—he said he had not, as he was only a private citizen of the county—that he did not interfere with any such matters. I think that he told me there had been an order from General Atchison or Doniphan, ~~me~~ to the Sheriff to call out the militia in order to quell the riots, and to go to him he could give me any information on this subject, on enquiring for him I found him not. That between 3 and 4 o'clock, P. M., George M. Hinkle Colonel of the militia in that place called on me in company with Joseph Smith, and said Hinkle said he had been in the camp in order to learn the intention of the same, he said they greatly desired to see Joseph Smith, Lyman Wight, Sidney Rigdon, P. P. Pratt, and George W. Robinson; Joseph Smith first enquired why they should desire to see him as he held no office either civil or military. I next enquired why it was they should desire to see a man out of his own county. Colonel Hinkle here observed there is no time for controversy, if you are not into the camp immediately they are determined to come upon Far West before the setting of the sun, and said they did not consider us as military braves, but religious bodies. He said that if the aforesaid persons went into the camp they would be liberated that night or very early next morning, that there should be no harm done.— We consulted together and agreed to go down—on going about half the distance from the camp, I observed it would be well for Generals Lucas, Doniphan, and others, to meet us and not have us go in so large a crowd of soldiers—accordingly the Generals moved onwards, followed by 50 Artillery men with a four pounder. The whole 2200 moved in steady pace on the right and left keeping about even with the former.— General Lucas approached the aforesaid designated persons with a vile, base, and treacherous look in his countenance—I shook hands with him and saluted him thus: “we understand General you wish to confer with us a few moments,

will not to-morrow morning do as well." At this moment George M. Hinkle spake and said, here General are the prisoners I agreed to deliver to you. General Lucas then brandished his sword with a most hideous look, and said you are my prisoners, and there is no time for talking; at the present, you will march into the camp. At this moment I believe that there were 500 guns cocked and not less than 20 caps bursted, and more hideous yells were never heard, even if the description of the yells of the damned in hell is true as given by the modern sects of the day. The aforesaid designated persons were there introduced into the midst of 2200 mob militia. They then called out a guard of 90 men, placing 30 around the prisoners who were on duty 2 hours and 4 off—prisoners were placed on the ground with nothing to cover but the heavens, and they were overshadowed by clouds that moistened them before morning.—Sidney Rigdon, was of a delicate constitution, received a slight shock of Apoplectic fits which excited great laughter and much ridicule in the guard and mob militia. Thus the prisoners spent a doleful night in the midst of a prejudiced and diabolical community. Next day Hyrum Smith and Amasa Lyman were dragged from their families and brought prisoners into the camp—they alleging no other reason for taking Hyrum Smith than that he was brother to Joe Smith the Prophet, and one of his counsellors as President of the Church. The prisoners spent this day as comfortably as could be expected under the existing circumstances. Night came on and under the dark shadows of the night, General Wilson, subaltern of General Lucas, took me one side, and said we do not wish to hurt you nor kill you, neither shall you be, by G—d—but we have one thing against you, and that is you are too friendly to Joe Smith, and we believe him to be a G—d—d rascal! and Wight you know all about his character—I said, I do sir—will you swear all you know concerning him said Wilson—I will sir, was the answer I gave—give us the outlines said Wilson—I then told said Wilson I believed said Joseph Smith to be the most philanthropic man he ever saw and possessed of the most pure and republican principles, a friend to mankind, a maker of peace and sir, had it not been that I had given heed to his counsel I would have given you hell before this time with all your mob forces, he then observed: Wight, I fear your life is in danger for there is no end to the prejudice against Joe Smith—kill and be d—d sir, was my answer. He answered and said there is to be a court martial held this night, and will you attend sir? I will not, unless compelled by force, was my reply. He returned about 11 o'clock that night and took me aside, and said I regret to tell you

your die is cast, your doom is fixed, you are sentenced to be shot to-morrow morning on the public square, in Far West, at 8 o'clock. I answered, shoot, and be d—d.

We were in hopes said he, you would come out against Joe Smith, but as you have not, you will have to share the same fate with him. I answered, you may thank Joe Smith that you are not in hell this night; for had it not been for him, I would have put you there. Somewhere about this time General Doniphan came up and said to me; Colonel, the decision is a damned hard one, and I have washed my hands against such cool and deliberate murder. He further told me, that General Graham and several others, (names not recollected,) were with him in the decision, and opposed it with all their power; that he should move his soldiers away by day light, in the morning; that they should not witness such a heartless murder, Colonel, I wish you well. I then returned to my fellow prisoners, to spend another night on the cold damp earth, and the canopy of heaven to cover us. The night again proved a damp one. At the removal of General Doniphan's part of the army, the camp was thrown into the utmost confusion and consternation. General Lucas, fearing the consequence of such hasty and inconsiderate measures, revoked the decree of shooting the prisoners, and determined to take them to Jackson county. Consequently, he delivered the prisoners over to General Wilson, ordering him to see them safe to Independence, Jackson county. About the hour the prisoners were to have been shot on the public square in Far West, they were exhibited in a wagon in the town, all of them having families there, but myself; and it would have broken the heart of any person possessing an ordinary share of humanity, to have seen the separation. The aged father and mother of Joseph Smith were not permitted to see his face, but to reach their hands through the curtains of the wagon, and thus take leave of him. When passing his own house, he was taken out of the wagon and permitted to go into the house, but not without a strong guard, and not permitted to speak with his family but in the presence of his guard and his eldest son, Joseph, about six or eight years old, hanging to the tail of his coat, crying father, is the mob going to kill you? The guard said to him, 'you damned little brat, go back, you will see your father no more.' The prisoners then set out for Jackson county, accompanied by Generals Lucas and Wilson, and about three hundred troops for a guard. We remained in Jackson county two or three days and nights, during most of which time, the prisoners were treated in a gentlemanly manner,

