Four Days in Carthage

John Bagby v David Bettisworth

The people behind an 1840 witness certificate

Four days at court brought Artois Hamilton into John Bagby's lawsuit against David Bettisworth. Four years later, Hamilton, Bettisworth, and the young deputy clerk who certified the paper would appear in the history of Joseph and Hyrum Smith's final days. This small document introduces them before the events that made their names memorable.

John Bagby the man who brought the suit

About 1829–1830 — A probable identification places him among the early settlers near Blandinsville.

Before 1840 — That pioneer lived for a time in Hancock County before returning to McDonough County.

September 1840 — Was plaintiff in the suit against David Bettisworth; Hamilton attended as his witness.

Bagby's identification remains probable. His connection to Walter Bagby and his religious or political affiliations have not been established.

David Bettisworth the defendant and later constable

14 July 1814 — Born in Virginia, a son of Evan Bettisworth and Drusilla Bean.

1833 — Moved with his family to Hancock County and settled in Chili Township.

1840 — At about twenty-six, was the defendant in Bagby's circuit-court suit.

June 1844 — Served as a constable in the proceedings against Joseph and Hyrum Smith.

By 1860 — Lived in Corpus Christi, Texas; returned to Hancock County by 1865.

8 November 1866 — Died and was buried in Bethel Cemetery in Hancock County.

Bettisworth was a constable; George W. Stigall was the Carthage jailer. Sources for these highlights appear in the biographies and source notes.

The paper at a glance

3 October 1840 • Hancock County Circuit Court • Hamilton's sworn claim of four days' witness attendance for Bagby. The underlying claim and outcome remain unknown.

The witness and the men of the court

These short highlights introduce the names before the narrative opening and original document on the following pages. The document's explanation and longer biographies follow.

Artois Hamilton the witness and Carthage hotelkeeper

15 August 1795 — Born in Massachusetts; later moved to New York.

22 February 1827 — Married Atta Bentley in New York.

22 July 1835 — Arrived in Carthage; Gregg records that the family first slept in their wagons.

September–October 1840 — Attended court for Bagby for four days and swore to that attendance.

27–28 June 1844 — Helped care for the Smith brothers' bodies and assisted after the jail attack.

July 1851 — Lost his wife, two children, and two sisters in a cholera outbreak, according to Gregg.

1852–1855 — Married Susan Smith, then helped establish the town of Hamilton.

4 July 1873 — Died after the Carthage Independence Day celebration he had helped organize.

Samuel Otho Williams the deputy clerk

By 1839 — Worked in the Hancock County clerk's office under Wesley Williams.

3 October 1840 — Certified Hamilton's sworn statement as deputy clerk.

1844 — Served as a lieutenant in the Carthage militia; wrote John A. Prickett on July 10.

28 November 1844 — Died only five months after Joseph and Hyrum Smith were killed.

Peter Lott and Wesley Williams

28 September 1840 — Judge Peter Lott opened the circuit-court term in which the certificate arose.

1840 — Wesley Williams headed the clerk's office in which Samuel Otho performed the certification.

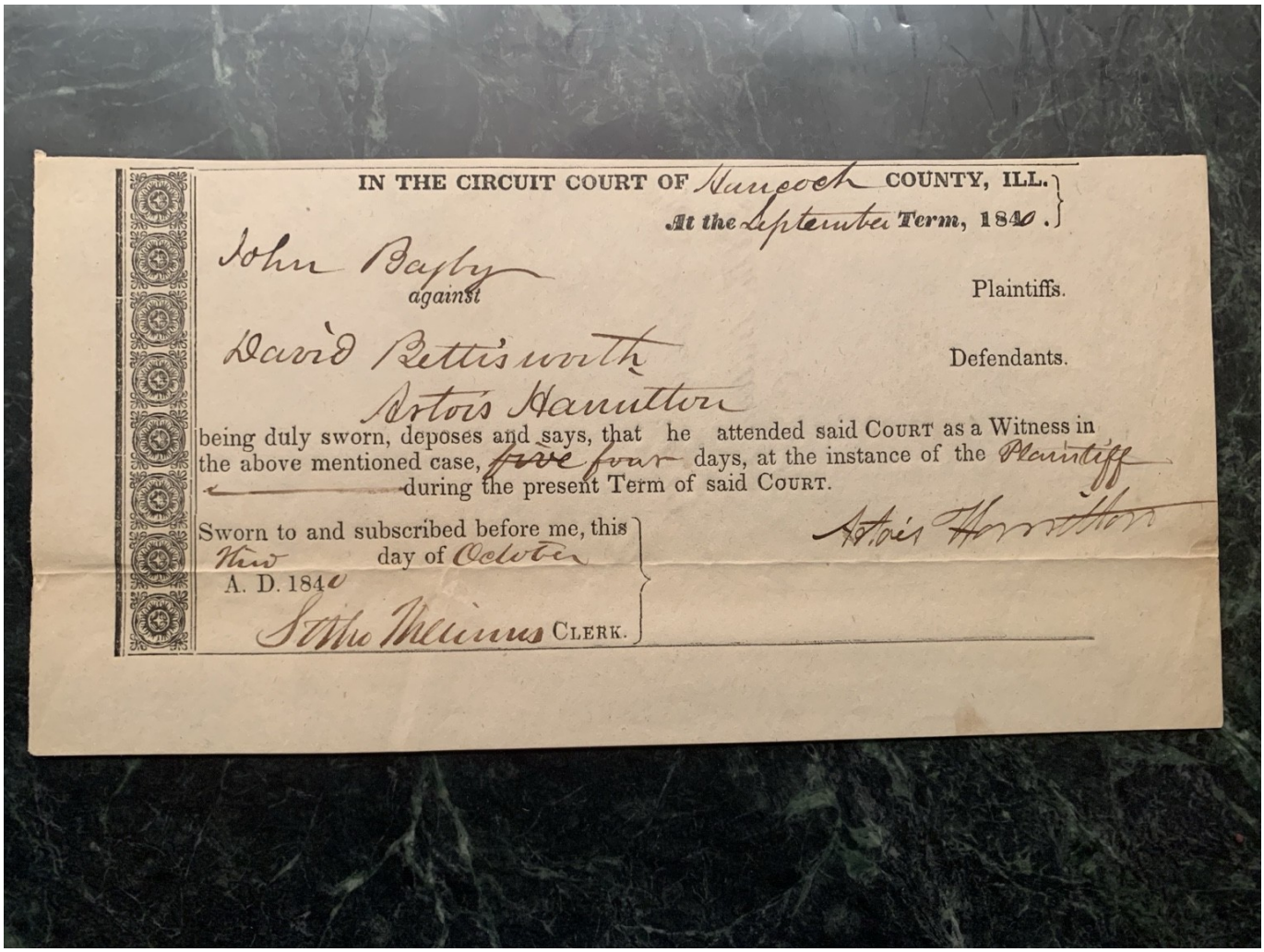
Sources: the existing case report and its cited court-term records; Joseph Smith Papers biographical and legal records; Thomas Gregg, History of Hancock County (1880), pp. 712, 715–717. Later roles do not establish the subject or political character of the 1840 lawsuit.



