

The Lady and the Governor: Emma Hale Smith's and Thomas Carlin's 1842 Correspondence

Andrew H. Hedges and Alex D. Smith

On the evening of May 6, 1842, an unknown assailant shot Lilburn W. Boggs, former governor of Missouri, as he sat in his home in Independence, Missouri.¹ Eight days later, on May 14, news of the event reached Nauvoo, apparently with the erroneous report that that Boggs had been killed in the attack.² On May 21, Sylvester M. Bartlett, editor of the *Quincy Whig*, speculated in the pages of his paper that Joseph Smith and the Mormons might have had a hand in the affair—a suggestion Joseph quickly, emphatically, and publicly denied.³ John C. Bennett, however, recently estranged from the Church, kept the issue alive in letters published in the *Sangamo Journal* on July 15.⁴

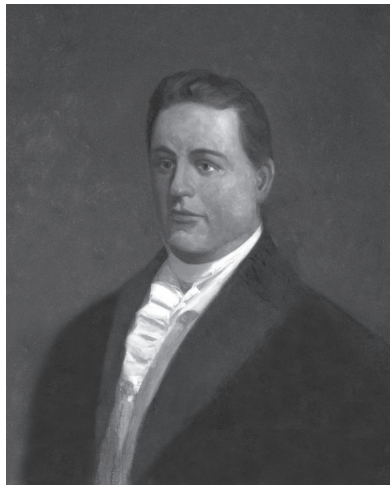
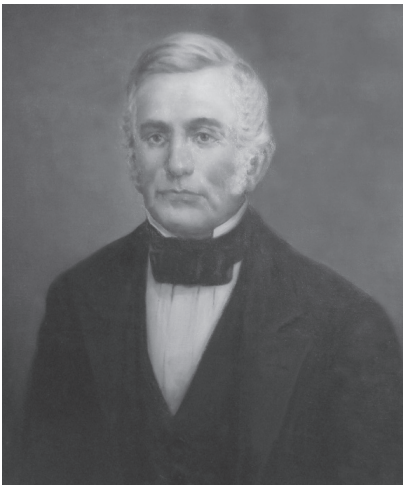
Authorities could do nothing on the basis of the circumstantial evidence and rumor provided by Bartlett and Bennett. But when Boggs himself signed an affidavit on July 20 accusing Joseph of being “accessary before the fact of the intended murder” and requesting Thomas Reynolds, Governor of Missouri, to extradite Joseph to Missouri for trial, officials from Illinois and Missouri sprung into action.⁵ Acting on Boggs’s affidavit, Reynolds signed a requisition on July 20, 1842, requiring Carlin to deliver Joseph to Missouri for

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On the evening of May 6, 1842, an assassination attempt was made against ex-Missouri Governor Lilburn W. Boggs at his home site situated on South Spring Street in Independence, Missouri (pictured above), 2000. Photograph by Alexander L. Baugh.



Left: Portrait of Missouri Governor Lilburn W. Boggs, artist and date unknown. Right: Portrait of Missouri Governor Thomas Reynolds, artist and date unknown. Both portraits are on display in the Missouri State Capitol building, Jefferson City, Missouri. Photographs by Alexander L. Baugh, 2008.

trial.⁶ Carlin in turn honored Reynolds's request by issuing a writ for Joseph's arrest on August 2.⁷

As time would show, both Reynolds and Carlin acted too hastily. Extradition, as defined in the Constitution, requires that one be charged with committing a crime in one state and then fleeing to another.⁸ Boggs's affidavit, upon which the extradition proceedings were based, accused Joseph of being "accessary before the fact" and identified him as "a citizen or resident of the State of Illinois," but failed to accuse him of actually committing a crime in Missouri and then fleeing to Illinois. Without such an accusation, Reynolds had no constitutional grounds for calling on Carlin to deliver Joseph to Missouri for trial—meaning, in effect, that Carlin's arrest warrant for Joseph had not been issued on proper grounds. Such, at least, would be the judgment of Illinois Federal District Judge Nathaniel Pope when he presided over a habeas corpus hearing on the issue in January 1843.⁹

In the meantime, however, Thomas King of Adams County and two other officers showed up in Nauvoo on August 8 and arrested Joseph Smith and Orrin Porter Rockwell, "the latter being charged with shooting ex-Governor Boggs of Missouri with intent to kill . . . and Joseph with being accessary."¹⁰ The Nauvoo municipal court immediately convened and issued a writ of habeas corpus.¹¹ Unsure of the authority of the municipal court's writ in this particular case, King and his men left Joseph and Rockwell in the custody of Henry G. Sherwood, Nauvoo City marshal, and returned to Quincy with the arrest warrant to seek instructions from Carlin.