and boarded at a hotel, for which they had afterwards, when confined in Liberty jail, to pay the most extravagant price, or have their property, if any they had, attached for the same.— At this time General Clark had arrived at Richmond, and by orders from the governor, took on himself the command of the whole of the militia, notwithstanding General Atchison's commission was the oldest, but he was supposed to be too friendly to the Mormons; and therefore dismounted, and General Clark sanctioned the measures of General Lucas, however cruel they might have been; and said, he should have done the same had he been there himself. Accordingly he remanded the prisoners from Jackson county, and they were taken and escorted by a strong guard to Richmond; threatened several times on the way with violence and death. They were met five miles before they reached Richmond, by about one hundred armed men, and when they arrived in town they were thrust into an old cabin under a strong guard. I was informed by one of the guards, that two nights previous to their arrival, General Clark had a court martial, and the prisoners were again sentenced to be shot; but he being a little doubtful of his authority, sent immediately to Fort Leavenworth for the military law, and a decision from the United States officers, where he was duly informed, that any such proceeding would be a cool blooded and heartless murder. On the arrival of the prisoners at Richmond, Joseph Smith and myself sent for General Clark; to be informed by him what crimes were alledged against us. He came in and said he would see us again in a few minutes; shortly he returned and said he would inform us of the crimes alledged against us by the state of Missouri.

"Gentlemen, you are charged with treason, murder, arson, burglary, larceny, theft, and stealing, and various other charges too tedious to mention, at this time;" and he left the room. In about twenty minutes, there came in a strong guard, together with the keeper of the penitentiary of the state, who brought with him two common trace chains, noozed together by putting the small end through the ring; and commenced chaining us up one by one, and fastening with padlocks, about two feet apart. In this unhallowed situation, the prisoners remained fifteen days, and in this situation, General Clark delivered us to the professed civil authorities of the state, without any legal process being served on us at all, during the whole time we were kept in chains, with nothing but ex-parte evidence, and that either by the vilest apostates, or by the mob who had committed murder in the state of Missouri. Notwithstan-

ding all this ex-parte evidence, Judge King did inform our lawyer, ten days previous to the termination of the trial, who he should commit and who he should not; and I heard Judge King say on his bench, in the presence of hundreds of witnesses, that there was no law for Mormons, and they need not expect any. Said he, if the governor's exterminating order had been directed to me, I would have seen it fulfilled to the very letter ere this time.

After a tedious trial of fifteen days, with no other witnesses but ex-parte ones, the witnesses, for prisoners were either kicked out of doors or put on trial for themselves. The prisoners were now committed to Liberty jail, under the care and direction of Samuel Tillery, jailor.— Here we were received with a shout of indignation and scorn, by the prejudiced populace. Prisoners were here thrust into jail without a regular mittimus; the jailor having to send for one some days after. The mercies of the jailor were intolerable, feeding us with a scanty allowance, on the dregs of coffee and tea, from his own table, and fetching the provisions in a basket, on which the chickens had roosted the night before, without being cleaned; five days he fed the prisoners on human flesh, and from extreme hunger I was compelled to eat it. In this situation we were kept until about the month of April, when we were remanded to Davies county for trial before the grand jury.— We were kept under the most loathsome and despotic guards they could produce in that county of lawless mobs. After six or eight days the grand jury, (most of whom by the by, were so drunk that they had to be carried out and into their rooms as though they were lifeless,) formed a fictitious indictment, which was sanctioned by Judge Birch, who was the State's Attorney under Judge King at our ex-parte trial, and who at that time stated that the Mormons ought to be hung without judge or jury, he the said judge, made out a mittimus without day or date, ordering the sheriff to take us to Columbia. The sheriff selected four men to guard five of us. We then took a circuitous route, crossing prairies sixteen miles without houses, and after travelling three days the sheriff and I were together, by ourselves five miles from any of the rest of the company, for sixteen miles at a stretch. The sheriff here observed to me, that he wished to God he was at home, and your friends and you also. The sheriff then showed me the mittimus, and he found it had neither day or date to it; and said the inhabitants of Davies county would be surprised that the prisoners had not left them sooner; and said he, by God, I shall not go much further. We were then near Yellow creek,

and there were no houses nearer one way than sixteen miles and eleven another way; except right on the creek. Here a part of the guard took a spree while the balance helped us to mount our horses, which we purchased of them and for which they were paid. Here we took a change of venue and went to Quincy without difficulty, where we found our families who had been driven out of the state under the exterminating order of Governor Boggs. I never knew of Joseph Smith's holding any office, civil or military, or using any undue influence in religious matters during the whole routine of which I have been speaking.

#### LYMAN WIGHT.

SIDNEY RIGDON, sworn. Says, I arrived in Far West, Caldwell county, Missouri, on the 4th of April, 1839, and enjoyed peace and quietness in common with the rest of the citizens, until the August following, when great excitement was created by the office seekers. Attempts were made to prevent the citizens of Caldwell from voting. Soon after the election, which took place in the early part of August, the citizens of Caldwell were threatened with violence from those of Davis county, and other counties adjacent to Caldwell.

This, the August 1838, I may date as the time of the beginning of all the troubles of our people in Caldwell county, and in all the counties in the state, where our people were living. We had lived in peace from the April previous until this time, but from this time till we were all out of the state, it was but one scene of violence following another in quick succession.