Artois Hamilton in later life. Gregg, History of Hancock County (1880), portrait indexed at p. 713.

Four Days in Carthage

In the autumn of 1840, Artois Hamilton had a hotel to run and business interests beyond its doors. Yet he devoted four days to attendance at the Hancock County Circuit Court. John Bagby had brought a suit against David Bettisworth, and Hamilton was there on Bagby's side. On October 3, he put that attendance on the record before deputy clerk S. Otho Williams.



IN THE CIRCUIT COURT OF Hancock COUNTY, ILL.
At the September Term, 1840.

John Bagby
against
Plaintiffs.

David Bettisworth
Defendants.
Artois Hamilton

being duly sworn, deposes and says, that he attended said COURT as a Witness in the above mentioned case, ~~five~~ four days, at the instance of the Plaintiff during the present Term of said COURT.

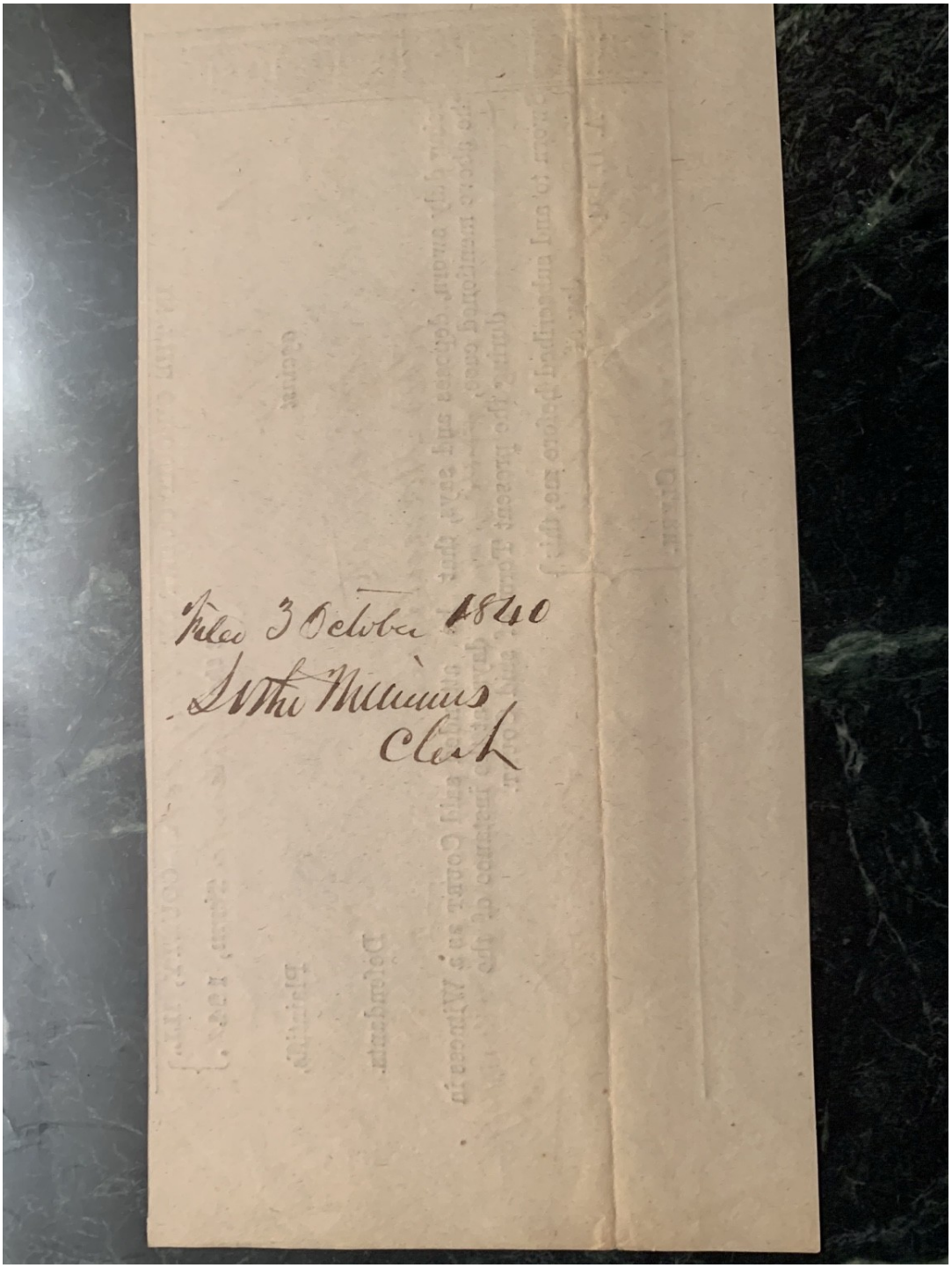
Artois Hamilton

Sworn to and subscribed before me, this Two day of October A. D. 1840

S Otho Williams CLERK.

Original document front. Hamilton's witness-attendance certificate in John Bagby v. David Bettisworth, September term 1840. The attendance entry shows "five" struck out and replaced with "four." The statement is dated 3 October 1840 and bears Hamilton's signature and S. Otho Williams's certification. Photograph supplied by the owner; rotated so the text reads upright.

The original document reverse



Original document reverse. The handwritten filing endorsement records 3 October 1840 and is signed S. Otho Williams, Clerk. Oriented for the endorsement to read upright; the faint sideways printing is show-through from the front. Photograph supplied by the owner.

The court paper of 3 October 1840

A witness asks the court to recognize four days of attendance

The surviving paper records John Bagby as plaintiff and David Bettisworth as defendant. Artois Hamilton swore that he had attended the September term of the Hancock County Circuit Court for four days as a witness at Bagby's instance. S. Otho Williams certified the statement on 3 October 1840.

The document in plain English

Hamilton was saying: I attended this court for four days as a witness for John Bagby in his suit against David Bettisworth. This restates the document's meaning; it is not a quotation or a substitute for a faithful transcription.

What to notice when reading the original

John Bagby against David Bettisworth. The heading tells us who brought the suit and who was being sued.

Artois Hamilton. His sworn statement is the reason this particular paper exists.

Four days. The certificate records time devoted to court attendance. It does not mean four days of testimony.

At the instance of the plaintiff. Bagby's side requested or procured Hamilton's attendance.

S Otho Williams. His certification made the oath an official court record.

Why this paper was needed

A witness could claim compensation for attending court. This certificate supplied the record of Hamilton's time so that allowable fees could be included in the expenses of the lawsuit. It does not tell us what he knew, whether he actually testified, who paid him, or which party won.

The original front and reverse are reproduced immediately before this reading. The front's corrected attendance entry reads four days; the reverse records filing on 3 October 1840. The reading below explains the paper in modern language rather than reproducing its line breaks.

Source: Bagby v. Bettisworth project report, 18 September 2026, document description and normalized reading. The fuller analysis and unresolved questions are retained in the research notes at the back.