Needless to say, neither Joseph nor Rockwell was anywhere to be found when King returned two days later. Convinced, apparently, of the "illegality of the whole proceedings in reference to the arrest," and that "the whole business [was] but another evidence of the effects of prejudice,"¹² both men had gone into hiding—Joseph in various locations in and around Nauvoo, and Rockwell back east to Pennsylvania and New Jersey.¹³ Thus began a several week game of hide-and-seek between Joseph and his associates and the authorities of Missouri, Illinois, and Iowa Territory that ended only after Pope's decision in January 1843.

The whole affair touched off a flurry of letter writing between Joseph and his associates as they considered their options and sought a resolution to the problem. Rumors that Illinois officials were planning to "bring a force sufficient to search every house in the city [Nauvoo], and if they could not find him there they would search the state"¹⁴ prompted some to recommend that Joseph leave for the "pine country" in Wisconsin, where the Church had some lumber mills, until the excitement died down. Others felt such a step was unnecessary. All, including Joseph, agreed that it would be foolhardy to surrender him to the Missouri authorities.

Included among those writing and receiving letters was Joseph's wife Emma Smith. Though Emma was often a silent figure in Church history, her voice in the documentary record of this time began when Joseph wrote her a letter instructing her on what to do should the need arise for the two of them to flee to Wisconsin. Evidently following up on an earlier conversation, Joseph also advised Emma against personally visiting Thomas Carlin in Quincy: "You may write to him," he wrote his wife, "whatever you see proper, but to go and see him, I do not give my consent at present."¹⁵ Emma responded that she was ready to go to Wisconsin if necessary, but she was still confident that Joseph could "be protected without leaving this country."¹⁶

Taking advantage of the latitude her husband had granted her regarding Carlin, Emma then wrote a lengthy letter to the governor maintaining Joseph's innocence and asking, even begging, him to recall the writs he had issued for Joseph's and Rockwell's arrest. "You must be aware that Mr Smith was not in Missouri, and of course he could not have left there," she wrote, evidently in an effort to draw Carlin's attention to the inappropriateness of extradition in this case.¹⁷ Carlin responded that he was simply fulfilling his constitutional duty as governor to deliver up to the executives of other states fugitives from justice, so long as those other executives have "complied with the requisitions of the act of congress in that case made and provided."¹⁸ Emma responded, in a follow-up letter, that that was precisely the point—that is, that the "requisitions of the act of congress" regarding extradition had not been complied with in this case, as there was ample evidence that Joseph "was not in Missouri" when the crime was committed, and therefore "he is not a fugitive from justice." "It only requires a knowledge of the constitution of the United States, and statute of the State of Missouri," Emma informed the governor, "and a knowledge of the outrages committed by some of the inhabitants of that State [Missouri] upon the people called Mormons, . . . to know that



Emma Hale Smith and David Hyrum Smith, date unknown, ca. 1845, George Edward Anderson Collection, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah..

there is not the least confidence to be placed” in Boggs and other Missouri officials.¹⁹

Choosing to take issue with another point Emma brought up—that of the legality of the municipal court’s writ of habeas corpus in this case—Carlin sidestepped Emma’s point about extradition in his response the following month. Nor would he acknowledge the very real threats that had been leveled against the Prophet in the past, writing that he had “not the most distant thought that any person in Illinois, or Missouri, contemplated personal injury to Mr Smith by violence in any manner whatever.”²⁰ No record has been found of Emma responding to this second letter of Carlin.

In the end, Emma failed in her effort to persuade Carlin to recall the arrest warrant he had issued against her husband. In the correspondence surrounding that effort, however, one gets a rare glimpse into the personality and thought of Joseph’s wife. As her expressive and thoughtful letters show, she was a woman of extraordinary ability and temperament, fully capable of understanding the finer points of a complex issue and articulating an intelligent argument. After reading her first letter, Carlin himself, we are told, “expressed astonishment at the judgement and talent manifest in the manner of her address;”²¹ and while he was unwilling to concede any ground to Emma, one gets the distinct impression that when he closed his last letter to her “with sentiments of high regard and esteem,” he really did mean it.²² One also sees, in the brief correspondence between Joseph and his wife, the degree to which the Prophet himself relied on her judgment and support—a degree of dependence perhaps too few over the years have appreciated.

