

NAUVOO NEIGHBOR:---Extra.

Nauvo Hancock County, Illinois, Dec. 9, 1843.

At a meeting of the citizens of Nauvo, held near the Temple on the 7th day of December, 1843, Alpheus Cutler was called to the chair and Willard Richards appointed Secretary; whereupon, after the object of the meeting was stated, a committee of three, namely, W. W. Phelps, Reynolds Cahoon and Hosea Stout, were appointed to draft a preamble and resolutions, expressive of the sentiments of the people of the City of Nauvo, relative to the repeated unlawful demands by the State of Missouri for the body of General Joseph Smith, as well as the common cruel practice of kidnapping citizens of Illinois and forcing them across the Mississippi river, and then incarcerating them in the dungeons or prisons in Missouri; and after a few minutes absence, they returned with the following:

Whereas the State of Missouri, with the Governor at the head, continues to make demands upon the Executive of Illinois for the body of General Joseph Smith, as we verily believe, to keep up a system of persecution against the Church of the Latter-Day Saints; for the purpose of justifying the said State of Missouri in her diabolical, unheard of, cruel and unconstitutional warfare against said Church of Latter-Day Saints, and which she has practised during the last twelve years, whereby many have been murdered, mobbed, and ravished and the whole community expelled from the State.

And also to heave dust in the eyes of the nation and the world, while she, as a State, with the government to back her, continues to slip over the river and steal the property of the Latter-Day Saints and kidnap the members of said church to glut the vengeance, malice, revenge and avarice; and to make slaves of the said captives or murder them, Therefore

Resolved unanimously, as we do know that Joseph Smith is not guilty of any charge made against him by the said State of Missouri, but is a good, industrious, well meaning, and worthy citizen of Illinois, and an officer that does faithfully and impartially administer the laws of the State, that we, as citizens of Illinois, crave the protection of the constitutions and laws of the country as an aegis to shield him, the said General Joseph Smith, from such cruel persecutions, beseeching the Governor of Illinois not to issue any more writs against the said General Joseph Smith, or other Latter Day Saints, (unless they are guilty,) but to let the Latter-Day Saints 'breathe awhile like other men' and enjoy the liberty guaranteed to every honest citizen by the Magna Charta of our common country.

Resolved, That as citizens of the State of Illinois, we solicit the attention of the Governor and officers generally of the State, to take some lawful means and measure to regain the citizens that have been kidnapped by the Missourians, and to prevent the said Missourians and Government from committing further violence upon the citizens of Illinois.

Resolved, as the sense of this meeting, that, according to the true meaning of law, that those citizens of any section of country, who do not rise up as virtuous freemen, (when any portion of inhabit-

ants, congregate, or combine to injure, slander or deprive another portion of their rights,) and magnify the law, to clear themselves from such unhallowed attempts to subvert order and law, that they by their silence make themselves accessories of the crime of such unlawful assemblage or outrageous individuals.

Resolved unanimously, That we solicit the Governor, by all honorable means to grant us peace for we will have it.

ALPHEUS CUTLER, Chairman.

WILLARD RICHARDS, Secretary.

An extra Ordinance for the extra case of Joseph Smith and Others.

Whereas Joseph Smith has been three times arrested and three times acquitted upon writs founded upon supposed crimes or charges preferred by the State of Missouri; which acquittals were made from investigations upon writs of Habeas Corpus; namely, one in the United States Court for the district of Illinois; one in the Circuit Court of the State of Illinois; and one in the Municipal Court of Nauvo; and whereas a *nolle prosequi* has once been entered in the Courts of Missouri upon all the cases of Missouri against Joseph Smith and others; and whereas there appears to be a determined resolution by the State of Missouri to continue these unjust, illegal, and murderous demands for the body of General Joseph Smith; and whereas it has become intolerable to be thus continually harassed and robbed of our money to defray the expenses of these prosecutions; and whereas, according to the Constitution of Illinois "all men are born equally free and independent; and have certain inalienable and indefeasible rights; among which are those of enjoying and defending life and liberty, and of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness;" And whereas it is our bounden duty by all common means, if possible, to put a stop to such vexatious law suits and save expense: Therefore

Sec. 1. Be it ordained by the City Council of the city of Nauvo, according to the intent and meaning of the Charter for the 'benefit and convenience' of Nauvo, that hereafter, if any person or persons shall come with process, demand or requisition founded upon the aforesaid Missouri difficulties, to arrest said Joseph Smith, he or they shall be subject to be arrested by any officer of the city, with or without process, and tried by the Municipal Court; upon testimony, and if found guilty, sentenced to imprisonment in the city prison for life, which convict or convicts can only be pardoned by the Governor with the consent of the Mayor of said city.