The courthouse town

The paper leaves the dispute itself out of view. We do not know what Bagby demanded, what Bettisworth answered, or what Hamilton might have told a jury. What survives is something more modest and very human: one man's claim for the time a lawsuit had taken from his working life.



Hancock County courthouse at Carthage, from A. T. Andreas, Illustrated Historical Atlas of Hancock County, Illinois (1874), p. 10. This later view depicts the courthouse used in the 1840 period, with its later surroundings and alterations; it is not an image made in 1840. Detail from the full atlas plate.

The brick courthouse was still new. Accepted in 1839, it had replaced the county's earlier log building. Around it, Carthage's stores, lodging houses, and public offices connected people who needed a room, a meal, a legal paper, or a place to settle an obligation. Hamilton's hotel belonged to that everyday world. [1]

For a reader familiar with Latter-day Saint history, these names soon lead elsewhere: to Bettisworth's warrants and custody duties, to Hamilton's help after the murders, and to Williams's account of the crisis. Their later actions give the certificate added interest. The 1840 lawsuit itself has not been shown to concern the Church. [2]

David Bettisworth before the warrants of 1844

In this document Bettisworth appears as the defendant—the man Bagby had sued. That is a useful place to begin his story, before his later public role as an officer executing warrants against Joseph Smith.

A Virginia family comes to Hancock County

David Bettisworth was born 14 July 1814 in Virginia, reported more specifically as Botetourt County, the son of Evan Bettisworth and Drusilla Bean. The family moved to Hancock County in 1833 and settled in Chili Township. That date places them among the county's earlier settlers and before the great Latter-day Saint influx that followed the Missouri expulsions of 1838–1839.

Migration by a family group mattered. Parents, adult children, and siblings supplied labor, credit, security, and marriage connections. The Bettisworth household therefore should be studied as a network rather than treating David as an isolated young defendant. Deeds, tax lists, probate papers, and neighboring census households may reveal whether the 1840 dispute arose from a family enterprise or an individual transaction.

A merchant in a county of settlers

Documentary summaries identify Bettisworth as both merchant and constable. A merchant at the county's frontier edge operated within a credit economy: goods arrived through river and overland channels, accounts ran between harvests, and notes could circulate as practical substitutes for specie. A constable served legal process, made arrests, and transported prisoners within the limited jurisdiction assigned by law. These were distinct roles, though both depended on reputation and local trust.

The suit in 1840

Bettisworth was about twenty-six when Bagby sued him. Youth did not imply marginal status: he belonged to an established settler family and soon held public responsibility. The affidavit does not show whether he contested the claim, defaulted, settled, or prevailed. It also does not establish whether Hamilton knew him personally, observed a transaction, maintained relevant books, or merely heard an admission.

The warrants of June 1844

On 12 June 1844 Bettisworth went to Nauvoo with warrants arising from the destruction of the Nauvoo Expositor press. Joseph Smith and others challenged the legal process and pursued habeas corpus remedies. The surviving legal record and the Joseph Smith Papers identify Bettisworth as a Hancock County constable and place Joseph Smith in his custody during stages of the proceedings. This is the best-documented episode of Bettisworth's public career.

A vital correction is that Bettisworth was not the Carthage jailer. George W. Stigall held that office. Bettisworth's role was the constable executing or holding process and conveying prisoners. Contemporary and later accounts describing custody must be read with this distinction in mind.

Carrying news after the killings

Biographical compilations state that Bettisworth and George D. Grant carried news of the deaths of Joseph and Hyrum Smith toward Nauvoo. This placed him in the immediate aftermath without proving participation in the attack. His official actions before the killings and his later movement should not be collapsed into a claim of conspiracy absent direct evidence.

Texas and the return home

Bettisworth was in Corpus Christi, Nueces County, Texas, by 1860 and had returned to Hancock County by 1865. He died 8 November 1866 and was buried in Bethel Cemetery in Bear Creek Township. The move invites further research into commerce, family migration, health, or opportunity, but the online sources located here do not explain his reason for going or returning.

His place in the county

No evidence located in this project makes Bettisworth a Latter-day Saint. His service in the Expositor proceedings placed him on the non-Mormon county-law-enforcement side of a bitter conflict, but officeholding is not proof of formal Anti-Mormon Party membership. No reliable lodge return or membership record was found establishing him as a Freemason or a member of Nauvoo Lodge.

What the earlier paper adds

The 1840 Bagby paper is important precisely because it predates Bettisworth's famous role. It restores him to the ordinary legal economy of Hancock County: a young settler, merchant, and emerging officer who could be sued, defend a civil action, and appear in the same institutional world as Hamilton and the Williams family. His later custody of Joseph Smith should illuminate, not overwhelm, that earlier identity.

Source note [2]: Joseph Smith Papers, David Bettisworth biography and June 1844 legal records; original project bibliography and family-history leads. The case paper establishes his role as defendant, not the merits of either party's claim.

Artois Hamilton from wagon camp to hotelkeeper



Artois Hamilton. Portrait plate indexed at p. 713 in Thomas Gregg, History of Hancock County, Illinois (1880). Library of Congress digitized copy. The portrait shows Hamilton later in life, not at the time of the 1840 case.

Hamilton's signature belongs to a man whose life can be followed from an improvised family camp to one of Carthage's best-known establishments. Gregg's county history recalls a journey of nearly two months by horse teams from New York. When the family reached Carthage on July 22, 1835, there was no settled home waiting. For two weeks they slept in their wagons and cooked on the prairie. [3]

In Gregg's telling, Hamilton cut grass for his horses on the ground later occupied by the courthouse. After temporary lodgings, he bought a small log house and added rooms. Travelers began stopping there, and the family dwelling grew into the village hotel. That history gives his four days at court a practical meaning: the witness was also a host, a father, and a businessman with work to attend to. [3]

Family and western beginnings

Artois Hamilton was born 15 August 1795 in Massachusetts (the earlier research gives Granville; Gregg gives Tolland), to Gad Hamilton and Anna Moore. He moved westward through New York and married Atta Bentley on 22 February 1827. The family's migration followed a broader pattern of New England and New York households seeking land and enterprise in the developing Old Northwest.

The business of receiving travelers

Hamilton settled at Carthage in July 1835. He became a hotelkeeper and engaged in farming, lumber milling, land development, and related enterprises. A county-seat hotel was not merely lodging. It was a communications center where attorneys, judges, witnesses, traders, office seekers, jurors, and travelers ate, exchanged news, negotiated, and waited upon court business. Hamilton's occupation therefore helps explain why he might possess knowledge relevant to many kinds of dispute without identifying this particular one.

His lumber and land interests placed him in the material creation of towns: supplying boards, improving parcels, extending credit, and coordinating labor and transport. A four-day court attendance had real opportunity cost, which strengthens the inference that Bagby or counsel considered his presence important.