All four of the letters making up this correspondence between Emma and Carlin have been published previously.²³ Our decision to publish them again is based on the insights into the letters’ backgrounds and contents that have been gained through the Joseph Smith Papers project, and that help bring the strength of Emma’s arguments and character into full relief. The tran-



Lithograph or engraving of Illinois Governor Thomas Carlin, publication source unknown.

scriptions below reproduce the letters as copied by William Clayton in Joseph Smith's 1842 journal kept in the Book of the Law of the Lord—likely the earliest extant versions of each of these letters. Original spelling, capitalization, and punctuation have been retained. Manuscript page numbers have been included in square brackets at the end of each manuscript page, while datelines included at the beginning of manuscript pages have been deleted.

Nauvoo August 16th [17th]²⁴1842

To His Excellency Governor Carlin.

Sir—It is with feelings of no ordinary cast that I have retired after the business of the day and evening too, to address your honor. I am at a loss how to commence; my mind is crowded with subjects too numerous to be contained in one letter. I find myself almost destitute of that confidence, necessary to address a person holding the authority of your dignified, and responsible office; and I would now offer, as an excuse for intruding upon your time and attention, the justice of my cause. Was my cause the interest of an individual or of a number of individuals; then, perhaps I might be justified in remaining silent. But it is not! Nor is it the pecuniary interest of a whole community alone, that prompts me again to appeal to your excellency.²⁵ But dear sir, it is for the peace and safety of hundreds I may safely say, of this community, who are not guilty of any offense against the laws of the Country; and also the life of my husband; who has not committed any crime whatever; neither has he transgressed any of the laws, or any part of the constitution of the United States; neither has he at any time infringed upon the rights of any man, or of any class of men or community of any description. Need I say he is not guilty of the crime alleged against him by Governor [Lilburn W.] Boggs.

Indeed it does seem entirely superfluous for me, or any one of his friends in this place, to testify his innocence of that crime; when so many of the citizens of your place, and of many other places in this State, as well as in the Territory; do know positively that the statement of Governor Boggs²⁶ is without the least shadow of truth; and we do know, and so do many others, that the prosecution against him, has been conducted in an illegal manner; and every act demonstrates the fact, that all the design of the prosecution, is to throw him into the power of his enemies; without the least ray of hope, that he would ever be allowed to obtain a fair trial, and that he would be inhumanly and ferociously murdered; no person having a knowledge of the existing circumstances, has one remaining doubt: and your honor will recollect that you said to me that you would not advise Mr Smith, ever to trust himself in Missouri. And dear Sir, you cannot for one moment indulge one unfriendly feeling towards him, if he abides by your council. Then sir, why is it that he should be thus cruelly pursued? why not give him the privilege of the laws of this State. When I reflect upon the many cruel and illegal operations of Lilburn [p. 176] W. Boggs, and the consequent suffering of myself and family; and the incalculable losses and suffering of many hundreds who survived, and the many precious lives that were lost; all, the effect of unjust prejudice and misguided ambition, produced by misrepresentation and calumny, my bosom heaves with unutterable anguish. And who, that is as well acquainted with the facts as the people of the city of Quincy, would <they>²⁷ censure me, if I should say that my heart burned with just indignation, towards our calumniators, as well as the perpetrators of those horrid crimes. But how happy would I now be to pour out my full heart in gratitude to Gov. Boggs if he had rose up with the dignity and authority of the chief executive of the State, and put down every illegal transaction, and protected the

