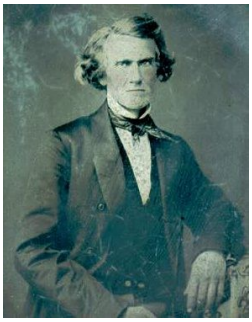
Benjamin F Marsh v William D Abernathy

The school commissioner and the sheriff
Hancock County Illinois 1841



James H Ralston • Attorney named with Calvin Warren [I1]

The people at a glance

Benjamin F Marsh Sr The county school commissioner who sued the sheriff for $10,000.

William D Abernathy The sheriff and Augusta pioneer required to answer Marsh's claim.

Martha Sophia Felt Marsh's daughter, summoned by the defense alongside her husband.

Cyrus Felt A Montebello merchant and farmer, and Marsh's son-in-law.

David Bettisworth and John Tremaine Each certified eight days of attendance for the defendant.

Samuel Marshall and William Ayres Marshall was served; the officer reported that he could not find Ayres.

Harmon T Wilson The coroner who served process when the sheriff was a party.

S Otho Williams and Jacob C Davis The clerks whose signatures preserve the case's administrative history.

James H Ralston and Calvin A Warren The lawyers identified on Marsh's handwritten request for process.

Illustrated narrative edition • October 2026
Case readings checked against all thirteen supplied photographs

A brief introduction

In 1841, Hancock County's sheriff received a summons of his own. Benjamin F. Marsh, the county school commissioner, was suing William D. Abernathy for ten thousand dollars. Another officer had to deliver the papers: Harmon T. Wilson, acting as coroner. On the printed forms, the ordinary references to the sheriff were crossed out or amended to suit this unusual situation. [D6–D7]

The witness papers bring the dispute closer to home. Among those summoned were Martha Sophia Felt, Marsh's daughter, and her husband, Cyrus. The subpoena calls for them at the defendant's request. Why would the sheriff want the plaintiff's daughter and son-in-law to attend? Their names invite the question, but the papers preserve no answer. A subpoena required attendance; it does not tell us what a witness would say or whose account that testimony would help. [D10–D11; B2]

The surviving collection contains thirteen photographs of a smaller number of documents, including fronts and backs. There are summonses, witness papers, filing endorsements, a wrapper, and a lawyer's handwritten instruction. Together they show a lawsuit taking shape around people whose lives connected county government, family, land, commerce, and, later, the events at Nauvoo. [D1–D13]

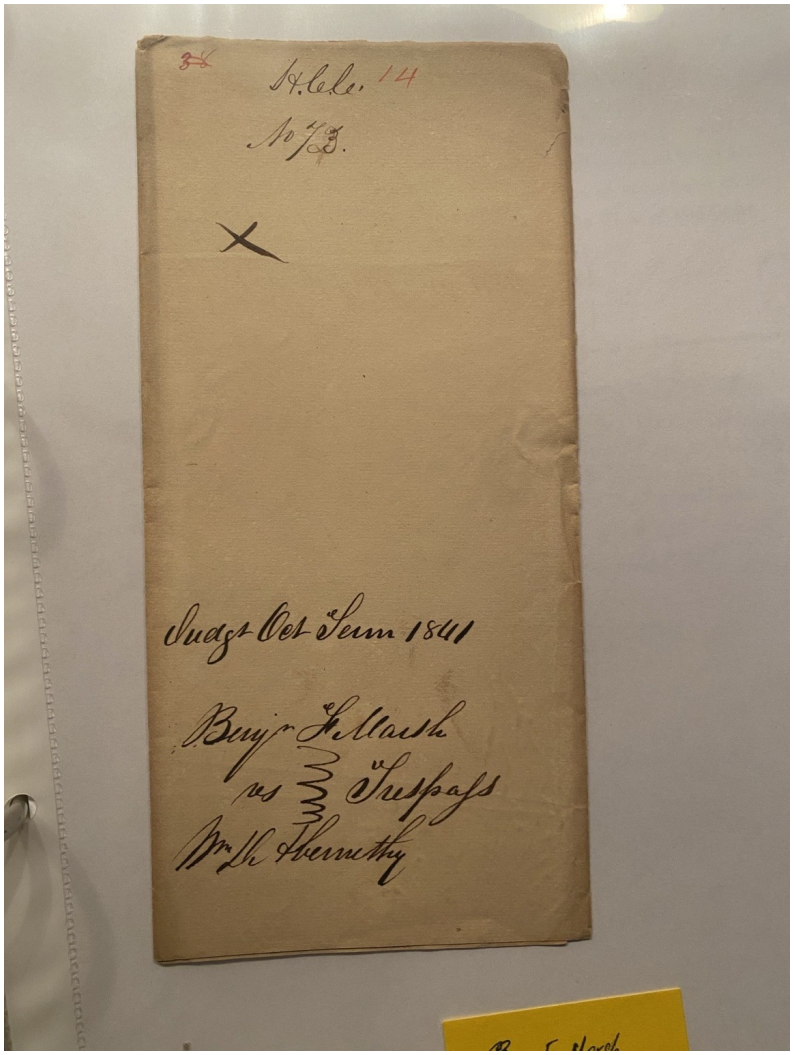
The word "trespass" had a broader legal meaning than stepping onto another person's land. It could concern a direct injury to a person or property. The detailed complaint is missing, so we cannot say exactly what Marsh accused Abernathy of doing. We also lack a verdict or settlement. The $10,000 is the amount demanded, not a demonstrated loss or an award. The interest of this file lies in what its surviving papers actually reveal. [D6; N2]

The photographs begin on the next page in their original numbered order. Each is accompanied by a reading and a short explanation. The story and extended biographies follow, with the chronology, corrections, legal analysis, and source trail at the rear. The new readings correct several statements in the September report; the most consequential changes concern the May dates and the defense witness lists.

Document references D1 to D13 identify the photographs that follow. B references lead to the source notes at the rear; N references identify the research discussions.

D1 The wrapper that kept the case together

IMG_3522.jpeg



The wrapper identifies case 73 as Marsh against Abernathy in trespass. Its term notation contains both “Augt” and “Oct.” The red pencil numbers and large cross are visible on the photograph; their purpose is not established.

Reading of the principal entries

H. C. C.
No 73.

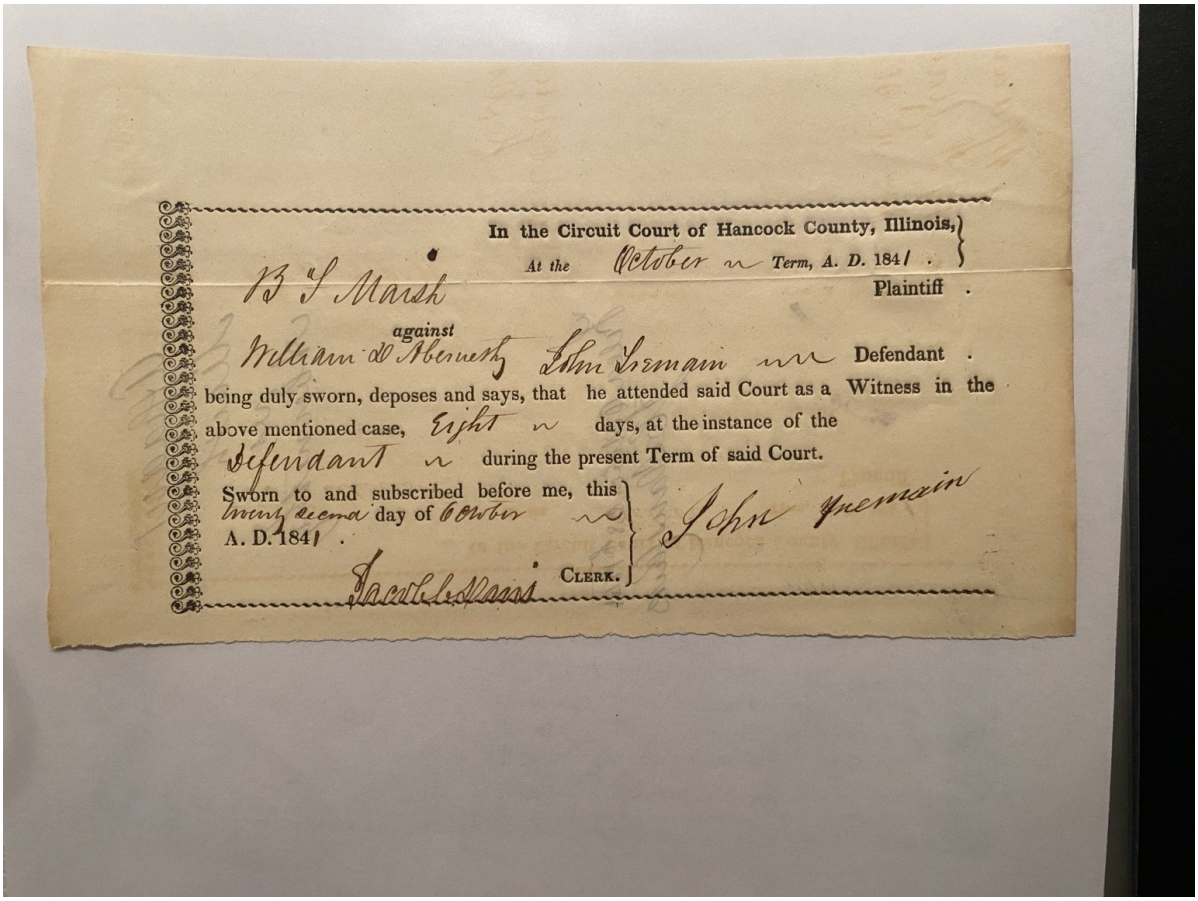
[large cross]

Augt Oct Term 1841

Benjⁿ F Marsh
vs } Trespass
Wm D Abernathy

D2 John Tremaine records eight days at court

IMG_3523.jpeg



In the Circuit Court of Hancock County, Illinois,
At the October Term, A. D. 1841.
B F Marsh Plaintiff.
against
William D Abernathy John Tremain Defendant.
being duly sworn, deposes and says, that he attended said Court as a Witness in the above mentioned case, Eight days, at the instance of the Defendant during the present Term of said Court.
Sworn to and subscribed before me, this twenty second day of October A. D. 1841.
John Tremain
Jacob C Davis CLERK.

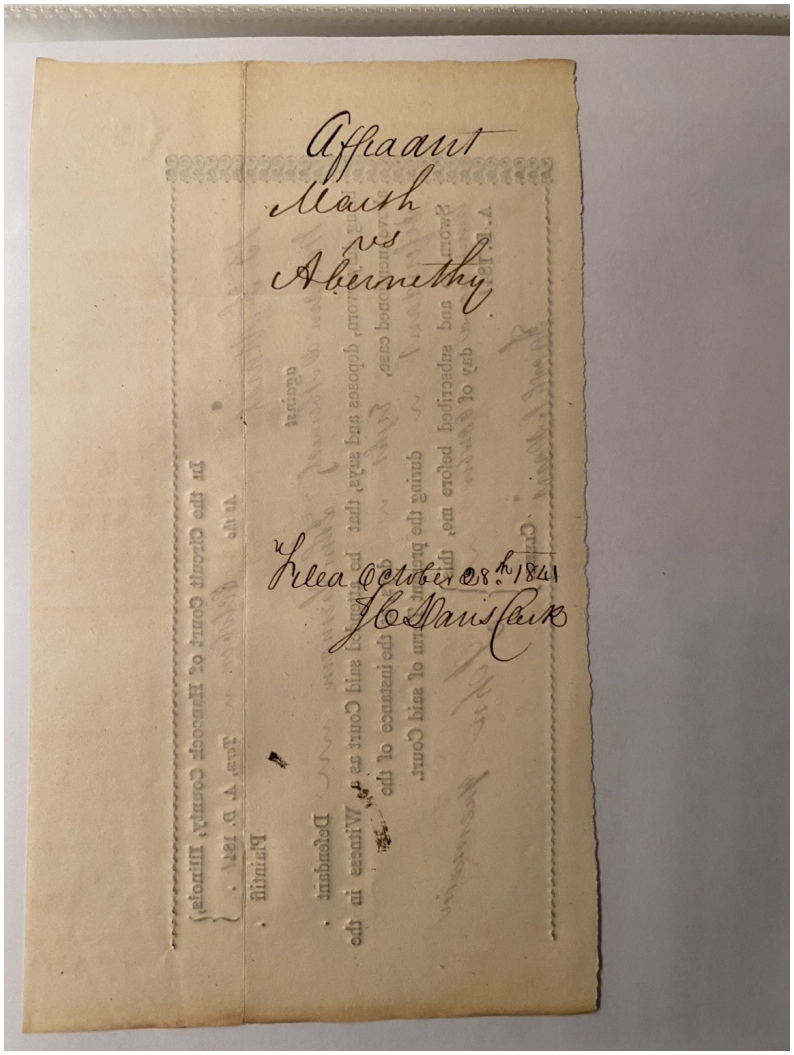
Tremaine's certificate expressly places his attendance at the defendant's instance. Jacob C. Davis authenticated it. The certificate records attendance, not eight days of testimony or an eight-day trial.

Line by line reading

In the Circuit Court of Hancock County, Illinois, }
At the October Term, A. D. 1841. }
B F Marsh Plaintiff .
against
William D Abernathy John Tremain Defendant .
being duly sworn, deposes and says, that he attended said Court as a Witness in the above mentioned case, Eight days, at the instance of the defendant during the present Term of said Court.
Sworn to and subscribed before me, this }
twenty second day of October } John Tremain
A. D. 1841 . }
Jacob C Davis CLERK. }

D3 The clerk files the Tremaine certificate

IMG_3524.jpeg



The reverse identifies the affidavit and records its filing on 28 October 1841. The image is rotated to make the handwritten endorsement upright; no writing has been retouched.

