A Measure of Whiskey

Hezekiah Leavitt and the men of Hancock County

People v Hezekiah Leavitt • Criminal case 39 • May term 1843

Small measures of liquor brought Hezekiah Leavitt before the county court. The papers preserve the accusation, the order to take him into custody, a guilty-plea fee entry, and the names of men whose lives reached far beyond this case. Their handwriting makes an ordinary prosecution unusually personal. [1]

The people behind the papers

Hezekiah Leavitt — Accused of retailing liquor without a grocery license; the cost sheet records an entry of a guilty plea.

James H Ralston — Wrote the indictment in his own hand; also worked on legal matters involving Joseph Smith.

Wesley Williams — Signed the grand jury's true bill as foreman; later associated with organized opposition to Nauvoo.

Jacob B Backenstos — The circuit clerk whose office issued and filed the papers; later sheriff during the county's 1845 crisis.

William Backenstos — The sheriff named on the arrest return and cost bill; distinct from Jacob, the clerk.

E B Rose — Signed the return as deputy, reporting that Leavitt had been brought before the court on May 22.

Matthias Avise — The deputy clerk whose name appears beneath Backenstos's on the writ; also a watchmaker and jeweler.

The case in a few lines

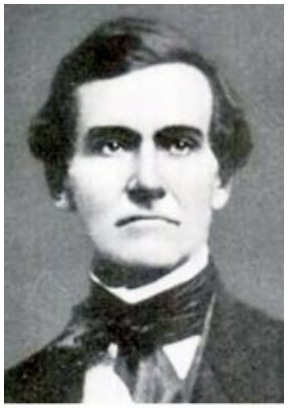
January 1843 — The alleged sales involved quantities smaller than a quart, the threshold named in the licensing law.

May 20 and 22 — The indictment endorsement records filing on May 20; the writ and the arrest return are dated May 22.

The surviving result — A fee entry records a guilty plea and a fee-bill reverse is marked Paid; the judgment and fine remain unverified.

Original documents appear immediately after the two highlights pages. The full biographies and source discussion follow the document sequence.

The witnesses and the man who wrote the charge



James H. Ralston, portrait identified as circa 1839 by The Ralston Project. The date is the website's attribution. [4]

Sherman Redfield — Named on the indictment's witness endorsement and in lighter writing beside two charging passages; probably Orrin Sherman Redfield.

Jerom H Dame — A fuller reading from the witness endorsement; the earlier report called him J. H. Dame. His identity remains unresolved.

John Curtis — Named as a witness; possibly John Curts, the businessman connected with Shokokon and a Wisconsin sawmill transaction.

John Gardner — Named as a witness; a proposed local landholder identification remains uncertain.

Wm Smith — A witness whose common name does not identify him as Joseph Smith's brother.

Abram Harper — The endorsement's wording; probably the Abraham Harper Jr. associated with river commerce and Pontoosuc.

John Huckins — A witness linked in the existing research to local legal service and the group called the Brick-Batters.

Miles Wilcox — Named on the witness list; the proposed family identification remains provisional.

A few words that make the papers easier to read

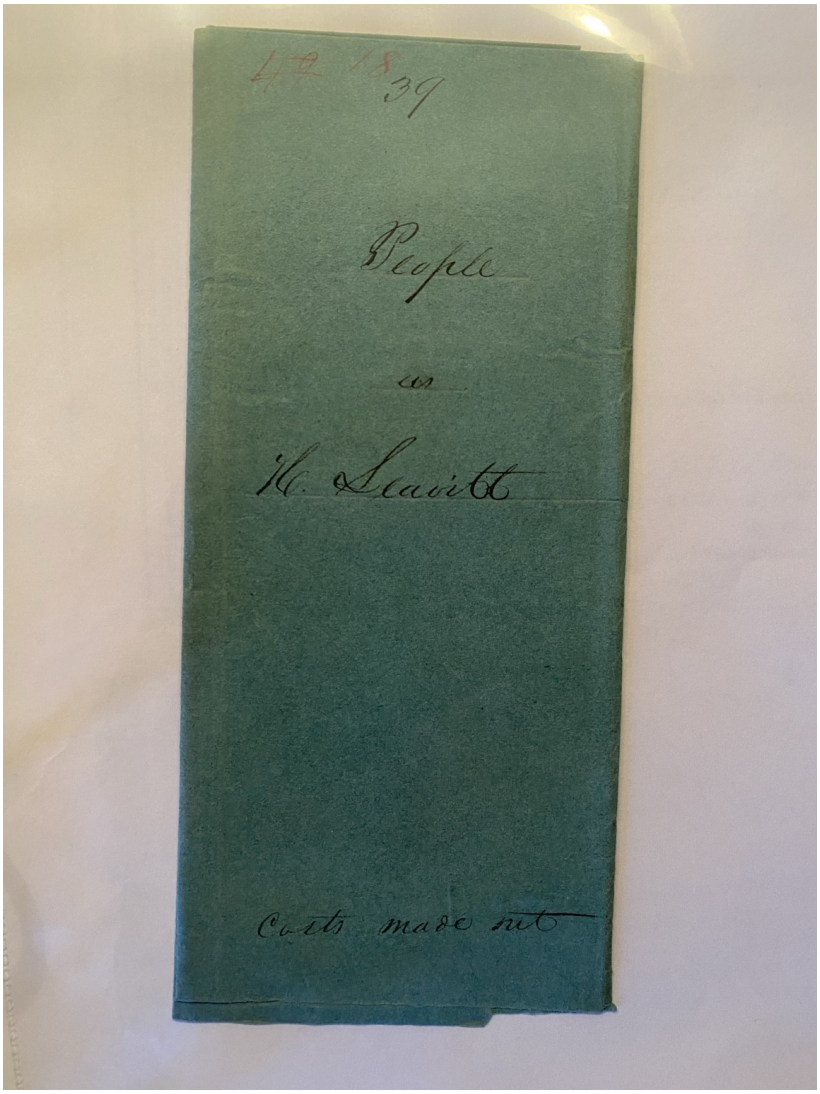
A true bill meant that the grand jury approved the accusation. A capias ordered an officer to take the named person into custody. A return recorded what the officer did. A bill of costs listed court charges. These documents performed different jobs; the grand jury's endorsement was not a trial verdict.

Sources: original case papers [1]; the preserved biographical research; supplementary sources [2–5]. The witness list establishes the names' connection to this case, but does not settle every person's identity or show that each testified at a trial.

When a sale became a court case

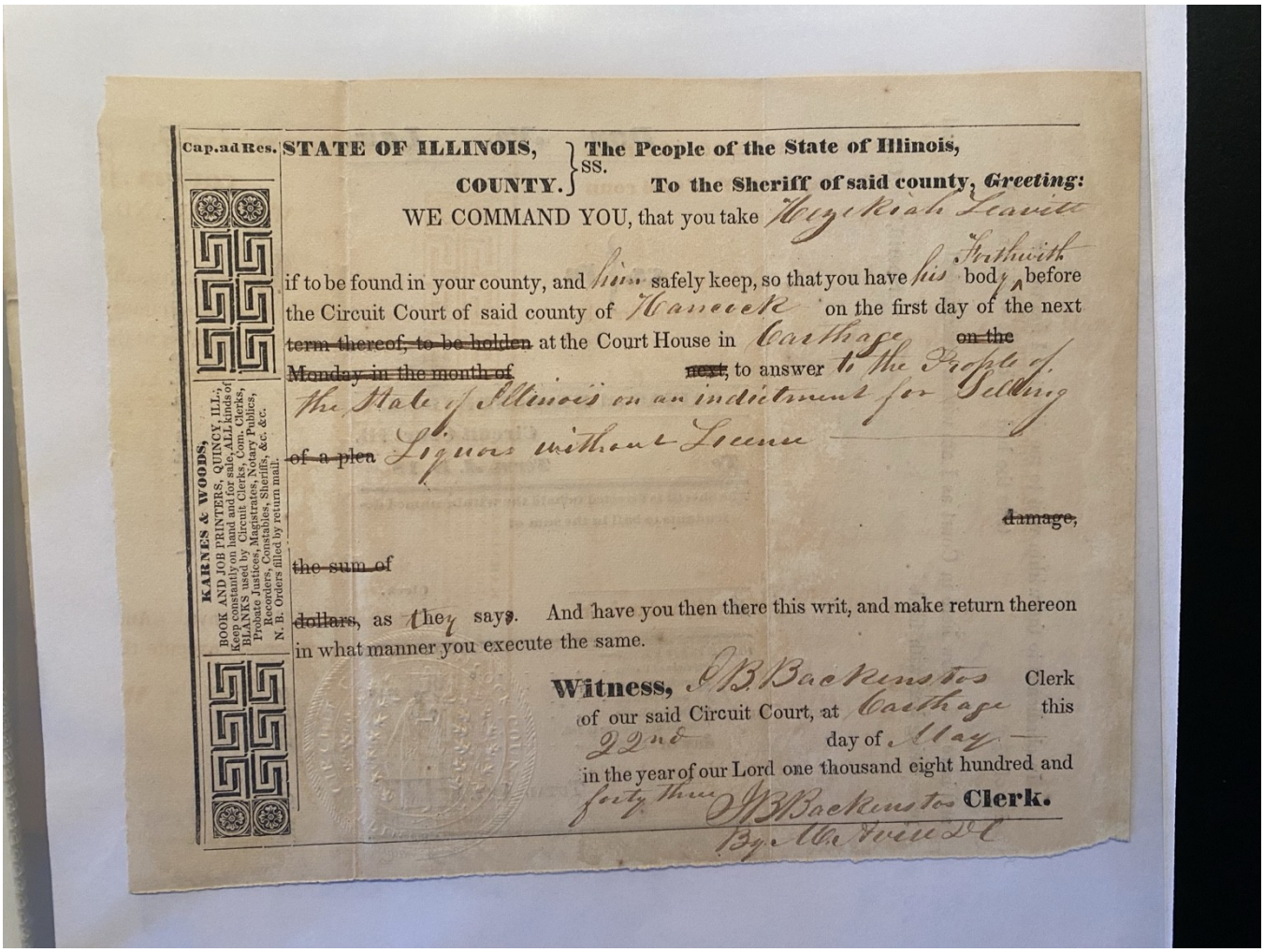
The first thing the packet gives us is a name: H. Leavitt, written on a green cover. Inside, whiskey, brandy, rum, and wine become the subject of an accusation made in the name of the people of Illinois. By May 22, 1843, an officer's return reported that Hezekiah Leavitt was before the court at Carthage. A later entry on the defendant's cost sheet gives the episode its most direct human moment: "Entry plea of Guilty." [1]

To understand how he arrived there, we can follow the papers themselves. The reproductions below retain the sequence of the numbered photographs: cover, arrest writ and return, cost papers, then Ralston's indictment and its endorsement. The indictment's three written pages stay together in reading order, each followed by a corresponding transcript. This is the packet's presentation order, not the chronology of its preparation.