peaceable citizens, and enterprising emigrants, from the violence of plundering outlaws, who have ever been a disgrace to the State, and always will, so long as they go unpunished. Yes I say, how happy would I be to render him not only the gratitude of my own heart, but the cheering effusions of the joyous souls of fathers and mothers, of brothers and sisters, widows and orphans, who he might have saved by such a course, from now drooping under the withering hand of adversity, brought upon them by the persecutions of wicked and corrupt men. And now may I entreat your excellency to lighten the hand of oppression and persecution, which is laid upon me and my family, which materially affect the peace and welfare of this whole community; for let me assure you that there are many whole families that are entirely dependent upon the prosecution and success of Mr Smiths temporal business for their support. And if he is prevented from attending to the common avocations of life, who will employ those innocent, industrious poor people and provide for their wants. But my dear sir, when I recollect the interesting interview, I and my friends had with you when at your place, and the warm assurances you gave us of your friendship and legal protection, I cannot doubt for a moment your honorable sincerity; but do still expect you to consider our claims upon your protection from every encroachment upon our legal rights as loyal citizens as we always have been, still are, and are determined always to be a law abiding people; and I still assure myself that when you are fully acquainted with illegal proceedings practised against us in the suit of Gov. Boggs²⁸ you will recall those writs which have been issued against Mr Smith and [Orrin Porter] Rockwell, as you must be aware that Mr Smith was not in Missouri, and of course he could not have left there; with many other considerations which if duly considered will justify Mr Smith in the course he has taken. And now I appeal to your excellency as I would unto a father, who is not only able but willing to shield me and mine from every unjust prosecution. I appeal to your sympathies [p. 177] and beg you to spare me, and my helpless children. I beg you to spare my innocent children the heartrending sorrow of again seeing their father unjustly drag'ed to prison or to death. I appeal to your affections as a son and beg you to spare our aged mother,—the only surviving parent we have left,—the unsupportable affliction of seeing her son, who she knows to be innocent of the crimes laid to his charge, thrown again into the hands of his enemies who have so long sought for his life; in whose life and prosperity she only looks for the few remaining comforts she can enjoy. I entreat of your excellency to spare us these afflictions and many sufferings which cannot be uttered; and secure to yourself the pleasure of doing good, and vastly increasing human happiness; secure to yourself the benediction of the aged and the gratitude of the young and the blessing and veneration of the rising generation.

Respectfully your most obedient—Emma Smith.—

<P.S.>²⁹Sir I hope you will favor me with an answer E.S.—

“Quincy August 24th 1842³⁰

“Dear Madam—Your letter of this date has just been handed to me which recalls to my mind your great solicitude in reference to the security and well-fare of your husband; but I need not say it recalls to my mind the subject matter of your solicitude, because that subject except at short intervals, has not been absent from my mind. I can scarcely furnish you a justifiable apology for delaying a reply so long, but be assured Madam, it is not for want of regard for you, and your peace of mind, that I have postponed; but a crowd of public business, which has required [p. 185] my whole time; together with very ill health since the receipt of your former letter, and it would be most gratifying to my feelings now, if due regard to public duty, would enable me to

furnish such a reply as would fully conform to your wishes—but my duty in reference to all demands made by Executives of other States, for the surrender of fugitives from justice, appears to be plain and simple; consisting entirely of an executive, and not a judicial character leaving me no discretion—or adjudication, as to the innocence, or guilt, of persons so demanded and charged with crime, and it is plain that the constitution and laws of the united states in reference to fugitives from justice, presumes, and contemplates, that the laws of the several States are ample to do justice to all who may be charged with crime. And the statute of this State simply requires, “That when ever the Executive of any other State, or of any Territory of the united States, shall demand of the executive of this State any person as a fugitive from justice, and shall have complied with the requisitions of the act of congress in that case made and provided, it shall be the duty of the executive of this State to issue his warrant under the seal of the State, to apprehend the said fugitive” &c.³¹ With the Constitution and laws before me, my duty is so plainly marked out, that it would be impossible to err, so long as I abstain from usurping the right of adjudication. I am aware that a strict enforcement of the laws by an executive,—or a rigid administration of them by a judicial tribunal, often results in hardship to those involved, and to you it doubtless appears to be peculiarly so; in the present case of Mr Smith. If however as you alledge, he is innocent of any crime, and the proceedings are illegal, it would be the more easy for him to procure an acquital. In reference to the remark you attribute to me that I “would not advise Mr Smith ever to trust himself in Missouri” I can only say—as I have heretofore said on many occasions that I never have entertained a doubt that if M^r Smith should submit to the laws of Missouri, that the utmost latitude would be allowed him in his defence, and the fullest justice done him, and I only intended to refer (in the remark made to you, when at my house)³² to the rabble. and not to the laws of Missouri.