There were at this time, settlements in Clay, Ray, Carroll, Caldwell, and Davis counties, as well as some families living in other counties. A simultaneous movement was made in all the counties where settlements were made in every part of the state, which soon became violent, and threatenings were heard from every quarter. Public meetings were held and the most inflammatory speeches made, and resolutions passed which denounced all the citizens of these counties in the most bitter and rancorous manner. These resolutions were published in the papers, and the most extensive circulation given to them, that the presses of the country were capable of giving.

The first regular mob that assembled was in Carroll county, and their efforts were directed against the settlements made in that county, declaring their determination to drive out of the county all the citizens who were of our religion, and that indiscriminately, without regard to any thing else but their religion. The only evidence necessary to dispossess any individual or family, or all the evidence required

would be that they were Mormons, as we were called, or rather that they were of the Mormon religion. This was considered of itself crime enough to cause any individual or family to be driven from their homes, and their property made common plunder. Resolutions to this effect were made at public meetings held for the purpose, and made public through the papers of the state in the face of all law, and all authority.

I will now give a history of the settlement in Carroll county. In the preceding April, as myself and family were on our way to Far West, we put up at a house in Carroll county, on a stream called Turkey creek, to tarry for the night. Soon after we stopped, a young man came riding up who also stopped and staid through the night. Hearing my name mentioned he introduced himself to me as Henry Root, said he lived in that county at a little town called De Witt, on the Missouri river, and had been at Far West, to get some of those who were coming into that place, to form a settlement at De Witt; speaking highly of the advantages of the situation, and soliciting my interference in his behalf, to obtain a number of families to commence at that place, as he was a large proprietor in the town plat. He offered a liberal share in all the profits which might arise from the sale of property there, to those who would aid him in getting the place settled. In the morning we proceeded on our journey.

Some few weeks after my arrival, the said Henry Root, in company with a man by the name of David Thomas, came to Far West on the same business; and after much solicitation on their part, it was agreed that a settlement should be made in that place, and in the July following, the first families removed there, and the settlement soon increased, until in the October following, it consisted of some seventy families. By this time a regular mob had collected, strongly armed; and had obtained possession of a cannon, and stationed a mile or two from the town. The citizens being nearly all new comers, had to live in their tents and wagons, and were exerting themselves to the uttermost to get houses for the approaching winter. The mob commenced committing their depredations on the citizens, by not suffering them to procure the materials for building, keeping them shut up in the town, not allowing them to go out to get provisions, driving off their cattle, and preventing the owners from going in search of them. In this way the citizens were driven to the greatest extremities, actually suffering for food and every comfort of life, in consequence of which there was much

sickness and many died; females gave birth to children without a house to shelter them, and in consequence of the exposure, many suffered great afflictions and many died.

Hearing of their great sufferings, a number of the men of Far West determined on going to see what was doing there. Accordingly we started, eluded the vigilance of the mob, and notwithstanding they had sentinels placed on all the principal roads, to prevent relief from being sent to the citizens, safely arrived in De Witt, and found the people as above stated.

During the time we were there, every effort that could be, was made to get the authorities of the country to interfere and scatter the mob. The judge of the circuit court was petitioned, but without success, and after that the governor of the state, who returned for answer that the citizens of De Witt had got into a difficulty with the surrounding country, and they might get out of it; for he would have nothing to do with it, or this was the answer that the messenger brought when he returned.

The messenger was a Mr. Caldwell, who owned a ferry on Grand river, about three miles from De Witt, and was an old settler in the place.

The citizens were completely besieged by the mob, no man was at liberty to go out, nor any to come in. The extremities to which the people were driven, were very great, suffering with much sickness, without shelter, and deprived of all aid either medical or any other kind, and being without food or the privilege of getting it, and betrayed by every man who made the least pretension to friendship; a notable instance of which I will here give as a sample of many others of a similar kind. There was neither bread nor flour to be had in the place; a steamboat landed there and application was made to get flour but the captain said there was none on board. A man then offered his services to get flour for the place; knowing, he said, where there was a quantity. Money was given to him for that purpose; he got on the boat and went off; and that was the last we heard of the man or the money. This was a man who had been frequently in De Witt during the siege, and professed great friendship. In this time of extremity a man who had a short time before moved into De Witt, bringing with him a fine yoke of cattle, started out to hunt his cattle, in order to butcher them to keep the citizens from actual starvation, but before he got but a little way from the town, he was fired upon by the mob and narrowly escaped with his life and had to return, or at least, such was his report when he returned. Being now completely inclosed on every side, we could plainly see many

men on the opposite side of the river, and it was supposed that they were there to prevent the citizens from crossing, and indeed a small craft crossed from them with three men in it, who said that that was the object for which they had assembled.

At this critical moment, with death staring us in the face, in its worst form; cut off from all communication with the surrounding country, and all our provisions exhausted, we were sustained as the children of Israel in the desert, only by different animals. They by quails, and us by cattle and hogs which came walking into the camp, for such it truly was, as the people were living in tents and wagons, not being privileged with building houses. What was to be done in this extremity? why, recourse was had to the only means of subsistence left, and that was to butcher the cattle and hogs which came into the place, without asking who was the owner, or without knowing, and what to me is remarkable, is, that a sufficient number of animals came into the camp to sustain life during the time in which the citizens were thus besieged by the mob. This indeed was but coarse living, but such as it was, it sustained life.

From this circumstance, the cry went out that the citizens of De Witt, were thieves and plunderers, and were stealing cattle and hogs. During this time the mob of Carroll county said that all they wanted was that the citizens of De Witt should leave Carroll county and go to Caldwell and Davies counties. The citizens finding that they must leave De Witt, or eventually starve, finally agreed to leave; and accordingly preparations were made and De Witt was vacated. The first morning after we left, we put up for the night in a grove of timber. Soon after our arrival in the grove, a female who a short time before had given birth to a child, in consequence of the exposure died. A grave was dug in the grove, and the next morning the body was deposited in it without a coffin, and the company proceeded on their journey; part of them going to Davies county and part into Caldwell: This was in the month of October, 1838.