Four days for John Bagby

Hamilton's sworn attendance is the only direct evidence now connecting him to Bagby and Bettisworth. It proves a litigation relationship and suggests an earlier factual relationship, but its character remains unknown. A witness could be neutral while appearing at one party's instance. The report therefore avoids describing Hamilton as Bagby's friend, partner, creditor, or agent until another record supplies that link.

The hotel during the Carthage crisis

By June 1844 Hamilton's hotel stood only a short distance from the Carthage jail and served as an important lodging and meeting place during the final legal proceedings against Joseph and Hyrum Smith. A 21 June affidavit by John P. Greene reported a threatening conversation with Robert D. Foster at Hamilton's hotel. The hotel's presence in such records reflects its public function; it does not make every conversation the proprietor's act or political position.

Help after the murders

After the attack on 27 June, Hamilton assisted the wounded and helped manage the bodies of Joseph and Hyrum Smith. His son William R. Hamilton later recalled that the bodies were taken to the hotel, placed in pine boxes, and conveyed toward Nauvoo, with Hamilton's family participating. Hamilton later submitted an account for men, horses, materials, and services associated with the aftermath. These concrete acts are stronger evidence of conduct than generalized political labels.

A life more complicated than a political label

Hamilton has not been shown to have joined the Church of Jesus Christ of Latter-day Saints. Nor does the evidence reviewed here establish him as a formal Anti-Mormon Party officer. A non-Mormon businessman could oppose Nauvoo's political bloc, cooperate with officials, maintain personal relations with Saints, and perform humane services after violence. His biography demonstrates why Hancock County cannot be understood through a simple two-camp model.

Loss within his own household

Hamilton later knew a succession of deaths within his own family. Gregg records that cholera took a sister and daughter on July 16, 1851, his wife Atta on July 18, his eldest son Marvin on July 19, and his remaining sister on July 23. Five members of the family were gone in just over a week. This was a private catastrophe in the life of the man remembered for helping other bereaved families in 1844. [3]

A second marriage and a new town

Atta Hamilton died in 1851. Hamilton married Susan Smith in 1852. In 1855 he helped lay out the river town that took the name Hamilton, Illinois. A local historical tradition says the name was chosen in hope that the prosperous Carthage businessman would contribute to development. He died at Carthage on 4 July 1873, having lived through the county's pioneer formation, the Mormon conflict, Civil War era, and postwar growth.

The Masonic question

No primary membership record located here establishes Artois Hamilton as a Freemason. His son Elisha Bentley Hamilton later had a documented Masonic affiliation, but a child's membership cannot be used to infer the father's. The distinction is especially important in writing about Nauvoo, where Masonic claims easily become entangled with later controversy.

His last Fourth of July

Gregg's account ends with a scene from Independence Day in 1873. Hamilton had helped arrange a celebration in which roughly three hundred boys, equipped with hats and wooden guns, staged a military display. Afterward they gathered at his home, where he spoke to them before they dispersed. Later that day he became ill and died with family nearby. Gregg wrote in a warmly commemorative style; the episode should be read as the county history's account, rather than as a modern eyewitness reconstruction. [3]

Source note [3]: Gregg, History of Hancock County (1880), portrait indexed at p. 713; biography begins on p. 712 and continues on pp. 715–717. The existing project supplies the wider legal context. Gregg's statement that Hamilton declined tokens of gratitude should be distinguished from the surviving account for services submitted to Joseph Smith's estate.

Samuel Otho Williams the name beneath the oath

Williams's certification is easy to pass over. Yet the clerk's office was where a spoken oath became a paper that could be filed, counted, and preserved. His work is one reason Hamilton's four days remain visible to us.

A young man in the clerk's office

Later genealogical sources identify Samuel Otho Williams as a son of Wesley Williams and place his birth in 1819, making him about twenty-one at the 1840 term. This father-son relationship fits the courthouse record: Wesley was the elected circuit clerk and Samuel repeatedly signed papers as deputy clerk. The certificate itself styles him "Clerk." His signature is the official certification of Hamilton's oath, rather than another witness signature; the earlier research places his service within Wesley Williams's office.

The daily work behind the signature

Surviving Hancock County legal papers show Williams working in the office by 1839. In the William Fraim murder proceedings, papers were filed by Samuel Otho Williams as deputy under Wesley Williams. In May and October 1841 the published term list names S. Otho Williams as clerk pro tempore. These records demonstrate competence and continuity across criminal and civil administration.

The office required exacting manual work: entering filings, issuing writs, recording returns, maintaining docket and record books, administering oaths, calculating costs, preserving loose papers, and producing certified copies. Hamilton's affidavit is a small example of that machinery. Williams's handwriting connected the spoken oath to the durable financial record of the case.

From courthouse work to militia service

By 1844 Williams was a second lieutenant in the Carthage Greys or associated local militia structure. That office placed him inside the military establishment of a town where hostility to the Saints was widespread. It is evidence of position and proximity, not by itself proof of participation in the jail attack.

The letter written after the murders

Williams's letter to John A. Prickett, dated 10 July 1844, is a major source for his outlook. Modern historical treatments describe him as a non-Mormon who disliked the Saints but rejected the label "anti-Mormon" and denied involvement in a conspiracy to kill Joseph and Hyrum. The letter also reflects fear and instability in Carthage after the murders. Because it is a self-defensive account written soon after the event, it must be read critically, but it is more probative of his claimed position than later rumor alone.

A short life and a surviving record

Williams married Helen Baldwin. He died on 28 November 1844, only five months after the killings and at about twenty-five years of age. His short life left a disproportionate documentary footprint through courthouse work, militia office, and the July letter. Further investigation of probate, guardianship, cemetery, church, and newspaper records may explain the cause of death and clarify his immediate family.

Religious and Masonic questions

No reliable lodge record found in this research establishes Williams as a Freemason or member of Nauvoo Lodge. He was not identified as a Latter-day Saint. His courthouse and militia offices should not be treated as substitutes for direct affiliation evidence.

Source note [4]: the existing project's court-term lists, William Fraim case references, and discussion of Williams's letter of 10 July 1844. His age rests on later genealogical sources and should remain qualified.

John Bagby the plaintiff still partly out of view

The case carries Bagby's name, but he remains its least securely identified principal. That uneven survival is part of the story. Hamilton's hotel and Bettisworth's later duties generated further records; Bagby's appearance here supplies fewer clues.

Finding the right John Bagby

John Bagby is the least securely identified principal. The leading candidate is the Virginia-born pioneer associated with the Blandinsville area of McDonough County, Illinois, who settled there about 1829 or 1830, improved land, moved for a period to Hancock County, and later returned. This geography and chronology fit a Hancock County plaintiff in 1840, but the surviving cost paper gives no residence, age, occupation, kinship, or land description. The identification should therefore remain "probable," not certain.

The probable pioneer near Blandinsville

Nineteenth-century McDonough County histories place a John Bagby among the earliest settlers in what became Blandinsville Township. Such accounts were written decades later and sometimes compress dates, yet they are valuable for settlement sequence and local memory. Bagby is associated with the first wave that converted prairie and timber-edge tracts into farms before mature roads, markets, and municipal institutions existed. His work would have included selecting and improving a claim, breaking soil, erecting buildings, securing water and timber, and linking the household to neighbors for labor and exchange.

