

Missouri State Archives: Finding Aid 5.1

Mormon War Papers, 1837-1841

[Full-text transcription of: Letter from Governor Boggs, Jefferson City, MO to General John B. Clark, 1st Division of Missouri Militia, Richmond, MO]

Gov. To Genl Clark

Nov 19.
Document No 26—
copied

Executive Department
City of Jefferson

To. Major Genl Jno. B. Clark
Sir. Nov. 19. 1838

You will take immediate steps to discharge all the Troops you have retained in service by a guard and deliver the prisoners over to the civil authority, You will not attempt to try them by Court Martial, the Civil law must govern. Should the Judge of the Circuit Court deem a guard necessary [the words “which I presume he will” are above the line with no caret] he has the authority to call on the Militia of the County for (“our” crossed out) this purpose. In the absence of the Attorney General I am unable to furnish you with his opinion on the points requested. One thing however is certain that so soon as an insurrection is quelled and peace [“and order” crossed out] restored, the military authority ceases; [] the Crime of Treason, whether it can be tried out of the county where the act was committed we have no precedent only that of the case of Aaron Burr, who was charged with the commission of that offense against the United States at Blahazerts Island in the State of Virginia and he was tried at Richmond, Virginia, this however is a matter which the [“Civil authority” crossed out] Judiciary will have to determine.

I wish you to distinctly understand, that if you have accomplished the object of the expedition, which was to restore peace to the Community and to cause

the offenders to be brought to justice that you will discharge all your forces and report to me your proceedings in the manner heretofore requested— The officers retained to serve on Court Martial will also be discharged.

Should you have left Richmond before

you receive this communication, you will forward by Express to the officer you have left in command orders to the foregoing effect.

(X to come in here)

I am very Respectuflly
Yr Obt St.
Lilburn W. Boggs
Com: in chief

X I should be happy to see you at this place as you would perhaps be able to explain many things in relation to this perplexing subject, which I cannot at present understand