Very much has been attributed to me in reference to Gen^l Smith that is without foundation in truth, a knowledge of which fact, enables me to receive what I hear as coming from him, with great allowance. In conclusion Dear Madam I feel conscious when I assure you, that all my official acts in reference to Mr Smith have been prompted by a strict sense of duty, and in discharge of that duty have studiously pursued that course, least likely to produce excitement and alarm, both in your community, and the surrounding public, and I will here add that I much regret being called upon to act at all, and that I hope he will submit to the laws, and that justice will ultimately be done. Be pleased to present my best respects to Mrs—[Amanda Barnes] Smith & Miss [Eliza] Snow your companions when at Quincy, and accept of my highest regard for yourself, and best wishes for your prosperity & happiness—Your obedient servant
Tho. Carlin

Mrs Emma Smith [p. 186]

“Nauvoo August 27th 1842

“To His Excellency Gov. Carlin

Dear Sir—I received your letter of the 24th in due time, and now tender you the sincere gratitude of my heart, for the interest which you have felt in my peace and prosperity; and I assure you, that every act of kindness, and every word of consolation have been thankfully received and duly appreciated by me³³ and my friends also; and I much regret your ill health, but still hope that you will avail yourself of sufficient time to investigate our cause, and thoroughly acquaint yourself with the illegality of the prosecution instituted against Mr Smith.—And I now certify that Mr Smith, my self, nor any other person, to my knowledge, has ever, nor do we at this time wish your honor to swerve from your duty, as an executive, in the least. But we do believe

that it is your duty to allow us in this place, the privileges and advantages guaranteed to us by the laws of this state and the United States; this is all we ask, and if we can enjoy these rights unmolested, it will be the ultimate end of all our ambition; and the result will be peace and prosperity to us and all the surrounding country, as far as we are concerned. Nor do we wish to take any undue advantage of any intricate technicalities of law; but honorably and honestly to fulfil all of the laws of this state, and of the United States, and then, in turn, to have the benefits resulting from an honorable execution of those laws.

And now, your Excellency will not consider me assuming any unbecoming dictation; but recollect that the many prosecutions that has been got up unjustly, and pursued illegally against Mr Smith, instigated by selfish and irreligious motives, has obliged me to know something for myself; therefore, let me refer you to the eleventh section of our city Charter. "All power is granted to the City council, to make, ordain, establish, and execute all ordinances, not repugnant to the constitution of the state or of the United States, or, as they may deem necessary for the peace and safety of said city."³⁴ Accordingly there is an ordinance passed by the City Council to prevent our people from being carried off by an illegal process.³⁵ And if any one thinks he is illegally seized, under this ordinance he claims the right of Habeus Corpus, under section 17th of the charter, to try the question of identity, which is strictly constitutional.

These powers are positively granted in the charter over your own signature; and now, dear sir, where can be the justice in depriving us of these rights which are lawfully ours, as well as they are the lawful rights of the inhabitants of Quincy and Springfield and many other places where the citizens enjoy the advantages of such ordinances, without controversy.³⁶ With these considerations, and many more which might be adduced, give us the privilege and we will show your Honor, and the world besides, if required, that the Mr Smith refer'd to in the demand from Missouri, is not the Joseph Smith of Nauvoo, for he was not in Missouri; neither is he [p. 187] described in the writ, according as the Law requires;³⁷ and that he is not a fugitive from justice. Why then, be so strenuo[u]s to have my husband taken, when you know him to be innocent of an attempt on the life of Governor [Lilburn W.] Boggs, and that he is not a fugitive from justice? It is not the fear of a just decision against him, that deters Mr Smith from going into Missouri; but it is an actual knowledge that it was never intended he should have a fair trial. And now sir, if you were not aware of the fact; I will acquaint you with it now, that there were lying³⁸ wait, between this place and Warsaw, twelve men from Jackson County, Missouri, for the purpose of taking Mr Smith out of the hands of the officers who might have him in custody. Also those two men from Missouri that were here with Messrs [Thomas] King and [James] Pi[t]tman,³⁹ divulg'd the most illegal and infernal calculations concerning taking Mr Smith into Missouri the evidence of which, we can furnish you at any time, if required. And dear Sir, our good feelings revolt at the suggestion that your Excellency is acquainted with the unlawful measures taken by those engaged in the prosecution—measures—measures which, if justice was done to others, as it would be done to us, were we to commit as great errors in our proceedings, would subject all concerned in the prosecution to the penalty of the law, and that without mercy.

I admit Sir—that it is next to an impossibility, for any one to know the extent of the tyranny, treachery, and knavery of a great portion of the leading characters of the State of Missouri: yet it only requires a knowledge of the constitution of the United States, and statute of the State of Missouri; and a knowledge of the outrages committed by some of the inhabitants of that State upon the people called Mormons, and that pass'd unpunished by the administrators of the law; to know that there is not the least

confidence to be placed in any of those men that were engaged in those disgraceful transactions.