The reported movement from McDonough County to Hancock County and back is the strongest contextual reason to identify this pioneer as the plaintiff. The counties adjoin, and the route to Carthage was practical for people with property, credit, family, or business ties on both sides of the boundary. A return to McDonough did not end legal obligations already created in Hancock County.

The family questions

The 1840 federal census for McDonough County contains a John Bagby household compatible with the pioneer identification, but a head-of-household schedule cannot by itself prove that he was the litigant. Sarah Bagby, wife of early settler John Woodside, belonged to the same local pioneer network. A close relationship to John Bagby is plausible, but an original marriage record, probate file, Bible record, or deed naming heirs is needed before calling them siblings or assigning parents.

Why settlers went to court

Early settlers regularly used credit because cash was scarce and production was seasonal. Notes, open accounts, livestock sales, land bargains, and labor exchanges created obligations that might mature years later. A person could be "substantial" in land or improvements while still litigating a relatively modest claim. Bagby's ability to procure Hamilton for four days suggests a relationship and a willingness to incur the cost of proof, but not necessarily a large amount in controversy.

Keeping John and Walter Bagby distinct

No located evidence identifies this John Bagby as a Latter-day Saint, an officer or enrolled member of the Hancock County Anti-Mormon Party, or a Freemason. Walter Bagby was a different Hancock County figure active in anti-Mormon politics. Shared surname alone is not evidence of identity or kinship. Any future claim of affiliation should rest on a church record, party list, lodge return, obituary, or comparable source.

Source note [5]: existing project research and the McDonough County history cited in its bibliography. The pioneer identification remains probable, and the narrative does not supply an unproved portrait, family relationship, or religious affiliation.

The other men behind the court record

Peter Lott the judge who opened the term

Peter Lott served first as a lawyer and state's attorney in western Illinois and was the circuit judge who opened the September 1840 Hancock term. His career later intersected with Nauvoo and the Church's political and legal world. For this case, however, the relevant fact is narrower: he presided over the circuit court in the new Carthage courthouse. Unless the judgment entry is recovered, it is not known whether he tried the matter, ruled on a motion, accepted a settlement, or merely continued it.

Wesley Williams and the clerk's office

Wesley Williams was the elected circuit clerk named in county term lists from the 1830s. As head of the office he bore responsibility for the record even when Samuel Otho Williams performed the immediate certification. Later genealogical evidence identifies Samuel as his son. The office's family character was not unusual in a small frontier county, where literacy, legal familiarity, trust, and political connection concentrated administrative responsibility.

Other officers in the county

The April 1840 term list names E. G. Haggard as sheriff and William Elliott as state's attorney. Their presence defines the institutional environment but does not prove participation in Bagby's civil action. The missing summons return would identify the serving officer; the missing docket or judgment might identify attorneys and jurors. Responsible reconstruction keeps officeholders in the background until a case-specific paper brings them forward.

The paper brings us close to the people while leaving the lawsuit unfinished. Bagby wanted something from Bettisworth; Hamilton gave time to Bagby's side; Williams certified the record. Their later lives enlarge our understanding of these names, while the unanswered questions keep the surviving document at the center of the story.

Research notes and preserved case analysis

The detailed research follows the narrative so that readers may continue directly into the evidence, chronology, qualifications, and source list. The underlying claim, testimony, and judgment have not been recovered. Earlier research findings are retained below, with minor wording corrections where the certificate supports a narrower conclusion.

Scope and limits of the earlier research

This report enlarges the earlier case study by bringing together the surviving witness-attendance paper, separate biographical research, county and legal history, and freely accessible online sources. Its central conclusion is both useful and deliberately restrained: the surviving document securely identifies the parties, the court term, Artois Hamilton as a four-day witness for John Bagby, and Samuel Otho Williams as the certifying deputy clerk. It does not disclose the claim, Hamilton's testimony, the judgment, or the amount in controversy. No freely searchable online source located during this project supplied the missing declaration or judgment. Those questions therefore remain open rather than being filled with a plausible story.

The document is nevertheless historically rich. It links four names in a Carthage court record in 1840, four years before David Bettisworth served as a constable in the proceedings against Joseph Smith, Hamilton's hotel became part of the physical landscape of the Carthage crisis, and Williams served as a Carthage militia officer and wrote a revealing contemporary letter. The paper captures their earlier world: travel to court, sworn attendance, taxable costs, clerical certification, and personal or commercial networks that crossed county lines.

Standards used in this report

Label	Meaning
Established	Directly supported by the surviving paper, an official record, or a strong contemporary source.
Probable	The evidence fits well, but a conclusive link or original record is missing.
Possible	A useful hypothesis that requires additional evidence.
Not established	A proposition for which the research found no adequate proof; absence of proof is not proof of the opposite.

Contents of the expanded research

- A document-level reading of the affidavit and what it can and cannot prove.
- A reconstruction of the courthouse, court term, clerical process, witness fees, and likely procedural path.
- Substantially enlarged biographies of John Bagby, David Bettisworth, Artois Hamilton, Samuel Otho Williams, Judge Peter Lott, clerk Wesley Williams, and other court officers.
- A detailed chronology from early settlement through the 1844 Carthage crisis and the later lives of the principals.
- A case-reconstruction matrix, source audit, name-variant guide, and targeted plan for recovering the missing pleadings and judgment.
- A bibliography of freely accessible online sources and a separate list of records known to exist but not remotely open without account access or archival assistance.

The case at a glance

Question	Best present answer	Confidence
What survives?	A sworn witness-attendance affidavit or certificate dated 3 October 1840.	Established
Who sued whom?	John Bagby was plaintiff; David Bettisworth was defendant.	Established
What did Hamilton do?	He attended four days at Bagby's instance during the September term.	Established
Where and when?	Hancock County Circuit Court, Carthage; term opened 28 September 1840.	Established
Who certified it?	Samuel Otho Williams, acting as deputy clerk under clerk Wesley Williams.	Established
What was the lawsuit about?	Unknown. Debt, assumpsit, property, trespass, and other forms remain possibilities only.	Not established
Was the matter connected to Mormon conflict?	No evidence shows such a connection. The paper predates the 1844 crisis by nearly four years.	Not established
Is the plaintiff the McDonough pioneer?	Probably, but no recovered pleading or residence recital proves the identification.	Probable
Why does the paper matter?	It documents an earlier network among men later associated with significant Hancock County events.	Established context

The surviving paper in detail

Document description

The paper is a printed form completed in manuscript. Artois Hamilton swore that he had attended the September term of the Hancock County Circuit Court for four days at the instance of the plaintiff, John Bagby, in the suit against David Bettisworth. The certification is dated 3 October 1840 and bears the official hand of S. Otho Williams as deputy clerk. In practical terms it was a cost paper: a witness used it to establish attendance so that the statutory fee could be entered among taxable costs.