In a short time after their arrival in Davies and Caldwell counties, messengers arrived informing the now citizens of Caldwell and Davies, that the mob was marching to Davies county, with their cannon with them, threatening death to the citizens, or else that they should all leave Davies county. This caused other efforts to be made to get the authorities to interfere. I wrote two memorials, one to the governor, and one to Austin A. King circuit judge, imploring their assistance and intervention to protect the citizens of Davies

against the threatened violence of the mob.— These memorials were accompanied with affidavits which could leave no doubt on the mind of the governor or judge, that the citizens before mentioned were in imminent danger. At this time things began to assume an alarming aspect both to the citizens of Davies and Caldwell counties. Mobs were forming all around the country, declaring that they would drive the people out of the state. This made our appeals to the authorities more deeply solicitous as the danger increased, and very soon after this the mobs commenced their depredations; which was a general system of plunder: tearing down fences, exposing all within the field to destruction, and driving off every animal they could find.

Sometime previous to this, in consequence of the threatenings which were made by mobs, or those who were being formed into mobs, and the abuses committed by them on the persons and property of the citizens; an association was formed, called the Danite band.

This, as far as I was acquainted with it, (not being myself one of the number, neither was Joseph Smith, Senior,) was for mutual protection against the bands that were forming, and threatened to be formed; for the professed object of committing violence on the property and persons of the citizens of Davies and Caldwell counties. They had certain signs and words by which they could know one another, either by day or night. They were bound to keep those signs and words secret; so that no other person or persons than themselves could know them. When any of these persons were assailed by any lawless band, he would make it known to others who would flee to his relief at the risk of life. In this way they sought to defend each others lives and property, but they were strictly enjoined not to touch any person, only those who were engaged in acts of violence against the persons or property of one of their own number or one of those whose life and property they had bound themselves to defend.

This organization was in existence when the mobs commenced their most violent attempts upon the citizens of the before mentioned counties, and from this association arose all the horror afterwards expressed by the mob at some secret clan known as Danites.

The efforts made to get the authorities to interfere at this time was attended with some success. The militia were ordered out under the command of Major General Atchison, of Clay county, Brigadier Generals Doniphan, of Clay, and Parks, of Ray county, who marched their troops to Davies county, where they found a large mob, and General Atchison said in my

presence, he took the following singular method to disperse them. He organized them with his troops as part of the militia called out, to suppress and arrest the mob; after having thus organized them, discharged them and all the rest of the troops as having no further need for their services, and all returned home.

This however, seemed only to give the mob more courage to increase their exertions with redoubled vigor. They boasted after that, that the authorities would not punish them, and they would do as they pleased. In a very short time their efforts were renewed with a determination not to cease until they had driven the citizens of Caldwell and such of the citizens of Davies as they had marked out as victims, from the state. A man by the name of Cornelius Gillum who resided in Clay county, and formerly sheriff of said county, organized a band who painted themselves like Indians, and had a place of rendezvous at Hunter's Mills on a stream called Grindstone. I think it was in Clinton county, the county west of Caldwell and between it and the west line of the state. From this place they would sally out and commit their depredations. Efforts were again made to get the authorities to put a stop to these renewed outrages, and again General Doniphan and General Parks were called out with such portions of their respective brigades as they might deem necessary to suppress the mob, or rather mobs, for by this time there were a number of them. General Doniphan came to Far West, and while there, recommended to the authorities of Caldwell to have the militia of said county called out as a necessary measure of defence; assuring us that Gillum had a large mob on the Grindstone, and his object was to make a descent upon Far West, burn the town and kill or disperse the inhabitants; and that it was very necessary that an effective force should be ready to oppose him, or he would accomplish his object.

The militia was accordingly called out. He also said that there had better be a strong force sent to Davies county to guard the citizens there: he recommended that to avoid any difficulties which might arise, they had better go in very small parties, without arms, so that no legal advantage could be taken of them. I will here give a short account of the courts and internal affairs of Missouri, for the information of those who are not acquainted with the same.

Missouri has three courts of law peculiar to that state. The supreme court, the circuit court and the county court. The two former, about the same as in many other states of the Union. The county court, is composed of three judges, elected by the people of the respective

counties. This court is in some respects like the court of probate in Illinois, or the surrogate's court of New York; but the powers of this court are more extensive than the courts of Illinois or New York. The judges, or any one of them, of the county court of Missouri, has the power of issuing habeas corpus, in all cases where arrests are made within the county where they preside. They have also all the power of justices of the peace in civil, as well as criminal cases; for instance, a warrant may be obtained from one of these judges, by affidavit, and a person arrested under such warrant. From another of these judges, a habeas corpus may issue, and the person arrested be ordered before him, and the character of the arrest be inquired into, and if in the opinion of the judge, the person ought not to be holden by virtue of said process, he has power to discharge him. In the internal regulation of the affairs of Missouri, the counties in some respects are nearly as independent of each other as the several states of the Union. No considerable number of men armed, can pass out of one county into, or through another county, without first obtaining the permission of the judges of the county court, or some one of them, otherwise they are liable to be arrested by the order of said judges, and if in their judgement they ought not thus to pass, they are ordered back from whence they came; and in case of refusal, are subject to be arrested or even shot down in case of resistance. The judges of the county court or any one of them, have the power to call out the militia of said county upon affidavit being made to them for that purpose, by any of the citizens of said county; shewing it just, in the judgement of such judge or judges, why said militia should be called out to defend any portion of the citizens of said county. The following is the course of procedure: Affidavit is made before one or any number of the judges, setting forth, that the citizens of said county, or any particular portion of them, is either invaded or threatened with invasion by some unlawful assembly whereby their liberties, lives or property may be unlawfully taken. When such affidavit is made to any one of the judges or all of them, it is the duty of him or them, before whom such affidavit is made, to issue an order to the sheriff of the county, to make requisition upon the commanding officer of the militia of said county, to have immediately put under military order such a portion of the militia under his command as may be necessary for the defence of the citizens of said county.

