

him to Clark county, Missouri,—would him there and take him to another place; where he would be safe, and that would not do. He two days came back,—I asked what he had been doing,—said that taking a Mormon Elder—I asked if he had taken him by authority or by force, and not by persuasion. He answered, said that he should like to go into Missouri, but that if a Mormon should catch him he would shoot them. He said at Joseph Smith was a bad man, that he would like to shoot him, but that he tried before but had failed,—he said that they would not fill this time, that a plan was operation that would succeed—that he would be the possessor.

Mr. Smith asked what was said about in-prisoners counsel objected. Mr. Smith said he had a right to hear concerning himself. Court decided that it might be heard inasmuch as other Mormons were mentioned.

Mr. Sisson A. Qase again related something similar to what he had done before,—related the design of Missouri to take him,—they wanted Mr. Smith, and were afraid of him.

Stephen Markham sworn.

Heard Mr. Elliot make no statement.

Heard Mr. Avery say that he assisted in taking Daniel, Evers that there was none of the same kind in the State of Missouri, and three to Missouri. He was sworn in this country.

Did Mr. Elliot make any threats to deliver I? Not to me only in taking him. He said that he would take him to the State of Missouri. I told him to stand or I would shoot him if he offered resistance,—that we were officers of the peace,—I had a writ for him—that if he gave himself up he would be brought before the court.

Cross examined.

He was told that not knowing what it would amount to,—he said he would assist in taking the leaders, McCarty, Clark, Williams and King, and King was a member of the whole; there was none in company; think Stoughton was one, I also think he name of one was Cox.

King called sworn.

King said that he was called to the testimony,—the man threatened to get away, but we heard him. He threatened to shoot at first, but afterwards came up. He confessed to me that he had a gun, and that he was told that he had a gun and I told him to get away, and he said he was doing. He said there was no Mr. Mark was far more guilty than he, and wanted me to take them. I said I would take them,—that notwithstanding, Mr. Mark would be shot.

King said he would do so with them. The

"The jury then asked if he had any plan to make, he said not at this time. The jury then declared that the said John Elliott be held to the next term of 1860 to appear on the first day of the sitting of the county court at Chatham. Mr. Smith observed that the gentleman was a stranger—that he might not be able to get the property of the proprietors of the bond reduced. The court however lighted into consequence of the enormity of the crime, that the bond was not more than sufficient to cover the prisoner to appear on the day of trial, and therefore could not be taken.

"After the prisoner was remanded into the another wet season, practiced upon the following affidavit made returnable before R. D. Foster, J. P.:

STATE OF GEORGIA,
 County of Chatham.

Personally appeared before me, Robert D. Foster, a justice of the peace for Chatham county, Joseph Smith, who being duly sworn according to law, deposed and said that the one John Elliott of said county with a party of men, had come for the, and on or about the second instant, that said John Elliott used the threatening language concerning your deponent as informed that said threatening language was directed to the county of Hancock, and further this deponent said:

"JOSEPH SMITH.
 Subscribed and sworn to this 13th of Dec. A. D. 1853.

R. D. FOSTER, J. P.

The prisoner was again brought for trial and the court ~~advised for the~~

"The court said that it was his privilege to plead for a change of venue by paying the costs, but as the costs were not forthcoming, he was ordered to stand trial.

"Mr. Sylvania then proceeded to argue to the jury the propriety of finding him guilty for purposes, p. 219. r.s. The acts set forth in use of threatening language is sufficient to criminate individuals; this we are prepared to prove.

"The jury then returned.

"The testimony was similar to that before delivered with the following additional items:

"I did ask him if he had authority—in

