John C Bennett Mayor of Nauvoo
Jabez Durfee v Davison Hibbard
Lewis Robison and Jacob Cunningham Davis

Nauvoo in December 1841 and the lives that followed

A debt judgment preserves John C. Bennett near the height of his Nauvoo influence, only months before his break with Joseph Smith. This illustrated edition follows the document into the lives of the people it brought together.

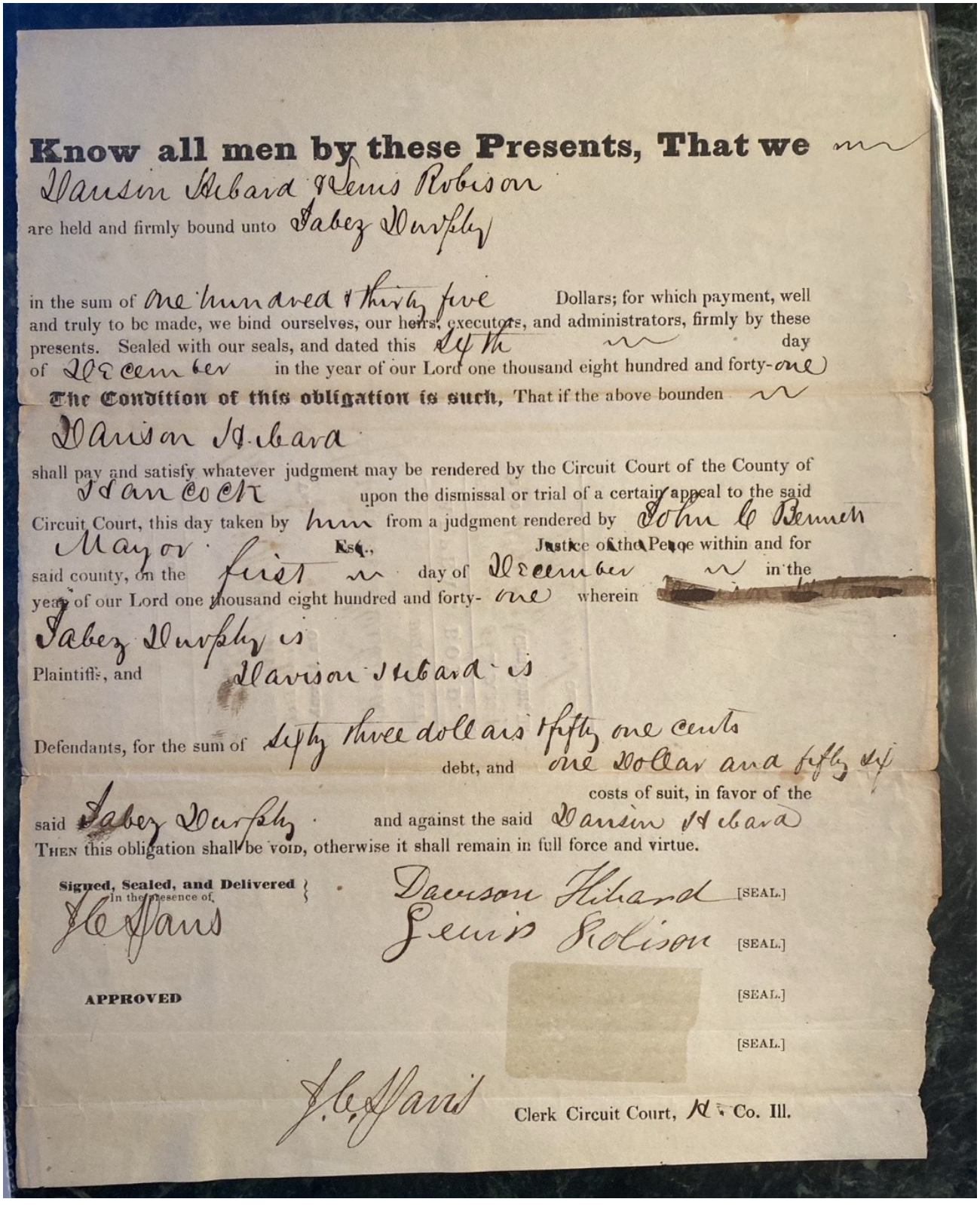


John C. Bennett in military uniform. Frontispiece to his History of the Saints, 1842. University of Illinois digitized copy. [6]

Highlights

- 1839 — Hibbard and Durfee share appointments in a proposed Nauvoo schoolhouse project.
- 1840 — Bennett joins the Church and helps obtain Nauvoo's charter.
- 1841 — Bennett becomes mayor and temporary assistant president in the First Presidency.
- December 1, 1841 — Bennett awards Durfee $63.51 in debt, plus costs, against Hibbard.
- December 6, 1841 — Davis files Hibbard's appeal bond, backed by Lewis Robison.
- 1842 — Bennett leaves office and publishes his attack on Joseph Smith and Nauvoo.
- 1845–1846 — Edmund Durfee is killed; Jabez later marries his brother's widow.
- 1867 — Jabez Durfee and John C. Bennett die, more than twenty years after Nauvoo.

The original appeal bond



Know all men by these Presents, That we Dawson Hibard & Lewis Robison

are held and firmly bound unto Jabez Durfey

in the sum of one hundred & thirty five Dollars; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals, and dated this 15th day of December in the year of our Lord one thousand eight hundred and forty-one

The Condition of this obligation is such, That if the above bounden Dawson Hibard

shall pay and satisfy whatever judgment may be rendered by the Circuit Court of the County of Hancock upon the dismissal or trial of a certain appeal to the said Circuit Court, this day taken by him from a judgment rendered by John C Bennett Mayor Esq., Justice of the Peace within and for said county, on the first day of December in the year of our Lord one thousand eight hundred and forty- one wherein

Jabez Durfey is Plaintiff, and Dawson Hibard is

Defendants, for the sum of sixty three dollars & fifty one cents debt, and one Dollar and fifty cts costs of suit, in favor of the said Jabez Durfey and against the said Dawson Hibard

THEN this obligation shall be VOID, otherwise it shall remain in full force and virtue.

Signed, Sealed, and Delivered In the presence of, H. Harris

Dawson Hibard [SEAL.]

Lewis Robison [SEAL.]

[SEAL.]

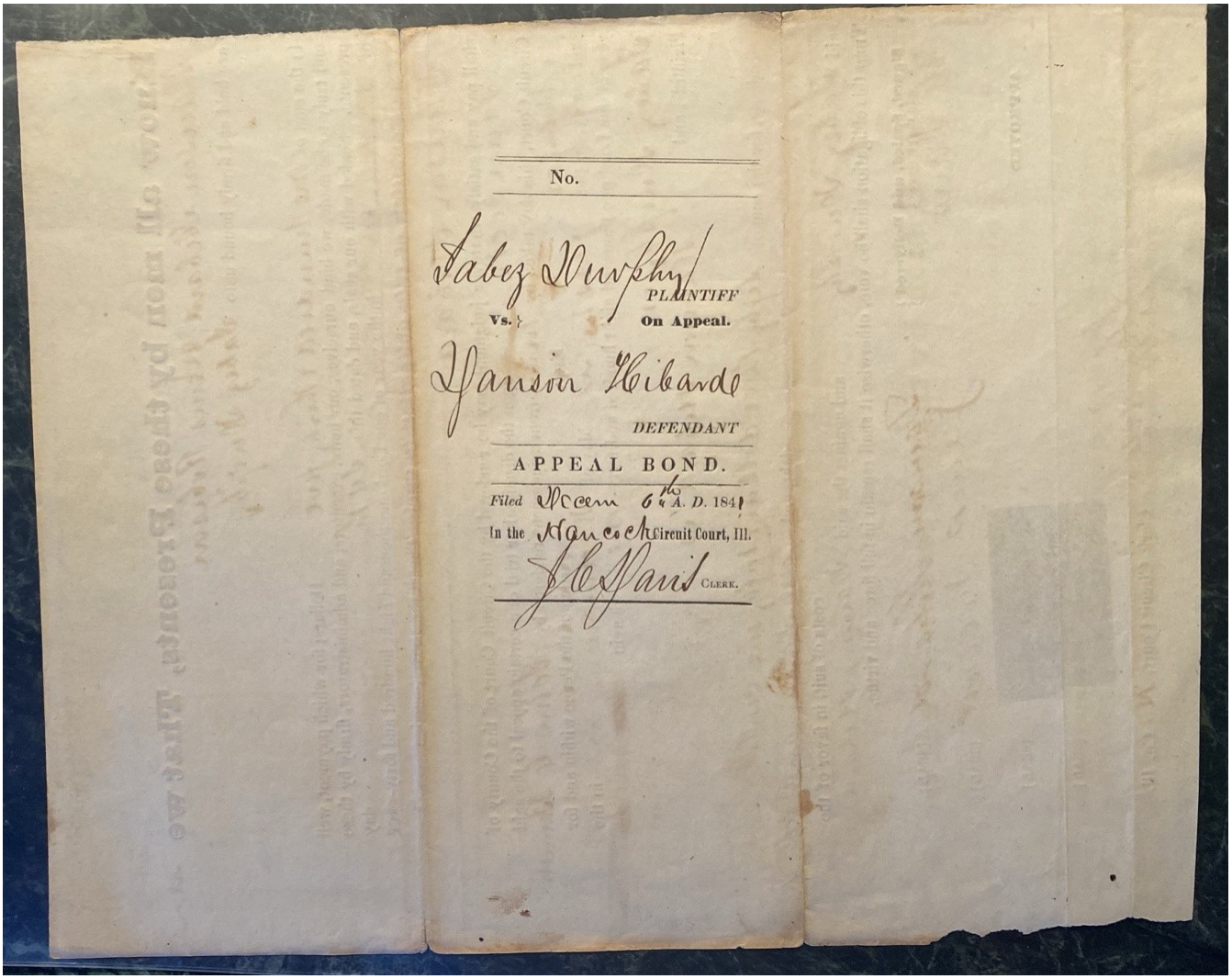
[SEAL.]

