

## HISTORY OF JOSEPH SMITH.

JUNE, 1841.

Tuesday, June 1.—I accompanied my brother Hyrum, and William Law, as far as Quincy, on their mission to the East.

Elder Sidney Rigdon has been ordained a Prophet, Seer, and Revelator.

Elder B. Young returned from Long Island to New York. Elder Willard Richards went to Richmond, Massachusetts, with his family, and Elder W. Woodruff to Portland, Maine.

Friday, 4.—Elders Young, Kimball, and Taylor left New York for Nauvoo, by way of Philadelphia, Pittsburgh, and St. Louis. Geo. A. Smith and R. Hedlock started at the same time, and went to New Egypt, New Jersey.

I called on Governor Carlin at his residence in Quincy. During my visit with the Governor, I was treated with the greatest kindness and respect; nothing was said about any requisition having come from the Governor of Missouri for my arrest. In a very few hours after I had left the Governor's residence, he sent Thomas King, sheriff of Adams County, Thomas Jasper, a constable of Quincy, and some others, as a posse, with an officer from Missouri, to arrest me and deliver me up to the authorities of Missouri.

Saturday, 5.—While I was staying at Heberlin's Hotel, Bear Creek, about 28 miles south of Nauvoo, Sheriff King and posse arrested me. Some of the posse, on learning the spirit of the officer from Missouri, left the company in disgust, and returned to their own homes. I accordingly returned to Quincy, and obtained a writ of Habeas Corpus from Charles A. Warren, Esq., master in chancery, and Judge Stephen A. Douglass happening to come to Quincy that evening, he appointed to give a hearing on the writ on the Tuesday following in Monmouth, Warren County, where the court would then commence a regular term.

William and Geo. A. Smith attended a meeting in the woods, near New Egypt, New Jersey, and preached to a large assembly; also preached on Sunday, 6th, and three were baptized; and after preaching on the 7th, four more were baptized.

Sunday, 6.—News of my arrest having arrived in Nauvoo last night, and being circulated through the city, Hosea Stout, Tarleton Lewis, William A. Hickman, John S. Higbee, Elijah Able, Uriel C. Nickerson, and George W. Clyde, started from the Nauvoo landing in a skiff, in order to overtake me, and rescue me, if necessary. They had a heavy head wind, but arrived in Quincy at dusk; went up to Benjamin Jones's house, and found that I had gone to Nauvoo in charge of two officers.

I returned to Nauvoo in charge of the officers (Sheriff King had been suddenly seized with sickness; I nursed and waited upon him in my own house, so that he might be able to go to Monmouth), and notified several of my friends to get ready and accompany me the next morning.

Monday, 7.—I started very early for Monmouth, seventy-five miles distant (taking Mr. King along with me, and attending him during his sickness), accompanied by Charles C. Rich, Amasa Lyman, Shadrack Roundy, Reynolds Cahoon, Charles Hopkins, Alfred Randall, Elias Higbee, Morris Phelps, John P. Greene, Henry G. Sherwood, Joseph Younger, Darwin Chase, Ira Miles, Joel S. Miles, Lucien Woodworth, Vinson Knight, Robert B. Thompson, George Miller, and others. We travelled very late, camping about midnight in the road.

Tuesday morning, 8.—Arrived at Monmouth, and procured breakfast at the Tavern; found great excitement prevailing in the public mind, and great curiosity was manifested by the citizens, who were extremely anxious to obtain "a sight of the Prophet," expecting to see me in chains. Mr. King (whose health was now partly restored) had considerable difficulty in protecting me from the mob that had gathered there. Mr. Sidney H. Little, for the defence motioned "that the case of Mr. Smith should be taken up," but was objected to by the States Attorney, pro tem, on account of his not being prepared, not having had sufficient notice of the trial. It was accordingly by mutual consent, postponed until Wednesday morning.

In the evening, great excitement prevailed, and the citizens employed several attorneys to plead against me.

I was requested to preach to the citizens of Monmouth; but as I was a prisoner, I kept closeted in my room, for I could not even come down stairs to my meals, but the people would be crowding the windows to get a peep at me, and therefore appointed Elder A. Lyman to preach in the Court House on Wednesday evening.