In this way the militia of any county may be called out at any time deemed necessary by the

county judge, independently of any other civil authority of the State.

In case that the militia of the county is insufficient to quell the rioters, and secure the citizens against the invaders, then recourse can be had to the judge of the circuit court, who has the same power over the militia of his judicial district, as the county judges have over the militia of the county. And in case of insufficiency in the militia of the judicial district of the circuit judge, recourse can be had to the governor of the state, and all the militia of the state called out, and if this should fail, then the governor can call on the President of the United States, and all the forces of the nation be put under arms.

I have given this expose of the internal regulations of the affairs of Missouri, in order that the court may clearly understand what I have before said on this subject, and what I may hereafter say on it.

It was in view of this order of things that General Doniphan, who is a lawyer of some celebrity in Missouri, gave the recommendation he did at Far West, when passing into Davies county with his troops, for the defence of the citizens of said county. It was in consequence of this, that he said, that those of Caldwell county which went into Davies county, should go in small parties, and unarmed, in which condition they were not subject to any arrest from any authority whatever.

In obedience to these recommendations the militia of Caldwell county was called out; affidavit having been made to one of the judges of the county, setting forth the danger which it was believed the citizens were in, from a large marauding party assembled under the command of one Cornelius Gillum, on a stream called Grindstone. When affidavit was made to this effect, the judge issued his order to the sheriff of the county, and the sheriff to the commanding officer, who was Colonel G. M. Hinkle, and thus were the militia of the county of Caldwell put under military orders.

General Doniphan however, instead of going into Davies county, soon after he left Far West returned back to Clay county with all his troops, giving as his reason, the mutinous character of his troops; which he said would join the mob, he believed, instead of acting against them; and that he had not power to restrain them.

In a day or two afterwards, General Parks of Ray county, also came to Far West, and said that he had sent on a number of troops to Davies county to act in concert with General Doniphan. He also made the same complaint concerning his troops, that Doniphan had, doubting greatly whether they would render any service



those in Davies who were threatened with violence by the mobs assembling; but on hearing that Doniphan, instead of going to Davies county had returned to Clay, followed his example and ordered his troops back to Ray county, and thus were the citizens of Caldwell county and those of Davies county, who were marked out as victims by the mob, left to defend themselves the best way they could.

What I have here stated in relation to Generals Doniphan and Parks, were conversations had between myself and them, about which I cannot be mistaken, unless my memory has betrayed me.

The militia of the county of Caldwell were now all under requisition, armed and equipped according to law. The mob after all the authorities of the State had been recalled, except the force of Caldwell county, commenced the work of destruction in earnest; showing a determination to accomplish their object. Far West, where I resided, which was the shire town of Caldwell county, was placed under the charge of a captain by the name of Killian, who made my house his head quarters; other portions of the troops were distributed in different places in the county, wherever danger was apprehended. In consequence of Captain Killian's making my house his head quarters, I was put in possession of all that was going on, as all intelligence in relation to the operations of the mob was communicated to him. Intelligence was received daily of depredations being committed not only against the property of the citizens, but other persons; many of whom when attending to their business, would be surprised, and taken by marauding parties, tied up and whipped in a most desperate manner. Such outrages were common during the progress of these extraordinary scenes, and all kinds of depredations were committed. Men driving their teams to and from mills where they got grinding done, would be surprised and taken, their persons abused, and their teams, wagons, and loading all taken as booty by the plunderers. Fields were thrown open and all within them exposed to the destruction of such animals as chose to enter. Cattle, horses, hogs and sheep were driven off, and a general system of plunder and destruction of all kinds of property, carried on to the great annoyance of the citizens of Caldwell, and that portion of the citizens of Davies marked as victims by the mob. One afternoon a messenger arrived at Far West calling for help, saying that a banditti had crossed the south line of Caldwell, and were engaged in threatening the citizens with death if they did not leave their homes and go out of the state within a very short time; the time not

precisely recollected; but I think it was the next day by ten o'clock, but of this I am not certain. He said they were setting fire to the prairies, in view of burning houses and desolating farms, that they had set fire to a wagon loaded with goods and they were all consumed; that they had also set fire to a house, and when he left, it was burning down. Such was the situation of affairs at Far West at that time, that Captain Killian could not spare any of his forces, as an attack was hourly expected at Far West. The messenger went off, and I heard no more about it, till some time the night following, when I was awakened from sleep by the voice of some man apparently giving command to a military body, being somewhat unwell, I did not get up. Some time after I got up in the morning, the sheriff of the county stopped at the door, and said that David Patten, had had a battle with the mob last night at crooked river, and that several were killed and a number wounded; that Patten was among the number of the wounded, and his wound supposed to be mortal. After I had taken breakfast another gentleman called, giving me the same account, and asked me if I would not take my horse and ride out with him and see what was done. I agreed to do so, and we started, and after going some three or four miles, met a company coming into Far West, we turned and went back with them.