APPROVED

J. C. Bennett Clerk Circuit Court, Hancock Co. Ill.

Front of the privately held bond, photograph IMG_3236.jpeg. Blank background trimmed; manuscript and printed text retained. Bennett is named as the judicial officer, not as a signer.

The filing on the reverse


No.

Jabez Murphy
PLAINTIFF
Vs. } On Appeal.
Hanson Hibard
DEFENDANT

APPEAL BOND.

Filed Decem 6th A. D. 1841
In the Hancock Circuit Court, Ill.
J. E. Davis CLERK.

Reverse, photograph IMG_3237.jpeg, rotated so the filing endorsement reads upright. The filing date is December 6, 1841. Faint reversed text is show-through from the front.

The folded exterior identifies the parties and the paper as an appeal bond. Jacob C. Davis’s filing endorsement records the document’s entry into the Hancock County Circuit Court. The front and reverse belong to one instrument. [1]

Transcript of the front

Printed wording and manuscript insertions are transcribed together in their visible line order. Blank lines follow the principal writing spaces; horizontal spacing is approximate. Brackets mark editorial information or uncertain readings.

Know all men by these Presents, That we
Davison Hibard & Lewis Robison
are held and firmly bound unto Jabez Durphy

in the sum of one hundred & thirty five Dollars; for which payment, well
and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these
presents. Sealed with our seals, and dated this [4th?] day
of December in the year of our Lord one thousand eight hundred and forty-one
The Condition of this obligation is such, That if the above bounden
Davison Hibard
shall pay and satisfy whatever judgment may be rendered by the Circuit Court of the County of
Hancock upon the dismissal or trial of a certain appeal to the said
Circuit Court, this day taken by him from a judgment rendered by John C Bennett
Mayor. Esq., Justice of the Peace within and for
said county, on the first day of December in the
year of our Lord one thousand eight hundred and forty-one wherein [canceled words illegible]
Jabez Durphy is
Plaintiff; and Davison Hibard is

Defendants, for the sum of sixty three dollars fifty one cents
debt, and one dollar and fifty [six?]
costs of suit, in favor of the
said Jabez Durphy. and against the said Davison Hibard
Then this obligation shall be void, otherwise it shall remain in full force and virtue.

Signed, Sealed, and Delivered Davison Hibard [SEAL.]
in the presence of,
J C Davis Lewis Robison [SEAL.]

APPROVED [SEAL.]
[SEAL.]
J C Davis Clerk Circuit Court, H[?] Co. Ill.

Reading notes. The execution-day entry is tentatively read as “4th,” consistent with the earlier report; its form is ambiguous in the photograph and may be read differently. The reverse’s “6th” filing date is clear. The final word of the cost amount appears to be “six,” but remains bracketed. Decorative pen flourishes are not rendered as words. The county abbreviation at the clerk’s approval is overwritten or unclear.

Transcript of the reverse

No. [blank]

Jabez Durphy
PLAINTIFF
vs. } On Appeal.

Davison Hibard
DEFENDANT
A P P E A L B O N D.

Filed Decem. 6th A. D. 1841
In the Hancock Circuit Court, Ill.
J C Davis CLERK.

The printed year’s final digit is completed or reinforced in ink. The handwriting is read with the endorsement upright. Bleed-through and the paper’s folds are not transcribed as marks.

What the bond means

Durfee had obtained a judgment against Hibbard. Hibbard asked the county circuit court to reconsider the matter, and Robison backed that request financially. Their $135 bond secured the obligation described in the form; it was not a second debt already paid. The original promissory note and the final circuit judgment have not been located. [1, 8]

The face states $63.51 as debt. Court costs are additional; the handwritten amount appears to read $1.56, but the final word is uncertain. The narrative therefore retains “plus costs” rather than presenting a doubtful total as exact.

A judgment before the break

On December 1, 1841, John C. Bennett decided that Davison Hibbard owed Jabez Durfee sixty-three dollars and fifty-one cents, together with court costs. Five months later, Bennett would lose his standing in the Church and resign as Nauvoo's mayor. Within a year, he would publish a book attacking Joseph Smith and the city whose charter he had helped obtain. The surviving appeal bond catches him before that reversal, when a decision bearing his name carried the authority of Nauvoo's government. [1–4]

The paper brings us into an ordinary disagreement over money. Hibbard did not accept the judgment and appealed to the Hancock County Circuit Court. Lewis Robison joined him as surety, promising financial backing under the bond's conditions. Jacob Cunningham Davis witnessed and approved the instrument and filed it on December 6. Bennett's name appears in the description of the judgment being appealed; he did not sign this bond. That distinction helps us understand exactly what the document preserves. [1]

For readers familiar with Bennett chiefly as Joseph Smith's antagonist, this is a different starting point. At the time of the judgment, Bennett was mayor, major general of the Nauvoo Legion, chancellor of the university, and temporary assistant president in the First Presidency. A newly arrived convert had become one of the most visible men in the city. The people seeking justice from him had reason to take his office seriously. [2–3]

We cannot recreate the hearing itself. No testimony, conversation, or description of the room has been recovered for this report. The appeal bond tells us who lost, who won, what amount was entered, and where the dispute went next. Following those names takes us from a debt in Nauvoo to temple building, family loss, the murder trial at Carthage, and Bennett's later life far from Illinois.

The man Nauvoo welcomed

Bennett arrived with experience that the Saints could use. Born in Massachusetts in 1804, he had practiced medicine, promoted educational ventures, pursued militia rank, and developed political connections before coming to Nauvoo. His career had already involved repeated moves and institutional controversies. Yet his talents were practical: he understood how to obtain charters, assemble officers and trustees, and present an ambitious undertaking to people with power. The extended biography later in this volume preserves the fuller account. [2; Research Portfolio]

In 1840 the Saints were rebuilding after the Missouri expulsion. A secure place to live required more than houses and farms. Their new city needed recognized government and a means of protecting its residents. Bennett corresponded with Joseph Smith, moved to Nauvoo, and joined the Church in September. He helped secure the charter approved that December. The legislature's approval gave legal form to plans for a city, a university, and a militia. [2; Research Portfolio]

The following year brought office after office. Bennett became the first mayor and major general of the Legion in February. At the April conference he was presented with the First Presidency as assistant president until Sidney Rigdon's health recovered. The published minutes place that action in the session of April 8. This edition corrects the earlier reports' April 7 date. His position was temporary and exceptional, but it made his closeness to Joseph Smith unmistakable. [3]

The portrait reproduced here shows the public identity Bennett wished readers to recognize: an officer in an elaborate uniform. Its appearance at the front of his later exposé adds an irony. The rank and connection that had helped make him useful to Nauvoo also helped him market himself as an authoritative witness against it. The portrait documents that presentation; it does not settle whether any particular accusation in the book was true. [6]

Joseph Smith in Nauvoo Legion uniform



Joseph Smith, engraving by Oliver Pelton after Sutcliffe Maudsley. Plate between pages 56 and 57 in The History of the Saints, 1842; Google digitized copy via Internet Archive, scan page 68. The facsimile signature is part of the printed plate. [6, 11]

A carpenter asks to be paid

Jabez Durfee's route to Bennett's court had been very different. Born in Rhode Island in 1791, he earned his living as a carpenter and millwright. His skills could turn timber into buildings and machinery, work needed wherever the Saints tried to establish a community. He joined the Church before 1833; an exact baptismal date and the identity of his baptizer have not been securely established. [5; Research Portfolio]

Durfee had lived among the Saints in Missouri, endured displacement, and become entangled in the legal aftermath of the 1838 conflict. His January 1840 redress affidavit recorded losses, including a preemption claim in Daviess County. By the time he appeared in this Illinois case, he was rebuilding a household and livelihood after years of movement. Those experiences give weight to a debt that can look small when reduced to figures on a page. [Research Portfolio]

His February 1841 dealings with Joseph Smith provide a more tangible view of that livelihood. An agreement listed livestock, wagons, household goods, tools, and an interest in his lot. A subsequent receipt allowed Durfee to keep using the property until called for. The carpenter and joiner tools were part of the means by which he could earn a living. These records show the close connection between property, credit, and daily work in Nauvoo; they do not identify the transaction behind Hibbard's note. [7]

Hibbard and Durfee already knew one another through a proposed stone schoolhouse. In October 1839 Hibbard was named a trustee, while Durfee and Alpheus Cutler were appointed architects and building committee members. That earlier association is useful context. It is not proof that the disputed note paid for schoolhouse work. The project's earlier research could not establish that construction proceeded, and the original note has not been recovered. [Research Portfolio]

During 1841 Durfee also became involved in the Wisconsin timber expeditions connected with Nauvoo construction. His work would later place him among steady carpenters in the temple shop. He therefore belongs in this story as more than a name on the successful side of a lawsuit: he was one of the skilled men whose labor made the Saints' building plans possible. [Research Portfolio]

Hibbard takes the case beyond Nauvoo

Davison Hibbard was familiar with public authority long before Bennett arrived. He had held Illinois militia and civil offices, including service as a justice of the peace, and had lived in Hancock County before the Saints' arrival. He joined the Church at Commerce in 1839. He entered the new community with local experience, property interests, and knowledge of the county's legal machinery. [Research Portfolio]