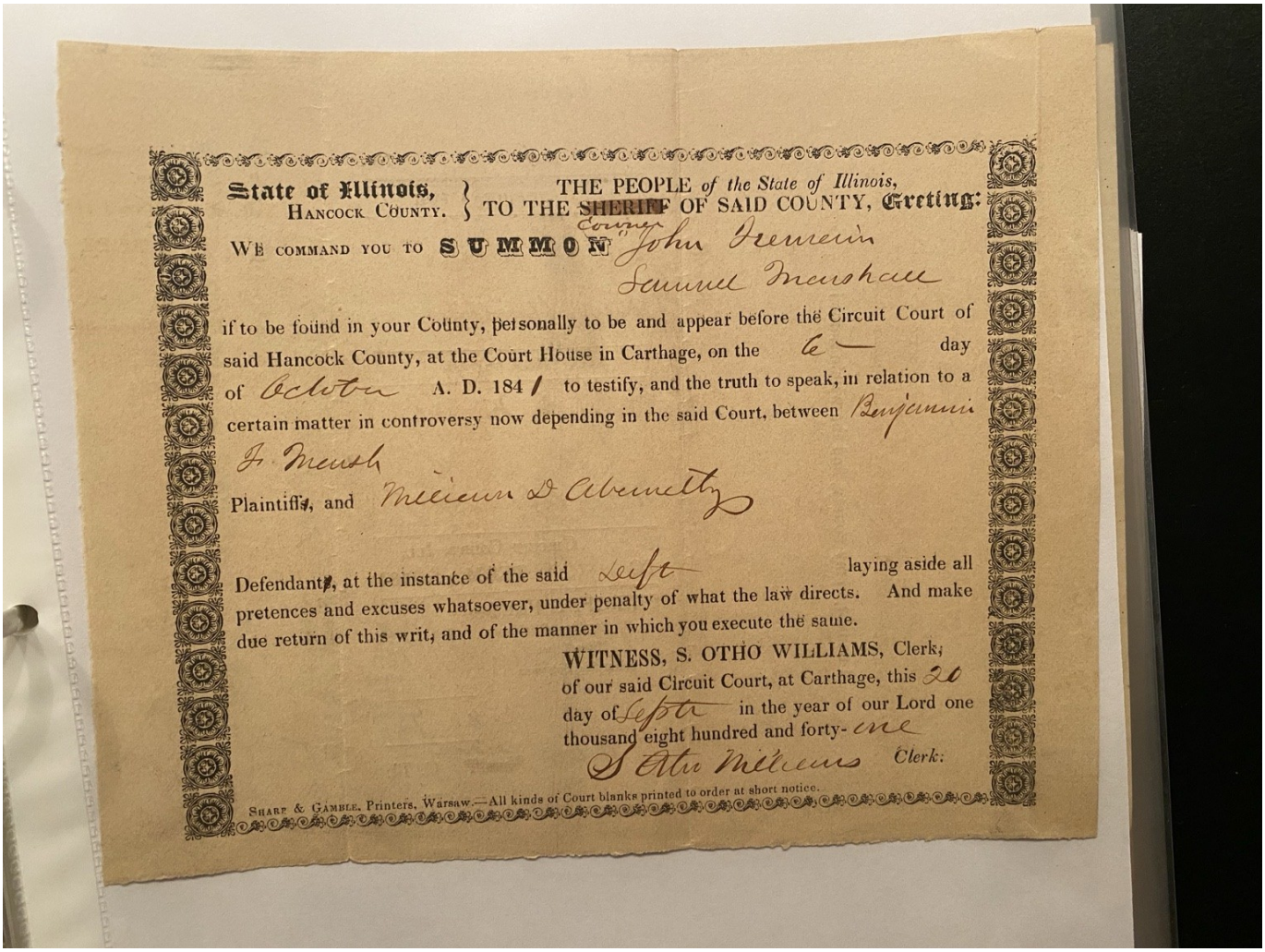
Line by line reading

Affidavit
Marsh
vs
Abernathy

filed October 28th 1841
J C Davis Clerk

D4 Two witnesses are summoned for the defense

IMG_3525.jpeg



State of Illinois, Hancock County. } THE PEOPLE *of the State of Illinois*, TO THE SHERIFF OF SAID COUNTY, Greeting:

Coroner

WE COMMAND YOU TO SUMMON John Tremain
Samuel Marshall

if to be found in your County, personally to be and appear before the Circuit Court of said Hancock County, at the Court House in Carthage, on the 6 — day of October A. D. 184 1 to testify, and the truth to speak, in relation to a certain matter in controversy now depending in the said Court, between Benjamin F. Marsh

Plaintiff, and Millican & Abernathy

Defendant, at the instance of the said Deft laying aside all pretences and excuses whatsoever, under penalty of what the law directs. And make due return of this writ, and of the manner in which you execute the same.

WITNESS, S. OTHO WILLIAMS, Clerk; of our said Circuit Court, at Carthage, this 20 day of Septr in the year of our Lord one thousand eight hundred and forty-one

S Otho Williams Clerk:

Sharp & Gamble, Printers, Warsaw.—All kinds of Court blanks printed to order at short notice.

John Tremain and Samuel Marshall were summoned at the instance of the “Deft.” The form was printed by Sharp & Gamble in Warsaw. Its handwritten coroner designation adapts a blank addressed to the sheriff.

The reading follows on the next page. Brackets identify editorial notes and uncertain text.

D4 Reading of IMG 3525

Line by line reading

State of Illinois, } THE PEOPLE of the State of Illinois,
HANCOCK COUNTY. } TO THE SHERIFF OF SAID COUNTY, Greeting:
[inserted: Coroner]
WE COMMAND YOU TO SUMMON John Tremain
Samuel Marshall
if to be found in your County, personally to be and appear before the Circuit Court of said Hancock County, at the Court House in Carthage, on the 6 day of October A. D. 1841 to testify, and the truth to speak, in relation to a certain matter in controversy now depending in the said Court, between Benjamin F Marsh
Plaintiffs, and William D Abernathy

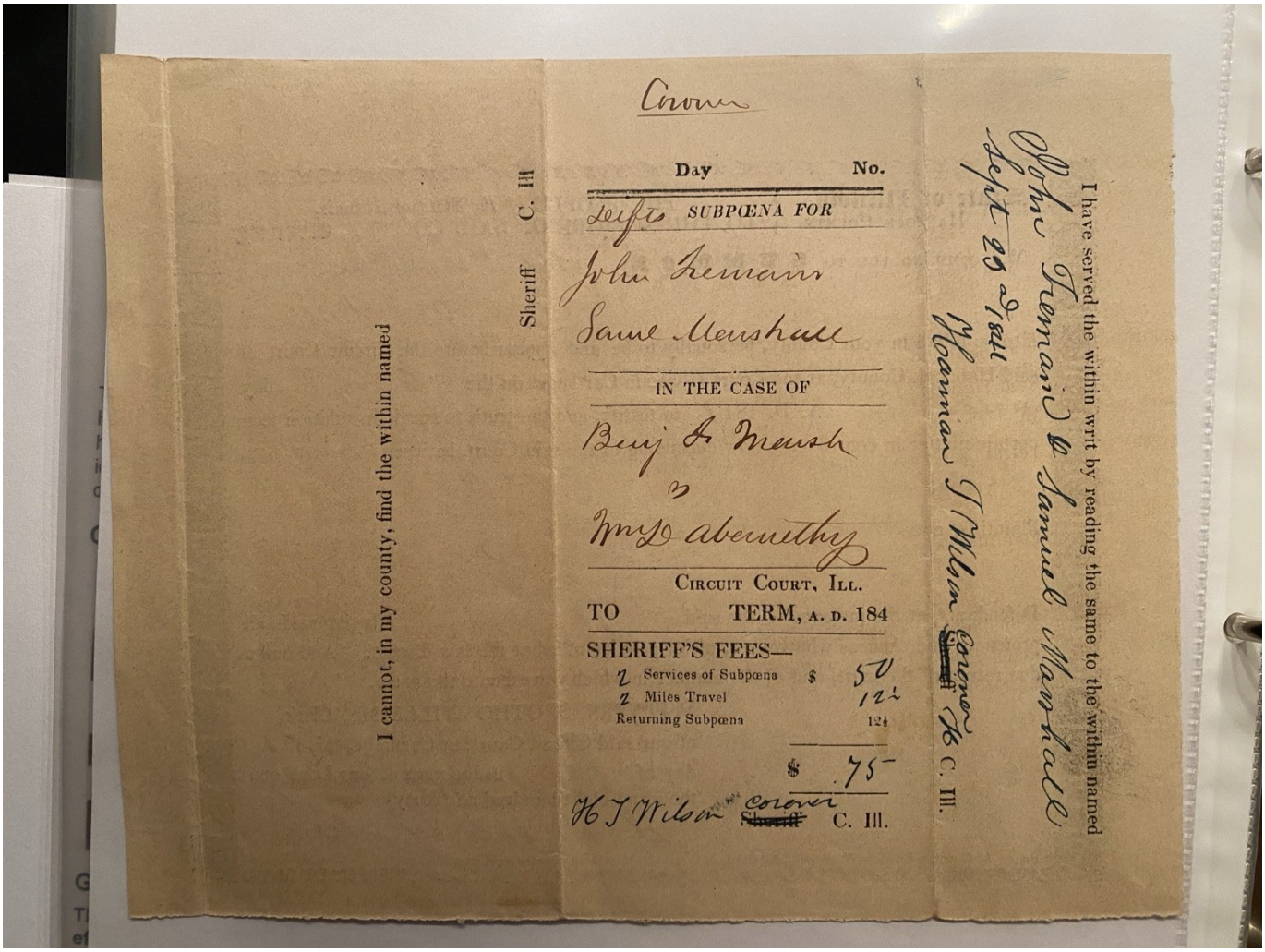
Defendants, at the instance of the said Deft laying aside all pretences and excuses whatsoever, under penalty of what the law directs. And make due return of this writ, and of the manner in which you execute the same.

WITNESS, S. OTHO WILLIAMS, Clerk,
of our said Circuit Court, at Carthage, this 20
day of Sept in the year of our Lord one
thousand eight hundred and forty- one
S Otho Williams Clerk:

SHARP & GAMBLE, Printers, Warsaw.—All kinds of Court blanks printed to order at short notice.

D5 Wilson reports service on Tremaine and Marshall

IMG_3526.jpeg



Crown

Day No.

Sept 23 SUBPŒNA FOR

John Tremaine

Saml Marshall

IN THE CASE OF

Benj A Marsh

v

Wm D abernathy

CIRCUIT COURT, ILL.

TO TERM, A. D. 184

SHERIFF'S FEES—

2 Services of Subpœna $ 50

2 Miles Travel 12½

Returning Subpœna 12½

$ .75

H J Wilson ~~Sheriff~~ Coroner C. Ill.

I have served the within writ by reading the same to the within named

John Tremaine & Samuel Marshall

Sept 23 1841

Hannian J Wilson ~~Sheriff~~ Coroner H. C. Ill.

Sheriff C. Ill

I cannot, in my county, find the within named

The return records service on 23 September. Its fee calculation is 50 cents for two services, 12½ cents for two miles, and 12½ cents for the return: 75 cents altogether.

The reading follows on the next page. Brackets identify editorial notes and uncertain text.

D5 Reading of IMG 3526

Central panel

Coroner
Day No.
Defts SUBPŒNA FOR
John Tremain
Samuel Marshall
IN THE CASE OF
Benj F Marsh
v
Wm D Abernathy
CIRCUIT COURT, ILL.
TO TERM, A. D. 184[blank]
SHERIFF'S FEES—
2 Services of Subpœna $ 50
2 Miles Travel 12½
Returning Subpœna 12½
$ .75
H T Wilson [deleted: Sheriff] [inserted: coroner] C. Ill.

Service panel read horizontally

I have served the within writ by reading the same to the within named
John Tremain & Samuel Marshall
Sept 23 1841
Harmon T Wilson [deleted: Sheriff] [inserted: coroner H] C. Ill.