Document 1. Case wrapper, photograph IMG_3514. "People vs H. Leavitt" and the case number identify the packet. The cover is a later filing aid, not the accusation itself.

Document 2 The order to take Leavitt into custody



Cap. ad Res. STATE OF ILLINOIS, } The People of the State of Illinois,
COUNTY. } ss. To the Sheriff of said county, Greeting:

WE COMMAND YOU, that you take Hezekiah Leavitt forthwith if to be found in your county, and him safely keep, so that you have his body before the Circuit Court of said county of Hancock on the first day of the next ~~term thereof, to be holden~~ at the Court House in Carthage ~~on the Monday in the month of~~ ~~next~~, to answer to the People of the State of Illinois on an indictment for Selling of a plea Liquor without License ~~damage,~~ ~~the sum of~~ ~~dollars~~, as they say. And have you then there this writ, and make return thereon in what manner you execute the same.

Witness, J. B. Backenstos Clerk of our said Circuit Court, at Carthage this 22nd day of May in the year of our Lord one thousand eight hundred and forty three J. B. Backenstos **Clerk.**

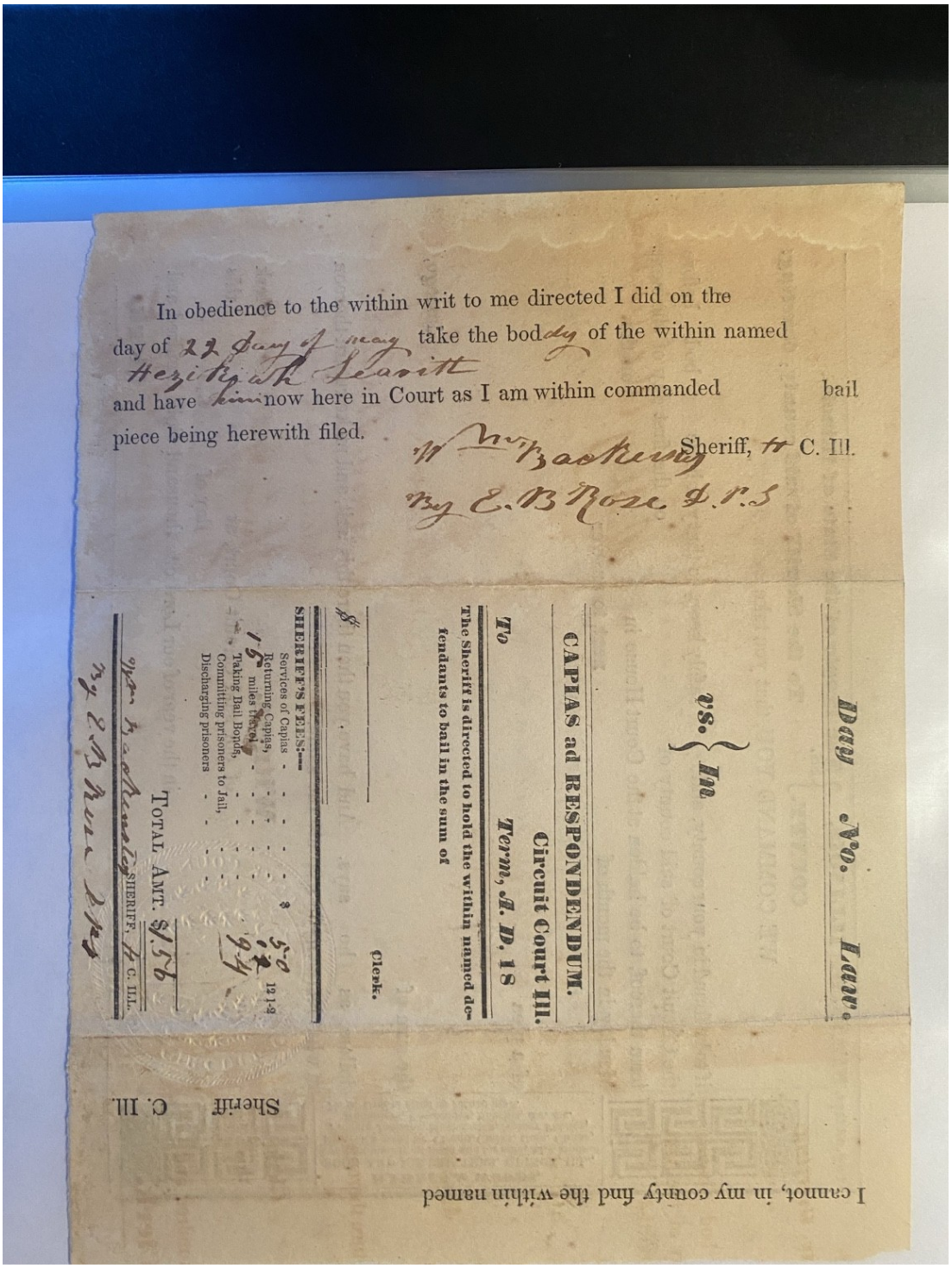
By Matthias Avise D.C.

KARNES & WOODS, BOOK AND JOB PRINTERS, QUINCY, ILL., Keep constantly on hand and for sale, ALL kinds of BLANKS used by Circuit Clerks, Com. Clerks, Probate Justices, Magistrates, Notary Publics, Recorders, Constables, Sheriffs, &c. &c. N. B. Orders filled by return mail.

Arrest writ, front, dated May 22, 1843. Photograph IMG_3515. The printed civil form was adapted to require Leavitt to answer an indictment for selling liquor without a license.

Look for the handwritten “Forthwith,” the cancelled printed wording, the court seal, and J. B. Backenstos’s name followed by Matthias Avise’s. A printed form became a specific command through these handwritten changes.

Document 2 The deputy reports back



In obedience to the within writ to me directed I did on the day of 22 day of May take the body of the within named Hezekiah Leavitt and have him now here in Court as I am within commanded bail piece being herewith filed.

Wm Backenstos Sheriff, by C. Ill.
By E. B Rose D. S.

Day No. Law.

vs. Hz.

CAPIAS ad RESPONDENDUM.

Circuit Court Ill.

To Term, A. D. 18

The Sheriff is directed to hold the within named defendants to bail in the sum of

$ _____

_____ Clerk.

SHERIFF'S FEES:—

Services of Capias	- - - - -	$ 50
Returning Capias, 15 miles travel	- - - - -	12 1-2
Taking Bail Bonds,	- - - - -	37½
Committing prisoners to Jail,	- - - - -	94
Discharging prisoners	- - - - -	

TOTAL AMT. $1.56¼

Wm Backenstos SHERIFF, by C. ILL.
By E B Rose D.S.

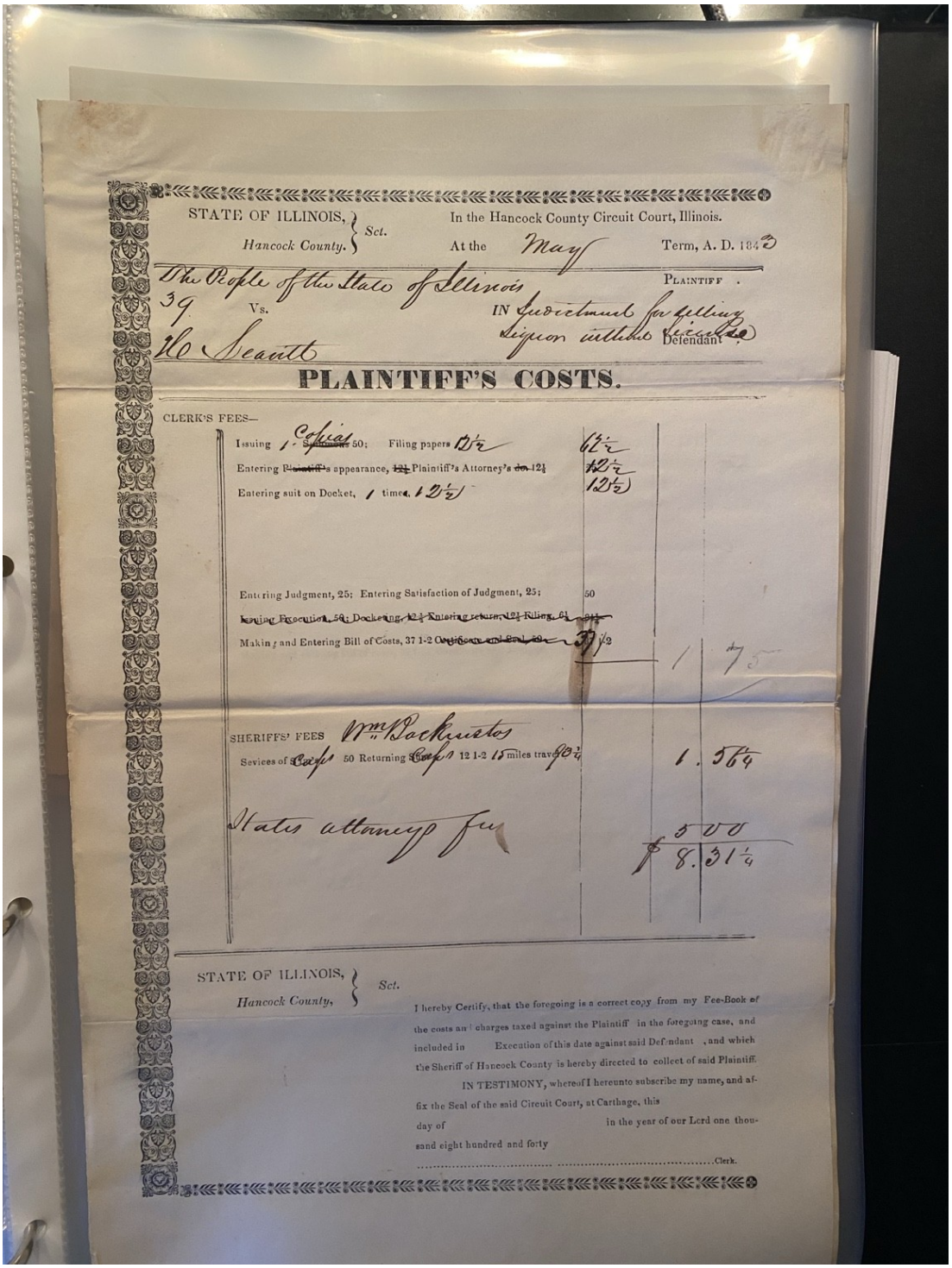
I cannot, in my county find the within named

Sheriff C. Ill.

Arrest writ, reverse. Photograph IMG_3516. The executed return at the top reads upright; the folded docket and unused form panels run in other directions on the original.