The bond records his decision to use that machinery. An appeal bond was a conditional financial promise. Hibbard and Robison bound themselves to Durfee in the stated amount of $135, securing payment of whatever judgment the circuit court might render on dismissal or trial of the appeal. It was not an additional $135 debt already paid to Durfee, and it was not a criminal fine. The smaller sum of $63.51 was the debt component of Bennett's judgment. [1]

Robison's part was substantial even though the case was not his own. As surety, he put his name and financial responsibility behind Hibbard's appeal. He also served as Nauvoo's assessor and collector, linking him to the practical administration of the same city Bennett governed. The bond shows cooperation between the two men; it does not tell us what private understanding persuaded Robison to sign. [1; Research Portfolio]

The printed form makes the passage between jurisdictions visible. Its wording refers to a justice of the peace, while the handwritten entry identifies John C. Bennett and adds his title of mayor. Bennett was exercising the civil judicial powers associated with his municipal office. The next forum was the county circuit court. This was an ordinary debt appeal, not one of the later habeas corpus controversies for which Nauvoo became notorious. [1; Research Portfolio]

Davis's signatures completed another part of that passage. A young circuit clerk in 1841, he witnessed the bond, approved it, and endorsed its filing. The handwriting draws him into the story years before his

role in the events surrounding the killings of Joseph and Hyrum Smith. There is no reason to read the later conflict back into his routine work on this document. [1; Research Portfolio]

The case continues while Bennett falls

The appeal did not end with the folded paper in December. BYU's catalog identifies a writ of certiorari ordering the mayor of Nauvoo to send the promissory note for use in Jabez Durphy v. Davison Hibard. In this setting the unfamiliar term describes an order calling for a record needed by the court. It shows why the underlying note mattered: the circuit proceeding required more than the bond's account of the earlier judgment. [8]

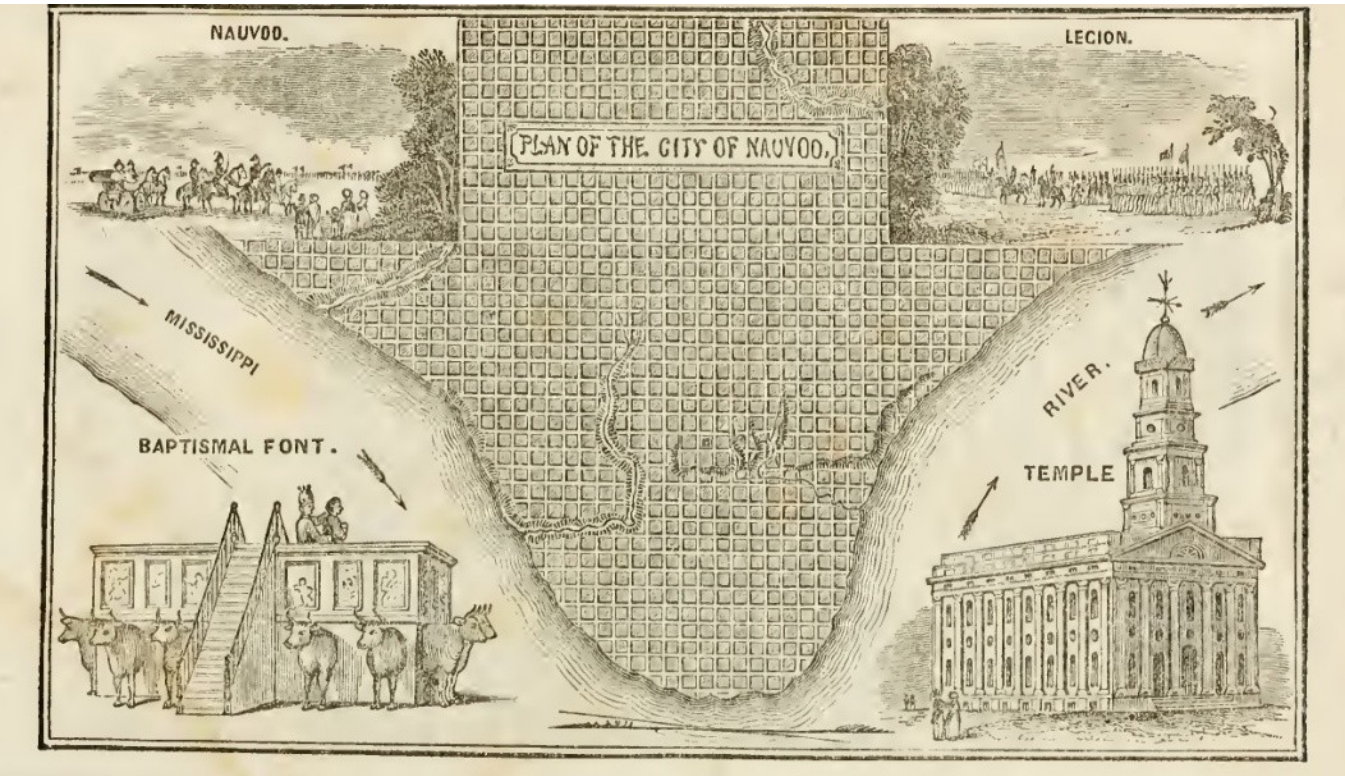
The research portfolio also records a subpoena dated April 18, 1842, and later process extending into April 1843. The subpoena's catalog entry can be confirmed online; the earlier report's remaining process dates are retained with their evidentiary limits in the chronology at the back. We do not have the testimony, the contents of the affidavit, or the final decision. The existence of an appeal does not establish that Bennett was wrong, and the continued paperwork does not establish that his judgment was affirmed. [9; Research Portfolio]

Meanwhile, Bennett's position in Nauvoo collapsed. Church leaders accused him of sexual misconduct and of abusing claims of religious authority. The May 11, 1842 notice withdrew fellowship from him; the Joseph Smith Papers biography identifies that date as his excommunication. On May 17 he resigned as mayor. Two days later Joseph Smith became mayor. The man whose decision began this case was leaving office while the case itself remained in the county system. [2, 4, 10]

Bennett's letter arranging to give the city recorder the mayoral books and papers connects this personal crisis to the daily work of government. Records had to pass to the next administration. It is possible that material bearing on the Durfee case traveled with them, but the letter does not identify this particular bond or note. The surviving bond had already been filed at the circuit court. Keeping those two sets of papers distinct prevents a plausible possibility from becoming an invented chain of custody. [1, 4]

The break also changed the audience for Bennett's talents. He wrote public accusations, lectured, and published The History of the Saints in 1842. He portrayed Nauvoo's leadership and institutions as dangerous and implicated Joseph Smith in the attempt on former Missouri governor Lilburn W. Boggs's life. Those were allegations, not findings established by this debt case. Bennett's closeness to the leadership made his account influential, while the circumstances of his departure made corroboration essential. [2, 6; Research Portfolio]

Nauvoo as illustrated in the Bennett book



Plan of the City of Nauvoo, with city, Legion, temple, and font vignettes. Foldout in Bennett, History of the Saints, 1842, University of Illinois copy, scan page 202 near printed page 188. Rotated for reading. [6]

The river bend and street grid orient the reader. The temple vignette presents an architectural vision; it should not be mistaken for the completed building in December 1841. The map does not identify the location of the Durfee–Hibbard hearing.

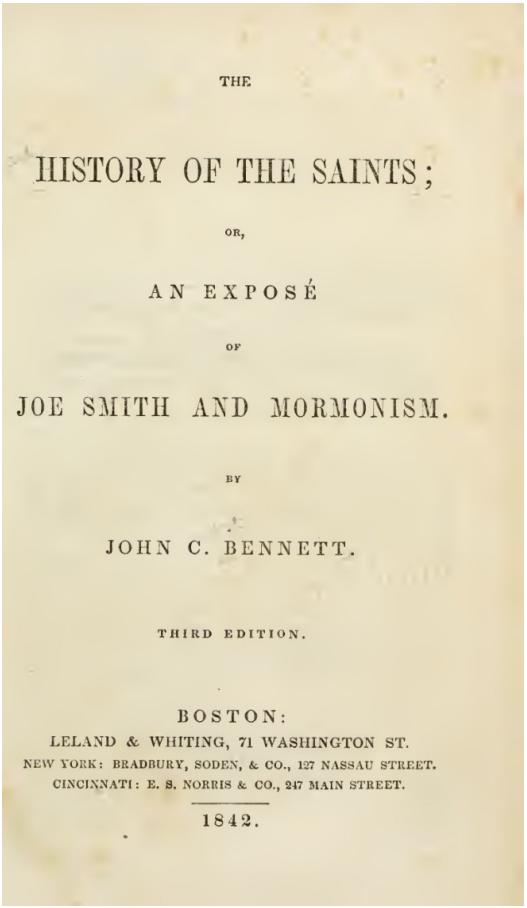
The illustrations tell another part of the story

The map in Bennett's book gives the reader a useful view of Nauvoo's position on the Mississippi and its planned street grid. Around it appear scenes associated with the city, the Legion, the temple, and the baptismal font. Such images conveyed ambitions as well as geography. A picture of the projected temple is not a photograph of the building as it stood when Hibbard appealed in December 1841. [6]

Joseph Smith's portrait in Legion uniform belongs beside this map. Engraved after Sutcliffe Maudsley's likeness, it shows the military identity shared by the leaders of the city. Bennett's book placed that recognizable public image within a hostile account of Smith's authority. The portrait reproduced in this edition comes from the book itself, not from a modern reconstruction. [6, 11]

The Joseph Smith Papers editors connect Bennett's map, Smith portrait, and temple image to materials prepared for an authorized Nauvoo map. They report that Bennett or his publisher obtained illicit copies during the publishing process. The reuse matters because it demonstrates how an image meant to represent civic pride could serve a different purpose when placed in an adversary's book. [11]

Bennett's volume also contains theatrical illustrations of alleged secret ceremonies and organizations. They are useful evidence of the book's polemical methods, but they cannot be treated as independently verified pictures of actual events. This edition uses his portrait, the Smith portrait, the map, and the title page. The selection gives the reader faces, place, and publication context without allowing a sensational plate to stand in for corroborated history. [6]



THE

HISTORY OF THE SAINTS;

OR,

AN EXPOSÉ

OF

JOE SMITH AND MORMONISM.