Wednesday, 9.—At an early hour the Court House was filled with spectators desirous to hear the proceedings.

Mr. Morrison, on behalf of the people, wished for time to send to Springfield for the indictment, it not being found with the rest of the papers. This course would have delayed the proceedings, and, as it was not important to the issue, the attorneys for the defence admitted that there was an indictment, so that the investigation might proceed.

Mr. Warren, for the defence, then read the petition, which stated that I was unlawfully held

in custody, and that the indictment in Missouri was obtained by fraud, bribery, and duress, all of which I was prepared to prove.

Mr. Little then called upon the following witnesses, viz.:—Morris Phelps, Elias Higbee, Reynolds Cahoon, and George W. Robinson, who were sworn. The counsel on the opposite side objected to hearing evidence on the merits of the case, as they could not go beyond the indictment. Upon this a warm and long discussion occurred, which occupied the attention of the court through the entire day.

All the lawyers on the opposite side, excepting two, viz., Messrs. Knowlton and Jennings, confined themselves to the merits of the case, and conducted themselves as gentlemen: but it was plainly evident that the design of Messrs. Knowlton and Jennings was to excite the public mind still more on the subject, and inflame the passions of the people against me and my religion.

The counsel on behalf of the defence, Messrs. Charles A. Warren, Sydney H. Little, O. H. Browning, James H. Ralston, Cyrus Walker, and Archibald Williams, acted nobly and honorably, and stood up in defence of the persecuted, in a manner worthy of high-minded and honorable gentlemen. Some had even been told, that if they engaged on the side of the defence, they need never look to the citizens of that county for any political favors. But they were not to be overawed by the popular clamor, or be deterred from an act of public duty by any insinuations or threats whatever, and stated that if they had not before determined to take a part in the defence, they, after hearing the threats of the community, were now fully determined to discharge their duty. The counsel for the defence spoke well, without exception; and strongly urged the legality of the court examining testimony to prove that the whole proceedings on the part of Missouri were base and illegal, and that the indictment was obtained through fraud, bribery, and corruption.

The court, after hearing the counsel, adjourned about half-past six o'clock, p.m.

When I was at dinner a man rushed in and said, "Which is Jo Smith? I have got a five dollar Kirtland bill, and I'll be damned if he don't take it back I'll sue him, for his name is to it." I replied, "I am the man;" took the bill and paid him the specie, which he took very reluctantly, being anxious to kick up a fuss.

The crowd in the court was so intense that Judge Douglass ordered the sheriff of Warren County to keep the spectators back; but he neglected doing so, when the Judge fined him ten dollars. In a few minutes he again ordered the sheriff to keep the men back from crowding the prisoner and witnesses. He replied, "I have told a constable to do it," when the judge immediately said, "Clerk, add ten dollars more to that fine." The sheriff, finding neglect rather expensive, then attended to his duty.

A young lawyer from Missouri volunteered to plead against me; he tried his utmost to convict me, but was so high with liquor, and chewed so much tobacco, that he often called for cold water. Before he had spoken many minutes he turned sick, requested to be excused by the court, and went out of the Court House puking all the way down stairs. (As the Illinoisians call the Missouri people pukes, this circumstance caused considerable amusement to the members of the bar.) During his plea, his language was so outrageous that the judge was twice under the necessity of ordering him to be silent.

Mr. O. H. Browning then commenced his plea, and in a short time the puking lawyer returned, and requested the privilege of finishing his plea, which was allowed.

Afterwards Mr. Browning resumed his pleadings, which were powerful; and when he gave a recitation of what he himself had seen at Quincy, and on the banks of the Mississippi river when the Saints were "exterminated from Missouri," where he tracked the persecuted women and children by their bloody foot-marks in the snow, they were so affecting that the spectators were often dissolved in tears. Judge Douglass himself, and most of the officers wept, for they were under the necessity of keeping the spectators company.

Elder Amasa Lyman, during the evening, preached a brilliant discourse in the Court House, on the first principles of the gospel, which changed the feelings of the people very materially.