The return reports that Leavitt was taken on May 22 and was then before the court. It names William Backenstos as sheriff and is signed by E. B. Rose as deputy. The mileage entry reads 15 miles; the total sheriff's charge is $1.56¼.

Document 3 The prosecution costs



STATE OF ILLINOIS, } Sct. In the Hancock County Circuit Court, Illinois.
Hancock County. } At the May Term, A. D. 1843

The People of the State of Illinois PLAINTIFF.
39 Vs. IN Indictment for selling liquor without license
H. Leavitt DEFENDANT.

PLAINTIFF'S COSTS.

CLERK'S FEES—

Issuing 1 Capias 50; Filing papers 12½ — 62½
Entering Plaintiff's appearance, ~~12½~~ Plaintiff's Attorney's ~~do~~ 12½ — 12½
Entering suit on Docket, 1 time 12½ — 12½

Entering Judgment, 25; Entering Satisfaction of Judgment, 25; — 50
~~Issuing Execution, 50; Docketing, 12½ Entering return, 12½ Filing, 62½~~
Making and Entering Bill of Costs, 37 1-2 ~~Certificate and Seal, 50~~ — 37½ — 1 75

SHERIFFS' FEES Wm Backuster
Sevices of Capias 50 Returning ~~Capias~~ 12 1-2 15 miles travel 90 — 1.56¼

States attorneys fee — 5 00

$8.31¼

STATE OF ILLINOIS, } Sct.
Hancock County, }

I hereby Certify, that the foregoing is a correct copy from my Fee-Book of the costs and charges taxed against the Plaintiff in the foregoing case, and included in Execution of this date against said Defendant, and which the Sheriff of Hancock County is hereby directed to collect of said Plaintiff.

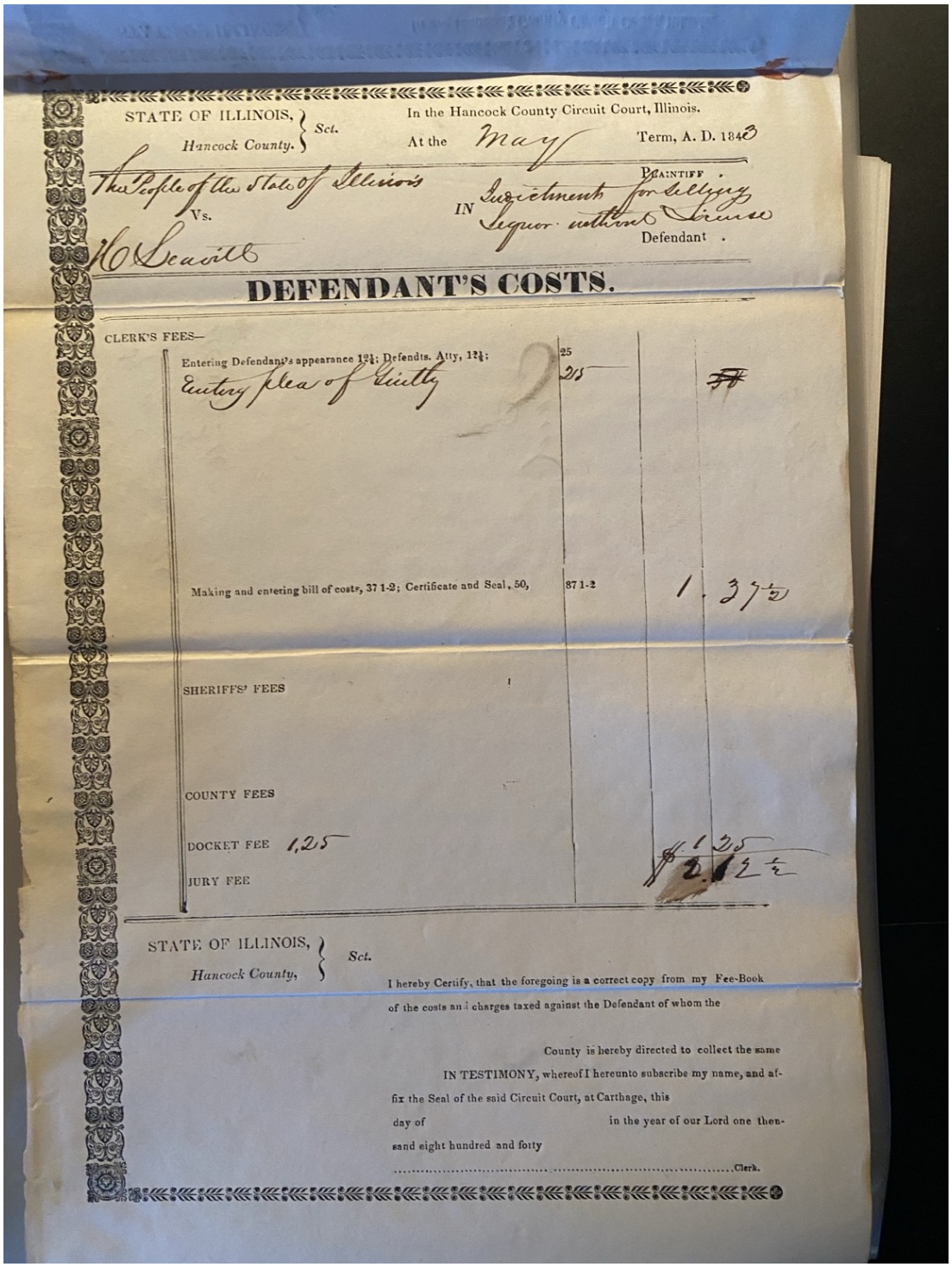
IN TESTIMONY, whereof I hereunto subscribe my name, and affix the Seal of the said Circuit Court, at Carthage, this day of in the year of our Lord one thousand eight hundred and forty

.....Clerk.

Plaintiff's cost bill, May term 1843. Photograph IMG_3517. The case is no. 39, People v. H. Leavitt, for selling liquor without a license.

The bill itemizes clerical work, sheriff's charges and a $5 state's attorney fee. Its total reads $8.31¼. These are costs, not a statement of the criminal fine.

Document 4 The guilty plea in the cost account



STATE OF ILLINOIS, } Sct. In the Hancock County Circuit Court, Illinois.
Hancock County. } At the May Term, A. D. 1843

The People of the State of Illinois PLAINTIFF.
Vs. IN Indictment for selling Liquor without License
H. O. Leavitt Defendant.

DEFENDANT'S COSTS.

CLERK'S FEES—

Entering Defendant's appearance 12½; Defendts. Atty, 12½; Entery plea of Guilty	25	
Making and entering bill of costs, 37 1-2; Certificate and Seal, 50,	87 1-2	1 37½
SHERIFFS' FEES		
COUNTY FEES		
DOCKET FEE 1,25		$1 25
JURY FEE		$2 62½

STATE OF ILLINOIS, } Sct.
Hancock County, }

I hereby Certify, that the foregoing is a correct copy from my Fee-Book of the costs and charges taxed against the Defendant of whom the

County is hereby directed to collect the same

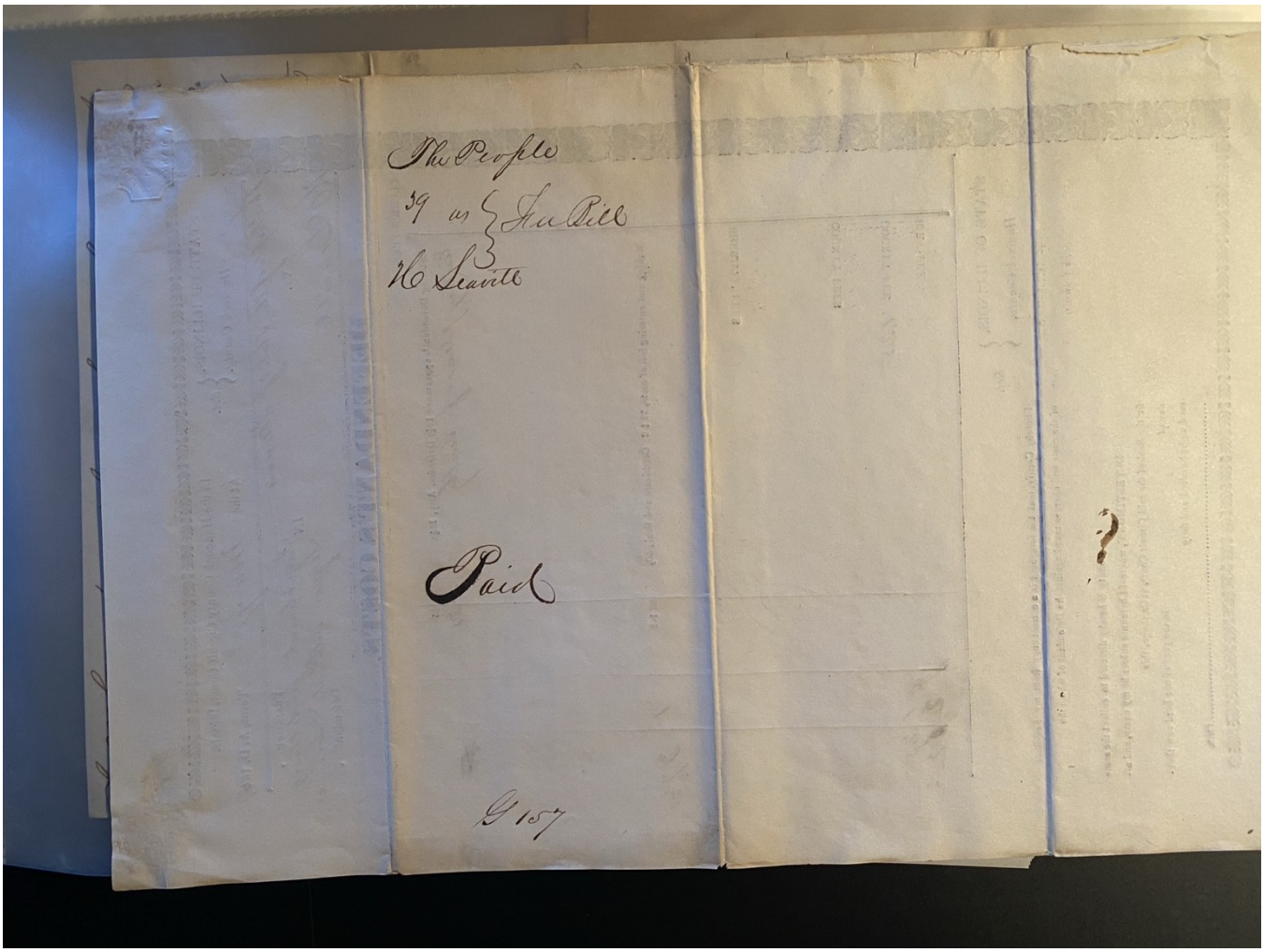
IN TESTIMONY, whereof I hereunto subscribe my name, and affix the Seal of the said Circuit Court, at Carthage, this day of in the year of our Lord one thousand eight hundred and forty

.....Clerk.