BY

JOHN C. BENNETT.

THIRD EDITION.

BOSTON:
LELAND & WHITING, 71 WASHINGTON ST.
NEW YORK: BRADBURY, SODEN, & CO., 127 NASSAU STREET.
CINCINNATI: E. S. NORRIS & CO., 247 MAIN STREET.

1842.

Title page of the 1842 third edition. The subtitle announces the adversarial purpose of Bennett's book. University of Illinois digitized copy. [6]

The people after the paper

Durfee continued working on the temple after the deaths of Joseph and Hyrum Smith. In November 1845 his family suffered another violent loss when his brother Edmund was killed during attacks in the Morley settlement area. In January 1846 Jabez married Edmund's widow, Magdalena. These events belong to the later life of the man whom the bond calls simply the plaintiff. His extended biography preserves the family, missionary, Missouri, and temple connections behind that name. [Research Portfolio]

His path did not end in a straightforward story of settlement in Utah. Durfee lived in the Council Bluffs area, was excommunicated there in 1850, and later resided in Iowa. The Joseph Smith Papers records a later marriage to Sarah before 1860 and his death in April 1867 at White Cloud, while noting uncertainty over which White Cloud locality was intended. The reason for his excommunication remains unresolved in this project. These details should be retained without supplying motives the records do not reveal. [5]

Hibbard remained associated with the Hancock County region and died there in 1854. Robison traveled west with the Charles C. Rich company in 1847 and lived until 1883. The earlier research records a Church database baptism date in 1846 for Robison, later than his civic service in Nauvoo. That date should not be used to invent a conversion story or to deny possible earlier religious connections; it is a record that requires care. [Research Portfolio]

Davis became a state senator and commanded a Warsaw militia company in 1844. He was among the defendants tried and acquitted in 1845 in connection with Joseph Smith's murder, and later served in Congress. His appearance on the 1841 bond is especially striking because we can see him carrying out ordinary legal duties before the county's conflict reached its most violent phase. The bond itself supplies no evidence of his later conduct. [Research Portfolio]

Bennett outlived his Nauvoo career by a quarter of a century. He associated for a time with other Latter Day Saint movements, including those of Sidney Rigdon and James J. Strang, and returned to medical and agricultural interests. He died at Polk City, Iowa, on August 5, 1867. The extended biography follows those reinventions. [2; Research Portfolio]

The last judgment in Durfee v. Hibbard still eludes us. The surviving paper nevertheless gives a firm beginning: a carpenter's successful claim, an experienced local official's appeal, a surety's promise, a clerk's filing, and a mayor's decision. At that moment Bennett still belonged to Nauvoo's governing circle. Preserving the paper alongside the later story allows us to see both the authority he exercised and how quickly the relationships around that authority could change. [1]

Research portfolio and extended biographies

The following pages retain the earlier project’s detailed biographical and legal research, arranged behind the document and narrative. Repeated introductory material has been consolidated; the extended Bennett biography supplies his fuller treatment. The research distinguishes established records, later recollections, and unresolved questions. References described only in the earlier research remain identified as such; their inclusion does not imply that every manuscript has been freshly examined.

Editorial findings in this edition

- The published April conference minutes place Bennett’s presentation as assistant president on April 8, 1841. Earlier references to April 7 have been corrected. [3]
- The front’s execution date remains a tentative December 4 reading. December 6 is the secure filing date. Neither date should be silently substituted for the other. [1]
- The debt is $63.51 and the bond is $135. The cost entry appears to read $1.56 but is uncertain. [1]
- Bennett is named in the bond but does not sign it. Hibbard and Robison sign the obligation; Davis witnesses, approves, and files it. [1]
- The May 11 withdrawal-of-fellowship notice and the May 17 resignation are distinct events. The narrative explains the terminology rather than treating them as one action. [4, 10]
- The surviving appeal does not identify the underlying transaction, prove misconduct by Bennett, or reveal the final circuit-court result.

John Cook Bennett extended biography

Overview

John Cook Bennett was one of the most dramatic, capable, and controversial figures to pass through early Nauvoo. In less than two years he rose from newly arrived convert to first mayor of Nauvoo, major general of the Nauvoo Legion, chancellor of the University of Nauvoo, assistant president in the First Presidency, and a central architect of the city's chartered political system. He then fell just as rapidly, resigning from office in May 1842, breaking publicly with Joseph Smith, and becoming one of Smith's most damaging contemporary critics.

The surviving 1841 appeal bond in Jabez Durfee v. Davison Hibbard provides a particularly valuable view of Bennett because it captures him before that rupture. On 1 December 1841 Bennett was not yet the excommunicated dissenter and anti-Mormon lecturer remembered in later accounts. He was the functioning mayor of Nauvoo, a senior Church officer, and a judicial magistrate exercising civil authority in an ordinary promissory-note dispute. The document therefore preserves Bennett at the height of his institutional power and offers a less polemical glimpse of his actual work in municipal government.

Family background and early life

John Cook Bennett was born 3 August 1804 at Fairhaven, Bristol County, Massachusetts. His parents were John Bennett and Abigail Cook. The family background was New England rather than western or frontier in origin, but Bennett's adult life quickly became highly mobile. His later career is best understood against this early pattern: he repeatedly entered new communities, acquired credentials and offices rapidly, and then moved on after conflict or changing opportunity.

Bennett obtained medical training in the early nineteenth-century environment in which formal medical schools, apprenticeships, proprietary colleges, and local licensing systems overlapped. He styled himself a physician and doctor throughout his adult life and appears in contemporary records as a practitioner, medical educator, and organizer. His medical identity was genuine enough to open doors into institutions, but his career was never limited to medicine. Education, religion, militia service, politics, Masonry, and civic administration all attracted him, often simultaneously.

Educator physician and institutional organizer

Before Nauvoo, Bennett accumulated experience in founding or promoting schools and learned societies. He was associated at various times with medical and educational ventures in Ohio and elsewhere, including institutions that changed names, locations, or charters as western education expanded. The documentary record of these organizations is sometimes complicated by short institutional lifespans and promotional claims, but Bennett's recurring role is unmistakable: he was a network builder who understood how to use charters, titles, boards, and public endorsements to create legitimacy.

This ability later made him extraordinarily useful at Nauvoo. Joseph Smith and other Latter-day Saint leaders needed men who understood Illinois politics, legislative procedure, municipal charters, military organization, and public relations. Bennett possessed all of these skills, or at least enough of each to function effectively in the political culture of the state.

Militia ambitions and Illinois political connections

Bennett's fascination with militia organization preceded his Mormon period. By the late 1830s he had secured rank in the Illinois militia and cultivated contacts among state political leaders. In 1839 he held a brigadier-general's commission. Such rank carried prestige in antebellum Illinois and could create useful relationships with governors, legislators, county officials, and ambitious local men.

His military experience became crucial at Nauvoo. The Nauvoo charter authorized a city militia, and Bennett helped turn that provision into the Nauvoo Legion. He was elected major general of the Legion in February 1841, placing him at the head of one of the most conspicuous military organizations in Illinois. Joseph Smith, though lieutenant general, was senior in rank in the Legion; Bennett nonetheless performed much of the practical organizational work and represented the military side of Nauvoo government to outsiders.

First contacts with Joseph Smith and the Latter day Saints

Bennett began corresponding with Joseph Smith in 1840. The exchange occurred during a period when the Latter-day Saints were recovering from expulsion from Missouri and attempting to build a new city at Commerce, Illinois. Bennett offered political assistance and expressed interest in the Church. He moved to Nauvoo in September 1840 and was baptized that same month.

His rise was astonishingly fast. The speed itself is historically significant. Nauvoo's leaders did not merely accept Bennett as another convert; they placed exceptional trust in him because he seemed capable of securing things the city urgently needed - legislative protection, political connections, military organization, educational institutions, and favorable public representation.

Architect and lobbyist of the Nauvoo Charter

Bennett played a leading part in drafting, promoting, and lobbying for the Nauvoo charter in the Illinois legislature. Approved in December 1840 and effective in early 1841, the charter established the City of Nauvoo, the University of the City of Nauvoo, and the Nauvoo Legion. It granted unusually broad municipal authority, including a municipal court and significant local powers.

The charter's breadth later became controversial, especially as Nauvoo's political disputes intensified. But in 1840-1841 the charter was not imposed by a separatist government on an unwilling state. It passed the Illinois legislature with broad support. Bennett's ability to navigate that legislature was one of the principal reasons for his high standing among the Saints during his first year in Nauvoo.

First mayor of Nauvoo

In February 1841 Bennett became the first mayor of the newly chartered city. The office placed him at the center of Nauvoo's executive and judicial systems. As mayor he presided over the city council, signed ordinances and official communications, and participated in the municipal court. Under the charter

and Illinois law, the mayor and aldermen also possessed justice-of-the-peace powers in appropriate civil and criminal matters.

The Durfee v. Hibbard appeal bond belongs squarely to this phase of his career. Bennett's 1 December 1841 judgment concerned a private promissory-note claim, not a prosecution for violation of a Nauvoo ordinance. The appellate route into Hancock County Circuit Court is consistent with Bennett acting through the civil justice jurisdiction associated with his office. This distinction matters because it shows Bennett participating in ordinary state-law adjudication rather than merely enforcing Nauvoo's own municipal rules.