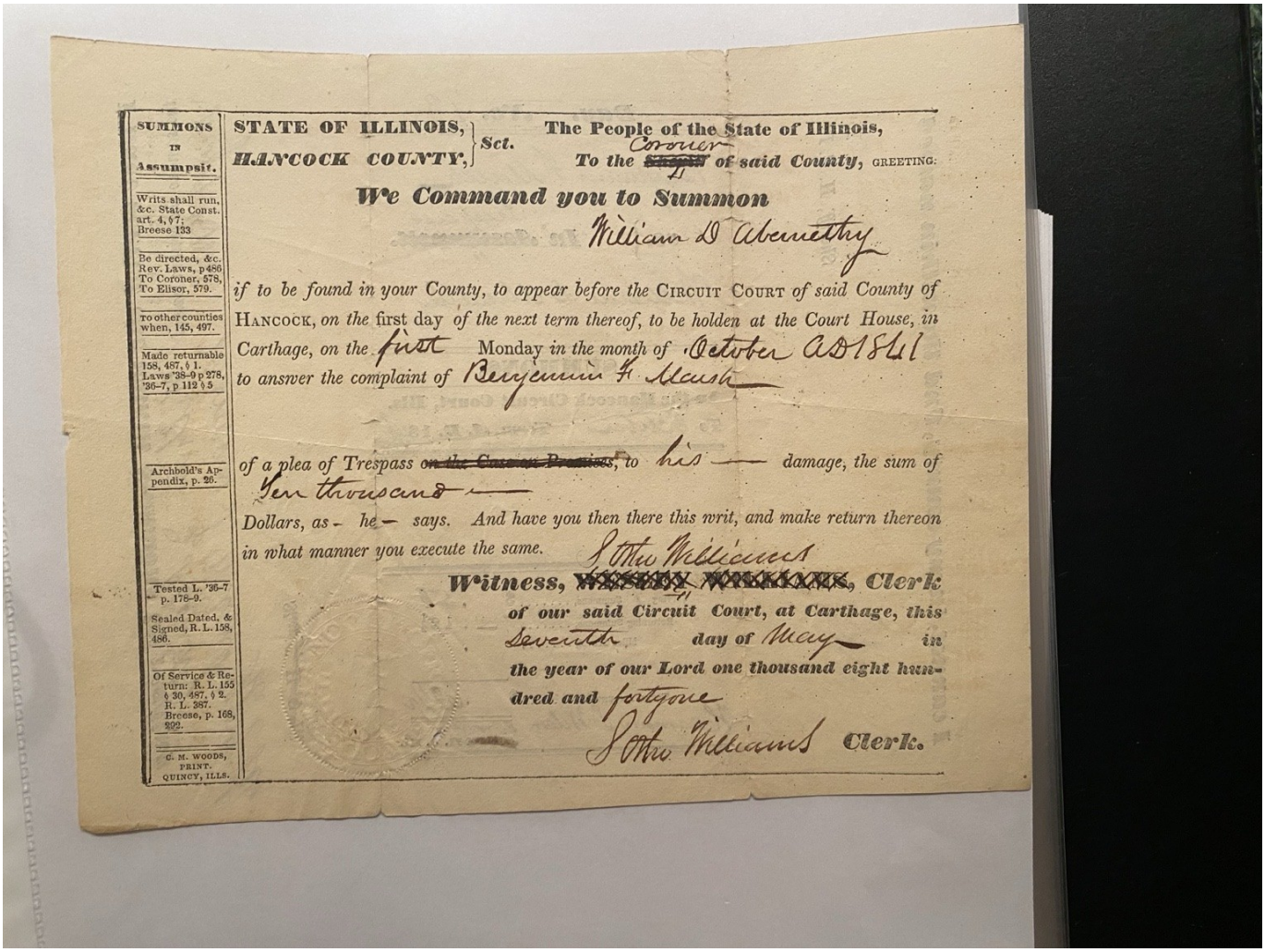
Unused nonservice panel

I cannot, in my county, find the within named
[blank]
Sheriff C. Ill.

The photograph preserves the original orientation of each panel. The readings separate those panels so their text can be compared without confusing service, fees, and unused printed language.

D6 The summons demanding ten thousand dollars

IMG_3527.jpeg



SUMMONS IN Assumpsit.

Writs shall run, &c. State Const. art. 4, § 7; Breese 133

Be directed, &c. Rev. Laws, p486 To Coroner, 578, To Elisor, 579.

To other counties when, 145, 497.

Made returnable 158, 487, § 1. Laws '38-9 p 278, '36-7, p 112 § 5

Archbold's Appendix, p. 26.

Tested L. '36-7 p. 178-9.

Sealed Dated, & Signed, R. L. 158, 486.

Of Service & Return: R. L. 155 § 30, 487, § 2. R. L. 387. Breese, p. 168, 292.

C. M. WOODS, PRINT. QUINCY, ILLS.

STATE OF ILLINOIS, HANCOCK COUNTY, } Sct.

The People of the State of Illinois,

To the Coroner of said County, GREETING:

We Command you to Summon

William D Abernethy

if to be found in your County, to appear 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 first Monday in the month of October AD 1841 to answer the complaint of Benjamin F Marsh

of a plea of Trespass ~~on the Case on Promises~~, to his damage, the sum of Ten thousand Dollars, as he says. And have you then there this writ, and make return thereon in what manner you execute the same.

S Thos Williams

Witness, ~~Wesley Williams~~, Clerk of our said Circuit Court, at Carthage, this Seventh day of May in the year of our Lord one thousand eight hundred and forty one

S Thos Williams Clerk.

The attestation reads “Seventh” day of “May” 1841. The appearance clause names the first Monday in October. The clerk adapted a printed assumpsit form by deleting “on the Case on Promises” after “Trespass.” The embossed seal remains visible.

The reading follows on the next page. Brackets identify editorial notes and uncertain text.

D6 Reading of IMG 3527

Main text with original line divisions

STATE OF ILLINOIS, } The People of the State of Illinois,
HANCOCK COUNTY, } Sct. To the [deleted: Sheriff] [inserted: Coroner] of said County, GREETING.
We Command you to Summon
William D Abernathy

if to be found in your County, to appear 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 first Monday in the month of October AD 1841
to answer the complaint of Benjamin F Marsh

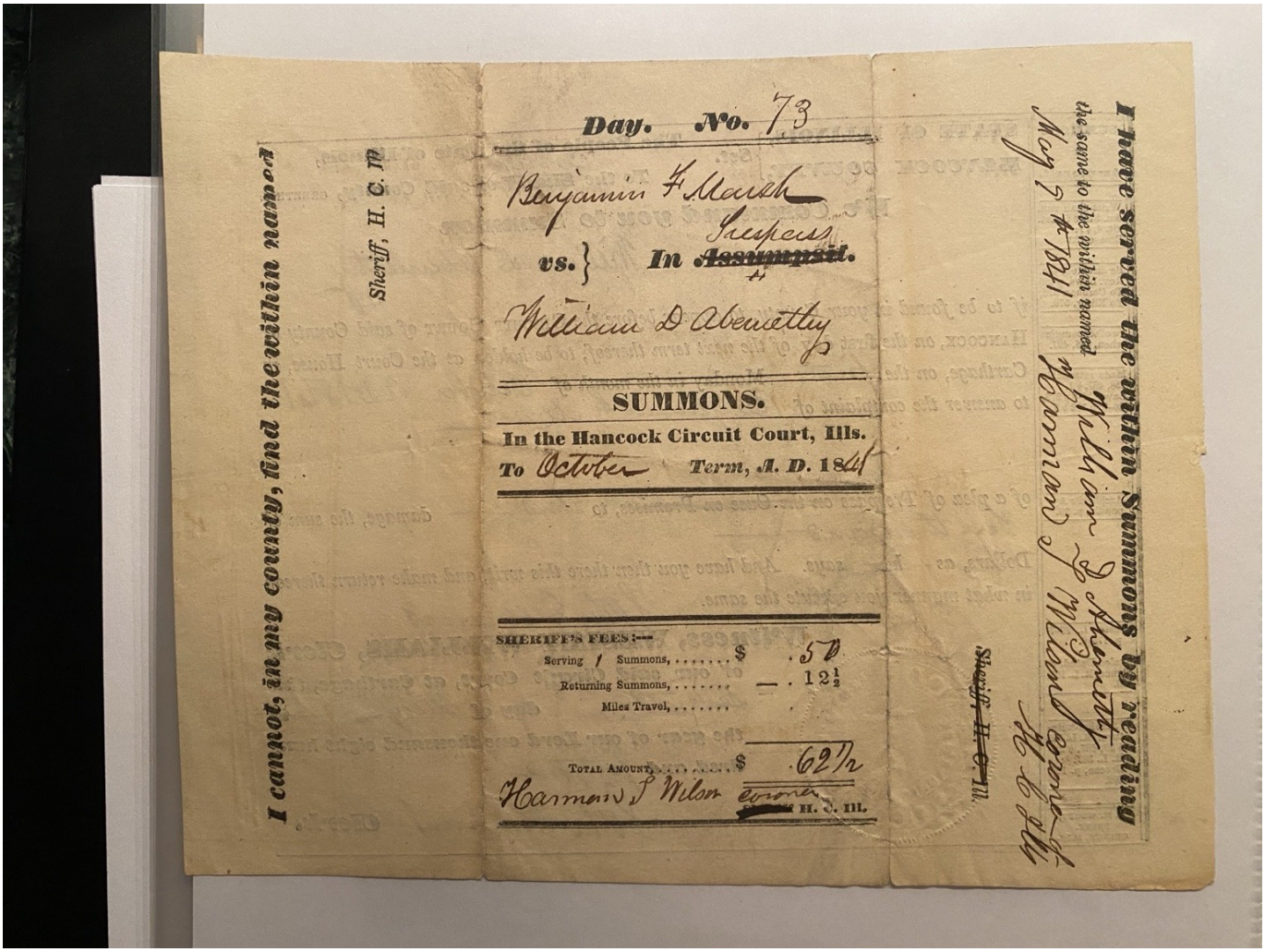
of a plea of Trespass [deleted: on the Case on Promises], to his damage, the sum of
Ten thousand
Dollars, as he says. And have you then there this writ, and make return thereon
in what manner you execute the same.
[inserted above clerk name: S Otho Williams]
Witness, [deleted: WESLEY WILLIAMS], Clerk
of our said Circuit Court, at Carthage, this
Seventh day of May in
the year of our Lord one thousand eight hun-
dred and fortyone
S Otho Williams Clerk.

Printed margin read from top to bottom

Upper margin	Lower margin
SUMMONS IN Assumpsit. Writs shall run, &c. State Const. art. 4, § 7; Breese 133 Be directed, &c. Rev. Laws, p 486 To Coroner, 578, To Elisor, 579. To other counties when, 145, 497. Made returnable 158, 487, § 1. Laws ’38–9 p 278, ’36–7, p 112 § 5. Archbold’s Ap- pendix, p. 26. Tested L. ’36–7 p. 178–9. Sealed Dated, &	Signed, R. L. 158, 486. Of Service & Re- turn R. L. 155 § 30, 487, § 2. R. L. 387. Breese, p. 168, 292. C. M. WOODS, PRINT. QUINCY, ILLS.

D7 The sheriff is served in May

IMG_3528.jpeg



The service endorsement reads May 9, 1841. The central panel again identifies case 73 and its October term. Wilson signed as coroner. The 62½-cent total combines the service and return charges.

The reading follows on the next page. Brackets identify editorial notes and uncertain text.

D7 Reading of IMG 3528

Central panel

Day. No. 73
Benjamin F Marsh
vs. } In [deleted: Assumpsit.] [inserted: Trespass]
William D Abernathy
SUMMONS.
In the Hancock Circuit Court, Ills.
To October Term, A. D. 1841

SHERIFF'S FEES:—
Serving 1 Summons, ... $ .50
Returning Summons, ...12½
Miles Travel, ... [blank]
TOTAL AMOUNT, ... $ .62½
Harmon T Wilson [deleted: Sheriff] [inserted: Coroner] H. C. Ill.

Service panel read horizontally

I have served the within Summons, by reading
the same to the within named William D Abernathy
May 9th 1841 Harmon T Wilson coroner of
H C Ill
[deleted: Sheriff H. C. Ill.]

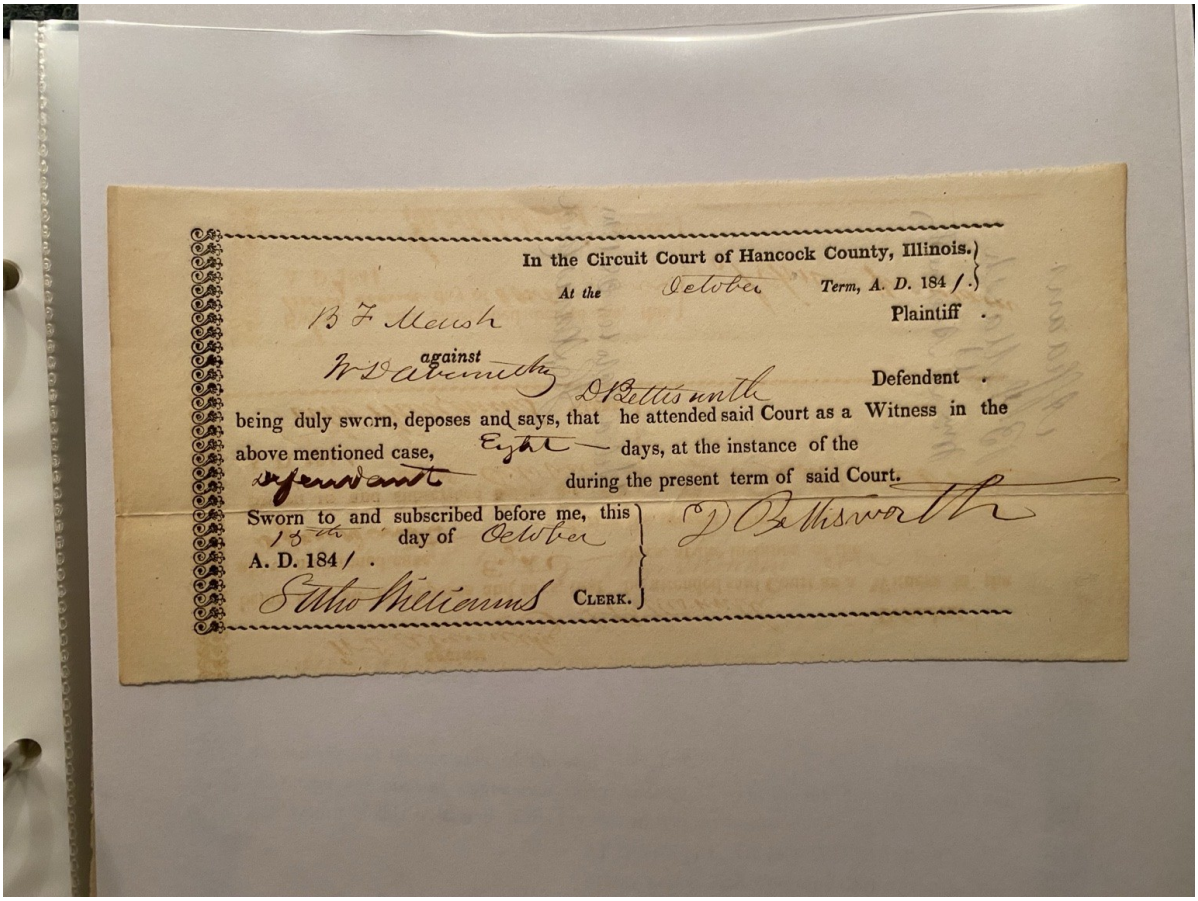
Unused nonservice panel

I cannot, in my county, find the within named
[blank]
Sheriff H. C. Ill.