Defendant's cost bill, May term 1843. Photograph IMG_3518. The handwritten line "Entry plea of Guilty" is evidence of a recorded plea, not merely a blank printed option.

The account includes 25 cents for entering the plea. The visible subtotals indicate $1.37½ for clerk's charges and $1.25 for the docket fee, totaling $2.62½. Ink damage crosses part of the written total; the component amounts provide the arithmetic check.

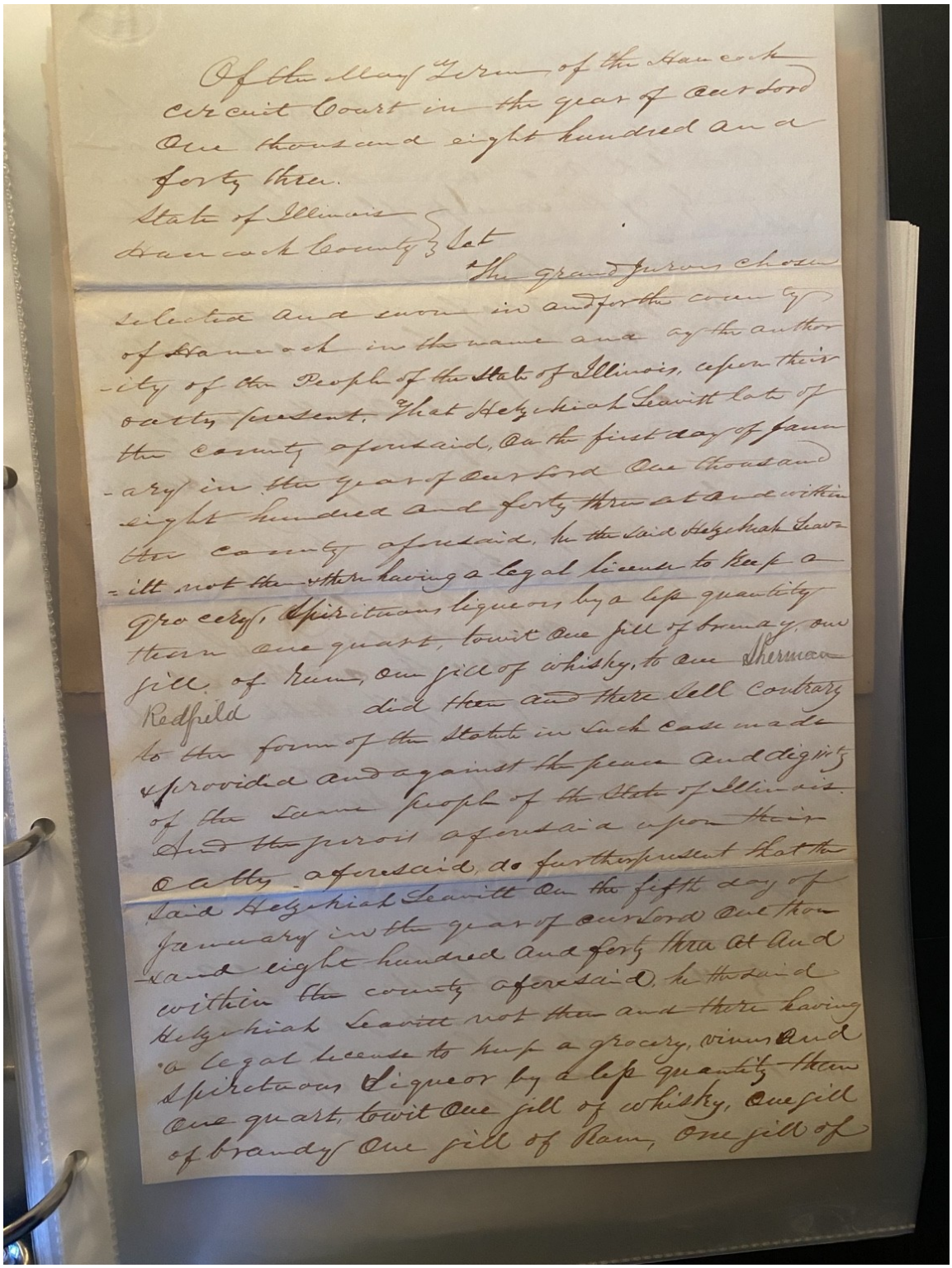
Document 5 The fee bill marked Paid



Reverse or docket face of a fee bill, photograph IMG_3519. Rotated so the case caption and “Paid” read upright. The original photograph does not securely establish which adjacent cost sheet this reverse belongs to.

The endorsement supports payment of the fee bill to which it belongs. It does not by itself establish the amount of any fine, its payment, or the disposition of each indictment count.

Document 6 Ralston indictment page 1



Of the May Term of the Hancock
Circuit Court in the year of our Lord
One thousand eight hundred and
forty three.
State of Illinois }
Hancock County } ss.

The grand jurors chosen
selected and sworn in and for the county
of Hancock in the name and by the author
-ity of the People of the State of Illinois, upon their
oath present, That Hezekiah Leavitt late of
the county aforesaid, On the first day of Janu
-ary in the year of our Lord One thousand
eight hundred and forty three at and within
the county aforesaid, in the said Hezekiah Leav
-itt not then having a legal license to keep a
Grocery, Spirituous liquors by a less quantity
than one quart, towit One gill of brandy, one
gill of Rum, one gill of whisky, to one Sherman
Redfield did then and there sell contrary
to the form of the statute in such case made
& provided and against the peace and dignity
of the same people of the State of Illinois.
And the jurors aforesaid upon their
oath aforesaid, do further present that the
said Hezekiah Leavitt on the fifth day of
January in the year of our Lord One thou
-sand eight hundred and forty three at and
within the county aforesaid, in the said
Hezekiah Leavitt not then and there having
a legal license to keep a grocery, vinous and
Spirituous liquor by a less quantity than
one quart, towit One gill of whisky, One gill
of brandy One gill of Rum, One gill of

Original indictment, manuscript page 1 of 3. The corresponding transcript follows on the next page. Photographs supplied by the owner. [1]

Transcript of indictment page 1

One manuscript line per text line. Strikethrough shows cancellations; [p: …] identifies lighter pencil writing; [?] flags an uncertain reading. Indentation and paragraph gaps are approximated; original page divisions are preserved.

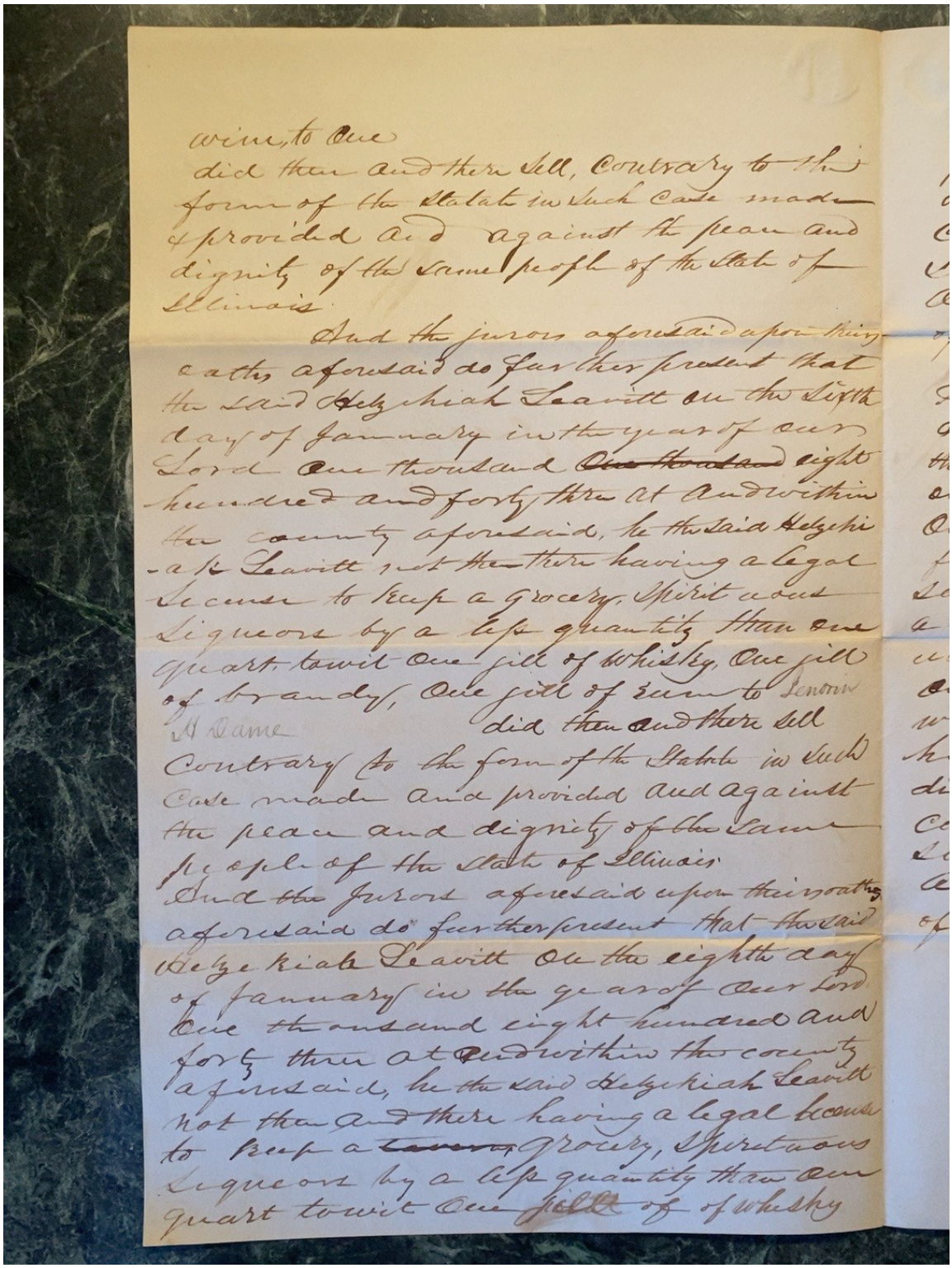
Of the May Term of the Hancock
Circuit Court in the year of our Lord
One thousand eight hundred and
forty three.