Assistant president in the First Presidency

On 8 April 1841 Bennett was sustained as assistant president in the First Presidency, with the appointment framed as temporary while Sidney Rigdon's health was impaired. The title reflected his extraordinary access to Joseph Smith and the degree of confidence placed in him. It should not be confused with the later, more familiar organization of the First Presidency in which two counselors served under the president. Bennett's role was exceptional and short-lived.

The appointment also illustrates how intertwined Nauvoo's civil and ecclesiastical leadership had become. Bennett could move in the same week among city administration, military affairs, university business, Church councils, and political lobbying. In 1841 he was one of the most visible public representatives of the Mormon city.

Chancellor of the University of Nauvoo

The charter created the University of the City of Nauvoo, and Bennett became its chancellor. The university was conceived broadly, encompassing schools, lectures, and the city's aspirations for educational legitimacy. Bennett's earlier experience with medical and educational institutions made him a logical choice.

The university never developed into the kind of permanent institution envisioned in the charter, but Bennett's chancellorship reveals another part of the 1841 Nauvoo project: the Saints intended their city to be not simply a religious refuge but a chartered municipality with military, educational, judicial, and cultural institutions comparable to other ambitious American cities.

Nauvoo Legion and public spectacle

As major general, Bennett helped organize the Nauvoo Legion into a large and highly visible militia. The Legion's uniforms, parades, officers, bands, and public reviews became among the most striking features of Nauvoo life. Such militia culture was not unique to the Saints; antebellum America was filled with volunteer military companies. What made Nauvoo unusual was the Legion's size, concentration, and connection to a rapidly growing religious city.

Bennett's militia role amplified his public stature. It also contributed to later suspicion. Critics increasingly interpreted Nauvoo's political solidarity, military organization, and charter powers as evidence that Joseph Smith and his associates were constructing an autonomous power center. Bennett initially defended the system he had helped create; after his break with Smith, he used his insider knowledge to portray the same institutions in a threatening light.

Bennett Masonry and Nauvoo networks

Bennett was active in Freemasonry and participated in the establishment and operation of the Nauvoo Masonic Lodge. Masonic affiliation linked Nauvoo leaders to a much wider fraternity extending across Illinois and the United States. In April 1842 Bennett served as lodge secretary when Davison Hibbard - the appellant in the 1841 Durfee case - was received into the lodge.

This later contact is useful in interpreting the appeal bond. Bennett's December 1841 judgment against Hibbard did not prevent the two men from participating months later in the same fraternal institution. That

fact cautions against reading personal hostility into the lower-court ruling. The available evidence fits an ordinary civil adjudication between men who continued to move in overlapping Nauvoo circles.

The Durfee v Hibbard judgment 1 December 1841

The original appeal bond studied in the preceding project records that Bennett entered judgment for Jabez Durfee against Davison Hibbard on 1 December 1841. The action was based on a promissory note and resulted in a judgment of $63.51 plus costs. Hibbard executed an appeal bond on [4?] December with Lewis Robison as surety; Jacob Cunningham Davis filed it in Hancock County Circuit Court on 6 December.

This apparently modest dispute is unusually valuable for Bennett's biography. It provides concrete evidence of him doing the routine work of local government. Much surviving discussion of Bennett concerns scandal, military spectacle, or later polemics. The bond instead shows him as a magistrate applying civil procedure to a debt action between two established Nauvoo-area men.

The appeal continued through 1842 and into 1843. BYU Special Collections preserves a writ of certiorari ordering the Mayor of Nauvoo to transmit the underlying promissory note, along with additional subpoena, summons, affidavit, and praecipe material in the larger Hancock County legal collections. The final circuit-court disposition remains unknown. Bennett's original judgment therefore survived his own political collapse and continued to move through the state judicial system after he had left office.

December 1841 Bennett at the height of power

The timing of the Durfee judgment is critical. In December 1841 Bennett remained mayor, assistant president in the Church presidency, major general in the Legion, university chancellor, and a prominent public defender of Nauvoo. Contemporary city lists still placed him firmly at the head of municipal government. His resignation would not occur until May 1842.

For that reason, the appeal bond should not be interpreted through hindsight. Nothing in the document itself reflects the sexual accusations, ecclesiastical rupture, or public anti-Smith campaign that would erupt the following spring and summer. It is a record of Bennett functioning inside the Nauvoo system while still one of its principal organizers.

The road to rupture

By early 1842 Bennett's standing had begun to collapse. The precise sequence of accusations is complicated because later participants offered competing accounts, but the central issues involved allegations of illicit sexual relationships, misuse of religious claims to obtain sexual access, and broader concerns about Bennett's conduct. Joseph Smith and other Nauvoo leaders increasingly distanced themselves from him.

Bennett initially attempted to preserve his position, but by May the break was public and irreversible. His ecclesiastical standing was terminated, and on 17 May 1842 he resigned as mayor. He arranged for the books and papers of the mayor's office to pass to the recorder, a detail directly relevant to the Durfee v. Hibbard case because Bennett's original docket and the promissory note may have moved through that transfer of municipal records.

Resignation and loss of office May 1842

Bennett's resignation as mayor on 17 May 1842 marked the end of his formal Nauvoo political career. Joseph Smith was elected mayor two days later. Bennett's other positions either lapsed or became meaningless as his relationship with the Church disintegrated.

The speed of the reversal was extraordinary. A man who had been publicly celebrated in 1841 as Nauvoo's political benefactor was, by the summer of 1842, denounced by the same leadership as corrupt and dangerous. Bennett responded in kind, presenting himself as an exposer of a secretive and authoritarian regime.

Public campaign against Joseph Smith

After leaving Nauvoo, Bennett launched a highly public campaign against Joseph Smith and the city's leadership. He wrote letters for publication, gave lectures, corresponded with political opponents of the Saints, and eventually published The History of the Saints. His allegations addressed plural marriage, sexual misconduct, political ambition, secret oaths, military power, and the attempted assassination of former Missouri governor Lilburn W. Boggs.

Some of Bennett's claims drew upon genuine insider knowledge; others were sensationalized, self-serving, poorly substantiated, or shaped for hostile audiences. Historians therefore treat him as an indispensable but deeply problematic witness. His value is greatest when his assertions can be checked against independent contemporary evidence.

Bennett and the Boggs assassination controversy

In May 1842 former Missouri governor Lilburn W. Boggs was shot and seriously wounded at Independence, Missouri. Suspicion quickly fell on Orrin Porter Rockwell and, by extension, Joseph Smith. Bennett became one of the principal public voices alleging Smith's involvement. Missouri authorities sought Smith's extradition, initiating a legal and political crisis that occupied Nauvoo through much of 1842 and early 1843.

Bennett's role in amplifying the accusation made his break with Smith a matter of interstate politics rather than merely an internal Church scandal. His familiarity with Nauvoo's institutions also made his charges especially potent among outsiders already suspicious of the city's charter and militia.

The History of the Saints and Bennett as a source

Bennett's 1842 book, The History of the Saints; or, An Exposé of Joe Smith and Mormonism, became one of the most influential anti-Mormon publications of the Nauvoo period. It offered readers dramatic descriptions of Smith, plural marriage, political schemes, military organization, and alleged secret practices.

The book should neither be discarded wholesale nor accepted uncritically. Bennett had been close enough to Nauvoo's leadership to know many things that outsiders could not have known. At the same time, he was writing after a humiliating rupture, for a hostile market, and with powerful incentives to magnify his importance. The safest historical method is to separate claims that can be independently corroborated from those that depend solely on Bennett's testimony.

Later religious affiliations

Bennett's association with Mormonism did not end completely when he left Nauvoo. During the succession crisis that followed Joseph Smith's death in 1844, he briefly associated with competing Latter Day Saint claimants, including Sidney Rigdon and later James J. Strang. These episodes fit a recurring pattern in Bennett's life: attraction to new institutions, rapid assumption of visible roles, and equally rapid departure.

His involvement with these movements also suggests that his 1842 opposition to Joseph Smith did not necessarily amount to a permanent rejection of every form of restorationist religion. Bennett remained drawn to movements in which religious authority, organization, and charismatic leadership intersected.

Later medical and scientific interests

In his later years Bennett returned more visibly to medicine and scientific or quasi-scientific pursuits. He wrote on poultry breeding and became known in agricultural circles for promoting particular fowl breeds, including the 'Bennett' or related improved varieties discussed in nineteenth-century poultry literature. This part of his life is often overshadowed by Nauvoo, but it illustrates his restless intellectual curiosity and continuing talent for self-promotion.

He also remained interested in organizational and reform causes. As in his youth, Bennett preferred public projects to a quiet private practice. His career continually alternated between genuine innovation, ambitious institution building, controversy, and reinvention.

Death

John C. Bennett died 5 August 1867 at Polk City, Iowa, two days after his sixty-third birthday. By then the Nauvoo crisis had receded more than two decades into the past, but Bennett's name remained permanently attached to the city's history. He had outlived Joseph Smith, Hyrum Smith, the Nauvoo charter regime, and the Mormon exodus from Illinois.

Historical interpretation

Bennett resists simple classification. To portray him only as a villain repeats the polemical perspective of his Nauvoo enemies; to portray him only as a courageous whistleblower repeats Bennett's own post-1842 self-presentation. The record supports a more complicated picture.

He was unquestionably talented. He understood charters, organizations, titles, publicity, military hierarchy, and political influence. He contributed materially to the creation of Nauvoo's civic structure and helped secure one of the most unusual municipal charters in antebellum Illinois. He also demonstrated instability, opportunism, and a repeated tendency to enter institutions dramatically and depart amid conflict.