Because it is administrative rather than narrative, the document's silences matter. It gives no caption describing the form of action, no declaration, plea, verdict, damages, settlement, nonsuit, continuance, attorney names, residence, mileage, or substance of testimony. Hamilton may have testified, waited to be called, or remained available while the litigation proceeded. "At the instance of" shows which party procured his attendance, not what he would have said.

Transcription and normalized reading

A cautious normalized reading is: Artois Hamilton, being duly sworn, stated that he attended the Hancock County Circuit Court at its September 1840 term for four days as a witness at the instance of John Bagby, plaintiff, in the suit of Bagby against David Bettisworth. The statement was sworn and subscribed before S. Otho Williams, deputy clerk, on 3 October 1840. Exact punctuation and abbreviated titles should be checked against the original image whenever it is cited in a publication.

Evidentiary inventory

Element	What it proves	What it does not prove
Caption	Party alignment in a civil suit.	The substantive claim or final disposition.
Hamilton’s oath	Four days of attendance for Bagby.	That he testified on every day or at all.
Date	Certification on 3 October 1840.	The filing date of the original action.
Williams’s signature	Clerk’s-office authentication.	That Williams heard the case or knew its merits.
Printed form	Routine cost administration.	That the litigation itself was routine or minor.

The four days

The term opened Monday, 28 September 1840. A certificate dated Saturday, 3 October is consistent with attendance during four court days within that week, although the document alone does not identify the exact four. The span suggests more than a momentary appearance: Hamilton remained subject to the court’s call while cases were reached, continued, tried, or disposed of. The commitment is particularly notable for a hotelkeeper and businessman whose daily presence at his establishment had economic value.

The courthouse and legal procedure

The brick courthouse at Carthage

The September 1840 term met in the new two-story brick Hancock County courthouse on the public square at Carthage. County historical accounts describe a fifty-foot-square structure costing about $3,700 and accepted in June 1839. It replaced the earlier log courthouse. Thus Bagby, Bettisworth, Hamilton, and Williams met not in the log building of the county’s earliest years but in the new institutional center of a rapidly growing county.

The building housed more than trials. It was the administrative hub where summonses were returned, declarations filed, pleas entered, continuances granted, juries summoned, judgments recorded, and fee bills prepared. Hotels, taverns, stores, and offices around the square supported litigants and travelers. Hamilton’s role as a hotelkeeper put him near this traffic even when he was not formally in court.

Court officers and term

Office	Person	Role in September 1840
Circuit judge	Peter Lott	Presided when the term opened on 28 September.

Office	Person	Role in September 1840
Circuit clerk	Wesley Williams	Elected clerk responsible for the official record.
Deputy clerk	Samuel Otho Williams	Certified Hamilton’s oath on 3 October.
Sheriff	E. G. Haggard	Shown as sheriff at the preceding April term; the September list published later names only Lott, so service in this case requires the original file.
State’s attorney	William Elliott	A criminal prosecutor; his presence in county court lists does not imply involvement in this civil suit.

How a civil case generally moved

Stage	Typical record	Status here
Commencement	Declaration, praecipe, summons, bond if required.	Not located online.
Service	Sheriff or constable return.	Not located.
Appearance and pleadings	Plea, demurrer, replication, continuance.	Not located.
Proof	Depositions, exhibits, witness attendance.	Hamilton attendance paper survives.
Disposition	Verdict, judgment, nonsuit, dismissal, settlement.	Unknown.
Costs and enforcement	Fee bill, execution docket, satisfaction.	Suggested by the affidavit but not located.

Witness fees and taxable costs

Early Illinois practice required witnesses to establish the days they attended and, where applicable, mileage. Clerks then included allowable fees in the bill of costs. The losing party often bore costs after judgment, but the surviving certificate by itself does not identify who ultimately paid Hamilton. A precise dollar calculation should wait for the fee statute governing this term and any mileage entry. The safe conclusion is that the oath served the cost-taxing machinery of the court.

Why the cause of action cannot be inferred

The social profiles of the men make a commercial or debt dispute imaginable: Bagby was a land-improving pioneer, Bettisworth became a merchant and constable, and Hamilton operated a hotel and other enterprises. Yet frontier circuit courts heard many forms of civil action, and witnesses could know about a note, sale, account, delivery, boundary, damage, agency, conversation, or admission. Turning

occupational compatibility into a claim that the suit concerned a particular transaction would exceed the evidence.

Reconstructing the case

What the party alignment suggests

Bagby initiated the litigation and carried the burden associated with his claim. Hamilton's attendance on Bagby's side shows that Bagby or his attorney believed Hamilton possessed relevant knowledge. Bettisworth, then about twenty-six, was sufficiently established to be sued in circuit court. Beyond those modest inferences, the alignment reveals little. Even the case's procedural posture is uncertain: the paper could have been generated during trial, while awaiting trial, after a continuance, or as costs were settled.

The most productive record groups

Priority	Record	Expected information
1	Civil and criminal case file, 1830–1860	Declaration, summons, returns, pleas, exhibits, verdict, judgment, cost papers.
2	Circuit Court Record volume C	Minute or judgment entry, attorneys, disposition, damages and costs.
3	Index to Court Papers volume A	Case number, packet reference, spelling variants.
4	Fee Book E or predecessor	Witness, clerk, sheriff, attorney and juror charges.
5	Execution Docket volume A	Writ, amount, levy, return, satisfaction.
6	Court Proceedings 1831–1840	Term-level entries and continuances.
7	Deed, tax and probate records	The pre-suit business or property relationship, if any.

Name variants to use

Person	Search variants
John Bagby	Bagby, Bagbie, Begby; distinguish Walter Bagby and later men of the same name.
David Bettisworth	Bettisworth, Bettsworth, Betsworth, Bettis Worth, "David Worth."
Artois Hamilton	Artois, Artas, Artis, A. Hamilton; avoid assuming every A. Hamilton is this man.

Person	Search variants
Samuel Otho Williams	S. Otho Williams, Otho Williams, S. O. Williams, Samuel O. Williams.
Wesley Williams	W. Williams; distinguish from Samuel and other county Williams families.

Competing hypotheses

Hypothesis	Why plausible	What would confirm it
Debt or assumpsit	Common circuit-court business; occupations fit ordinary credit networks.	Declaration, note, account, or judgment recital.
Property or land	Bagby improved and transferred land; Hamilton dealt in land.	Legal description, deed reference, ejectment or trespass pleading.
Goods or services	Merchant, hotel, lumber, transport, livestock, or farm dealings were possible.	Account exhibit or testimony summary.
Personal wrong	Trespass and damage actions were within circuit jurisdiction.	Declaration stating injury and damages.
Appeal from a justice	Some small civil matters moved upward by appeal.	Justice transcript, appeal bond, docket notation.

None of these hypotheses receives priority in the narrative until a pleading or judgment identifies the form of action. The report preserves them as a research map, not as alternative stories to be repeated as fact.