State of Illinois }
Hancock County } Sct

The grand jurors chosen
selected and sworn in and for the county
of Hancock in the name and by the author
-ity of the People of the State of Illinois, upon their
oaths present. That Hezekiah Leavitt late of
the county aforesaid, On the first day of Janu
-ary in the year of our Lord One thousand
eight hundred and forty three at and within
the county aforesaid, he the said Hezekiah Leav
-itt not then ~~with~~ having a legal license to keep a
grocery, Spirituous liquors by a less quantity
than one quart, towit One gill of brandy; one
gill of Rum; One gill of whiskey; to one *[p: Sherman]*
[p: Redfield] did then and there sell Contrary
to the form of the Statute in such Case made
& provided and against the peace and dignity
of the Same people of the State of Illinois.

And the jurors aforesaid upon their
oaths aforesaid, do further present that the
said Hezekiah Leavitt On the fifth day of
January in the year of our Lord One thou
-sand eight hundred and forty three at and
within the county aforesaid. he the said
Hezekiah Leavitt not then and there having
a legal license to keep a grocery, vinous and
Spirituous liquors by a less quantity than
One quart, towit One gill of whiskey, One gill
of brandy One gill of Rum, One gill of

Document 6 Ralston indictment page 2



wine, to one
did then and there sell, Contrary to the
form of the Statute in such Case made
& provided and against the peace and
dignity of the same people of the State of
Illinois

And the jurors aforesaid upon their
oaths aforesaid do further present that
the said Hezekiah Leavitt on the Eighth
day of January in the year of our
Lord one thousand ~~one hundred~~ eight
hundred and forty three at and within
the county aforesaid, he the said Hezekiah
aforesaid Leavitt not then having a legal
license to keep a Grocery, Spirituous
Liquors by a less quantity than one
quart, to wit one gill of whiskey, one gill
of brandy, one gill of rum to Jemonin
H Rame
did then and there sell
Contrary to the form of the Statute in such
Case made and provided and against
the peace and dignity of the same
people of the State of Illinois
And the Jurors aforesaid upon their oaths
aforesaid do further present that the said
Hezekiah Leavitt on the eighth day
of January in the year of our Lord
one thousand eight hundred and
forty three at and within the county
aforesaid, he the said Hezekiah Leavitt
not then and there having a legal license
to keep a ~~tavern~~ Grocery, Spirituous
Liquors by a less quantity than one
quart to wit one ~~gill~~ of of whiskey

Original indictment, manuscript page 2 of 3. The corresponding transcript follows on the next page. Photographs supplied by the owner. [1]

Transcript of indictment page 2

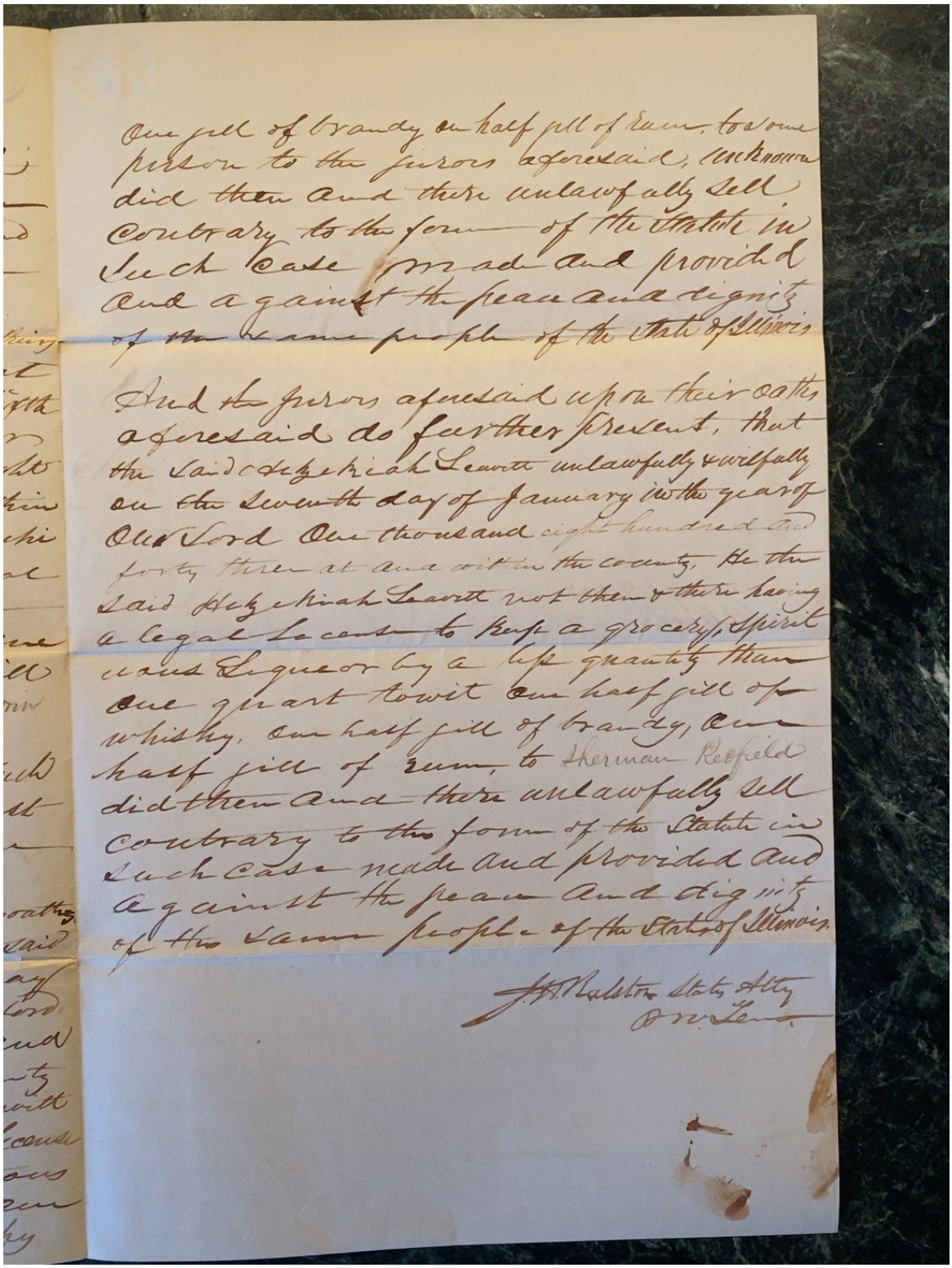
One manuscript line per text line. Strikethrough shows cancellations; [p: …] identifies lighter pencil writing; [?] flags an uncertain reading. Indentation and paragraph gaps are approximated; original page divisions are preserved.

wine, to One
did then and there sell, Contrary to the
form of the Statute in Such Case made
& provided and against the peace and
dignity of the Same people of the State of
Illinois.

And the jurors aforesaid upon their
oaths aforesaid do further present that
the said Hezekiah Leavitt on the Sixth [?]
day of January in the year of our
Lord One thousand ~~One thousand~~ eight
hundred and forty three at and within
the county aforesaid, he the said Hezeki
-ah Leavitt not then there having a legal
license to Keep a grocery, Spirituous
liquors by a less quantity than one
quart, towit One gill of whiskey, One gill
of brandy, One gill of Rum to *[p: Jerom?]*
[p: H Dame] did then and there sell
Contrary to the form of the Statute in Such
Case made and provided and against
the peace and dignity of the Same
people of the State of Illinois.
And the jurors aforesaid upon their oaths
aforesaid do further present that the said
Hezekiah Leavitt On the eighth day
of January in the year of our Lord
One thousand eight hundred and
forty three at and within the county
aforesaid, he the said Hezekiah Leavitt
not then and there having a legal license
to Keep a ~~unreadable~~ grocery, Spirituous
liquors by a less quantity than one
quart towit One gill of whiskey

Reading note: the third count's date appears to be "Sixth"; the fourth reads "eighth." The former is marked uncertain pending examination of the original. The photograph, rather than the earlier reflowed transcript, controls the reading.

Document 6 Ralston indictment page 3



One pill of brandy on half pill of Rum to some person to the jurors aforesaid, unknown did then and there unlawfully sell contrary to the form of the statute in such case made and provided and against the peace and dignity of the same people of the State of Illinois.

And the jurors aforesaid upon their oaths aforesaid do further present, that the said Hezekiah Leavitt unlawfully & wilfully on the seventh day of January in the year of Our Lord One thousand eight hundred and forty three at and within the county, the the said Hezekiah Leavitt not then & there having a legal License to keep a grocery, Spirit and Liquor by a less quantity than one quart to wit one half pill of whisky, one half pill of brandy, one half pill of Rum, to Sherman Reefield did then and there unlawfully sell contrary to the form of the Statute in such case made and provided and against the peace and dignity of the same people of the State of Illinois.

J. H. Ralston State Atty
D. W. Lewis

Original indictment, manuscript page 3 of 3. The corresponding transcript follows on the next page. Photographs supplied by the owner. [1]

Transcript of indictment page 3

One manuscript line per text line. Strikethrough shows cancellations; [p: …] identifies lighter pencil writing; [?] flags an uncertain reading. Indentation and paragraph gaps are approximated; original page divisions are preserved.