The photograph preserves the original orientation of each panel. The readings separate those panels so their text can be compared without confusing service, fees, and unused printed language.

D8 Bettisworth also certifies attendance for the defendant

IMG_3529.jpeg



In the Circuit Court of Hancock County, Illinois.
At the October Term, A. D. 184 /.
B F Marsh Plaintiff.
against
W D Abernathy D Bettisworth Defendant.
being duly sworn, deposes and says, that he attended said Court as a Witness in the above mentioned case, Eight days, at the instance of the defendant during the present term of said Court.
D Bettisworth
Sworn to and subscribed before me, this 15th day of October A. D. 184 /.
S Otho Williams CLERK.

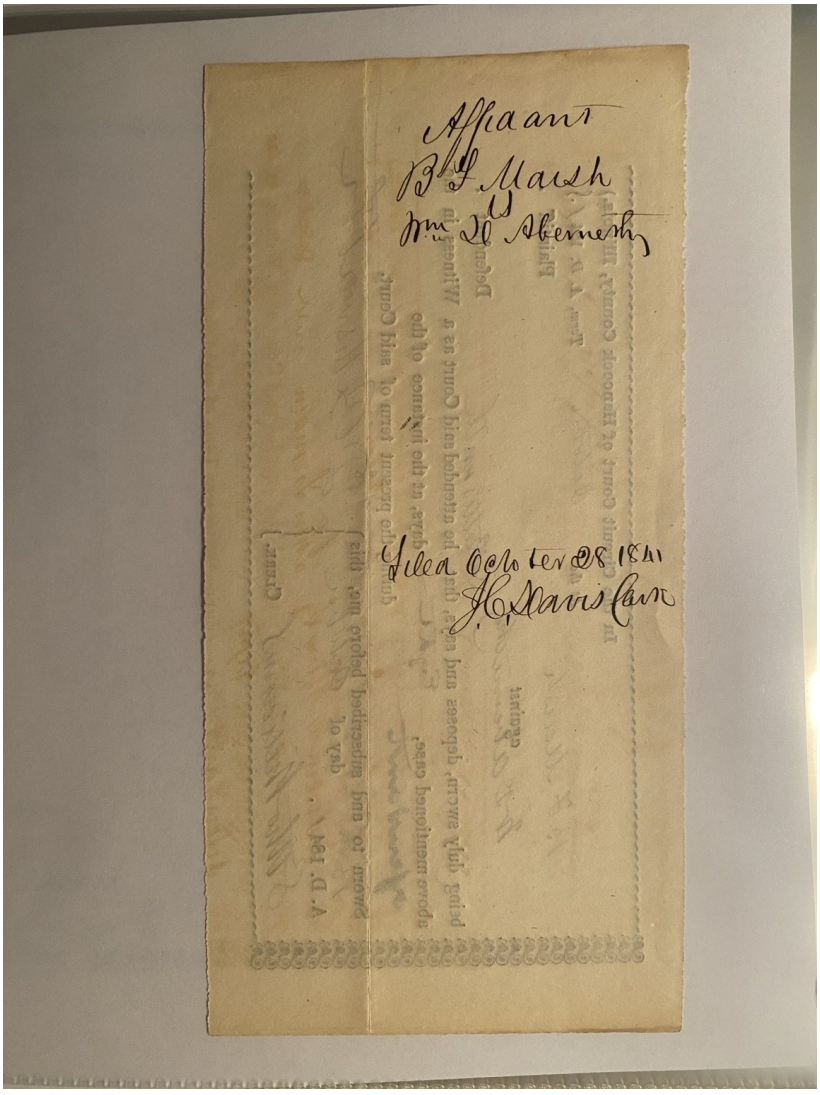
The party designation is “defendant.” The day of the jurat is read here as 15th, with some uncertainty, rather than the earlier report’s 18th. Nothing on the certificate records the substance of his testimony.

Line by line reading

In the Circuit Court of Hancock County, Illinois, }
At the October Term, A. D. 1841. }
B F Marsh Plaintiff .
against
W D Abernathy Defendant .
D Bettisworth
being duly sworn, deposes and says, that he attended said Court as a Witness in the above mentioned case, Eight days, at the instance of the defendant during the present Term of said Court.
Sworn to and subscribed before me, this } D Bettisworth
15th[?] day of October }
A. D. 1841 . }
S Otho Williams CLERK. }

D9 Bettisworth's certificate enters the file

IMG_3530.jpeg



Jacob C. Davis filed this affidavit on 28 October 1841, the same filing date found on the Tremaine certificate.

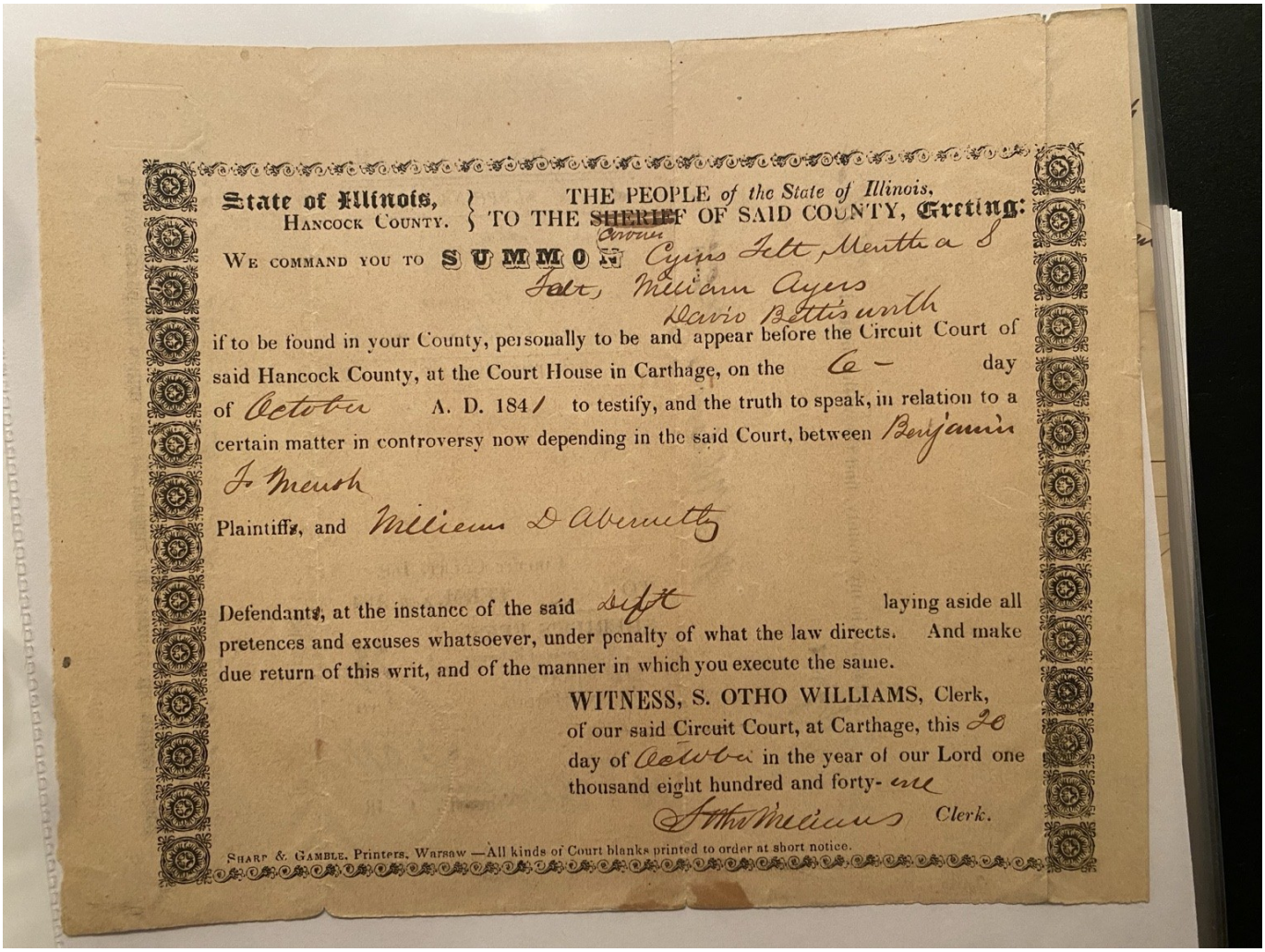
Line by line reading

Affidavit
B F Marsh
vs
Wm D Abernathy

filed October 28 1841
J C Davis Clerk

D10 Marsh's daughter and son in law are summoned

IMG_3531.jpeg



State of Illinois, } THE PEOPLE *of the State of Illinois,*
Hancock County. } TO THE SHERIFF OF SAID COUNTY, **Greting:**

We command you to SUMMON Cyrus Felt, Martha S Felt, William Ayers Dario Bettisworth

if to be found in your County, personally to be and appear before the Circuit Court of said Hancock County, at the Court House in Carthage, on the 6 – day of October A. D. 184/ to testify, and the truth to speak, in relation to a certain matter in controversy now depending in the said Court, between Benjamin F. Marsh

Plaintiffs, and William D Abernathy

Defendants, at the instance of the said deft laying aside all pretences and excuses whatsoever, under penalty of what the law directs. And make due return of this writ, and of the manner in which you execute the same.

WITNESS, S. OTHO WILLIAMS, Clerk, of our said Circuit Court, at Carthage, this 20 day of Octobr in the year of our Lord one thousand eight hundred and forty- one

S Otho Williams Clerk.

Sharp & Gamble, Printers, Warsaw —All kinds of Court blanks printed to order at short notice.

The handwritten "deft" makes this a defense subpoena. The issue clause appears to read 20 October, although the appearance date is 6 October and the reverse records September services. The apparent date inconsistency is retained, not silently resolved.

The reading follows on the next page. Brackets identify editorial notes and uncertain text.

D10 Reading of IMG 3531

Line by line reading

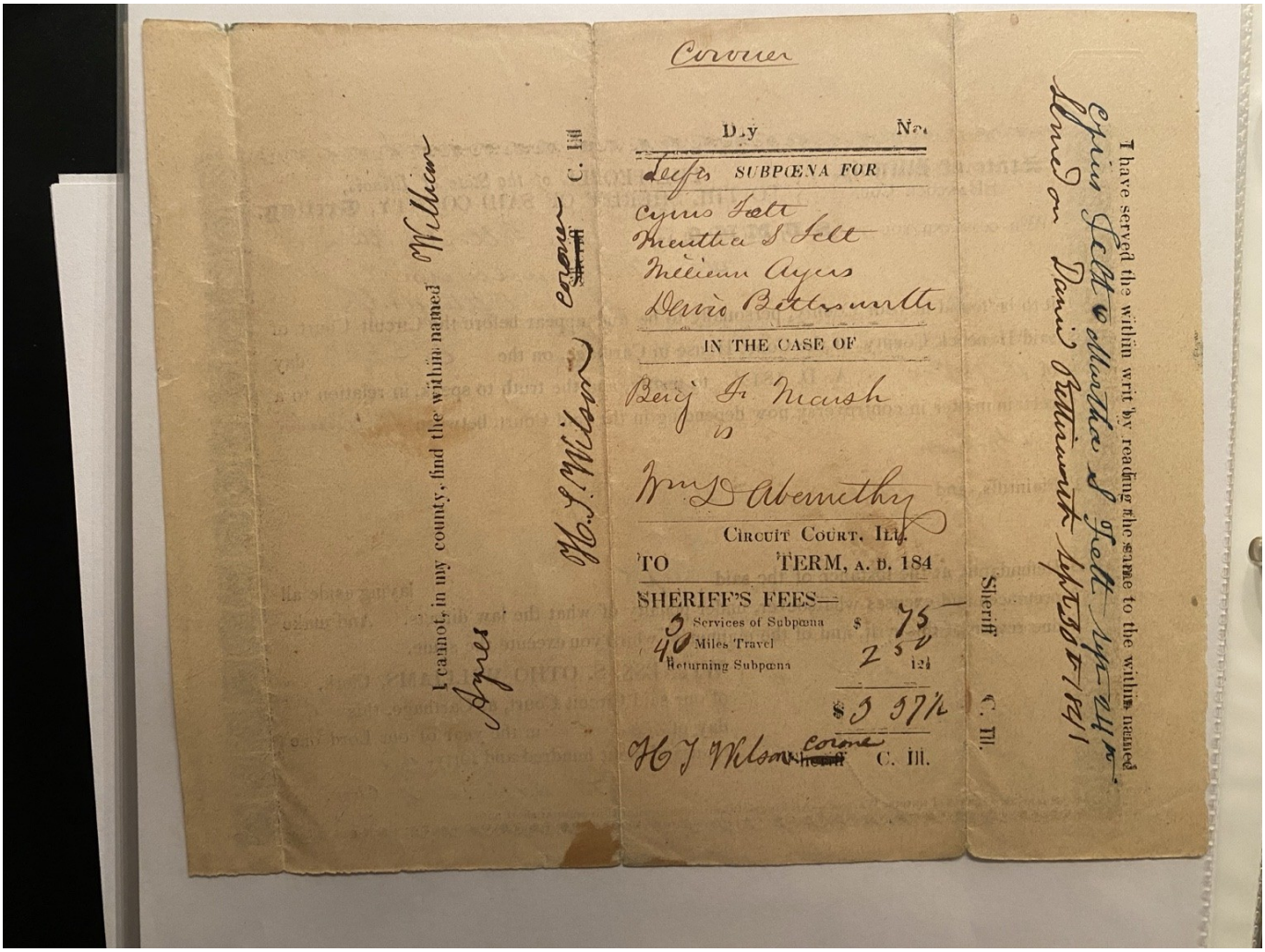
State of Illinois, } THE PEOPLE of the State of Illinois,
HANCOCK COUNTY. } TO THE SHERIFF OF SAID COUNTY, Greeting:
[inserted: Coroner]
WE COMMAND YOU TO SUMMON Cyrus Felt, Martha S
Felt, William Ayres
David Bettisworth
if to be found in your County, personally to be and appear before the Circuit Court of said Hancock County, at the Court House in Carthage, on the 6 day of October A. D. 1841 to testify, and the truth to speak, in relation to a certain matter in controversy now depending in the said Court, between Benjamin F Marsh
Plaintiffs, and William D Abernathy