If the law was made for the lawless and disobedient, and punishment instituted for the guilty, why not execute the law upon those that have transgressed it, and punish those who have committed crime, and grant encouragement to the innocent, and liberality to the industrious & peaceable. And now I entreat your honor to bear with me patiently while I ask, what good can accrue to this state or the United States, or any part of this State or the United States, or to yourself, or any other individual, to continue this persecution upon this people, or upon M^r Smith—a persecution that you are well aware, is entirely without any just foundation or excuse. With sentiments of due respect I am your most obedient servant

Emma Smith

To His Excellency Thomas Carlin

Governor of the State of Illinois.

P.S. Sir. You will please tender my best respects and considerations to your wife and family, and tell them I greatly desire to see them with yourself in our place as soon as can be convenient. Emma Smith. [p. 188]

“Quincy September 7th 1842

Dear Madam—Your letter of the 27th Ultimo was delivered to me on Monday the 5th instant, and I have not had time to answer it until this evening, and I now appropriate a few moments to the difficult task of replying satisfactorily to its contents, every word of which evinces your devotedness to the interest of your husband and pouring forth the effusions of a heart wholly his. I am thus admonished that I can say nothing, that does not subserve his interest that can possibly be satisfactory to you. and before I proceed I will here repeat, my great regret that I have been officially called upon to act in reference to Mr Smith in any manner whatever. I doubt not your candor when you say you do not desire me “to swerve from my duty as executive in the least” and all you ask is to be allowed the privileges, and advantages guaranteed to you by the constitution and laws. You then refer me to the 11th section of the Charter of the City of Nauvoo, and claim for Mr Smith the right to be heard by the Municipal Court of said city, under a writ of Habeus Corpus emanating from said court—when he was held in custody under an executive warrant. The charter of the city of Nauvoo is not before me at this time, but I have examined both the charters, and city ordinances upon the subject, and must express my surprise at the extraordinary assumption of power by the board of Aldermen as contained in said ordinance! from my recollection of the charter it authorizes the Municipal Court to issue writs of Habeus Corpus in all cases of imprisonment, or custody, arising from the authority of the ordinances of said city, but that the power was granted, or intended to be granted to release persons held in custody under the authority of writs issued by the courts, or the executive of the State, is most absurd & ridiculous, and an attempt to exercise it, is a gross usurpation of power, that cannot be tolerated. I have always expected, and desired, that Mr Smith should avail himself of the benefits of the laws of this state, and of course that he would be entitled to a writ of Habeus Corpus issued by the circuit court, and entitled to a hearing before said court, but to claim the right of a hearing before the municipal court of the city of Nauvoo is a burlesque upon the charter itself. As to Mr Smiths guilt, or innocence of the crime [p. 201] charged upon him, it is not my province to investigate or determine, nor has any court on earth jurisdiction of his case, but the courts of the State of Missouri, and as stated in my former letter both the constitution and laws presumes that each and every state in this union, are competent to do justice

to all who may be charged with crime committed in said State. Your information that twelve men from Jackson county Mo. were lying in wait for Mr Smith between Nauvoo and Warsaw, for the purpose of taking him out of the hands of the officers who might have him in custody, and murdering him, is like many other marvellous stories that you hear in reference to him—not one word of it true, but I doubt not that your mind has been continually harrowed up with fears produced by that, and other equally groundless stories—that that statement is true is next to impossible, and your own judgement if you will but give it scope will soon set you right in reference to it—if any of the citizens of Jackson had designed to Murder M^r Smith, they would not have been so simple as to perpetrate the crime in Illinois, when he would necessarily be required to pass through to the interior of the State of Missouri, where the opportunity would have been so much better, and the prospect of escape much more certain—that is like the statement made by Mr Smiths first messenger after his arrest, to Messrs [James H.] Ralston and [Calvin A.] Warren—saying that I had stated that Mr Smith should be surrendered to the authorities of Mo. dead or alive—not one word of which was true. I have not the most distant thought that any person in Illinois, or Missouri, contemplated personal injury to Mr Smith by violence in any manner whatever.