John Bagby research profile

Issue	Present conclusion	Best next evidence
Identity	McDonough/Hancock pioneer is probable.	Pleading with residence; docket index; signature comparison.
Birth and parentage	Virginia origin reported; exact family unresolved.	Probate, marriage, tax, Bible and migration records.
Marriage and children	Not established in this project.	County marriages, censuses, guardianships, obituaries.
Property	Early Blandinsville improvement reported.	Federal land patents, deeds, tract books and tax lists.
Later life and death	Not securely resolved.	Estate file, cemetery record, newspaper notice.

Hancock County in transition

Population movement and market formation

Hancock County in 1840 stood at the meeting point of several migrations: earlier southern and mid-Atlantic settlers, New England and New York families moving west, and the rapidly growing Latter-day Saint settlement at Commerce, renamed Nauvoo. Carthage remained the county seat and legal center even as Nauvoo's population, charter, commerce, and political power expanded. Ordinary litigation continued amid this transformation.

Carthage and Nauvoo before open violence

The later crisis can make every pre-1844 record appear to foreshadow conflict. That is misleading. In 1840 residents traded, sued, served process, stayed at hotels, voted, and held office within networks that did not map neatly onto the factions of 1844. Bagby v. Bettisworth belongs first to that ordinary civic world. Its historical interest lies in showing the same institutions and persons before later events gave them charged identities.

What a small record can reveal

A single witness certificate cannot tell the whole story of a lawsuit, but it can reveal institutional practice, travel, time, occupational networks, and later biographical intersections. Microhistory works by pressing a small source hard while respecting its limits. Here the method produces a richer account without claiming knowledge the paper does not contain.

Chronology

Date	Event	Status or source
15 Aug 1795	Artois Hamilton born at Granville, Massachusetts.	Later biographical sources.
22 Feb 1827	Hamilton marries Atta Bentley.	Genealogical and biographical sources.
c 1829–1830	Probable John Bagby settles near Blandinsville, McDonough County.	County histories; identity not conclusive.
1833	Bettisworth family moves to Chili Township, Hancock County.	County history and JSP biography.
Jul 1835	Hamilton settles at Carthage.	Biographical sources.
Jun 1839	New brick courthouse accepted.	Hancock County historical account.
27 Apr 1840	Spring circuit term opens under Peter Lott.	Published term list.
28 Sep 1840	September circuit term opens under Peter Lott.	Published term list.
3 Oct 1840	Hamilton swears to four days' attendance for Bagby; S. Otho Williams certifies.	Surviving affidavit.

Date	Event	Status or source
3 May 1841	S. Otho Williams appears as clerk pro tempore.	Published term list.
12 Jun 1844	Bettisworth attempts or executes arrest process arising from Expositor destruction.	JSP legal records.
21 Jun 1844	Greene affidavit describes threat at Hamilton’s hotel.	JSP.
27 Jun 1844	Joseph and Hyrum Smith killed at Carthage Jail.	Contemporary record.
28 Jun 1844	Hamilton family assists with bodies and transport toward Nauvoo.	Hamilton account and later recollection.
10 Jul 1844	S. Otho Williams writes to John A. Prickett.	Published contemporary letter.
28 Nov 1844	Samuel Otho Williams dies.	Later biographical sources.
1851	Atta Hamilton dies.	Biographical sources.
1852	Artois Hamilton marries Susan Smith.	Biographical sources.
1855	Town of Hamilton, Illinois, laid out and named.	Local/county history.
1860	David Bettisworth residing in Corpus Christi, Texas.	Census-based JSP biography.
8 Nov 1866	Bettisworth dies in Hancock County.	JSP biography and cemetery source.
4 Jul 1873	Artois Hamilton dies at Carthage.	Biographical sources.

Findings and remaining uncertainties

Established

- Bagby was plaintiff and Bettisworth defendant at the September 1840 Hancock Circuit Court term.
- Hamilton attended four days at Bagby’s instance.
- Samuel Otho Williams authenticated the sworn statement as deputy clerk on 3 October 1840.
- The term opened 28 September under Peter Lott in the brick courthouse at Carthage.
- Bettisworth later served as Hancock County constable in the June 1844 proceedings.
- Hamilton operated a Carthage hotel and assisted after the murders.
- Williams worked in the clerk’s office and later held militia office.

Probable

- The plaintiff was the Virginia-born pioneer who moved between the Blandinsville area and Hancock County.
- Hamilton may have known of a transaction or event relevant to the suit, but the certificate does not establish what he knew or whether he testified.
- Samuel Otho Williams was acting within his father Wesley Williams's clerk's office.

Unresolved

- The cause of action, amount demanded, defenses, testimony, verdict, judgment, and allocation of costs.
- The precise relationship among Bagby, Bettisworth, and Hamilton before suit.
- Bagby's exact family, birth and death data, and whether he was related to Sarah or Walter Bagby.
- The names of counsel, jurors, and serving officer.
- Whether any principal belonged to a Masonic lodge; no adequate evidence has been found.

Record of earlier online research

The project searched exact case captions, individual names, spelling variants, county histories, Illinois legal sources, digitized court-record guides, Joseph Smith Papers legal and biographical pages, open scholarly chapters, local government history pages, and public genealogical summaries. The search found substantial context and corroboration but no freely indexed image or transcript of the missing declaration, plea, judgment, fee bill, or execution entry.

Source class	Result	Limit
Joseph Smith Papers	Strong legal and biographical context for Bettisworth, Hamilton, and 1844 proceedings.	Not a comprehensive index to unrelated Hancock litigation.
Digitized county histories	Court terms, officers, settlement narratives, local biographies.	Written decades later; errors and retrospective bias possible.
FamilySearch public pages	Useful life-event clues and record-catalog descriptions.	Some images require sign-in or affiliate access and were not treated as open evidence.
HathiTrust and Google Books catalogs	Bibliographic confirmation of county histories.	Full-text access and search quality vary.
IllinoisGenWeb and local government	Courthouse history and early institutional lists.	Derivative transcription should be checked against originals.
Open scholarly chapters	Context for Williams and Carthage conflict.	Secondary interpretation, not the missing case file.
Cemetery and genealogy sites	Dates, kinship leads, burial locations.	User-contributed data require corroboration.

Archival steps still available

Online research has reached the point of diminishing returns. The decisive next step is targeted retrieval from the Hancock County courthouse, the Illinois Regional Archives Depository at Western Illinois University, or the relevant FamilySearch microfilm. A narrowly framed request is more likely to succeed than a general request for "anything on the case."

Suggested request text

Please search the Hancock County Circuit Court index and civil case files for John Bagby v. David Bettisworth, including spelling variants Bagbie, Bettsworth, Betsworth, and Bettis Worth, at or before the September term beginning 28 September 1840. If found, please provide the packet or case number and copies of the declaration, summons and return, pleadings, motions, witness papers, verdict or judgment, fee bill, and execution or satisfaction. Please also check Circuit Court Record volume C, Court Proceedings 1831–1840, Index to Court Papers volume A, relevant fee books, and Execution Docket volume A.