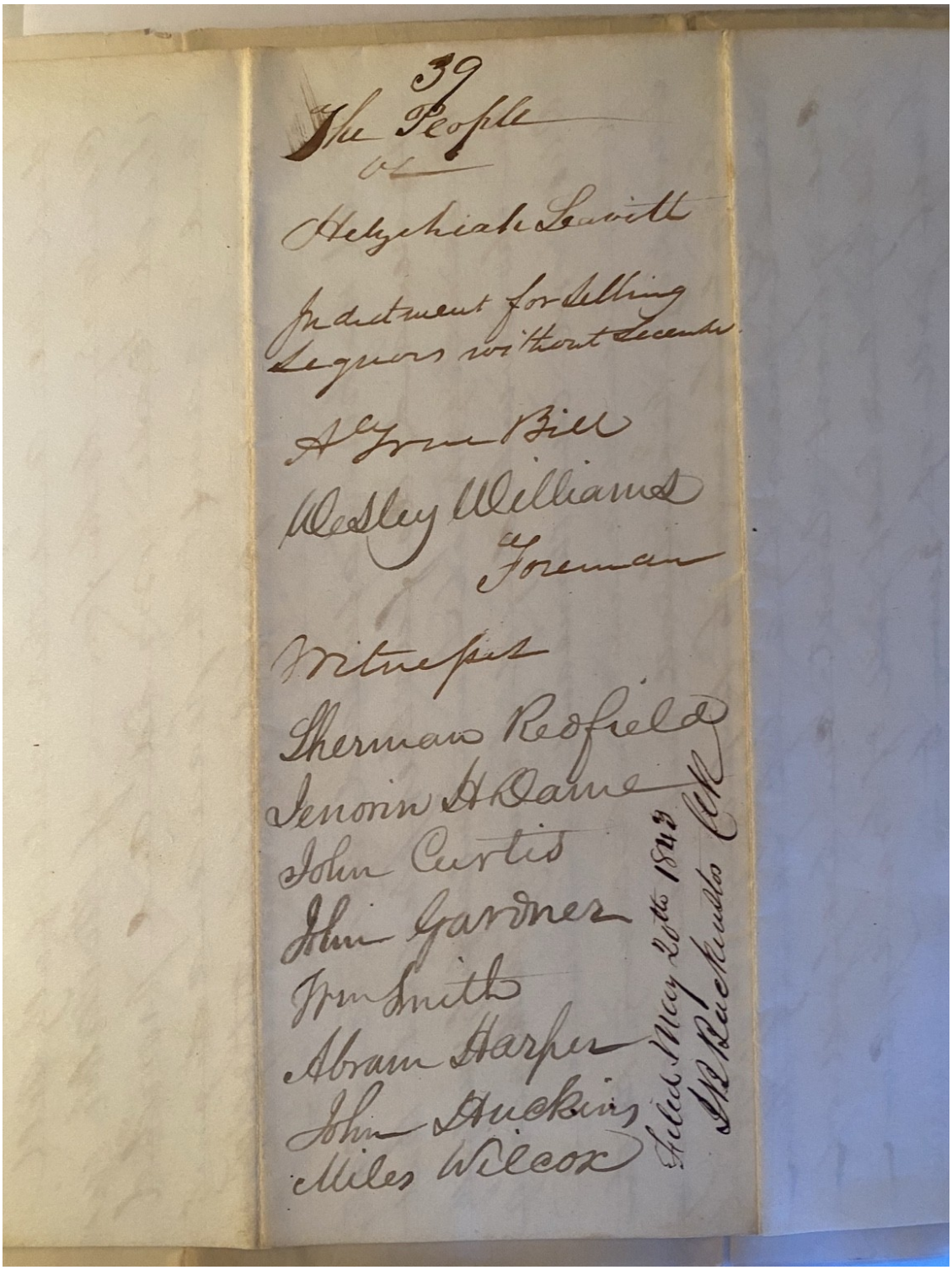
One gill of brandy one half gill of Rum to one
person to the jurors aforesaid, Unknown
did then and there unlawfully sell
Contrary to the form of the Statute in
Such Case made and provided
And against the peace and dignity
of the Same people of the State of Illinois.

And the jurors aforesaid upon their oaths
aforesaid do further present. that
the said Hezekiah Leavitt unlawfully & wilfully
on the seventh day of January in the year of
Our Lord One thousand eight hundred and
forty three at and within the county, He the
Said Hezekiah Leavitt not then & there having
a legal License to Keep a grocery, Spirit
uous Liquors by a less quantity than
one quart towit one half gill of
whiskey, one half gill of brandy, One
half gill of Rum, to *[p: Sherman Redfield]*
did then and there unlawfully sell
Contrary to the form of the Statute in
Such Case made and provided and
Against the peace and dignity
of the Same people of the State of Illinois.

J H Ralston States Atty
pro tem

The five charging paragraphs begin on manuscript page 1 (two), page 2 (two), and page 3 (one). Five counts do not necessarily prove five distinct transactions; the final order is needed to establish how they were disposed of.

Document 6 The true bill and witness endorsement



Indictment endorsement, photograph IMG_3521. Wesley Williams signs as foreman below “A True Bill.” A separate filing notation runs vertically beside the witness list.

Transcript of the indictment endorsement

39
The People
vs

Hezekiah Leavitt

Indictment for Selling
Liquors without License

A True Bill
Wesley Williams
Foreman

Witnesses
Sherman Redfield
Jerom H Dame
John Curtis
John Gardner
Wm Smith
Abram Harper
John Huckins
Miles Wilcox

Filing notation written at right

Filed May 20th 1843
J B Backenstos Clk

The witness endorsement is distinct from the lighter names inside the indictment. “Jerom H Dame” is the present reading of the second witness; the first name’s spelling should be checked against the original if used to establish a genealogical identity. The filing notation has been turned into horizontal lines here for readability.

A grocery on the Illinois frontier

What sort of place had brought Leavitt into trouble? His indictment never supplies an address, a signboard, or a description of a room. It does supply a word that can mislead a modern reader: grocery. Under the Illinois licensing law, that term included places selling spirituous or vinous liquor in quantities smaller than a quart. The charge concerned unlicensed retail sales. It was not a general prohibition on every sale or possession of alcohol. [2]



Gochenour & Coulson, dealers in groceries and provisions, glass and queensware, La Harpe. Detail from Andreas's 1874 Hancock County atlas, p. 35. This is a later county shop illustration, not Leavitt's premises and not evidence that this business sold liquor. [3]

The atlas makes the commercial world visible: a shopfront under an awning, customers at the door, and horse-drawn vehicles in the street. Its caption names both provisions and household wares. It helps us picture county commerce thirty-one years after the prosecution, while the indictment tells us the much narrower legal meaning of grocery in Leavitt's case.

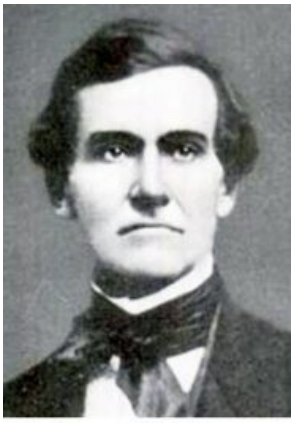
Ralston wrote of gills and half gills. A U.S. liquid gill is a quarter pint, or four fluid ounces; a half gill is two. The small quantities mattered because the law drew its licensing boundary at a quart. It provided a ten-dollar fine for each offense upon conviction. The case papers reproduced here do not state Leavitt's fine. [2, 6]

Five accusations in one manuscript

The repeated language is the indictment's structure. Each new paragraph beginning with the jurors' further presentment sets out another count. The dates, drinks and alleged quantities change while the licensing accusation returns. There are five such paragraphs. Some purchasers' names were left blank in the ink text, one was called unknown, and lighter writing supplies names in places. Those different kinds of marks should not be flattened into a single seamless account.

The lawyer whose handwriting carries the case

James Harvey Ralston gives the indictment its most recognizable individual presence. We can follow his pen across the pages, see words he cancelled, and reach his signature as temporary state's attorney. "Pro tem" identifies the capacity in which he acted here. Whatever other clients occupied him, in this document he was putting the county's accusation into legal form. [1]



Ralston, as identified by The Ralston Project. His portrait and the manuscript bring a face and a working hand into the same story. [4]

For readers interested in Nauvoo, his name opens a larger history. The earlier research follows his work on Joseph Smith's legal affairs, including extradition and financial matters, and his later participation in prosecuting the men accused of murdering Joseph and Hyrum. These relationships explain why his handwriting matters to a collector beyond the immediate liquor charge. They do not make Leavitt's prosecution a dispute about the Church.

Ralston also had a life before these papers. Born in Kentucky in 1807, he made his career at Quincy, served in the Illinois legislature and on the circuit bench, and worked among lawyers and politicians whose names would become nationally familiar. The extended biography later in this volume follows those connections. Here, a routine indictment lets us watch the practical work behind that public career.

The clerk the sheriff and the deputy

The writ introduces another set of hands. Jacob B. Backenstos's name appears as clerk, with Matthias Avise acting beneath it. Avise, known elsewhere as a watchmaker and jeweler, also worked in the county's recordkeeping office. The decorated printed sheet, its seal, and the handwritten changes show the office making its instructions official.

The officer's return belongs to a different part of the process. William Backenstos was sheriff; E. B. Rose signed as his deputy. The two Backenstos names should not be merged. The document now establishes William's role directly, correcting the earlier report's uncertainty about why he appeared in the case. The Joseph Smith Papers identifies his election as sheriff in 1842 and his marriage to Clara M. Wasson at Nauvoo in October 1843. [5]

On May 22, Rose reported taking Leavitt and having him before the court. Fifteen miles of travel entered the account. A command on one side of a sheet had become an officer's report on the other. The costs make that movement measurable, even though they cannot tell us what Leavitt said to Rose or how he felt about the summons to court.

The names gathered around Leavitt

Turn to the indictment's folded face and the case acquires a small community. Wesley Williams signed the grand jury's true bill. Below him are eight witness names: Sherman Redfield, Jerom H. Dame, John Curtis, John Gardner, Wm Smith, Abram Harper, John Huckins, and Miles Wilcox. This endorsement firmly ties those written names to the case. Matching them to complete lives remains a separate task. [1]

For Redfield, the leading candidate is Orrin Sherman Redfield, a young man whose family history places him in the region. John Curtis may be John Curts, linked to river commerce and a Wisconsin sawmill transaction with Church representatives. Abram Harper may be Abraham Harper Jr., associated with commercial development and later Pontoosuc life. These possibilities give the witness list depth, but they retain their qualifications in the biographies.

Other names resist identification. John Gardner was a common name, and William Smith cannot simply be made into Joseph Smith's brother because that identity would be interesting. The fuller Dame endorsement offers a useful new lead. It does not justify borrowing the biography of a prominent Utah man with a similar surname.

Before the county divided

The later careers of the officers make this quiet-looking file especially absorbing. Jacob Backenstos would become sheriff during the violence of 1845. Rose would describe threats and expulsion from his home. Wesley Williams appears in the earlier research as an Anti-Mormon Party figure and Mason; Huckins is associated with the Brick-Batters. Men whose later histories point in very different directions appear together in the records of county justice.

Those later divisions belong in the story at the point where their dates make sense. The 1843 indictment itself alleges a licensing offense under a general law. Neither Leavitt's religious membership nor a sectarian motive for prosecuting him has been established. The interest lies in seeing these particular lives intersect before the later crisis, without making their future actions explain every earlier transaction.

A guilty plea written into the bill

The defendant's costs contain a line easy to pass over: "Entry plea of Guilty," followed by 25 cents. It is a handwritten charge for recording a plea. That makes the case more complete than the earlier report suggested. The indictment gives the accusation; the cost sheet supplies evidence of a guilty plea. A fee-bill reverse adds the word "Paid." [1]

The papers still stop short of a complete judgment. They do not show which counts the plea covered, the fine imposed, or whether that fine was paid. The cost totals are not substitutes for those facts. Yet the packet no longer ends with an accusation alone: it carries us through an arrest return, into the court's accounting for a plea, and to an acknowledgment that a fee bill had been settled.

The people in fuller view

The biographies below preserve the earlier research and its identity qualifications, with the case roles and procedural conclusions updated from the recovered photographs. The photographs establish what a named person did in these papers more securely than they establish every family connection or political affiliation.

Hezekiah Leavitt

Hezekiah Leavitt is the person named in five charging paragraphs alleging unlicensed retail liquor sales during January 1843. The indictment does not identify his precise premises or occupation. The sheriff's return places him before the court on May 22, and the defendant's cost bill records a fee for entering a guilty plea. A fee-bill reverse is marked Paid. The judgment, sentence, and count-by-count disposition remain unverified. [1]

The strongest biographical candidate was born about 1815 to 1818 in Maine and remained connected with Hancock County after the case. On 21 October 1849 he married Mary S. Haun in Hancock County. Their known children include Cordelia, born in 1851, and Clara E., born in Illinois in February 1853. He appears to have died before 1857, after which the household record changes in a manner consistent with Mary being widowed.