Sec. 2. And be it further ordained that the preceding section shall apply to the case of every and all persons that may be arrested, demanded or required, upon any charge founded in the aforesaid Missouri difficulties.

Sec. 3. And be it further ordained, that the Jury that makes the presentment, in any case above specified, shall not, nor either of them, act as Jurors on the final trial, but the trial shall be conducted according to the fifth and sixth articles of

the amendment to the constitution of the United States.

Passed December 9, 1843.

JOSEPH SMITH, Mayor.

WILLARD RICHARDS, Recorder.

'AMENDMENTS TO THE CONSTITUTION OF THE U. STATES.'

Article 5.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

Article 6.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

An Ordinance to erect a Dam in the Mississippi River, and for other purposes.

Sec. 1. Be it ordained by the City Council of the city of Nauvo, that Joseph Smith, and his successors for the term of perpetual succession, are hereby authorized and empowered to erect a dam, of suitable height to propel mills and machinery, from any point within the limits of said city and below the Nauvo House, and in a proper direction to reach the Island this side of Montrose, but not to interfere with the main channel of the Mississippi river.

Sec. 2. And be it further ordained that the said Joseph Smith and his successors are further authorized to erect north of the aforesaid Island, a dam, pier, or break water, to intersect the sand bar above.

Sec. 3. Be it further ordained that the said Joseph Smith and his successors are also authorized and have full liberty to use the said dam and water for the purpose of propelling mills and machinery, and shall be governed in their rates of toll, and rules of manufactory by ordinance of said city.

Sec. 4. And be it further ordained that the said Joseph Smith and his successors, are further authorized and empowered, to use the space within the limits of the said dam as a Harbor or Basin for Steam Boats, and other water crafts, and for which purpose they may construct docks, wharves and landings, and receive such fees for wharfage as may be regulated by ordinance of said city.

Sec. 5. And be it further ordained that said Joseph Smith and his successors, are further authorized to build an embankment on the East side of the aforesaid

Island, to connect the said dam with the Pier on the north, and to use the top of said dam for a public road or highway, receiving for compensation from those who cross upon it, such rates as may be allowed by ordinance of said city.

Passed December 8, 1843.

JOSEPH SMITH, Mayor.

WILLARD RICHARDS, Recorder.

The following is the INDEPENDENT REACTION of the Nauvo Legion according to the opinions of the Attorneys Generals of the State of Illinois:

Springfield, Illinois,
Nov. 30, 1843.

I have examined the claim of J. C. Bennett as Brigade Inspector of the Nauvo Legion, and it is my opinion that the claim should be disallowed.

The Legislature, in giving authority, for the organization of a body of 'independent military men' at Nauvo, intended no doubt, that all expenses &c., except 'their proportion of public arms' should be defrayed by the city and its privileged Legion.

They occupy a novel position, disconnected from the military communities, of the whole State, and in no way subject to the regular military officers, possessing an exemption, even, from subjection to the general military laws, with a law making power invested in their own Legion. It is not reasonable to suppose that the Legislature would confer so many exclusive favours, and yet pay those who profit by this condition of things, as much as is paid to regular militia officers.

In the absence of any express provision by law to authorize the payment of the claim, I can see nothing from which an authority of the kind could be derived, and therefore advise accordingly.

J. LAMBORN, Atty. General.
Springfield, Illinois,
Nov. 30, 1843.

Gen. W. L. D. Ewing,
Auditor, &c.,

I have examined the claim of John Bills, Brigade Major of the Nauvo Legion for services under the 53 Sec. of the militia law, and have arrived at the conclusion that the Nauvo Legion are not to be considered, as a part of the regular militia of this state, and that the general law has no farther application to them than is expressly provided for in the law authorizing their organization. The law providing for the organization of the Legion, making no provision for the payment of its officers by the state, it is my opinion that the above claim ought not to be audited.

The Legion was organized by the City Council, is subject to their control for the purpose of enforcing their ordinances—it is entirely independent of the general military law, may have a different organization, make laws for its own government & seems evidently designed to sustain the Municipal authorities of Nauvo. If there are expenses to be paid, the Municipality of which they form a very important element must meet them.

I am, with great respect,
Your obedt. servt.,
I. N. McDOUGALL.