This mob proved to be that, headed by the Reverend Samuel Bogard, a methodist preacher, and the battle was called the Bogard Battle. After this battle there was a short season of quiet, the mobs disappeared, and the militia returned to Far West; though they were not discharged, but remained under orders until it should be known how the matter would turn. In the space of a few days, it was said that a large body of armed men were entering the south part of Caldwell County. The county court ordered the military to go and enquire what was their object, in thus coming into the county without permission. The military started as commanded, and little or no information was received at Far West about their movements until late the next afternoon, when a large army was descried making their way towards Far West. Far West being an elevated situation, the army was discovered while a number of miles from the place. Their object was entirely unknown to the citizens as far as I had any knowledge on the subject; and every man I heard speak of their object, expressed as great ignorance as myself.— They reached a small stream on the east side of the town, which was studded with timber on its banks and for perhaps from half a mile to a mile on the east side of the stream, an hour be-

fore sundown. There the main body halted, and soon after a detachment under the command of Brigadier General Doniphan, marched towards the town in line of battle. This body was preceded, probably three fourths of a mile in advance of them, by a man carrying a white flag, who approached within a few rods of the eastern boundary of the town, and demanded three persons, who were in the town, to be sent to their camp, after which the whole town, he said, would be massacred. When the persons who were inquired for, were informed, they refused to go, determined to share the common fate of the citizens. One of those persons did not belong to the "Church of Latter Day Saints." His name is Adam Lightner, a merchant in that city.

The white flag returned to the camp. To the force of General Doniphan, was the small force of Caldwell militia, under Colonel Hinkle, opposed. Who also marched in line of battle to the eastern line of the town. The whole force of Colonel Hinkle did not exceed three hundred men—that of Doniphan, perhaps three times that number. I was no way connected with the militia, being over age, neither was Joseph Smith Senior. I went into the line formed by Colonel Hinkle though unarmed, and stood among the rest to await the result, and had a full view of both forces, and stood there. The armies were within rifle shot of each other. About the setting of the sun Doniphan ordered his army to return to the camp at the Creek: they wheeled and marched off. After they had retired, it was consulted what was best to do—by what authority the army was there no one could tell, as far as I knew—it was agreed to build through the night a sort of fortification, and if we must fight, sell our lives as dear as we could, accordingly all hands went to work, rails, house-logs, and wagons, were all put in requisition, and the east line of the town as well secured as could be done by the men and means, and the short time allowed; expecting an attack in the morning. The morning at length came and that day passed away and still nothing done; but plundering the cornfields, shooting cattle and hogs, stealing horses and robbing houses, and carrying off potatoes, turnips, and all such things as the army of General Lucas could get, for such in the event they proved to be. The main body being commanded, by Samuel D. Lucas, a Deacon in the P. esbyterian church. The next came and then it was ascertained that they were there by order of the Governor.

A demand was made for Joseph Smith Senior, Lyman Wight, George W. Robinson, Parley P. Pratt, and myself, to go into their camp with this demand we instantly complied and accor-

dingly started to their camp. When we came in sight of their camp the whole army was on parade, marching toward the town, we approached and met them, and were informed by Lucas that we were prisoners of war. A scene followed that would defy any mortal to describe, a howling was set up, that would put any thing I ever heard before or since at defiance, I thought at the time it had no parallel except it might be in the perdition of ungodly men. They had a cannon. I could distinctly hear the guns as the locks were sprung, which appeared from the sound to be in every part of the army. General Doniphan came riding up where we were, and swore by his maker that he would hew the first man down that cocked a gun, one or two other officers on horseback also rode up, ordering those who had cocked their guns to uncock them or they would be hewed down with their swords, we were conducted into their camp and made to lay on the ground through the night.

This was late in October—we were kept here for two days and two nights. It commenced raining and snowing until we were completely drenched and being compelled to lay on the ground which had become very wet and the water was running round us and under us—what consultation the officers and others had in relation to the disposition which was to be made of us. I am entirely indebted to the report made to me by General Doniphan as none of us were put on any trial. General Doniphan gave an account of which the following is the substance, as far as my memory serves me: "That they held a Court Martial and sentenced us to be shot at 8 o'clock the next morning after the Court Martial was holden, in the public square in the presence of our families—that this Court Martial was composed of seventeen preachers and some of the principal officers of the army—Samuel D. Lucas presided—Doniphan arose and said "that neither himself nor his brigade should have any hand in the shooting, that it was nothing short of cold blooded murder and left the Court Martial and ordered his brigade to prepare and march off the ground."

This was probably the reason why they did not carry the decision of the Court Martial into effect. It was finally agreed that we should be carried into Jackson county, accordingly on the third day after our rest the army was all paraded, we were put into waggon and taken into the town—our families having heard that we were to be brought to town that morning to be shot. When we arrived a scene ensued such as might be expected, under the circumstances. I was permitted to go alone with my family into the house, there I found my family so completely plundered of all kinds of food that they had

nothing to eat but parched corn which they ground with a hand mill, and thus were they sustaining life. I soon pacified my family and allayed their feelings by assuring them that the ruffians dared not kill me. I gave them strong assurances that they dared not do it, and that I would return to them again. After this interview I took my leave of them, and returned to the waggon got in and we were all started off for Jackson county. Before we reached the Missouri river a man came riding along the line apparently in great haste. I did not know his business. When we got to the river Lucas came to me and told me that he wanted us to hurry, as Jacob Stollings had arrived from Far West with a message from Gen. John C. Clark ordering him to return with us to Far West as he was there with a large army, he said he would not comply with the demand, but did not know but Clark might send an army to take us by force. We were hurried over the river as fast as possible with as many of Lucas' army as could be sent over at one time and sent hastily on, and thus we were taken to Independence the Shire town of Jackson county, and put into an old house and a strong guard placed over us. In a day or two they relaxed their severity, we were taken to the best tavern in town and there boarded, and treated with kindness—we were permitted to go and come at our pleasure without any guard. After some days Colonel Sterling G. Price arrived from Clark's army with a demand to have us taken to Richmond, Ray county. It was difficult to get a guard to go with us, indeed, we solicited them to send one with us, and finally got a few men to go and we started; after we had crossed the Missouri, on our way to Richmond, we met a number of very rough looking fellows, and as rough acting as they were looking, they threatened our lives.—We solicited our guard to send to Richmond for a stronger force to guard us there, as we considered our lives in danger. Sterling G. Price met us with a strong force and conducted us to Richmond where we were put in close confinement.