An early Latter-day Saint genealogical compilation includes a Hezekiah Leavitt fitting this setting, making Church affiliation possible. No contemporary baptism, confirmation, priesthood license, patriarchal blessing, Nauvoo ward record, temple ordinance, or pioneer-company entry has been located, however. He should therefore be described as a possible Latter-day Saint associate rather than a confirmed member. No evidence proves a relationship to the Dudley Leavitt pioneer family. Mary's surname Haun is likewise significant, but no documentary link connects her directly with Jacob Haun or the Haun's Mill family.

James Harvey Ralston

James Harvey Ralston, born in Kentucky in 1807, became one of the best-known lawyers, Democratic political figures, and public speakers in western Illinois. He established his practice at Quincy and traveled the regional circuit, placing him repeatedly in Adams and Hancock County litigation. He served in the Illinois legislature and held rank in the Illinois militia. His public career joined law, party politics, military organization, and the practical work of maintaining courts in a rapidly growing frontier region.

Ralston occupies an unusually important place in this case because the surviving indictment is his own three-page holograph. Acting as state's attorney pro tem, he prepared five formal charging paragraphs. Repetitions, cancellations and revisions preserve his drafting process. His signature closes the document; lighter names beside some counts must be distinguished from the brown-ink charge. The endorsement also preserves a witness list. [1]

His dealings with the Latter-day Saints began well before the final Hancock County conflict. After the Missouri expulsion brought refugees into western Illinois, Ralston was among the non-Mormon lawyers and civic leaders whose conduct toward the displaced Saints was favorable. His relationship was legal and political, not ecclesiastical: he did not join the Church, but he was willing to represent Mormon clients, defend civil process, and work with Nauvoo's leaders when professional duty or Democratic politics brought their interests together.

Ralston represented or assisted Joseph Smith in important legal controversies. The record associates him with Smith's defense during the renewed Missouri extradition litigation, with the 1842 crisis arising from the attempted assassination of former Missouri governor Lilburn W. Boggs, and with bankruptcy and related federal matters. In January 1843 he supplied testimony or an affidavit supporting Joseph Smith's position concerning his whereabouts during the Boggs episode. These activities place Ralston among the skilled outside attorneys on whom Smith relied when local Nauvoo institutions could not alone resolve state or federal proceedings.

Ralston also supported the use of lawful municipal and state institutions in dealing with Nauvoo. He advised within the broader legal network surrounding the Nauvoo charter and later gave assistance

concerning property and financial questions affecting Emma Smith and Church interests. During and after the Mormon removal, he participated in efforts or negotiations that helped the Saints dispose of property and regularize outstanding affairs. These episodes reveal continuity in his professional relationship with Mormon clients even when Hancock County politics had become violently polarized.

That relationship did not make Ralston a partisan of every Nauvoo claim. He continued to act for the state and, after the murders of Joseph and Hyrum Smith, served among the prosecutors at the 1845 trial of the accused men. His participation is especially revealing: an attorney who had defended Joseph Smith and assisted Mormon causes could also prosecute alleged anti-Mormon killers on behalf of Illinois. Ralston's career thus resists a simple pro-Mormon or anti-Mormon label. His governing commitments were professional advocacy, Democratic politics, and public order, although those commitments repeatedly brought him into consequential contact with the Church.

Ralston remained a prominent lawyer until his death in 1864. No reliable evidence identifies him as baptized, ordained, endowed, or otherwise received into the Church of Jesus Christ of Latter-day Saints. His importance to Latter-day Saint history rests instead on his sustained work as outside counsel, witness, adviser, political intermediary, and later state prosecutor. In the Leavitt case, his holograph gives the prosecution its clearest surviving voice and makes him the central documented legal personality in the file.

Jacob Benjamin Backenstos

Jacob Benjamin Backenstos belonged to a politically active western Illinois family and developed a career as lawyer, clerk, legislator, and county officer. In the Leavitt papers he appears in a clerical role, consistent with his work in the Hancock County court system. His name and handwriting recur in other county legal records, making him one of the institutional links among otherwise unrelated civil and criminal cases of the Nauvoo period.

Backenstos later served in the Illinois legislature and became sheriff of Hancock County. By 1845 he was the county officer most visibly committed to suppressing armed anti-Mormon action. He issued proclamations against mob violence, called out a county posse, and attempted to enforce the law amid competing militias and political organizations. His actions made him a target of anti-Mormon hostility and placed him at the center of the county's final crisis before the main Latter-day Saint removal.

Mormon voters supported Backenstos, and he defended their civil rights when many other local officials would not. No baptismal, priesthood, temple, or other institutional Church record establishes that he became a Latter-day Saint. He is best understood as a non-Mormon Democratic ally and civil protector whose political interests and legal principles temporarily aligned with those of Nauvoo.

William Backenstos

William Backenstos has a specific, documented role here: sheriff. His name appears on the return and the plaintiff’s cost account, while E. B. Rose signs as deputy. Jacob B. Backenstos appears separately as circuit clerk. The recovered papers resolve the earlier report’s uncertainty about William’s participation. [1]

The Joseph Smith Papers identifies William as born on August 29, 1813, in Lower Paxton, Dauphin County, Pennsylvania, to Jacob Backenstos and Margaretha Theis. It records a Lutheran Reformed baptism in infancy, his election as Hancock sheriff in 1842, residence at Carthage by 1843, and marriage to Clara M. Wasson at Nauvoo on October 3, 1843. He later lived in Nauvoo, Amboy, Wisconsin and Iowa, and died July 11, 1875. This baptism was not an LDS baptism; no LDS membership is established here. [5]

Matthias Avise

Matthias Avise was born 16 November 1807 in Gloucester County, New Jersey, to Jesse Avise and Ann Lauterbach. Trained as a watchmaker and jeweler, he brought a skilled artisan's occupation into a career that also included county clerical service. In Hancock County he served as a deputy clerk, and his hand appears in docketing and endorsements across surviving legal papers from the Nauvoo era.

Avise's official work placed him in repeated contact with cases involving Joseph Smith, Nauvoo, Church members, and their opponents. That recurrence should be read as evidence of officeholding rather than religious alignment. He helped move papers through the county system, certified or entered proceedings, and thereby became part of the administrative framework within which Hancock's political and religious conflicts were litigated.

Avise later worked in Philadelphia, where surviving silver with his retailer's mark documents the continuation of his trade. He died 5 March 1875. No reliable baptism, priesthood office, patriarchal blessing, Nauvoo Temple ordinance, anti-Mormon committee membership, or militia affiliation has been found.

E B Rose

E. B. Rose’s signature is now visible on the arrest return, where he acted for Sheriff William Backenstos. He reported taking Leavitt on May 22 and bringing him before the court. The earlier research also compared his hand with signatures on other Hancock documents in the owner’s collection. His full given names remain uncertain. [1]

By 1845 Rose was serving Hancock County as treasurer and assessor and was commonly called Captain Rose, probably reflecting militia or local command service. During the September 1845 disturbances he swore that he had been threatened and ordered to leave the county. Contemporary accounts reported that he was driven from his Carthage residence and fled with his family, placing him among county officials attacked by the anti-Mormon insurgent movement.

Rose's treatment aligns him with the Backenstos administration and with officials who resisted extralegal expulsion. It does not establish that he joined the LDS Church. A later secondary account expands his name as Ethil Rose, but no original record now available confirms that reading; E. B. Rose remains the safest form. Further identification depends on county commission records, militia commissions, tax books, probate material, and additional signed documents.

Wesley Williams

Wesley Williams signed the words A True Bill as foreman on the indictment’s endorsement. The owner’s earlier identification can therefore be read alongside the reproduced signature. He represented the grand jury’s approval of the accusation, while Ralston drafted its charging language. Neither role makes the true bill a trial verdict. [1]

Williams carried mail on an early route involving Venus and Carthage and became active in county public life. Carthage Lodge records identify him as a Master Mason, and later accounts associate him with the Carthage Riflemen. He also emerged as a figure in the Anti-Mormon Party during the period of organized opposition to Nauvoo.

Those later affiliations provide necessary political context but do not prove that the 1843 liquor indictment was itself sectarian or improperly motivated. The charge tracked a general licensing law and predated the climactic violence of 1844 and 1845. Williams was not a member of the LDS Church; his later anti-Mormon and militia roles should be stated precisely and not expanded into responsibility for unrelated acts.

Orrin Sherman Redfield

The leading candidate for the penciled name Sherman Redfield is Orrin Sherman Redfield, born 6 October 1819 at Claremont, New Hampshire. He married Caroline Sommers in Iowa on 26 September 1840. Later family and census-derived evidence places the household in Hancock Township, Hancock County, and their son Oren Sherman Redfield was born in Illinois about 1843.

The uncommon middle name, suitable age and regional presence make Orrin Sherman Redfield a plausible identification. The recovered endorsement establishes Sherman Redfield as a named witness in the packet, independently of the lighter names within the indictment. It does not, by itself, prove that the witness was Orrin Sherman or that every lighter annotation is contemporary with the charge.

No independent record has yet joined Orrin Sherman Redfield directly to case number 39. No LDS baptism, priesthood or temple record, anti-Mormon committee activity, militia service, Masonic membership, or correspondence-committee role has been located. The report therefore retains both the probable identification and its evidentiary limit.

Jerom H Dame

The endorsement's second witness name is read here as Jerom H Dame. This is stronger evidence of a case connection than the earlier report's reliance on a lighter J. H. Dame notation inside the indictment. The fuller first name provides a new search lead, although its exact spelling and the man's identity still require corroboration. [1]

The earlier searches did not securely establish his occupation, residence, family or religious affiliation. He should not be identified with William H. Dame, the later southern Utah militia officer associated with the Mountain Meadows Massacre, without a documentary bridge. A similar surname and initial are insufficient. The witness remains an unresolved identity.

John Curts or Curtis

The strongest candidate for the witness recorded as John Curtis is John Curts of Shokokon, the Mississippi River settlement immediately south of Hancock County. The spelling Curts appears in contemporary legal and legislative material and can readily explain a later reading of Curtis.

Illinois legislation named John Curts and Abraham Harper Jr. among the incorporators of the proposed Shokokon and Rushville Railroad Company. A John Curts, working with Michael Crane, also sold the Church a half-interest in a Wisconsin pinery sawmill in September 1841. If these references concern the case witness, they place him within a network of river commerce, transportation promotion, lumbering, and direct business with Church leaders before the Leavitt prosecution.