Defendants, at the instance of the said deft laying aside all pretences and excuses whatsoever, under penalty of what the law directs. And make due return of this writ, and of the manner in which you execute the same.
WITNESS, S. OTHO WILLIAMS, Clerk,
of our said Circuit Court, at Carthage, this 20 day of October[?] in the year of our Lord one thousand eight hundred and forty- one
S Otho Williams Clerk:

SHARP & GAMBLE, Printers, Warsaw.—All kinds of Court blanks printed to order at short notice.

D11 Three people served and one not found

IMG_3532.jpeg



Wilson names Cyrus and Martha Felt together with a September 24 notation, and David Bettisworth with September 30. William Ayres appears in the separate nonservice panel. The mileage reads 40; the fee arithmetic supports a total of $3.37½.

The reading follows on the next page. Brackets identify editorial notes and uncertain text.

D11 Reading of IMG 3532

Central panel

Coroner
Day No.
Defts SUBPŒNA FOR
Cyrus Felt
Martha S Felt
William Ayres
David Bettisworth
IN THE CASE OF
Benj F Marsh
v
Wm D Abernathy
CIRCUIT COURT, ILL.
TO TERM, A. D. 184[blank]
SHERIFF'S FEES—
3 Services of Subpœna $ 75
40 Miles Travel 2 50
Returning Subpœna 12½
$ 3 37½
H T Wilson [deleted: Sheriff] [inserted: Coroner] C. Ill.

Service panel read horizontally

I have served the within writ by reading the same to the within named
Cyrus Felt & Martha S Felt Sept 24 [year mark unclear]
David Bettisworth Sept 30th 1841
Sheriff C. Ill.

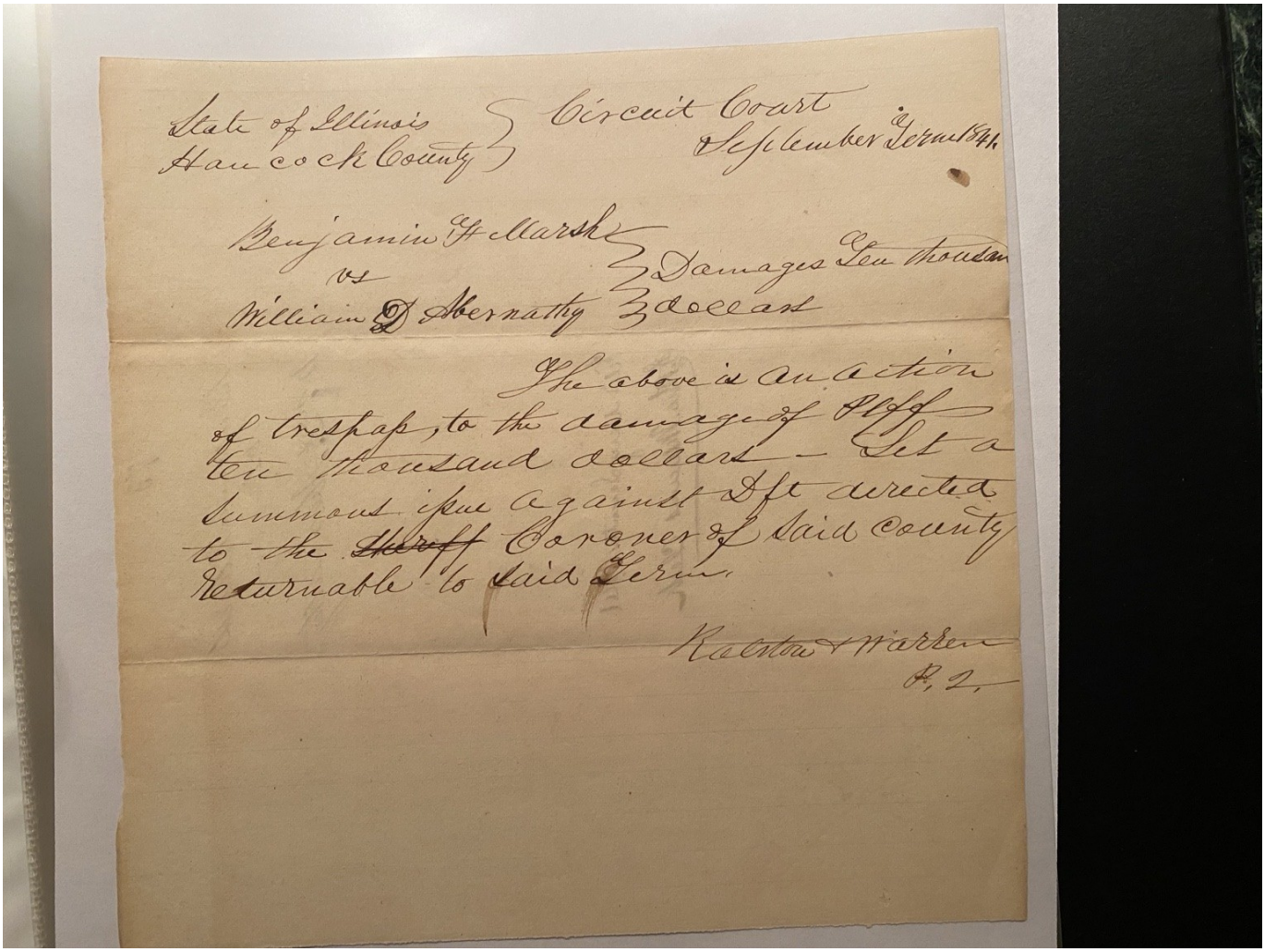
Nonservice panel read horizontally

I cannot, in my county, find the within named William
Ayres
H T Wilson [deleted: Sheriff] [inserted: Coroner] C. Ill.

The photograph preserves the original orientation of each panel. The readings separate those panels so their text can be compared without confusing service, fees, and unused printed language.

D12 The lawyers ask the clerk to issue process

IMG_3533.jpeg



State of Illinois
Hancock County } Circuit Court
September Term 1841

Benjamin F. Marsh
vs
William D. Abernathy } Damages One thousand
} Dollars

The above is an action of trespass, to the damage of Fifty ten thousand dollars — Let a Summons issue against Dft directed to the ~~Sheriff~~ Coroner of said County Returnable to said Term.

Ralston & Warren
P. Q.

This is the fully handwritten memorandum. The endorsement is read as Ralston & Warren. “Sheriff” is struck through and replaced by “Coroner.” The September term heading must be considered alongside the May filing endorsement on its reverse.

The reading follows on the next page. Brackets identify editorial notes and uncertain text.

D12 Reading of IMG 3533

Line by line reading

State of Illinois } Circuit Court
Hancock County } September Term 1841

Benjamin F Marsh }
vs } Damages Ten thousan[d]
William D Abernathy } dollars

The above is an action
of trespass, to the damage of Plff
ten thousand dollars — Let a
summons issue against Dft directed
to the [deleted: Sheriff] Coroner of said county
returnable to said Term

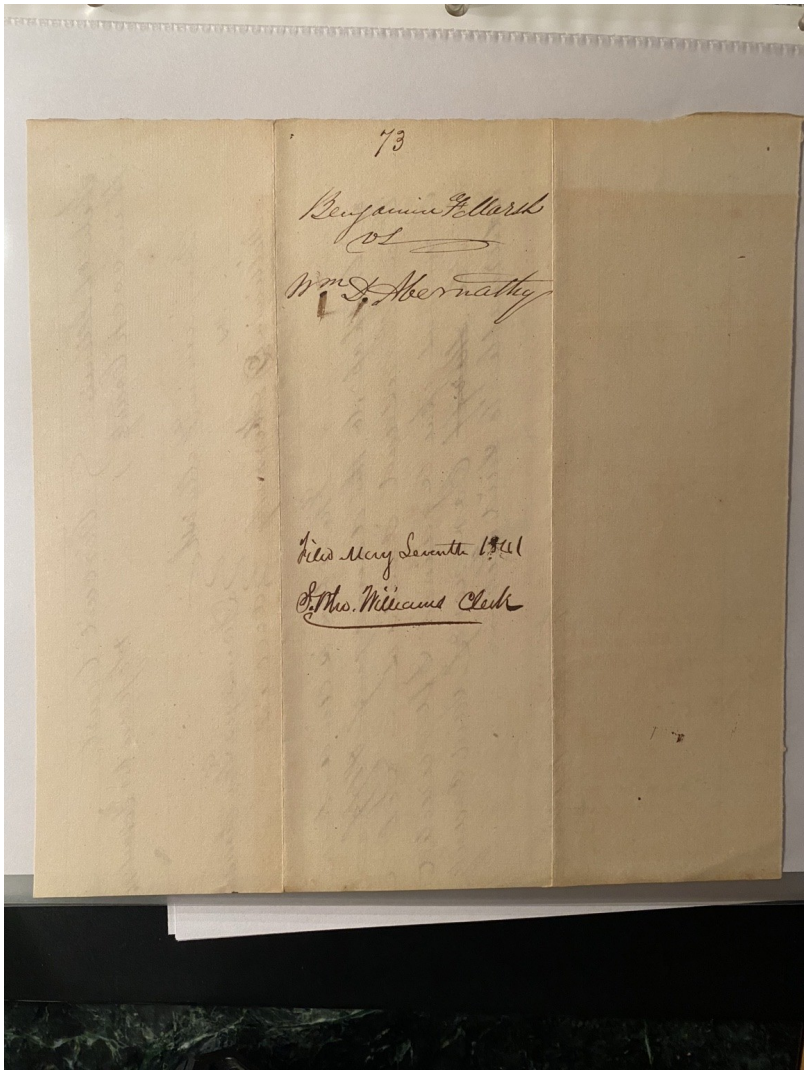
Ralston & Warren
[abbreviation unclear]

What the request tells us

The lawyers requested process in a civil action for $10,000. They expressly directed the summons to the coroner after cancelling the word sheriff. The document does not explain the act complained of. Its term heading and reverse filing date are reproduced separately so the reader can inspect the discrepancy.

D13 A May filing endorsement on the lawyers' request

IMG_3534.jpeg



The reverse reads "Filed May Seventh 1841" over S. Otho Williams's signature. Together with the summons and its return, it establishes May activity in a file later associated with the October term.

Line by line reading

73

Benjamin F Marsh
vs
Wm D Abernathy

Filed May Seventh 1841
S Otho Williams Clerk

The story behind the papers

A sheriff receives his own summons

The printed summons had been designed for everyday court business. A clerk could fill in a name, an amount, a date, and a cause of action, then send the sheriff out to deliver it. This time the name entered was William D. Abernathy, the sheriff himself. The form needed alterations. “Coroner” replaced “Sheriff,” and Harmon T. Wilson became the officer responsible for reading it to Abernathy. [D6–D7]

Marsh’s lawyers also adapted the legal language. The blank was headed “Summons in Assumpsit,” a form commonly associated with promises and contracts. They struck out the words after “Trespass” that would have carried the action into the printed promise language. Their handwritten memorandum requested a summons in trespass for ten thousand dollars and likewise changed the receiving officer from sheriff to coroner. These small alterations are worth looking at closely: they show the clerk fitting an available printed form to the actual lawsuit. [D6; D12]

The papers put that work in May. The memorandum was filed on May 7, the summons bears the same date, and Wilson’s return records service on May 9. Other entries refer to September and October terms. Those inconsistencies prevent a perfectly smooth reconstruction of every procedural step, but they do not justify moving the May entries to September. [D6–D7; D12–D13]

The daughter in the witness list

The most arresting names on the witness subpoena are Cyrus Felt and Martha S. Felt. Martha was Benjamin Marsh’s daughter. Her husband had business and civic ties to her father as well as the family connection. Yet the subpoena called for them at the defendant’s instance. They had been requested in the sheriff’s defense. [D10–D11; B2]

That is a reason to read carefully, not a reason to invent a family rupture. A lawyer could summon someone believed to know a useful fact, even if that person was related to the opposing party. The subpoena does not show that Martha or Cyrus opposed Marsh personally, agreed with Abernathy, or ultimately testified. It records that their attendance was sought and that Wilson reported serving them.