One thing I will here mention which I forgot—while we were at Independence I was introduced to Russell Hicks, a lawyer of some note in the country. In speaking on the subject of our arrest and being torn from our families, said he presumed it was another Jackson county scrape. He said the Mormons had been driven from that county and that without any offence on their part. He said he knew all about it, they were driven off because the people feared their political influence. And what was said against the Mormons was only to justify the mob in the eyes of the world for the course they had taken. He said this was another scrape of the same kind.

This Russell Hicks, by his own confession, was one of the principal leaders in the Jackson county mob.

After this digression I will return—The same day that we arrived at Richmond, Price came in to the place where we were, with a number of armed men, who immediately, on entering the room cocked their guns, another followed with chains in his hands, and we were ordered to be chained all together—a strong guard was placed in and around the house, and thus we were secured. The next day General Clark came in, and we were introduced to him—the awkward manner in which he entered and his apparent embarrassment was such as to force a smile from me. He was then asked for what he had thus cast us into prison?—to this question he could not or did not give a direct answer. He said he would let us know in a few days, and after a few more awkward and uncouth movements he withdrew. After he went out I asked some of the guard what was the matter with General Clark, that made him appear so ridiculous? They said he was near sighted; I replied that I was mistaken if he were not as near witted, as he was near sighted.

We were now left with our guards, without knowing for what we had been arrested, as no civil process had issued against us—for what followed until General Clark came in again to tell us that we were to be delivered into the hands of the civil authorities. I am entirely indebted to what I heard the guards say—I heard them say that General Clark had promised them before leaving Coles county that they should have the privilege of shooting Joseph Smith Senior and myself. And that General Clark was engaged in searching the military law to find authority for so doing; but he found it difficult as we were not military men and did not belong to the militia; but he had sent to Fort Leavenworth for the military code of law, and he expected, after he got the laws, to find law to justify him in shooting us.

I must here again digress, to relate a circumstance which I forgot in its place. I had heard that Clark had given a military order to some persons who had applied to him for it, to go to our houses and take such goods as they claimed. The goods claimed, were goods sold by the sheriff of Caldwell county on an execution, which I had purchased at the sale. The man against whom the execution was issued, availed himself of that time of trouble to go and take the goods wherever he could find them.—I asked Clark if he had given any such authority. He said that an application had been made to him for such an order, but he said, "your lady wrote me a letter, requesting me not to do

it—telling me that the goods had been purchased at the sheriff's sale, and I would not grant the order." I did not, at the time, suppose that Clark, in this, had barefacedly lied; but the sequel proved he had—for some time afterwards, behold there comes a man to Richmond with the order, and shewed it to me, signed by Clark. The man said he had been at our house, and taken all the goods he could find. So much for a lawyer, a Methodist, and very pious man at that time in religion, and a major general of Missouri.

During the time that Clark was examining the military law, there were some thing took place which may be proper to relate in this place. I heard a plan laying among a number of those who belonged to Clark's army, and some of them officers of high rank, to go to Far West, and commit violence on the persons of Joseph Smith Senior's wife, and my wife and daughters.

This gave me some uneasiness. I got an opportunity to send my family word of their design, and to make such arrangements as they could to guard against their vile purpose. The time at last arrived, and the party started for Far West. I waited with painful anxiety for their return. After a number of days, they returned. I listened to all they said, to find out, if possible, what they had done. One night, I think the very night after their return, I heard them relating to some of those who had not been with them, the events of their adventure. Inquiry was made about their success in the particular object of their visit to Far West. The substance of what they said in answer, was, "that they had passed and repassed both houses, and saw the females, but there were so many men about the town, that they dare not venture for fear of being detected, and their numbers were not sufficient to accomplish anything if they had made the attempt, and they came off without trying."

No civil process of any kind had been issued against us: we were there held in duress without knowing what for, or what charges were to be preferred against us. At last, after long suspense, General Clark came into the prison, presenting himself about as awkwardly as at first, and informed us, "that we would be put into the hands of the civil authorities. He said he did not know precisely what crimes would be charged against us, but they would be within the range of treason, murder, burglary, arson, larceny, theft and stealing." Here again another smile was forced, and I could not refrain, at the expense of this would-be great man, in whom, he said, "the faith of Missouri was pledged." After long and awful suspense, the

notable Austin A. King, judge of the circuit court, took the seat, and we were ordered before him for trial, Thomas Birch, Esq., prosecuting attorney. All things being arranged, the trial opened. No papers were read to us, no charges of any kind were preferred, nor did we know against what we had to plead. Our crimes had yet to be found out.

At the commencement, we requested that we might be tried separately; but this was refused, and we were all put on trial together. Witnesses appeared, and the swearing commenced. It was so plainly manifested by the judge that he wanted the witnesses to prove us guilty of treason, that no person could avoid seeing it. The same feelings were also visible in the States' Attorney. Judge King made an observation something to this effect, as he was giving directions to the scribe, who was employed to write down the testimony—"that he wanted all the testimony directed to certain points—Being taken sick at the early stage of the trial, I had not the opportunity of hearing but a small part of the testimony when it was delivered before the court.

During the progress of the trial, after the adjournment of the court in the evening, our lawyers would come into the prison, and there the matters would be talked over.