I regret that I did not see Gen^l [Wilson] Law when last at Quincy. a previous engagement upon business that could not be dispensed with prevented and occupied my attention that evening untill dark. at half past 1 o clock P.M. I came home and learned that the Gen^l had called to see me, but the hurry of business only allowed me about ten minutes time to eat my dinner and presuming if he had business of any importance that he would remain in the city untill I returned. It may be proper here in order to afford you all the satisfaction in my power, to reply to a question propounded to my wife by Gen^l Law in referrence to Mr Smith viz. w[h]ether any other, or additional demand had been made upon me by the Gov^t of Mo. for the surrender of Mr Smith—I answer none, no change whatever has been made in the proceedings. Mr Smith is held accountable only, for the charge as set forth in my warrant under which he was arrested. In conclusion you presume upon my own knowledge of Mr Smiths innocence—and ask why the prosecution is continued against him. Here I must again appeal to your own good judgement and you will be compelled to answer that it is impossible I could know him to be innocent— and as before stated it is not my province to investigate as to his guilt or innocence, but could I know him innocent, and were he my own son, I would nevertheless—and the more readily) surrender him to the legally constituted authority [p. 202] to pronounce him innocent.

With sentiments of high regard and esteem your Ob^t servant

Tho Carlin^r

Mrs. Emma Smith

Notes

1. Lilburn W. Boggs served as governor of Missouri from 1836–1840.
2. Joseph Smith, Journal, May 14 and May 22, 1842, Church History Library, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah.
3. “Assassination of Ex-Governor Boggs of Missouri,” *Quincy Whig*, May 21, 1842, 3; Joseph Smith to Sylvester M. Bartlett, May 22, 1842, published in the *Quincy Whig*, June 4, 1842, 2.
4. John C. Bennett, letters, July 2 and July 4, 1842, published in the *Sangamo Journal*,

July 15, 1842.

5. Lilburn W. Boggs, Affidavit, Jackson County, Missouri, July 20, 1842, Abraham Lincoln Presidential Library, Springfield, Illinois; also copied in Joseph Smith, Journal, December 9–20, 1842.

6. Thomas Reynolds, Requisition, Jefferson City, Missouri, July 22, 1842, Abraham Lincoln Presidential Library, Springfield, Illinois; also copied in Joseph Smith, Journal, December 9–20, 1842.

7. While the original warrant from Carlin has not been located, a copy of the warrant made by clerk James Sloan before the Nauvoo municipal court dates the original, August 2, 1842. See Thomas Carlin, Writ, Springfield, Illinois, August 2, 1842, copy by James Sloan, Nauvoo City Records, 1841–1845, Church History Library.

8. U.S. Constitution, art. 4, sect. 2.

9. “Circuit Court of the U. States for the District of Illinois,” *Times and Seasons* 4, no. 5 (January 16, 1843): 65–71; Joseph Smith, Journal, December 31, 1842; January 2, 1843; and January 4–6, 1843, Church History Library.

10. Joseph Smith, Journal, August 8, 1842.

11. The Nauvoo city charter, which was ratified by the Illinois legislature in December 1840, granted authority to the municipal court to issue writs of habeas corpus “in all cases arising under the ordinances of the City Council.” See “An Act to Incorporate the City of Nauvoo,” *Times and Seasons* 2, no. 6 (January 15, 1841): 283. Anticipating attempts by “enemies” of the Church to subject the citizens of Nauvoo to “illegal process,” the Nauvoo city council had passed an ordinance in July declaring that “no Citizen of this City shall be taken out of the City by any Writs without the privilege of investigation before the Municipal Court, and the benefit of a Writ of Habeas Corpus.” Nauvoo City Council Minute Book, July 5, 1842, 86–87, Church History Library. Along with issuing the writ of habeas corpus, the city council passed a statute on this date granting the Nauvoo municipal court the power to inquire into both proper procedure and merits of the case for any arrest warrant served in Nauvoo. The Nauvoo statutes were attempts to codify the broadest interpretation of the habeas corpus grant in the charter, with the goal to prevent the legal system from being used for “religious or other persecution.” Nauvoo City Council Minute Book, July 5, 1842, 98–99.

12. Joseph Smith, Journal, August 11, 1842.

13. Orrin Porter Rockwell per S. Armstrong, Philadelphia, Pennsylvania, to Joseph Smith, Nauvoo, Illinois, December 1, 1842, Joseph Smith Collection, Church History Library; Joseph Smith, Journal, March 13, 1842.

14. Joseph Smith, Journal, August 15, 1842.

15. Joseph Smith to Emma Smith, August 16, 1842, copied in Joseph Smith, Journal, August 21, 1842. As noted below, Emma and others had delivered a petition to the governor in person on July 29 requesting protection for Joseph Smith.