Martha deserves a place in the story in her own right. The clerk wrote her name separately. Whatever her expected knowledge, the court’s process reached her as an individual. The document preserves a moment from a life that is otherwise easier to trace through parents, marriage, children, and death. Here she enters the public record as someone expected to know something that mattered to a lawsuit.

The return also brings the work of finding witnesses into view. Wilson recorded the Felts’ service, David Bettisworth’s service, and the failure to find William Ayres. He charged for three services and forty miles of travel. The missing witness was not erased from the paperwork: the failure to locate him became part of the record. [D11]

Eight days for the defendant

Two men left sworn attendance certificates. John Tremaine claimed eight days at the defendant’s instance. David Bettisworth claimed the same. Their forms do not preserve their evidence, but they establish a more substantial connection to the proceeding than a name on an unserved subpoena. Both certificates were filed on October 28. [D2–D3; D8–D9]

An eight-day attendance claim should not be turned into an eight-day trial. Witnesses might wait while other business occupied the court, and an attendance affidavit gives no daily account. What survives is the men’s sworn claim that court business had taken eight days of their time. The certificates allow us to distinguish their actual reported attendance from the merely intended attendance of William Ayres.

Samuel Marshall appears with Tremaine on the other defense subpoena. Marshall’s service is recorded, although this collection has no separate attendance certificate for him. The original report treated the witnesses as if they divided into opposing camps. The forms instead show two defense subpoenas and

two defense attendance claims. Marsh presumably needed to prove his case, but his own witness preparation is not documented by a separate plaintiff subpoena in this packet. [D4–D5]

What might have brought these men to court

Marsh's public work offers one possible lead. As school commissioner he dealt with land and obligations intended to support education. Abernathy's work as sheriff placed him in contact with people, goods, debts, and court-ordered enforcement. Their duties could have brought them into a disagreement over possession or official action. That possibility fits their occupations, but it does not supply the missing complaint. [B1; N2]

A letter written by Calvin Warren to Joseph Smith on August 31, 1841, gives a glimpse of the same financial world. Warren relayed terms for Smith to buy a Mr. Morris's house and seven acres near Warsaw. The price was $2,250, including assumption of a debt to School Commissioner Marsh. The letter changes the debt figure from $700 to $750. The Joseph Smith Papers identifies the owner as probably Isaac N. Morris, while allowing another possibility. Because the case papers show activity in May, this August letter cannot be used as an event immediately preceding the lawsuit's commencement. [B3; N3]

Another connection appears in 1843. Marsh and Cyrus Felt, together with John D. Mellen, administered the estate of John R. Wilcox. A school-trustee foreclosure joined members of the Wilcox family, the administrators, Thomas and Hannah Sharpe, and Abernathy. Property advertised for sale included school-section land and a Warsaw lot. These recurring names deserve notice; the record supplied here does not prove that the foreclosure grew out of the 1841 trespass. [B1; N3]

The simplest honest explanation for a casual reader is that Marsh accused Abernathy of a direct civil wrong and asked for a large sum in damages. A property dispute is a useful possibility to explore. A particular seizure, assault, arrest, parcel, or mortgage remains unproved. The uncertainty belongs to the surviving evidence, not to a lack of interest in the people.

A printer's name at the foot of the page

The subpoenas contain another small invitation to the reader. At the bottom is the imprint "Sharp & Gamble, Printers, Warsaw," followed by an advertisement for court blanks. The papers were manufactured goods as well as legal instruments: printed in one place, completed by a clerk, carried by an officer, and eventually folded into a court file. The summons came from a different printer, C. M. Woods of Quincy. [D4; D6; D10]

The Sharp & Gamble imprint connects these ordinary court forms to the Warsaw printing business associated with Thomas C. Sharp. That shop also published William Harris's Mormonism Portrayed in 1841. The connection helps readers recognize a familiar name in an unexpected setting. It gives no evidence that Sharp directed or influenced this lawsuit. [B9]

The lives that continued beyond case 73

The paperwork ends without a verdict, but the people do not disappear. Martha and Cyrus raised a family at Montebello; Marsh continued in property and estate affairs; Ralston's career took him west. Wilson, Bettisworth, Warren, and Davis reappear in the later Nauvoo conflicts. Their biographies follow. Those later events give the signatures added interest, but they cannot establish anyone's motive in 1841. [B1–B5; B7]

What survives is a human story: a plaintiff seeking redress, a sheriff required to answer, relatives summoned, witnesses claiming their time, and clerks recording what had been done. The missing verdict limits the ending we can give the lawsuit. It does not prevent us from recovering the people on its pages.

The people and their lives

These sketches retain the earlier project's extended biographical research while correcting each person's role where the manuscript review requires it. Their later lives are told in sequence; later events do not establish their motives in 1841.

Benjamin Franklin Marsh Sr 1792 to 1864

To readers familiar with later Illinois politics, the name Benjamin F. Marsh may first suggest the soldier and congressman. The plaintiff in this file was his father. The elder Benjamin Franklin Marsh was born on December 4, 1792, to John Marsh and Martha Grout. He married Ruth Wetmore in 1813, and their family eventually settled in Hancock County. The Andreas atlas remembered the Marshes among the early residents of Wythe Township. Ruth died in the county in 1837. [B1; B6]

Marsh farmed, owned land, and took on public responsibilities. His position as county school commissioner placed him in a part of frontier government where schooling depended upon land, loans, and the collection of obligations. A debt owed to School Commissioner Marsh appears in Calvin Warren's 1841 correspondence about property near Warsaw. That makes Marsh's office relevant to the suit, although the papers never say that he sued Abernathy in an official capacity. [B1; B3]

His interest in education reached beyond that office. In 1837 he became a trustee of the Carthage Female High School and Teachers' Seminary, alongside Cyrus Felt, Samuel Marshall, Mark Aldrich, Sidney H. Little, Thomas Gregg, and other local men. Several people who meet again in these court papers had already worked together on a community institution. Their connections existed before the later conflict surrounding Nauvoo. [B1]

Family ties were equally close. His daughter Martha Sophia married Cyrus Felt in 1836. The two were summoned at Abernathy's request in the 1841 case. That fact complicates any simple division of the participants into friends on one side and opponents on the other. In 1843 Marsh and Felt were working together as administrators of John R. Wilcox's estate. Their later shared responsibility provides no support for inventing a lasting family breach over the subpoena. [D10–D11; B1–B2]

Marsh died on November 23, 1864. His surviving lawsuit records a demand for redress but does not preserve his account of the injury. A reader can understand his place in the county and the significance of the people involved without assuming that his public position proves the cause of the dispute. No evidence identified in the project establishes his membership in the Church of Jesus Christ of Latter-day Saints. [B1; N4]

William D Abernathy

Before he appears here as a defendant, William D. Abernathy appears in the history of Augusta. He and his brother-in-law Joel Catlin belonged to its founding generation; the prior research places the settlement's beginnings in 1832. Abernathy became its first postmaster. Augusta's name recalled Augusta, Georgia. His place in local memory began with a town and its communications, not with this lawsuit. [B1; B6]

As sheriff, Abernathy carried out orders that could affect a person's liberty, property, or livelihood. Serving writs, arresting defendants, summoning jurors, executing judgments, and conducting sales could draw an officer into disputes over authority and ownership. Those duties explain why an action in trespass against a sheriff deserves attention. They do not establish that the act complained of here was official misconduct. Abernathy also had private interests that might have brought him to court. [D6–D7; N2]

One of those interests was development. The 1839 incorporation of the Des Moines Rapids Railroad Company named him with Calvin Warren, Daniel S. Witter, David W. Mathews, Joel Catlin, Isaac N. Morris, Isaac Galland, Mark Aldrich, former governor Joseph Duncan, and Richard F. Barrett. A railroad proposal could gather lawyers, merchants, landholders, and public officers around hopes for the region's future. The same people might later meet over debts and contested property. [B1]

In this case Abernathy's position required someone else to serve process. Harmon T. Wilson acted as coroner, while the clerk altered printed forms ordinarily addressed to the sheriff. The defense sought Tremaine, Marshall, the Felts, Ayres, and Bettisworth as witnesses. Only the attendance certificates of Tremaine and Bettisworth survive in the packet. [D2–D11]

Abernathy's name returns in the 1843 school-trustee foreclosure involving the Wilcox estate. The surviving notice does not explain whether he held title, a lien, or some other interest requiring his inclusion. By 1845 he was also involved in jury process connected with the Smith-murder prosecution. His county career thus extended across both ordinary civil business and the period's most famous criminal proceedings. The project has not securely documented Church membership, a Nauvoo Legion commission, or membership in a formal anti-Mormon committee. [B1; N3–N4]

Martha Sophia Marsh Felt 1817 to 1852

Martha Sophia Marsh was twenty-four in the autumn of 1841. Born on April 28, 1817, she was a daughter of Benjamin Franklin Marsh and Ruth Wetmore. On September 29, 1836, she married Cyrus Felt in Hancock County. Five years later, a subpoena named her in her father's lawsuit against the sheriff. [B2; D10]

The wording matters. Martha was summoned in her own name, and the request was made for the defendant. There is no surviving account of what she knew or whether she actually took the stand. She might have known about events, statements, possessions, or some other fact, but selecting one of those possibilities would manufacture testimony. Her named place on the subpoena is sufficient reason to introduce her early. [D10–D11]

Her family history gives that name a life beyond the paper. Martha and Cyrus had eight children between 1837 and 1852: Charles Cyrus, Abby Sophia, George Oliver, another Charles Cyrus, Irene Sophia, Alice Mary, Helen Amelia, and Martha Elizabeth. Their family record contains repeated childhood and youthful deaths. George Oliver later died during Civil War service near Palmyra, Missouri. The repeated use of Charles Cyrus recalls the loss of an earlier child. [B2]

Martha died on January 29, 1852, nine days after the birth of Martha Elizabeth. She was thirty-four. Her husband survived her for two decades and eventually remarried. These later losses should not be imagined into the courtroom of 1841, but they give a reader a fuller sense of the short life behind the name. The project has found no evidence establishing that Martha belonged to the Latter-day Saint church. [B2; N4]

Cyrus Felt 1807 to 1872

Cyrus Felt came west from New Hampshire and made a life at Montebello, on the Mississippi north of present-day Hamilton. Born in 1807, he was established there by the early 1830s. He first worked in commerce and later became associated with farming and fruit cultivation. The house bearing his name, built about 1834, supplies a physical reminder of that early settlement. It was listed on the National Register in 1980. [B1–B2; B8]



The Cyrus Felt house near Hamilton in 2015. Built about 1834 and altered over time; this modern view does not show its exact appearance in 1841. Photograph by Nyttend, public domain. [B8; I2]

His first wife, Abby R. Brown, died in 1834. His 1836 marriage to Martha Sophia Marsh connected him to Benjamin Marsh's household. Their marriage also placed two people with close family knowledge of the plaintiff on Abernathy's 1841 witness list. The subpoena gives no explanation of what the defense hoped to learn from them. [B2; D10–D11]

Cyrus shared his father-in-law's educational interests. Both served as trustees of the Carthage Female High School and Teachers' Seminary in 1837. Later records show Cyrus engaged in agriculture at Montebello and holding substantial fractional tracts, including some held jointly. In 1843 he served with Marsh and John D. Mellen as an administrator of the Wilcox estate. Commerce, farming, public service, and family obligations repeatedly overlapped in his life. [B1]

Martha's death left him a widower again. He married Caroline Lyman in 1856. He died in Montebello Township in January 1872; the earlier project found conflicting published day dates, the seventeenth and twenty-seventh. The month and year are retained while that smaller discrepancy remains open. [B1–B2]

A group of his 1839–1841 letters is described in the George W. Boyd papers at the Maine Historical Society. The catalog indicates that the correspondence includes opinions about the Mormons, but the letters themselves were not available in the project's remote research. Their existence cannot tell us what those opinions were. No secure Church, Nauvoo Legion, temple, or Masonic affiliation was established for Felt. [B1; N4–N5]

David Bettisworth 1814 to 1866

David Bettisworth's signature gives a direct point of contact with a man later familiar in the story of Joseph Smith's final weeks. In 1841 he was a witness who swore that he had attended court for eight days at the defendant's instance. His certificate is one of the clearest surviving statements of actual participation in this case. [D8–D9]

Born in Virginia on July 14, 1814, to Evan Bettisworth and Drusilla Bean, he came with his family to Chili Township in 1833. He became a merchant and constable. Such work brought him into contact with residents and county legal business, but the packet does not disclose why Abernathy wanted his attendance or what facts he knew. He was named on the same subpoena as Cyrus and Martha Felt and William Ayres. [B1; B3; D10–D11]

On June 12, 1844, following destruction of the Nauvoo Expositor, Bettisworth served Joseph Smith with process. Smith sought relief through the Nauvoo Municipal Court rather than immediately accompanying him to Carthage. Later that month Bettisworth and George D. Grant helped carry news of Joseph and Hyrum Smith's deaths to Nauvoo. The earlier civil witness thus reappears at moments of far greater consequence. [B1; B3]

His life continued beyond those events. The Joseph Smith Papers biography records that he moved to Texas by 1860 and had returned to Hancock County by 1865. He died on November 8, 1866, and was buried in Bethel Cemetery in Bear Creek Township. The case file establishes his attendance for Abernathy; his later duties and movements belong to his wider biography. Neither proves a religious allegiance or a motive for his participation in 1841. [B3; N4]

John Tremaine

John Tremaine left a signature and an attendance claim, but a securely connected life history remains elusive. His surname appears in forms read as Tremain or Tremaine; those spellings should be kept together in research. The manuscript reading in this edition uses "Tremain" where that appears to be the written form. [D2–D5]

Wilson served him with Samuel Marshall on September 23, 1841. Tremaine then certified eight days of attendance at the defendant's instance during the October term. Jacob C. Davis authenticated the certificate, and it was filed on October 28. Those are firm points around which any future identification must fit.