The propriety of our sending for witnesses, was also discussed. Our attorneys said that they would recommend to us not to introduce any evidence at that trial. Doniphan said it would avail us nothing, for the judge would put us into prison, if a cohort of angels were to come and swear that we were innocent: and beside that, he said that if we were to give to the court the names of our witnesses, there was a band there ready to go, and they would go and drive them out of the country, or arrest them and have them cast into prison, to prevent them from swearing, or else kill them. It was finally concluded to let the matter be so for the present.

During the progress of the trial, and while I was laying sick in prison, I had an opportunity of hearing a great deal said by those of them who would come in. The subject was the all absorbing one. I heard them say that we must be put to death—that the character of the State required it. The State must justify herself in the course she had taken, and nothing but punishing us with death, could save the credit of the State, and it must therefore be done.

I heard a party of them one night telling about some female whose person they had violated, and this language was used by one of them: "The damned bitch, how she yelled." Who this person was, I did not know; but be-

fore I got out of prison, I heard that a widow, whose husband had died some few months before, with consumption, had been brutally violated by a gang of them, and died in their hands, leaving three little children, in whose presence the scene of brutality took place.

After I got out of prison, and had arrived in Quincy Illinois, I met a strange man in the street, who was inquiring and inquired of me respecting a circumstance of this kind—saying he had heard of it, and was on his way going to Missouri to get the children if he could find them. He said the woman thus murdered was his sister, or his wife's sister, I am not positive which. The man was in great agitation. What success he had I know not.

The trial at last ended, and Lyman Wight, Joseph Smith Senior, Hyrum Smith, Caleb Baldwin, Alexander McRea, and myself were sent to jail in the village of Liberty, Clay county Missouri.

We were kept there from three to four months; after which time we were brought out on habeas corpus before one of the county judges. During the hearing under the habeas corpus, I had, for the first time, an opportunity of hearing the evidence, as it was all written and read before the court.

It appeared from the evidence, that they attempted to prove us guilty of treason in consequence of the militia of Caldwell county being under arms at the time that General Lucas' army came to Far West. This calling out of the militia, was what they founded the charge of treason upon—an account of which I have given above. The charge of murder was founded on the fact, that a man of their number, they said, had been killed in the Bogard battle.

The other charges were founded on things which took place in Davies. As I was not in Davies county at that time, I cannot testify anything about them.

A few words about this written testimony.

I do not now recollect of one single point, about which testimony was given, with which I was acquainted, but was misrepresented, nor one solitary witness whose testimony was there written, that did not swear falsely; and in many instances I cannot see how it could avoid being intentional on the part of those who testified—for all of them did swear things that I am satisfied they knew to be false at the time—and it would be hard to persuade me to the contrary.

There were things there said, so utterly without foundation in truth—so much so—that the persons swearing, must, at the time of swearing, have known it. The best construction I

can ever put on it, is, that they swore things to be true which they did not know to be so, and this, to me, is wilful perjury.

This trial lasted for a long time, the result of which was, that I was ordered to be discharged from prison, and the rest remained back; but I was told by those who professed to be my friends, that it would not do for me to go out of jail at that time, as the mob were watching, and would most certainly take my life—and when I got out, that I must leave the State, for the mob, availing themselves of the exterminating order of Governor Boggs, would, if I were found in the State, surely take my life—that I had no way to escape them but to flee with all speed from the State. It was some ten days after this before I dare leave the jail. At last the evening came in which I was to leave the jail. Every preparation was made that could be made for my escape. There was a carriage ready to take me in and carry me off with all speed. A pilot was ready—one who was well acquainted with the country—to pilot me through the country so that I might not go on any of the public roads. My wife came to the jail to accompany me, of whose society I had been deprived for four months. Just at dark, the sheriff and jailer came to the jail with our supper. I sat down and ate. There were a number watching. After I had supped, I whispered to the jailer to blow out all the candles but one, and step away from the door with that one. All this was done. The sheriff then took me by the arm, and an apparent scuffle ensued—so much so, that those who were watching, did not know who it was the sheriff was scuffling with. The sheriff kept pushing me towards the door, and I apparently resisting, until we reached the door, which was quickly opened and we both reached the street. He took me by the hand and bade me farewell, telling me to make my escape, which I did with all possible speed. The night was dark. After I had gone probably one hundred rods, I heard some person coming after me in haste. The thought struck me in a moment that the mob was after me. I drew a pistol and cocked it, determined not to be taken alive. When the person approaching me spoke, I knew his voice, and he speedily came to me. In a few minutes I heard a horse coming. I again sprung my pistol cock. Again a voice saluted my ears that I was acquainted with. The man came speedily up and said he had come to pilot me through the country. I now recollected I had left my wife in the jail. I mentioned it to them, and one of them returned, and the other and myself pursued our journey as swiftly as we could. After I had gone about three miles, my

wife overtook me in a carriage, into which I got, and we rode all night. It was an open carriage, and in the month of February 1839. We got to the house of an acquaintance just as day appeared. There I put up until the next morning, when I started again and reached a place called Tenny's Grove; and to my great surprise, I there found my family, and was again united with them, after an absence of four months, under the most painful circumstances. From thence I made my way to Illinois, where I now am. My wife, after I left her, went directly to Far West and got the family under

way, and all unexpectedly met at Tenny's Grove.

SIDNEY RIGDON.

After hearing the foregoing evidence in support of said Petition—it is ordered and considered by the Court, that the said Joseph Smith, Senior, be discharged from the said arrest and imprisonment complained of in said Petition, and that the said Smith be discharged for want of substance in the warrant, upon which he was arrested, as well as upon the merits of said case, and that he go hence without day.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, at the city of Nauvoo, this 2d day of July, 1843.

JAMES SLOAN, Clerk.

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