His most historically useful documents are often the least sensational: official letters, city records, military papers, lodge minutes, and legal instruments such as the Durfee v. Hibbard appeal bond. These sources show what Bennett actually did before later antagonists on both sides began constructing competing narratives about what he represented.

Bennett and the John C Bennett Document

The 1841 appeal bond deserves a special place in Bennett's documentary biography. It fixes him at a precise moment - 1 December 1841 - and in a precise role: mayor and civil judicial officer. The parties were Jabez Durfee, an early Latter-day Saint carpenter and Missouri refugee, and Davison Hibbard, a longtime Hancock County justice of the peace and recent convert. Lewis Robison, then serving in Nauvoo's fiscal administration, acted as Hibbard's surety, while Jacob Cunningham Davis received the appeal into the county circuit court.

The document therefore captures the intersection of municipal Nauvoo and county Hancock government. It also shows that Bennett's authority was not purely ceremonial. He entered enforceable civil judgments whose consequences could pass into Illinois courts beyond Nauvoo. The subsequent circuit-court activity into 1843 confirms that his judicial acts had a legal life beyond his own tenure.

For the broader study of Bennett, this is valuable precisely because the case was ordinary. It is direct evidence of governance rather than reputation.

Chronology of John C Bennett

Date	Event
3 Aug. 1804	Born at Fairhaven, Massachusetts.
1820s-1830s	Medical practice, educational ventures, institutional organizing, and militia activity.
1839	Holds brigadier-general rank in Illinois militia.
1840	Corresponds with Joseph Smith; moves to Nauvoo and is baptized in September.
Dec. 1840	Helps secure passage of the Nauvoo charter through the Illinois legislature.
Feb. 1841	Becomes first mayor of Nauvoo and major general of the Nauvoo Legion.

Date	Event
8 Apr. 1841	Sustained as assistant president in the First Presidency.
1841	Serves as chancellor of the University of Nauvoo and in other civil/military capacities.
1 Dec. 1841	Renders judgment for Jabez Durfee against Davison Hibbard on a promissory note.
7-9 Apr. 1842	As Nauvoo Masonic Lodge secretary, records Davison Hibbard's lodge participation.
May 1842	Break with Joseph Smith becomes public; Bennett loses Church standing.
17 May 1842	Resigns as mayor of Nauvoo.
19 May 1842	Joseph Smith becomes mayor.
Summer 1842	Publishes accusations and lectures against Joseph Smith and Nauvoo leadership.
1842	Publishes The History of the Saints.
1844-1846	Brief involvement with post-Smith rival Latter Day Saint claimants, including Rigdon and Strang.
Later years	Returns to medical, agricultural, and organizational interests.
5 Aug. 1867	Dies at Polk City, Iowa.

Research cautions

- Bennett's later anti-Smith writings are valuable but adversarial sources and should be corroborated wherever possible.
- Later Mormon accounts of Bennett are likewise shaped by the bitter 1842 rupture and should not automatically be projected backward into 1840-1841.
- His title 'assistant president' should be described carefully; it was an exceptional temporary position tied to Sidney Rigdon's impaired health.
- The December 1841 Durfee v. Hibbard case was a civil promissory-note matter. It should not be confused with later controversies over Nauvoo's municipal habeas corpus practice.
- The final circuit-court disposition of Durfee v. Hibbard remains unknown, and no claim should be made that Bennett's judgment was affirmed or reversed.
- The exact private transaction behind the Durfee-Hibbard promissory note has not been recovered.

Principal sources for further study

Joseph Smith Papers - John C. Bennett biographical and documentary materials - https://www.josephsmithpapers.org/person/john-cook-bennett

Joseph Smith Papers - Bennett resignation, 17 May 1842 - https://www.josephsmithpapers.org/paper-summary/resignation-from-john-c-bennett-17-may-1842/1

Joseph Smith Papers - Nauvoo municipal and legal records - https://www.josephsmithpapers.org/

BYU L. Tom Perry Special Collections - MSS SC 712, Durphy v. Hibard certiorari - https://archives.lib.byu.edu/repositories/ltpsc/resources/upb_msssc712

BYU Special Collections - Hancock County Circuit Court legal documents, MSS 1443 - https://archives.lib.byu.edu/repositories/ltpsc/resources/upb_mss1443

John C. Bennett, The History of the Saints (1842) - https://archive.org/

Church History Library / Church Historian's Press resources - https://history.churchofjesuschrist.org/

Concluding assessment

John C. Bennett's Nauvoo career lasted only a short time, yet few outsiders rose so high or fell so dramatically. His importance lies not merely in the scandal of his departure but in what he helped build before it: a chartered city, a powerful militia, a university framework, a municipal legal system, and a political network that gave Nauvoo unusual autonomy within Illinois.

The Durfee v. Hibbard appeal bond enriches that biography by preserving Bennett in the act of governing. It reminds us that historical reputations are often formed by crises, while surviving administrative papers reveal the less dramatic work that occupied most days. On 1 December 1841 Bennett was still one of Nauvoo's most trusted and powerful officers. The small debt judgment he entered that day became part of a legal record that outlasted his mayoralty and now provides a rare surviving window into his civil authority at its zenith.

The other lives in the case

Jabez Durfee Durphy 1791 1867 extended biography

Family origins and trade

Jabez Durfee was born 23 December 1791 in Tiverton, Newport County, Rhode Island, a son of Perry Durfee and Annie Salisbury. He belonged to a large New England Durfee family whose members would later become deeply involved in early Mormonism. His occupational identity is unusually clear in the sources: he was a carpenter and millwright. Those skills shaped nearly every later phase of his life, from settlement building and private property transactions to the Wisconsin pineries and the Nauvoo Temple.

Marriage and migration before Mormonism

Jabez married Electa Cranston in Rhode Island, probably around 1811. By 1820 he was living in Lenox, Madison County, New York. The family later moved west into northern Ohio, part of the same migration stream that brought several Durfee relatives into the New London and Ruggles area of Huron County. That region became an important early center of Latter-day Saint missionary activity in 1831.

Conversion what is known and what remains uncertain

No reliable source located in this project supplies Jabez's exact baptismal day or the name of his baptizer. The Joseph Smith Papers conservatively states that he was baptized before 1833. A later reminiscence by Benjamin F. Johnson is more suggestive: Johnson remembered that in the fall of 1831 'Jabez Durfee' preached in western New York with an elder whom he called James Brackenbury. The well-documented early missionary in that network was Joseph Blanchett Brackenbury, making Johnson's given name suspect, but his identification of Jabez is significant. The safest conclusion is that Jabez was certainly a member by 1833 and may well have been preaching as early as late 1831. An exact 1831 baptism date should not be claimed.

The Brackenbury connection

The Durfee family's conversion was intertwined with the Brackenbury family. Joseph Blanchett Brackenbury and his wife Elizabeth Davis lived in the New London, Ohio, area. Elizabeth was baptized 10 April 1831 by John Carl. Joseph became an early missionary and later traveled with Jabez's brother Edmund Durfee. Brackenbury died in January 1832 while serving in western New York. Jabez later acquired fifty acres associated with the Brackenbury property in Ohio, and on 3 March 1834 he married Brackenbury's widow, Elizabeth Davis Goldsmith Brackenbury. The marriage bound two important early-convert households together.

Jackson County and Missouri

By 1833 Jabez had gathered with the Latter-day Saints in Jackson County, Missouri. Like thousands of other Church members, his household was drawn into the cycle of expulsion, relocation, and renewed settlement that followed. He later resided in the Far West/Daviess County region. These years were not merely background hardship. They placed Jabez inside the central conflicts that shaped early Mormon communal memory and politics.

Ordination in Kirtland

On 29 April 1836 a Kirtland council presided over by Joseph Smith Sr. voted that 'Priest Jabez Durfee be ordained Elder.' The men named in the record were then ordained under Joseph Smith Sr. and high councilors John Smith and Joseph Coe. Jabez received an elder's license on 2 May 1836. This is the first secure formal priesthood ordination located in the project, even though later reminiscence suggests he may have preached earlier.

The 1838 Missouri conflict and legal proceedings

Jabez's Missouri experience culminated in direct legal jeopardy. On 18 September 1838 his name appears among Latter-day Saint defendants in a recognizance arising from the Daviess County disturbances. In 1839 he was also named with brothers James and Perry Durfee in the large treason prosecution associated with the Mormon conflict. These records establish that Jabez was not merely a displaced settler; he was personally caught in the criminal-justice aftermath of the confrontation between the Saints, their neighbors, and Missouri authorities.

Property loss and redress

After the expulsion from Missouri, Jabez prepared a redress affidavit dated 18 January 1840. It described property losses and included a surveyed preemption claim in Daviess County. The affidavit belongs to the large body of Mormon petitions and claims documenting the material consequences of the Missouri conflict. His later Nauvoo financial life should be read against this backdrop: Jabez arrived in Illinois rebuilding after a significant forced displacement and loss of property.

Commerce and Nauvoo

Jabez reached the Commerce/Nauvoo area by 1839. His trade quickly placed him in the developing city's construction economy. On 28 October 1839 the Nauvoo high council appointed Davison Hibbard, Samuel Bent, and David Dort as trustees of a proposed stone schoolhouse, while Jabez Durfee and Alpheus Cutler were appointed architects and the building committee. The project was projected on a substantial scale, although later title difficulties leave it uncertain whether construction actually began. This appointment is the earliest securely documented working relationship located between Jabez and Hibbard.