The earlier research located more than one possible Tremaine family in the region, but no independent record securely links this witness to a particular residence, occupation, family, or death. He should remain an individual whose participation is documented and whose biography is incomplete. Both he and Bettisworth certified attendance for Abernathy; their certificates do not show witnesses on opposing sides. [B1; D2; D8]

Samuel Marshall

Samuel Marshall would have understood the language of these forms. As a Hancock County justice of the peace and civic figure, he issued process, entered judgments, and certified proceedings in other surviving county records. In this file, however, he was named as a witness rather than as the magistrate deciding the dispute. [B1; D4–D5]

He also knew Marsh and Felt through public service. All three had been trustees of the Carthage Female High School and Teachers' Seminary in 1837. That shared work offers a concrete example of how closely the county's officeholders and leading residents were connected. It does not disclose the subject of Marshall's expected evidence. [B1]

The subpoena expressly requested Marshall and Tremaine for the defendant. Wilson's return records service on both men, but no separate Marshall attendance certificate survives here. His appearance in the subpoena therefore establishes intended defense attendance, while his actual evidence and time at court remain unknown. [D4–D5]

The prior project places Marshall within the county's legal and administrative circles, including work associated with bankruptcy matters and county claims. He died on June 24, 1845. That wider career should be kept distinct from speculation about what he might have said in Marsh v. Abernathy. [B1]

William Ayres or Ayers

William Ayres enters the story through a failure to find him. His name appears on the defense subpoena with the Felts and Bettisworth, but Wilson completed the separate panel stating that he could not find Ayres in the county. The return charges for three services, consistent with the three people it names as served. [D10–D11]

The earlier research identified a William and Amelia Ayres household in the Hancock County setting, but the link to this particular witness remains unproved. Ayres and Ayers are both useful spellings to search. A deed, census neighborhood, tax entry, marriage, or probate record would need to connect a candidate to the people or locality of this case. [B1]

No paper in this packet establishes that he later appeared voluntarily or received another subpoena. Nor has the project securely placed this William in a formal anti-Mormon committee, the Nauvoo Legion, a Masonic lodge, or the Church. The accurate story is that the defense sought him and the serving officer reported him not found. [D11; N4]

Harmon T Wilson 1815 to 1851

Harmon T. Wilson is the most visible traveling officer in the packet. He read the summons to Abernathy, served witnesses, recorded the unsuccessful search for Ayres, and entered fees. His title explains his role: a coroner could act when the sheriff was himself a party. The clerk's alterations to the printed forms make that substitution visible. [D4–D7; D10–D12]

Wilson was born on February 1, 1815, in Montgomery County, Virginia, to John Wilson and Elizabeth Cummins. In Hancock County he worked as a merchant and held positions that included deputy sheriff, constable, and coroner. His service return dates the summons to May 9, 1841; the later witness returns record September activity. [B1; B4; D5; D7; D11]

In June 1843 he and Missouri agent Joseph H. Reynolds arrested Joseph Smith in Illinois. Smith alleged abusive treatment and pursued litigation against them. The Joseph Smith Papers preserves the associated legal record. For readers familiar with that episode, Wilson's earlier signature in an ordinary civil case is a reminder that his county career had already been underway. [B4]

Later tax-redemption records show Wilson holding certificate interests in property. He died on June 27, 1851. His public duties and private business often placed him in the same local circles, but the present file records him serving process, not witnessing the alleged trespass. His later confrontation with Smith supplies biographical context without proving a factional purpose in the 1841 service. [B1; N4]

Samuel Ortho Williams

The forms print "S. Otho Williams," and the handwriting repeats that name in signatures and endorsements. The project identifies him as Samuel Ortho Williams, also found as S. O. Williams. A separately proposed Samuel Arthur Williams is unnecessary to explain these documents. The summons even preserves an older printed clerk's name, Wesley Williams, struck through and replaced by S. Otho Williams. [D4; D6; D8; D10; D13]

Samuel was a son of Wesley Williams and worked in the county clerk's office. In these papers his responsibilities included issuing or authenticating process, taking Bettisworth's affidavit, and filing the lawyers' request. The May endorsement on that request is particularly important to the revised chronology. [B1; D8; D13]

Williams died in 1844. The file preserves no evidence that he participated in the events that caused the suit. His work mattered because a lawsuit depended upon accurate written process and a maintained record. The surviving signatures are part of that work. [B1]

Jacob Cunningham Davis 1820 to 1883

Jacob Cunningham Davis had just turned twenty-one when the October attendance papers passed through his hands. Born near Staunton, Virginia, on September 16, 1820, to William C. Davis and Sarah Van Lear, he attended common schools and the College of William and Mary. He moved to Warsaw in 1838, studied law, and entered practice. [B1; B5]

Davis served as Hancock County clerk and was appointed circuit clerk in 1841. His name appears on Tremaine's jurat and on the filing endorsements of both attendance affidavits. His role here was administrative. He is not shown as a witness or counsel in the dispute. [D2–D3; D9]

His political career soon took him into the Illinois Senate. He served from 1842 to 1848 and again from 1850 until his resignation in 1856. During the conflict with Nauvoo he aligned against the city and was among the men indicted in connection with the Smith murders. He was tried and acquitted in 1845. Both the accusation and the acquittal belong in his biography; neither should be omitted or turned into a claim beyond what the legal record establishes. [B1; B5]

Davis married Judith P. Mitchell Foree in 1852. He served briefly in Congress, filling a vacancy in the Thirty-fourth Congress from November 1856 to March 1857, then resumed law practice. He died at Alexandria, Missouri, on December 25, 1883. The later public figure is easier to recognize than the young clerk, but these papers preserve the clerk's work at the beginning of that career. [B1; B5]

Calvin Averill Warren

Calvin Averill Warren moved readily between lawsuits, land proposals, public affairs, and financial advice. A western Illinois lawyer, master in chancery, land promoter, and Democratic advocate, he practiced with James Harvey Ralston. Their firm is identified on the handwritten request for process in this case. The memorandum does not tell us which partner wrote each line or whether both appeared in court. [B1; D12]

Warren's August 31, 1841, letter to Joseph Smith provides an external glimpse of his dealings around Marsh. He relayed terms for Smith's possible purchase of a Mr. Morris's house near Warsaw, including assumption of a debt to School Commissioner Marsh. In a separate request, Warren and Ralston sought a $500 loan, offering security that included General Samuel Leech. The letter connects people in and around the lawsuit, but the May case dates place it after the surviving commencement papers. [B3; N3]

In 1842 Warren explained federal bankruptcy relief to Joseph Smith and handled petitions for Joseph, Hyrum, and other Nauvoo residents. Preparing papers, arranging newspaper publication, advancing costs, and traveling to Springfield were practical services in a strained credit economy. Warren's usefulness to Church leaders did not depend upon his joining their faith. [B1; B3]

He petitioned Nauvoo Lodge on February 3, 1842. The project did not establish completion of a Masonic degree. After the Smith murders, Jacob B. Backenstos accused Warren of complicity; the accusation must remain attributed to Backenstos, and the underlying statement still requires full contextual review. Warren later took part in defending accused conspirators at the 1845 trial. His legal relationships changed over time and should be narrated in their sequence. [B1; N4–N5]

Warren therefore connects the Marsh case to a broad range of county business. He knew of a debt to Marsh, practiced with Ralston, and was associated with the process sought against Abernathy. Those connections make his biography valuable. They do not identify the lost complaint. [D12; B3]

James Harvey Ralston 1807 to 1864

James Harvey Ralston's portrait gives a face to one of the names at the end of the handwritten memorandum. Born on October 12, 1807, in Bourbon County, Kentucky, he moved to Quincy in 1828 and was licensed as an attorney in 1830. He built a career in law and public office, serving in the Black Hawk War, the Illinois legislature, and as a circuit judge. His practice with Warren reached into Hancock County. [B7; D12]

Ralston knew Abraham Lincoln through Illinois politics and assisted Joseph Smith in legal matters without joining the Church. He was among the lawyers involved in Smith's 1841 extradition hearing. His work helps explain why an ordinary Hancock County file can contain names familiar from both national and Latter-day Saint history. [B1; B7]

His later career carried him much farther west. He served as a quartermaster at the Alamo during the Mexican War period, moved to California, and entered the California Senate in 1852. He later practiced in Nevada, where he died in 1864. Sources use both Harvey and Hervey for his middle name; this edition retains the form used by the Joseph Smith Papers and the prior project. [B7]

For Marsh v. Abernathy, the firm endorsement is the relevant evidence. It identifies professional involvement in requesting process but does not establish which partner conducted the case or authored every handwritten word. The portrait reproduced here is identified as Ralston by the Ralston Project; its original photographer and date have not been established in this edition. [D12; I1]

The people connected through land and estates

John R. Wilcox was active at Warsaw and was proposed as a trustee of Warsaw University. After his death, Marsh, Felt, and John D. Mellen administered his estate. The 1843 foreclosure brought Wilcox family members, the administrators, Thomas and Hannah Sharpe, and Abernathy into the same proceeding. These are later connections rather than proof of the transaction disputed in 1841. [B1; N3]

Mellen’s role also connects this research to the separate Witter–Mellen commercial and sawmill litigation. He is a contextual figure here, not a named participant on the thirteen photographed case papers. Isaac N. Morris is the probable, rather than certain, owner identified by the Joseph Smith Papers in Warren’s letter about a house and acreage carrying a debt to Marsh. The editors also consider Benjamin F. Morris. Neither candidate’s property has been proved to be the subject of this trespass suit. [B1; B3]

Henry Stephens acted as commissioner under the 1843 foreclosure decree and advertised the sale. Samuel Fleming operated the Warsaw House where the sale was scheduled. Their names show how a court decree could lead to a public sale at a commercial gathering place. The legal notice retains value even though it does not disclose the full mortgage or title history. [B1; N3]

Research notes and documentation

Chronology from the surviving evidence

Date	Event	Evidence
7 May 1841	Lawyers' memorandum filed; summons attested on the same date.	D6 and D13
9 May 1841	Wilson records service on Abernathy.	D7
31 August 1841	Warren writes Smith about a Morris property purchase and a separate loan request.	B3
20 September 1841	Issue date on Tremaine and Marshall subpoena.	D4
23 September 1841	Tremaine and Marshall served.	D5
24 September 1841	Apparent service date for Cyrus and Martha Felt.	D11
30 September 1841	Bettisworth served; Ayres reported not found.	D11
October 1841	Wrapper and attendance forms identify this term; subpoenas name 6 October.	D1–D2 and D4 and D8 and D10
15 October probable	Bettisworth swears eight-day defense attendance; day numeral uncertain.	D8
22 October 1841	Tremaine swears eight-day defense attendance.	D2
28 October 1841	Davis files both attendance affidavits.	D3 and D9
1843	School-trustee foreclosure involves Marsh, Felt, Mellen, the Wilcox estate group, and Abernathy.	Prior research B1
Dates unresolved	Felt subpoena appears attested 20 October despite earlier service and appearance dates; memorandum says September term despite May filing.	D10 and D12–D13

Corrections to the earlier edition

These revisions replace earlier statements; the original photographs supply the basis. Interpretations that depended on the earlier readings have also been revised.

Point	Earlier reading	Revised reading
Commencement and service	Earlier chronology placed process in September.	Summons and memorandum filing read 7 May; service reads 9 May. D6–D7 and D13.
Felt group alignment	Earlier report described a plaintiff subpoena and Marsh summoning his family.	Face and reverse identify a defense request. Relationship does not establish what a witness would say. D10–D11.

Point	Earlier reading	Revised reading
Bettisworth alignment	Earlier report assigned his eight days to Marsh.	Certificate says defendant. Both surviving attendance certificates concern defense attendance. D2 and D8.
Marshall alignment	Earlier discussion left the requesting party unresolved.	Subpoena says Deft and reverse says Defts. Actual attendance and testimony remain unproved. D4–D5.
Bettisworth affidavit date	Earlier report read 18 October.	Day appears to be 15th; reading remains qualified. D8.
Felt service dates	Earlier report grouped all three services on 30 September.	Return associates Felts with September 24 and Bettisworth with September 30. D11.
Mileage and fees	Earlier report read 46 miles.	Mileage reads 40; $0.75 plus $2.50 plus $0.125 yields $3.375 or $3.37½. D11.
Felt subpoena issue clause	Earlier report supplied 29 September.	Face appears to read 20 October; inconsistent with other dates and left unresolved. D10.
Warren letter chronology	Earlier narrative placed August letter immediately before commencement.	May papers precede it. Letter supplies later context, not proof of cause. D6–D7 and D13; B3.
Morris purchase and identity	Earlier wording could imply Warren was buying a certainly identified Isaac N Morris property.	Warren relayed terms for Smith’s purchase. JSP treats Isaac as probable and considers Benjamin F Morris. B3.
Transcription format	Earlier faithful transcriptions included summaries and slash-separated lines.	Readings now preserve lines and writing blocks, retain image numbers, and mark uncertainty and cancellation.
Interpretation	Earlier report used family witnesses to support Marsh’s property claim.	The defense subpoena removes that particular argument. Property and official action remain hypotheses.