Follow-up biographical requests

- Bagby: McDonough and Hancock deeds, federal land patents, tax lists, probate, marriage, guardianship, and cemetery records.
- Bettisworth: Evan Bettisworth family deeds and probate, David's merchant licensing or accounts, constable appointment and bond, Texas records, and 1865 return evidence.
- Hamilton: hotel licensing, deeds, mill and lumber records, estate and probate files, account submitted after June 1844, and city-plat records.
- Williams: clerk appointment, marriage, probate, estate, guardianship, militia roll, and the best available manuscript or early edition of the 10 July letter.

Selected source notes and bibliography

The following list emphasizes sources that were freely accessible or whose descriptive records were freely searchable during this project. Links were current as of 18 September 2026. County histories and user-contributed genealogical pages should be corroborated against original records wherever possible.

Surviving case paper. Artois Hamilton witness-attendance affidavit, John Bagby v. David Bettisworth, Hancock County Circuit Court, September Term 1840, dated 3 October 1840. Original image or project copy.

Hancock County court-term list. Historical Encyclopedia of Illinois and History of Hancock County, vol. 2, "Terms of Circuit Court," digitized transcription, https://ldsgenealogy.com/IL/books/Historical-encyclopedia-of-Illinois-and-history-of-Hancock-County-Volume-II-part-153.htm

Hancock County government. "History," Hancock County, Illinois, https://hancockcounty-il.gov/history/

Early court history. "The First Court and Jury," Hancock County IllinoisGenWeb, https://hancock.illinoisgenweb.org/first_court.html

Bettisworth biography. Joseph Smith Papers, "David Bettisworth," https://www.josephsmithpapers.org/person/david-bettisworth

JSP legal corpus. Joseph Smith Papers, browse and legal records, https://www.josephsmithpapers.org/the-papers

Greene affidavit. Joseph Smith Papers, "Affidavit, 21 June 1844," https://www.josephsmithpapers.org/paper-summary/affidavit-21-june-1844/1

Hamilton aftermath. Joseph Smith Papers, "Road to Carthage" episode 5 transcript, https://www.josephsmithpapers.org/articles/road-to-carthage-podcast-episode-5-transcript

William R. Hamilton account. "An Eyewitness Account by William R. Hamilton," Famous Trials, https://famous-trials.com/carthrage/1317-hamiltonaccount

City of Hamilton history. "History," Hamilton, Illinois, https://hamiltonillinois.org/history/

McDonough county history catalog. History of McDonough County, Illinois, Continental Historical Co. (1885), HathiTrust catalog, https://catalog.hathitrust.org/Record/006568445

Bettisworth genealogy lead. FamilySearch public person page, "David Bettisworth (1814–1866)," https://ancestors.familysearch.org/en/97Z2-S15/david-bettisworth-1814-1866

Williams context. Open-access chapter "Distance Lent Enchantment to the View," JSTOR, https://www.jstor.org/content/oa_chapter_monograph/j.ctt4cgn0s.19

Carthage scholarship. Open chapter “Carthage,” University Press Library Open, https://www.uplopen.com/chapters/11371/files/8c7a686a-c7cb-45e1-a979-3585e92bfa52.pdf

Court record guide. “Illinois Court Records Online,” OnGenealogy, Hancock County listings, https://www.ongenealogy.com/listings/illinois-court-records-online/

Comparative Hancock procedure. Joseph Smith Papers, “Introduction to Hibbard for the use of Hungerford & Livingston v. Miller and JS,” https://www.josephsmithpapers.org/paper-summary/introduction-to-hibbard-for-the-use-of-hungerford-livingston-v-miller-and-js/1

Source criticism

The 1880 and 1885 county histories remain indispensable for settlement sequence, officeholders, and community memory, but they were compiled decades after the events and sometimes depended on reminiscence. Modern documentary editions such as the Joseph Smith Papers provide superior transcription, annotation, and source identification for records within their scope. Genealogical platforms are best used as finding aids unless their claims are tied to images or citations. The original case packet and record-book entries, when recovered, should control over all later summaries.

Sources for the new illustrations and narrative details

[1] A. T. Andreas, An Illustrated Historical Atlas of Hancock County, Illinois (Chicago, 1874), p. 10, courthouse and Carthage business views. Digitized BYU copy: https://archive.org/details/illustratedhisto00andr. The full plate accompanies this edition below. The courthouse detail is a later depiction and cannot establish every feature of the building in 1840.

[2] Joseph Smith Papers, David Bettisworth biography, https://www.josephsmithpapers.org/person/david-bettisworth; and the legal and biographical sources retained above.

[3] Thomas Gregg, History of Hancock County, Illinois (Chicago, C. C. Chapman, 1880), Artois Hamilton portrait and biography, pp. 712–717. Digitized Library of Congress copy: https://tile.loc.gov/storage-services/public/gdcmassbookdig/historyofhancock01greg/historyofhancock01greg_bw.pdf. Portrait indexed at p. 713. New narrative details about arrival, cholera losses, and the 1873 celebration are attributed to Gregg.

[4] Williams: the earlier project bibliography, court-term lists, and 10 July 1844 letter references. [5] Bagby: the earlier project’s McDonough County history and identification analysis. These notes identify the foundation of the revised narrative without claiming that all earlier genealogical or archival questions have now been resolved.

Editorial distinctions

The opening highlights follow the concise chronological format used in the Forgeus highlights edition. Biographical content and research tables from the earlier Bagby report are retained. The owner’s front and reverse photographs are now included near the beginning, immediately after the narrative opening, and rotated for upright reading. No invented portrait or reconstructed manuscript image has been used. Gregg gives Hamilton’s birthplace as Tolland, whereas the earlier project gives Granville; this edition retains that discrepancy here and uses Massachusetts in the highlights.

The continuing value of the case paper

Bagby v. Bettisworth remains a lawsuit with a known cast but an unknown claim. That limitation is not a failure of the evidence; it is the evidence’s present boundary. Within it, the surviving affidavit supplies an unusually clear snapshot of frontier legal life: John Bagby invoked the circuit court, David Bettisworth was named as defendant, Artois Hamilton surrendered four days to attend for the plaintiff, and young Samuel Otho Williams converted Hamilton’s oath into an official cost record under the authority of the clerk’s office.

The later biographies deepen the document without changing its subject. Bettisworth’s constable service, Hamilton’s hotel and humanitarian conduct, and Williams’s militia role and letter show how people known

through routine civic institutions were drawn into the extraordinary violence of 1844. The safest and most compelling story is therefore not that the 1840 suit caused or predicted the later crisis. It is that the same courthouse world—its officers, businesses, obligations, and personal networks—formed the human infrastructure on which later events unfolded.

The original pleading or judgment could transform this report. Until it is found, this edition offers a disciplined reconstruction: expansive in context, precise about proof, and explicit about the questions still waiting in the Hancock County records.

The Carthage atlas plate



Full plate from Andreas's 1874 atlas, p. 10: Henry P. Harper's block, the Hancock County National Bank, and the county courthouse. These views show Carthage more than three decades after the lawsuit. Included as historical illustrations of the setting, not as evidence that the later commercial buildings existed in 1840.