Economic circumstances in 1841

Jabez's surviving 1841 papers show a tradesman operating in a property-rich but cash-poor frontier economy. On 2 February 1841 an agreement with Joseph Smith described a horse, three cows, two wagons, a crosscut saw, household furniture, carpenter and joiner tools, and an interest in his lot, with a stated consideration of $100. A receipt later that month allowed Jabez to retain use of the property until called for. The transaction illustrates the complicated mixture of personal property, credit, labor, church finance, and real estate that characterized Nauvoo commerce.

Wisconsin pineries and construction service

In September 1841 Jabez accompanied an expedition connected with Alpheus Cutler and Peter Haws to the Wisconsin pineries. These expeditions secured timber for the Nauvoo Temple, Nauvoo House, and other building needs. Jabez's participation is entirely consistent with his carpentry and millwright

background. It also places him in major Church construction work only a few months before Bennett entered judgment in his favor against Hibbard.

Durfee v Hibbard

On 1 December 1841 Jabez obtained judgment from John C. Bennett against Davison Hibbard for $63.51 plus costs on a promissory note. Hibbard appealed. The surviving papers show that the dispute remained active in Hancock County Circuit Court into 1843. The note itself has not been recovered, so the underlying transaction remains unknown. The earlier schoolhouse relationship provides a plausible context for prior financial dealings but does not establish that the note arose from the schoolhouse project.

Temple labor and later Nauvoo standing

Jabez continued to work on the Nauvoo Temple. William Clayton's temple history identifies him among a select group of steady carpenters assigned to the temple carpenter shop in late 1844. This is stronger evidence than a generic statement that he 'helped on the temple': it places him among skilled craftsmen specifically chosen for sustained temple construction. By December 1845 he had been ordained a high priest and participated in Nauvoo Temple ordinances.

Edmund Durfee s murder and the marriage to Magdalena

Jabez's older brother Edmund Durfee was killed on 15 November 1845 during anti-Mormon violence at the Morley/Yelrome settlement south of Nauvoo. The attack occurred after months of arson and intimidation directed at Latter-day Saint settlements in Hancock County. On 21 January 1846 Jabez married Edmund's widow, Magdalena Pickle Durfee. The marriage joined households in the aftermath of Edmund's death and is a striking example of the kinship strategies used by displaced Mormon families during the final Nauvoo winter.

Exodus and later life

Jabez left the Nauvoo region during the broader Latter-day Saint exodus and was living in the Council Bluffs/Pottawattamie County area by 1850. The Joseph Smith Papers notes that he was excommunicated at Council Bluffs in 1850; the precise circumstances were not resolved in this project and should not be embellished without the underlying disciplinary record. He later lived in Iowa and died in April 1867.

Historical assessment

Jabez Durfee is easy to overlook because he never became an apostle, governor, famous missionary president, or national political figure. Yet his life is exceptionally representative of the first generation of committed Latter-day Saint settlers. He was an early convert, possible early missionary, skilled tradesman, Jackson County settler, Missouri defendant and refugee, Nauvoo builder, Wisconsin pinery worker, creditor and litigant, temple carpenter, high priest, and member of a family profoundly affected by anti-Mormon violence. The Bennett appeal bond is valuable partly because it places this otherwise less visible man in a precise legal and economic moment.

Jabez Durfee concise chronology

- 23 Dec. 1791 - born, Tiverton, Rhode Island.
- By 1820 - living in Lenox, Madison County, New York.
- By early 1830s - in northern Ohio; baptized into the Latter-day Saint movement before 1833.
- Fall 1831 - later Benjamin F. Johnson reminiscence may place Jabez preaching in western New York.
- By 1833 - resident in Jackson County, Missouri.
- 3 Mar. 1834 - marries Elizabeth Davis Goldsmith Brackenbury in Clay County, Missouri.
- 29 Apr. 1836 - ordained elder at Kirtland; license issued 2 May.

- 1838-1839 - caught in Missouri conflict; named in legal proceedings.
- 18 Jan. 1840 - signs Missouri redress affidavit.
- 2 Feb. 1841 - property agreement with Joseph Smith documents tools, livestock, wagons, and lot interest.
- 25 Sept. 1841 - participates in Wisconsin pinery expedition connected with Nauvoo construction.
- 1 Dec. 1841 - wins note judgment against Davison Hibbard before John C. Bennett.
- 1842-1843 - Hibbard appeal remains active in Hancock County Circuit Court.
- Late 1844 - selected among steady carpenters for the Nauvoo Temple carpenter shop.
- Dec. 1845 - high-priest and temple-era activity.
- 21 Jan. 1846 - marries brother Edmund's widow, Magdalena Pickle Durfee.
- By 1850 - living in the Council Bluffs/Pottawattamie area; later excommunicated there.
- Apr. 1867 - dies.

Davison Davidson Hibbard 1788 1854

Early life and public office

Davison Hibbard was born 20 August 1788 in Brookfield, Vermont, a son of Roger Hibbard and Sarah Davidson. He married Sarah Tilton in 1816. By 1824 he was living in Illinois. His rise in local public life was early and sustained: he was commissioned a captain in the Illinois militia in 1826, appointed justice of the peace in 1827, moved to Hancock County in 1829, became county coroner in 1832, and was again elected justice of the peace in 1835.

Conversion and Nauvoo

Hibbard was baptized into the Church of Jesus Christ of Latter-day Saints on 11 August 1839 at Commerce, the settlement soon renamed Nauvoo. His conversion is notable because it came after more than a decade of Illinois civic service. He therefore entered the Mormon community as a mature local official with long familiarity with county law and procedure.

Relationship with Jabez Durfee

The Nauvoo high council's October 1839 stone-schoolhouse plan placed Hibbard among the trustees and Jabez Durfee and Alpheus Cutler among the architects/building committee. This establishes a direct working relationship before the 1841 note dispute. It does not prove that the later promissory note grew out of the project.

Promissory note experience

Hibbard was himself an experienced creditor. On 11 May 1840 George Miller and Joseph Smith signed an $85 promissory note payable to Hibbard. Hibbard later transferred the note to Hungerford & Livingston, and litigation followed when it was not paid. That case familiarized him directly with justice-court litigation, appeal procedure, and the handling of negotiable instruments.

The Bennett case

In December 1841 Hibbard occupied the opposite position: he was the debtor-defendant against whom Bennett entered judgment. His immediate appeal, backed by Lewis Robison, is therefore best understood as the action of a legally experienced man, not a novice. What defense he asserted remains unknown because the affidavit, subpoena testimony, and final circuit judgment have not been recovered.

Later Nauvoo roles

Hibbard became a member of the Nauvoo Masonic Lodge and in March 1842 was appointed assistant inspector general in the Nauvoo Legion. He also participated in Nauvoo land development; period maps preserve Hibbard additions and the Hibbard name in the city's geography. In May 1843 he was

subpoenaed with Robert D. Foster as a witness in another Hancock County proceeding involving the City of Nauvoo and Amos Davis.

Death

Hibbard remained in Nauvoo and died there on 11 September 1854. His biography is a useful reminder that not all early Hancock County converts arrived as landless migrants. Hibbard was already rooted in Illinois civil government and local society before joining the Saints.

Lewis Robison 1816 1883

Early life

Lewis Robison was born 28 October 1816 at Cincinnati, Ohio, the son of Charles Robison and Jerusha Rebecca Kellogg. He married Clarissa Minerva Duzette on 25 December 1839.

Nauvoo civic service

Robison's significance in the appeal bond comes from his official position. In 1841 he served as Nauvoo city assessor and collector, compiling and administering city property assessments during John C. Bennett's mayoralty. Contemporary municipal records place him in that office at the time he signed Hibbard's appeal bond as surety on [4?] December 1841.

A striking religious chronology

The Church History Biographical Database gives Robison's baptism as 15 September 1846, performed by A. L. Lamereux. If correct, he was participating deeply in Nauvoo civic administration years before formal baptism. That should be preserved as an interesting feature of his biography rather than silently 'corrected' to an earlier date without evidence.

Later activity

Robison remained involved in legal and civic activity. A surviving 1843 Hancock County search warrant records him acting as a constable in recovering stolen property. He crossed the plains in the Charles C. Rich company in 1847 and later became an established Utah resident. He died in Salt Lake City on 1 November 1883.

Role in the bond

By acting as surety Robison exposed himself financially to the conditions of Hibbard's appeal. His signature demonstrates both personal confidence in Hibbard and the close interweaving of Nauvoo municipal officeholders with ordinary private legal transactions. There is no evidence that his municipal position made the bond improper.

Jacob Cunningham Davis 1820 1883

Origins and arrival in Hancock County

Jacob Cunningham Davis was born 16 September 1820 near Staunton, Virginia. He moved to Warsaw, Hancock County, Illinois, by 1838 and quickly entered law and politics.

Circuit clerk

Davis served as Hancock County circuit clerk from 1841 to 1843. His role on the Durfee-Hibbard bond is therefore exactly what the office required: receiving, docketing, and filing the appeal into the circuit-court system. Other surviving December 1841 Hancock County process is in Davis's handwriting, providing a strong paleographic comparison for the endorsement on the user's original bond.

Political and militia career

Davis entered the Illinois Senate in 1842. In 1844 he served as captain of a Warsaw militia rifle company during the tense period surrounding the deaths of Joseph and Hyrum Smith. He was later indicted with other men for their murders and was acquitted at the 1845 trial.

Later public service

Davis returned to the Illinois Senate and later served in the United States House of Representatives from 1856 to 1857. He eventually moved to Clark County, Missouri, and died at Alexandria on 25 December 1883.

Historical significance on this document

In December 1841 Davis was not yet defined by the 1844 conflict. On the appeal bond he appears simply as the young circuit clerk carrying out the machinery of Hancock County law. The document thus captures another man before later political polarization dramatically changed how posterity remembers him.