N1 Reading the manuscripts

The thirteen supplied photographs are reproduced in numerical order as D1 through D13, corresponding to IMG_3522 through IMG_3534. They show fronts and backs of documents rather than thirteen separate instruments. The photographs remain the controlling evidence. This edition does not reconstruct absent pages, testimony, or a declaration.

The readings preserve the principal wording, spelling, abbreviations, line divisions, and separate writing blocks as closely as the photographs permit. Printed and handwritten text are read together. Transverse endorsements appear as separately labeled blocks. Blank lines indicate separations, not measurements of original distances. Word typography cannot reproduce every handwritten placement, superscript, flourish, or change of scale.

Square brackets identify editorial descriptions, supplied letters, uncertain readings, blanks, or cancellations. A question mark indicates doubt. Deleted and inserted describe manuscript alterations. Decorative borders, pen flourishes, filler strokes, faint show-through from the opposite face, and the seal’s partly legible legend are not transcribed as text. Red pencil marks remain in the wrapper photograph but are not treated as original docket evidence.

The printed marginal legal citations on the summons are included separately. On the returns, unused printed nonservice language is distinguished from the completed entry for William Ayres. The fully handwritten attorney memorandum has a line-by-line reading, with its reverse on a separate page. Uncertain readings are never silently made certain.

The party designations and May dates are clearer than some other numerals. Bettisworth's jurat day, the year mark after the Felt September 24 service, and the Felt subpoena's issue month retain qualifications. Term and issue-date discrepancies require additional court records to resolve; dates have not been changed merely to make the sequence consistent.

N2 The legal setting

This was a civil action in trespass in the Hancock County Circuit Court, docketed as number 73. In nineteenth-century common-law pleading, trespass generally concerned a direct injury to a person, land, or goods. Assault, battery, false imprisonment, an unauthorized entry, a taking, or damage could fall within its range. The word alone does not identify the alleged wrong here.

A sheriff could face personal litigation over execution of a writ, an arrest, a levy, a seizure, or a sale. The validity and scope of process, the person's identity, and ownership of property could matter. These possibilities explain the relevance of the office. They do not establish any particular official abuse. Abernathy's private dealings leave open a controversy unrelated to office.

The coroner's participation followed from the sheriff's status as defendant. It is evidence of the procedural arrangement, not guilt or misconduct. The forms show the substitution. The summons sidebar even includes a reference to process directed to a coroner. [D6]

The ten-thousand-dollar ad damnum was the amount demanded. It cannot be treated as a valuation of proved loss or a recovered judgment. Large round sums could protect a plaintiff against an unduly restrictive demand. Without the complaint and disposition, the amount cannot establish the nature or seriousness of the alleged injury beyond the formal claim. [D6; D12]

The packet lacks a declaration, pleas, demurrer, replication, deposition, trial minute, verdict, judgment, execution, satisfaction, settlement, or dismissal. Attendance certificates support witness-fee claims; they do not disclose trial testimony. A subpoena shows whom a party sought to bring to court; a return shows whom the officer reported serving. These distinctions control the reconstruction.

N3 Land finance and competing interpretations

The earlier project's property interpretation is retained as a hypothesis. Its supports are Marsh's school-commissioner role, Abernathy's contact with property, Warren's August letter, and the recurring names in the 1843 foreclosure. The corrected defense alignment removes the earlier argument based on Marsh himself calling family witnesses.

The August 31 letter proposes a $2,250 purchase to Smith: $500 cash, a school debt corrected from $700 to $750, $150 for another lot-related debt, and $850 payable the next April. Warren and Ralston separately sought a $500 loan at twelve percent until spring, offering themselves, General Samuel Leech, and possible further security. The proposals must not be conflated. Mr. Morris is probably Isaac N. Morris; JSP also considers Benjamin F. Morris. [B3]

The prior project found that at the May 1843 term the Trustees of Schools of Township 3 North, Range 8 West obtained a foreclosure decree involving Wilcox family members, Thomas and Hannah Sharpe, administrators Benjamin F. Marsh, Cyrus Felt and John D. Mellen, and William D. Abernathy. Henry Stephens advertised the southeast quarter and east half of the northwest quarter of section sixteen, and Warsaw lot 1 in block 15, for sale at Samuel Fleming's Warsaw House. [B1]

Section sixteen was associated with public-school support. Yet the sale notice does not supply the original mortgagor, consideration, assignments, title chain, or reason each defendant was joined. Shared names cannot establish that this foreclosure continued the trespass suit. The complete foreclosure file remains an archival target.

The proposed settlement of Warren, Illinois, named for Calvin Warren, belongs to the wider setting of land promotion and efforts to settle Saints near Warsaw. It is not a proved location of the alleged trespass. Bankruptcy belongs in the aftermath: the federal law took effect in 1842, after the May 1841 papers. Warren's Nauvoo bankruptcy work helps explain subsequent financial circumstances, not the original cause. [B1; B3]

Other possibilities remain: an injury to a person, an arrest or imprisonment, or a private commercial conflict. None can be conclusively selected or excluded. Marsh sued Abernathy in trespass, the defense sought several witnesses, and the specific injury and final disposition remain unknown.

N4 Identity religion politics and affiliations

The plaintiff is Benjamin Franklin Marsh Sr., not his son. No kinship to Thomas B. Marsh is established. John Tremaine replaces the earlier mistaken John Sherman reading. Martha Sophia Marsh Felt is the plaintiff's daughter; the manuscript says Martha S. Felt and the family identification rests on the genealogical research. [B1–B2]

S. Otho Williams is identified as Samuel Ortho Williams; the separately hypothesized Samuel Arthur Williams has been removed. Ralston & Warren identifies a firm, not the handwriting of a particular partner with certainty or the courtroom appearance of both. Ayres or Ayers and Tremaine remain incompletely identified beyond their case roles.

The prior remote research did not establish Church membership for Marsh, Abernathy, Martha or Cyrus Felt, Bettisworth, Tremaine, Marshall, Ayres, Wilson, Williams, or Davis. Warren and Ralston advised Church leaders without documented conversion. No single religious, military, or fraternal identity unites the participants. Family, public office, residence, education, business, and law provide the better-supported connections.

For the principal non-Latter-day Saint participants, the searches did not securely establish Nauvoo temple ordinances, patriarchal blessings, missions, temple service, or Nauvoo Legion commissions. These are limits of located evidence, not proof that all possible affiliations are excluded. Warren's Nauvoo Lodge petition of February 3, 1842, is retained; degree completion was not established. Ralston's later Masonic activity does not establish a Masonic explanation for the lawsuit. [B1; B7]

Bettisworth's 1844 duties, Wilson's 1843 arrest of Smith, Davis's indictment and acquittal, Warren's legal work and Backenstos's accusation, and Abernathy's 1845 jury work must not become assumed motives in an unexplained 1841 dispute. The Warren accusation needs the complete underlying Backenstos statement. Cyrus Felt's cataloged letters must be read before his attitudes toward the Saints are characterized.

N5 Research completed and questions left open

This edition completes the narrative reorganization of the September 2026 Comprehensive Expanded Edition. It retains the biographical, financial, institutional, and source material while replacing readings and interpretations contradicted by the photographs. All thirteen photographs were reviewed. Additional checks addressed the illustrations, Warren's August letter, and selected biographical references. Not every inherited genealogical statement has been independently reverified.

The underlying project consulted the Joseph Smith Papers, digitized histories and atlases, legislative and congressional resources, National Register documentation, Felt genealogy, newspaper notices, related Nauvoo–Hancock reports, and archival catalogs. Some citations remain general research trails rather than page-specific documentation; they are retained openly as such.

The court-record targets are the October 1841 and subsequent minute books, judge's and appearance dockets, fee books, witness registers, and execution dockets; missing pleadings and disposition of case 73; and records explaining the conflicting term and issue-date entries.

The property targets are the full 1843 Wilcox foreclosure and title chain, including mortgage, bill, answers, exhibits, decree and sale report; school-commissioner and township-trustee accounts for the

Morris debt and section-sixteen obligations; and records explaining Abernathy's interest in the later foreclosure.

The biographical targets are Felt's 1839–1841 letters in the George W. Boyd papers at the Maine Historical Society; secure identification of Ayres and Tremaine; obituaries and probate records for Marsh, Abernathy, Felt, Tremaine, Marshall and Williams; the complete Backenstos statement; and Nauvoo Lodge records after Warren's petition. Felt's exact January 1872 death day remains unresolved.

The finished edition presents the people, evidence, corrected chronology, and supported context. Those remaining archival questions are preserved for future discoveries rather than answered by speculation.

Sources and illustration credits

The source trail distinguishes fresh manuscript readings from inherited research. URLs identify public source pages; original document numbers identify evidence in this volume. Access checks for this edition were made in October 2026.

B1 Prior project research

Benjamin F Marsh v William D Abernathy 1841 Comprehensive Expanded Edition, September 2026, 27 pages. Source of the retained biographical and institutional research, foreclosure reconstruction, and archival targets. D1–D13 and the correction table supersede its inconsistent dates and witness assignments.

B2 Family records

John E. Morris, The Felt Genealogy A Record of the Descendants of George Felt of Casco Bay (1893), and the Marsh family research cited in the prior edition. Basis for family relationships, marriages and children. Inherited research; not every entry was freshly verified. https://archive.org/details/feltgenealogyrec00morr

B3 Warren letter

Joseph Smith Papers, Letter from Calvin A. Warren, 31 August 1841, manuscript transcription, introduction and notes; Documents volume 8, pages 247–250. Directly consulted for purchase and loan terms and the qualified Morris identification. https://www.josephsmithpapers.org/paper-summary/letter-from-calvina-warren-31august-1841/1

B3 Related biographies

Joseph Smith Papers biographies of Calvin Averill Warren, David Bettisworth, James Harvey Ralston, Jacob Cunningham Davis and related people, used in the prior project. https://www.josephsmithpapers.org/person/calvin-averill-warren and https://www.josephsmithpapers.org/person/david-bettisworth

B4 Wilson legal record

Joseph Smith Papers, introductions and pleadings in Joseph Smith v. Reynolds and Wilson, concerning the June 1843 arrest and ensuing litigation. Retained source trail. https://www.josephsmithpapers.org/

B5 Davis biography

United States House of Representatives, History Art and Archives, Jacob Cunningham Davis. https://history.house.gov/People/Detail/11963. Family and marriage reference in Wilford Woodruff Papers: https://wilfordwoodruffpapers.org/subjects/jacob-cunningham-davis

B6 County and institutional history

Thomas Gregg, History of Hancock County Illinois Together with an Outline History of the State and a Digest of State Laws (Chicago, 1880); A. T. Andreas, An Illustrated Historical Atlas of Hancock County Illinois (1874); Papers of Abraham Lincoln, Augusta annotation and legislative acts concerning county schools and development companies. https://papersofabrahamlincoln.org/

B7 Ralston

Papers of Abraham Lincoln, Ralston James H: https://papersofabrahamlincoln.org/persons/RA03836. J. F. Snyder, Forgotten Statesmen of Illinois James Harvey Ralston, Transactions of the Illinois State Historical Society for the Year 1908 (1909), pages 215–232. Online text: https://adams-ilgw.genealogyvillage.com/bios/family_ralston_james.html. Texas State Historical Association: https://www.tshaonline.org/handbook/entries/ralston-james-harvey

B8 Felt house

National Park Service, National Register record for Felt Cyrus House, reference 80001366, listed March 18, 1980; significant year 1834. https://npgallery.nps.gov/AssetDetail/NRIS/80001366

B9 Warsaw printing

The imprints appear in D4 and D10. Sharp & Gamble also published William Harris, Mormonism Portrayed (Warsaw, 1841); see Peter Crawley, A Descriptive Bibliography of the Mormon Church, volume 1, entries 101–200. https://rsc.byu.edu/descriptive-bibliography-mormon-church-volume-1/entries-101-200. This establishes printing activity, not participation in the lawsuit.

Other retained source trails

Nauvoo Neighbor and regional newspapers for the 1843 foreclosure and sale and 1845 legal and tax matters; Maine Historical Society catalog of George W. Boyd correspondence; Illinois State Archives record-series information; Historical Society of Quincy and Adams County material on Ralston, including Judge Ralston Knew Lincoln as well as Joseph Smith. Exact citations should be recovered from the underlying research before making new claims beyond those retained here.

Related project files

Samuel Jonas v Smith; Hancock County Tax Redemptions 1845; Witter–Mellen Sawmill Legal Battle; and the Nauvoo–Hancock biographical research files, as cited in the September edition. These are contextual leads, not substitutes for the photographed evidence.

I1 Ralston portrait

Portrait identified as James Harvey Ralston, reproduced by the Ralston Project. Original maker and date not established here. https://ralstonproject.com/famous/ Image source: https://ralstonproject.com/wp-content/uploads/2019/04/James-Harvey-Ralston.jpg

I2 Felt house photograph

Nyttend, Cyrus Felt House, July 28, 2015, Wikimedia Commons. Released into the public domain by the photographer. Modern view of a house with later alterations, not its exact 1841 appearance. https://commons.wikimedia.org/wiki/File:Cyrus_Felt_House.jpg

D1 through D13 Manuscripts

Owner-supplied photographs IMG_3522.jpeg through IMG_3534.jpeg, extracted from the existing project. No manuscript writing reconstructed or retouched. D3 rotated for legibility. All thirteen full photographs, including reverses, remain in this edition.