Commercial dealing with the Church is not evidence of conversion. No baptism, priesthood office, patriarchal blessing, Nauvoo Temple ordinance, mission, anti-Mormon committee membership, or militia role has been established. The Curts-Curtis equation remains probable rather than certain and should be tested against signatures, Shokokon land records, and the circuit docket.

John Gardner

John Gardner remains the least securely identified of the named witnesses. An 1845 Nauvoo Neighbor land or tax notice associates a John Gardner and Sarah Cochran with land in section 6, demonstrating that a man of the name held a local property interest close to the period of the case.

The name was common in both Mormon and non-Mormon communities. No unrestricted source connects the landholder, any particular Gardner household, and the Leavitt prosecution in a single record. His age, birthplace, occupation, family, religious affiliation, militia service, lodge membership, and later residence therefore remain unknown. He should not be merged with unrelated Latter-day Saint Gardner families without a signature, residence, or kinship bridge.

William Smith

The William Smith named in this case is treated as a Hancock County resident distinct from William Smith, the brother of Joseph Smith. Joseph's brother was an apostle, Church patriarch, Nauvoo civic figure, and elected Illinois legislator, but the frequency of the name and absence of an identifying title make that prominent identity unsafe here.

A separate Captain or Major William Smith and other local men of the same name also appear in Hancock County records. No signature, residence, occupation, kinship statement, or ecclesiastical title in the Leavitt file chooses among them. Accordingly, no LDS baptism, apostolic office, political office, militia rank, Masonic record, or anti-Mormon activity belonging to another William Smith should be transferred to this witness. His biography remains limited to his appearance in the case until an original witness list or docket supplies a distinguishing fact.

Abraham Harper Jr

Abraham Harper Jr., born about 1810, married in Illinois on 6 June 1838 and became active in the commercial development of the upper Mississippi corridor. He and John Curts were among the incorporators of the proposed Shokokon and Rushville Railroad Company, linking the two probable witnesses through a project intended to connect river trade with the Illinois interior.

By 1850 Harper was established in Hancock County. He later became a recognized Pontoosuc proprietor and community figure, served among directors associated with the local cemetery, and continued advertising from Pontoosuc as late as 1866. These records portray a durable businessman and local booster rather than a transient visitor.

The shared Shokokon network makes this Abraham Harper Jr. the probable witness, although the case paper does not state his residence or occupation. No evidence establishes LDS baptism or office, anti-Mormon committee membership, militia participation, Masonic affiliation, or violence against Church members.

John Huckins

John Huckins was an established Hancock County resident and should not be confused with John Hawkins, whose name appears in separate anti-Mormon publications. Huckins appears in a Hancock County venire dated 22 May 1845, two years after the Leavitt indictment. A township history also names him with Isaac C. Howd and Nathan Mason among the area's early justices of the peace, indicating continued participation in local legal administration.

Huckins is also associated in local political memory with the group identified as the Brick-Batters. That designation should be preserved as part of his individual political biography. It should not be enlarged into a claim that every Brick-Batter episode, or anti-Mormon activity elsewhere in Hancock County, involved Huckins personally. The evidence supports the named association, not a blanket attribution of violence or committee work.

No LDS baptism, priesthood, temple ordinance, or Church office has been found. Likewise, no secure record presently places him in the Carthage Greys, Warsaw militia, a correspondence committee, or a specific act of mistreatment toward Church members. The Huckins spelling, justice-of-the-peace service, venire appearance, and Brick-Batter identity are the defensible core of the biography.

Miles Wilcox

The leading candidate for the witness was born about 8 March 1787 at Torrington, Connecticut, and married Jerusha Bancroft. The family lived at Smithville in Chenango County, New York, and included numerous children, among them Harriet Wilcox, born in 1822. Members of this extended family later moved westward.

The candidate's age, family structure, and migration pattern are compatible with the Hancock witness, but no unrestricted record conclusively places this Miles Wilcox in Hancock County in May 1843. The county contained a substantial Wilcox population, increasing both the plausibility of a family connection and the danger of selecting the wrong man.

No documentary relationship to the Harvey Wilcox family has been proved. No LDS baptism, priesthood or temple record, anti-Mormon committee role, militia service, Masonic membership, or direct dealing with Church leaders can yet be assigned to the witness. The identity remains probable and should be tested through deeds, probate, tax rolls, and household reconstruction.

Religious and Political Alignment

No securely identified principal or witness has been confirmed here as a baptized member of the Church of Jesus Christ of Latter-day Saints. Hezekiah Leavitt remains a membership possibility rather than a proved member. The earlier research describes Jacob Backenstos and Rose as political allies or civil protectors of the Saints; Curts as a possible commercial associate; Ralston and Avise as professional contacts; and Wesley Williams as an anti-Mormon political figure. William Backenstos’s infant Lutheran

Reformed baptism must not be treated as LDS membership. These distinctions are part of the historical explanation, not interchangeable labels.

What the papers settle and what remains open

The earlier research surveyed publicly accessible case-name, newspaper, county-history, genealogical, land-index, Joseph Smith Papers, Wilford Woodruff Papers, Papers of Abraham Lincoln and archival-catalog sources. This edition also recovers the associated photographs omitted from the earlier report and brings their procedural evidence into the account.

The May 1843 cost sheet records a guilty-plea entry, and a fee-bill reverse is marked Paid. The principal remaining procedural target is the Hancock Circuit Court order, judgment or docket entry establishing the sentence, fine and treatment of the five counts. The earlier report's broad statement that the outcome was wholly unknown has therefore been narrowed.

Early Hancock tax rolls, unindexed deeds, probate packets, militia commission records, justice-of-the-peace dockets, and the original circuit record may refine the biographies. These are archival targets rather than unfinished ordinary web searches.

Identity questions remain for Orrin Sherman Redfield, John Curts, John Gardner, Jerom H. Dame, and Miles Wilcox. E. B. Rose's expanded given names are unproved, as are Hezekiah Leavitt's LDS membership and a connection to Dudley Leavitt. William Backenstos's role as sheriff is no longer an unresolved point. The eighth-day and uncertain sixth-day readings in the indictment should be retained with the transcript's qualifications.

Selected Sources

Illinois, Laws of the Twelfth General Assembly, act approved 17 February 1841; Papers of Abraham Lincoln Digital Library.

Joseph Smith Papers, Hancock County legal records and docket entries, including the 22 May 1845 venire and records identifying Matthias Avise's handwriting.

Nauvoo Neighbor, 1843 to 1845, including public notices and E. B. Rose's affidavit of 21 September 1845.

Wilford Woodruff Papers, contemporary reports concerning Captain Rose and the September 1845 Hancock disturbances.

Thomas Gregg, History of Hancock County, Illinois; Andreas, Illustrated Historical Atlas of Hancock County, Illinois; Hancock County township histories.

Genealogical History of the Redfield Family; federal census and family-record indexes used as leads and qualified where an original record was not openly accessible.

James H. Ralston materials in the Joseph Smith Papers, including extradition, habeas corpus, bankruptcy, affidavit, and related legal records; contemporary Illinois legislative and newspaper records; and reports of the 1845 Smith-murder trial.

Hancock County and township histories, Carthage Lodge references, county venires, legislative incorporation acts, land and tax notices, census schedules, marriage records, and family histories used with the identity qualifications stated in each profile.

Document and illustration sources

[1] Owner's original photographs, People v. Hezekiah Leavitt, Hancock County Circuit Court, criminal no. 39, May term 1843: IMG_3514 (wrapper); IMG_3515–3516 (arrest writ and return); IMG_3517–3518 (cost bills); IMG_3519 (fee-bill reverse); IMG_3520 and the two supplementary photographs ending C84D0 and DF56 (indictment pages 1–3); IMG_3521 (indictment endorsement). All ten distinct photographed views are reproduced. Their reproduction order follows the numbered packet, with the two supplementary indictment pages inserted between IMG_3520 and IMG_3521.

[2] Illinois, Laws of the Twelfth General Assembly (1841), p. 178, act approved February 17, 1841, sections 2–3; The Papers of Abraham Lincoln Digital Library, D284125b. https://papersofabrahamlincoln.org/documents/D284125b. The statutory definition and ten-dollar penalty are explained briefly in the narrative; no fine amount is inferred from the cost accounts.

[3] A. T. Andreas, An Illustrated Historical Atlas of Hancock County, Illinois (Chicago, 1874), p. 35, Gochenour & Coulson grocery view, La Harpe. Digitized Brigham Young University copy, Internet Archive: https://archive.org/details/illustratedhisto00andr/page/n35/mode/1up. The cropped illustration preserves the store and its identifying caption. It is contextual, dates thirty-one years after the case, and is not a reconstruction of Leavitt's business.

[4] The Ralston Project, "Famous," entry for James Harvey Ralston, portrait captioned James H. Ralston ca 1839. https://ralstonproject.com/famous/. Image: https://ralstonproject.com/wp-content/uploads/2019/04/James-Harvey-Ralston-1839.jpg. The sitter and approximate date follow the provider's identification; original artist and photographic provenance are not established by that page.

[5] The Joseph Smith Papers, "Backenstos, William," biographical directory. https://www.josephsmithpapers.org/person/william-backenstos. This source clarifies his dates, officeholding, movements and marriage. It records a Lutheran Reformed baptism, not a conversion to the Latter-day Saints.

[6] National Institute of Standards and Technology, Guide to the SI, Appendix B.9, entries for gill, pint and fluid ounce (U.S.). https://www.nist.gov/pml/special-publication-811/nist-guide-si-appendix-b-conversion-factors/nist-guide-si-appendix-b9. U.S. customary liquid measure: 1 gill = ¼ pint = 4 fluid ounces; ½ gill = 2 fluid ounces. The conversion explains quantity only and is not a price estimate or a reconstruction of an individual sale.

Notes on reading the originals

The transcript was checked against the three manuscript photographs and reset to follow their actual lines and page divisions. Struck-through letters are retained where readable. Unreadable cancellations are marked rather than supplied. Lighter names are set apart as pencil annotations; their precise date is not established. Indentation and blank intervals approximate the handwriting at a readable type size, rather than claiming millimetre-for-millimetre alignment. Capitalization and punctuation follow the present reading; the images remain the authority for doubtful letterforms.

Five charging paragraphs replace the former four-count summary. The third count's date is provisionally read as Sixth; the fourth reads eighth and the fifth seventh. The transcript marks the doubtful reading. The endorsement's witness list and the guilty-plea fee entry add evidence absent from the earlier illustrated report. The Paid notation relates to a fee bill; it is not a substitute for the missing sentence or fine record.

The earlier biographies and source leads have been retained, with roles and procedural statements revised where the recovered photographs or a directly checked source supply clearer evidence. Unproved family identifications remain explicitly qualified. Later political affiliations are not treated as proof of a motive for the 1843 prosecution.