16. Emma Smith to Joseph Smith, [August 16, 1842], copied in Joseph Smith, Journal, August 21, 1842.

17. Emma Smith to Thomas Carlin, August 16, 1842, copied in Joseph Smith, Journal, August 21, 1842.

18. Thomas Carlin to Emma Smith, August 24, copied in Joseph Smith, Journal, September 3, 1842.

19. Emma Smith to Thomas Carlin, August 27, 1842, copied in Joseph Smith, Journal, September 3, 1842.

20. Thomas Carlin to Emma Smith, September 7, 1842, copied in Joseph Smith, Journal, September 12, 1842.

21. Joseph Smith, Journal, August 21, 1842. Carlin read the letter in the presence of

Judge James A. Ralston, a member of the Church living in Quincy.

22. Thomas Carlin to Emma Smith, September 7, 1842, copied in Joseph Smith, *Journal*, September 12, 1842.

23. The letters appear in Joseph Smith Jr., *History of the Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2d ed., rev., 7 vols. (Salt Lake City: Deseret Book, 1971), 5:115–17, 130–34, 153–55; and Dean C. Jessee, ed., *The Papers of Joseph Smith, Vol. 2* (Salt Lake City: Deseret Book Company, 1992), 433–37, 450–55, 476–78.

24. William Clayton, the scribe who copied this letter into Joseph's journal, includes a note before the letter that the date of the 16th was incorrect and should have indicated the following day. See Joseph Smith, *Journal*, August 21, 1842.

25. Emma Smith, accompanied by Eliza R. Snow and Amanda Barnes Smith, visited Governor Carlin at his Quincy residence in July with a petition from the Female Relief Society soliciting protection for Joseph Smith. Snow wrote, "The Gov. received us with cordiality, and as much affability and politeness as his Excellency is master of, assuring us of his protection, by saying that the laws and Constitution of our country shall be his polar star in case of any difficulty. He manifested much friendship, and it remains for time and circumstance to prove the sincerity of his professions." Eliza R. Snow, *Journal*, July 29, 1842, Church History Library; Thomas Carlin to Emma Smith, August 24, 1842, copied in Joseph Smith, *Journal*, September 3, 1842.

26. Lilburn W. Boggs's affidavit charged Joseph Smith with being an "Accessory before the fact" in the shooting of Boggs on May 6, 1842. See Lilburn W. Boggs, *Affidavit*, July 20, 1842; and Joseph Smith, *Journal*, December, 9–20, 1842.

27. TEXT: "they" is inserted in black ink.

28. Boggs's affidavit charging Joseph Smith with complicity in the attempt on his life did not meet the constitutional requirements for evidence in an extradition case. See U.S. Constitution, art. 4, sec. 2; Lilburn W. Boggs, *Affidavit*, July 20, 1842; Joseph Smith, *Journal*, December 9–20, 1842.

29. TEXT: "P.S." inserted later in black ink.

30. Emma apparently sent a letter on this date requesting that Carlin respond to her August 17 letter.

31. Carlin is quoting from "An Act Concerning Fugitives from Justice," January, 6, 1827, *The Public and General Statute Laws of the State of Illinois: Containing all the Laws Published in the "Revised Statutes" of 1833, Except Such as Are Repealed—together With All the Acts of a General and Public Nature, Passed by the Ninth General Assembly. . . .* (Chicago: Stephen F. Gale, 1839), sec. 1, 318. The "act of congress" that the Illinois law refers to is "An Act Respecting Fugitives from Justice, and Persons Escaping from the Service of Their Masters," February 12, 1793, *The Public Statutes at Large of the United States of America, 1789–1799* (Boston: Charles C. Little and James Brown, 1845), sections 1–2, 302.

32. See note 30 above.

33. TEXT: "e" written over erased "y", changing "my" to "me."

34. A quotation of "An Act to Incorporate the City of Nauvoo," 282.

35. Nauvoo City Council Minute Book, July 5, 1842, 86–87.

36. Like Nauvoo, city charters granting authority to pass ordinances not conflicting with the federal or Illinois constitutions had been granted to Springfield, Quincy, and Galena. Although the municipal court in Alton had been granted the authority to issue writs of habeas corpus, Alton, like Nauvoo, had abolished its municipal court in 1839. See James L. Kimball Jr., "The Nauvoo Charter: A Reinterpretation," *Journal of the Illinois State Historical Society* 64 (Spring 1971): 66–78.

37. The constitutional requirement for extradition was being charged with committing

a crime in one state and fleeing to another state. U.S. Constitution, art. 4, sec. 2.

38. TEXT: "in" inserted later in black ink.

39. Arresting officers from Adams County, Illinois.