The following letter is from the Editor of the Times and Seasons:—

"American Hotel, Monmouth, Warren County, Ill., June 9th, 1841, Wednesday evening.—We have just returned from the Court House, where we have listened to one of the most eloquent speeches ever uttered by mortal man in favor of justice and liberty, by O. H. Browning, Esq., who has done himself immortal honor in the sight of all patriotic citizens who listened to the same. He occupied the attention of the court for more than two hours, and shewed the falsity of the arguments of the opposite counsel, and laid down principles in a lucid and able manner, which ought to guide the court in admitting testimony for the defendant, Joseph Smith. We have heard Mr. Browning on former occasions, when he has frequently delighted his audience by his eloquence; but on this occasion he exceeded our most sanguine expectations. The sentiments he advanced were just, generous, and exalted; he soared above the petty quibbles which the opposite counsel

urged, and triumphantly, in a manner and eloquence peculiar to himself, avowed himself the friend of humanity, and boldly, nobly, and independently stood up for the rights of those who had waded through seas of oppression and floods of injustice, and had sought a shelter in the state of Illinois. It was an effort worthy of a high-minded and honorable gentleman, such as we ever considered him to be, since we have had the pleasure of his acquaintance. Soon after we came out of Missouri, he sympathized with us in our afflictions, and we are indeed rejoiced to know that he yet maintains the same principles of benevolence. His was not an effort of a lawyer anxious to earn his fee; but the pure and patriotic feelings of christian benevolence, and a sense of justice and of right. While he was answering the monstrous and ridiculous arguments urged by the opposing counsel; that Joseph Smith might go to Missouri and have his trial, he stated the circumstances of our being driven from that state, and feelingly and emphatically pointed out the impossibility of our obtaining justice there. There we were forbidden to enter in consequence of the order of the executive, and that injustice and cruelties of the most barbarous and atrocious character had been practised upon us, until the streams of Missouri had run with blood, and that he had seen women and children, barefoot and houseless, crossing the Mississippi to seek refuge from ruthless mobs. He concluded his remarks by saying that to tell us to go to Missouri for a trial was adding insult to injury; and then said, "Great God! have I not seen it? Yes, my eyes have beheld the blood-stained traces of innocent women and children, in the drear winter, who had travelled hundreds of miles barefoot, through frost and snow, to seek a refuge from their savage pursuers. 'Twas a scene of horror, sufficient to enlist sympathy from an adamant heart. And shall this unfortunate man, whom their fury has seen proper to select for sacrifice, be driven into such a savage land, and none dare to enlist in the cause of Justice? If there was no other voice under heaven ever to be heard in this cause, gladly would I stand alone, and proudly spend my latest breath, in defence of an oppressed American citizen."

Thursday morning, 10.—The court was opened about 8 o'clock, when Judge Douglass delivered his opinion on the case.

He said, "that the writ being once returned to the executive by the sheriff of Hancock County was dead, and stood in the same relationship as any other writ which might issue from the Circuit Court; and consequently, the defendant could not be held in custody on that writ. The other point, whether evidence in the case was admissible or not, he would not at that time decide, as it involved great and important considerations relative to the future conduct of the different states. There being no precedent as far as they had access to authorities to guide them; but he would endeavor to examine the subject, and avail himself of all the authorities which could be obtained on the subject, before he would decide that point. But on the other, the defendant must be liberated."

This decision was received with satisfaction by myself and the brethren, and all those whose minds were free from prejudice. It is now decided that before another writ can issue, a new demand must be made by the Governor of Missouri. Thus have I been once more delivered from the fangs of my cruel persecutors, for which I thank God, my Heavenly Father.

I was discharged about 11 a.m., when I ordered dinner for my company, now increased to about 60 men; and when I called for the tavern bill, the unconscientious fellow replied, "Only one hundred and sixty dollars."

About 2, p.m., the company commenced their return, travelled about 20 miles, and camped by the way side.

Friday, 11.—Started very early, arrived at La Harpe for dinner, and returned safely to Nauvoo by 4 p.m., where I was met by the acclamations of the Saints.

Elder Geo. A. Smith met Elder John E. Page at Philadelphia, and advised him to take up contributions to enable him to sail within three days in the Garrick for England, and overtake Elder O. Hyde, and accompany him to Jerusalem, promising to use all the influence and exertion in his power to assist him. Elder Page rejected the proposition. Elder Smith subsequently learned that Elder Page had sufficient money, without collections, to have taken him through to England.