Related family profile Edmund Durfee 1788 1845

Why Edmund belongs in this study

Edmund Durfee does not appear as a party to the 1841 bond, but he is indispensable to understanding Jabez. He was Jabez's older brother, an early and active convert, missionary and high priest, and one of the best-documented Mormon victims of the 1845 Hancock County violence. After Edmund's murder, Jabez married Edmund's widow Magdalena.

Conversion in Ohio

Edmund was born 3 October 1788 in Tiverton, Rhode Island. He had been a Methodist. In the spring of 1831 the Durfees in Ruggles Township, Ohio, encountered Latter-day Saint missionaries, particularly Solomon Hancock and Simeon Carter. Edmund was baptized 15 May 1831 by Simeon Carter. His wife Magdalena and other family members followed soon afterward. Family reminiscence preserves an unusually vivid account of hearing Mormon preaching amid Methodist and Campbellite religious competition.

Priesthood and missions

Edmund was ordained an elder soon after baptism and on 25 October 1831 was ordained a high priest by Oliver Cowdery at a conference in Orange, Ohio. In December 1831 he left on a mission to Chautauqua County, New York, with Joseph Blanchett Brackenbury. Brackenbury died there in January 1832. Later Mormon tradition alleged poisoning, but the cause should be treated as uncertain unless stronger contemporary evidence emerges. Edmund continued missionary and settlement activity during 1832 and became involved in Kirtland Temple construction.

Missouri and Nauvoo

Like Jabez, Edmund passed through the Missouri persecutions and the rebuilding of Mormon life in Illinois. The family became part of the broader Nauvoo-region settlement network rather than living only within the city proper.

Murder at Morley Yelrome

During the anti-Mormon violence of 1845, raiders burned Latter-day Saint homes and outbuildings in the Morley settlement area south of Nauvoo. On the night of 15 November 1845 attackers used fire to draw defenders from concealment. Edmund was shot and killed. Contemporary Mormon reporting described

the event as murder and arson. Although some databases simplify his place of death as Nauvoo, the more precise setting was the Morley/Yelrome or Green Plains settlement area.

Aftermath

On 21 January 1846 Jabez married Edmund's widow, Magdalena Pickle Durfee. The event tied the brothers' biographies together in the final months before the Nauvoo exodus and helps explain why Edmund's story belongs in any extended account of Jabez.

Durfee v Hibbard reconstructed case history

The lower court judgment

On 1 December 1841 John C. Bennett, identified in the appeal papers as mayor of Nauvoo, rendered judgment for Jabez Durfee against Davison Hibbard on a promissory note. The amount preserved by the appeal bond is $63.51 plus costs. The exact original note - its date, face amount, consideration, interest terms, endorsements, and witnesses - has not been located.

The appeal bond

On [4?] December 1841 Hibbard executed an appeal bond in a penal sum of $135. Lewis Robison signed as surety. On 6 December the instrument was filed with the Hancock County Circuit Court under circuit clerk Jacob Cunningham Davis. The purpose was to secure Hibbard's prosecution of the appeal and payment of whatever amount the circuit court might ultimately adjudge.

Why Bennett had jurisdiction

The controversy was a private civil debt action, not a prosecution for violation of a Nauvoo ordinance. The Nauvoo charter and Illinois law gave municipal officers justice-of-the-peace powers, and the procedural path from Bennett's judgment to the Hancock County Circuit Court resembles ordinary Illinois justice-court practice. The surviving papers are therefore best described as an appeal from Bennett while he was exercising civil justice-of-the-peace authority connected to his office as mayor.

Known appellate papers

Date	Document / event	Significance
1 Dec. 1841	Bennett judgment	Durfee wins lower-court judgment on promissory note.
[4?] Dec. 1841	Appeal bond	Hibbard appeals; Lewis Robison is surety; penal sum $135.
6 Dec. 1841	Circuit filing	Jacob C. Davis receives/files the appeal.
18 Apr. 1842	Subpoena	Shows preparation for witness testimony before the spring circuit term.
1842	Writ of certiorari (BYU MSS SC 712)	Orders the Mayor of Nauvoo to transmit the promissory note for use in the case.
5 Aug. 1842	Summons to appellee	Continues process against/for Durfee in the appeal.
22 Sept. 1842	Praecipe/process	Further preparation for the October 1842 term.
10 Oct. 1842	Affidavit	Filed during the fall circuit term; contents remain unseen.
4 Apr. 1843	Praecipe	Shows continued activity in advance of the May 1843 term.

Date	Document / event	Significance
Final disposition	Not located	Could have been affirmance, reversal, new judgment, dismissal, settlement, or another procedural end; evidence presently insufficient.

The importance of the certiorari

BYU's MSS SC 712 is one of the strongest independent links to the user's bond. Its catalog description states that the Hancock County Circuit Court ordered the Mayor of Nauvoo to transmit a promissory note for use in Jabez Durphy v. Davison Hibard. This documents that the circuit proceeding called for the underlying instrument and that the case survived beyond the initial appeal bond. The exact date and addressee of the manuscript remain important because a pre-17 May 1842 writ may have been directed to Bennett himself; after Bennett's resignation it would have reached his successor's municipal office.

What was Hibbard arguing

The answer remains unknown. The subpoena and affidavit indicate that factual evidence and witness process were involved, but the public BYU finding aid does not reveal the witness's name or the affidavit's contents. Possible issues in a nineteenth-century note appeal might include execution of the note, consideration, partial payment, offset, authenticity, witness availability, or procedural matters. None should be assigned to Hibbard without the missing papers.

Possible origin of the debt

The strongest contextual clue is the 1839 stone-schoolhouse relationship: Hibbard served as a trustee and Jabez Durfee and Alpheus Cutler as architects/building committee members. This demonstrates a preexisting working relationship, but does not establish a particular financial transaction between them. However, title problems may have prevented the schoolhouse project from proceeding, and no document located in this search ties the $63.51 note to the schoolhouse. Other plausible origins include land or improvement transactions, tools or livestock, building work, ordinary credit, or a private loan. The original note would likely resolve the question.

Research conclusion: the schoolhouse theory is a useful hypothesis, not a finding.

Circuit court context

The appeal appears to have remained active across the spring 1842, fall 1842, and spring 1843 Hancock County Circuit Court terms. Stephen A. Douglas was the regular circuit judge for the relevant 1842 Hancock terms, although the surviving Durfee-Hibbard papers have not yet established that Douglas personally made a ruling in this specific action. The final docket disposition remains the principal missing legal fact.

Why the case matters

The dollar amount was modest, but the people were not. The bond links John C. Bennett at the peak of his Nauvoo power; an early Mormon craftsman and Missouri refugee; a longtime Hancock County justice of the peace; a Nauvoo fiscal officer; and a young circuit clerk who later became a prominent anti-Mormon political figure. The later legal process also outlived Bennett's mayoralty and continued after his dramatic break with Joseph Smith. As a result, the case is a compact documentary window into the overlap of Nauvoo municipal power and Hancock County state-law institutions.

Historical significance of the document

- It is a surviving original record of John C. Bennett exercising judicial authority before his 1842 rupture with Joseph Smith.

- It documents the economic and legal activity of Jabez Durfee, a significant but comparatively little-studied early Latter-day Saint craftsman.
- It shows Davison Hibbard using the appeal machinery he already knew from years as an Illinois justice of the peace and litigant.
- It identifies Lewis Robison acting as surety while serving in Nauvoo's municipal fiscal administration.
- It bears Jacob Cunningham Davis's circuit-court involvement before the political violence of 1844 redefined his historical reputation.
- It links a privately held original paper to surviving companion records now at BYU and likely to unindexed Hancock County circuit records.
- It provides a case study in how Nauvoo municipal judicial authority interfaced with Illinois circuit-court procedure.

Unresolved questions and archival targets

Original promissory note: Would likely reveal the transaction, date, amount, consideration, and possible endorsements.

Bennett's original docket entry: Could give summons, appearances, judgment calculation, costs, and appeal notation.

18 Apr. 1842 subpoena: The witness's identity could expose the factual basis of Hibbard's defense.

10 Oct. 1842 affidavit: Could contain the richest narrative explanation of a procedural or evidentiary problem.

Final circuit-court judgment: Needed to determine whether Bennett's judgment was affirmed, reversed, modified, dismissed, settled, or otherwise terminated.

Jabez's exact baptism: The institutional minimum is before 1833; later reminiscence suggests possible preaching in 1831, but the exact baptism date and baptizer remain unknown.

Robison's pre-1846 religious status: His Nauvoo civic service clearly predates the 1846 baptism date in the Church History Biographical Database.

Sources and research notes

The following are the principal sources used to construct this study. Institutional and contemporary sources were preferred over later genealogical compilations. Where a later reminiscence is used, the text identifies it as such.

Joseph Smith Papers, biography of John Cook Bennett - https://www.josephsmithpapers.org/person/john-cook-bennett

Joseph Smith Papers, biography of Jabez Durfee (Durphy) - https://www.josephsmithpapers.org/person/jabez-jabis-durfee-durphy

Joseph Smith Papers, biography of Davidson/Davison Hibbard - https://www.josephsmithpapers.org/person/davidson-davison-hibbard-hibard

Joseph Smith Papers, biography of Jacob Cunningham Davis - https://www.josephsmithpapers.org/person/jacob-cunningham-davis

Church History Biographical Database, Lewis Robison - https://history.churchofjesuschrist.org/chd/individual/lewis-robison-1816

BYU Special Collections, MSS SC 712, Hancock County Circuit Court Writ of Certiorari - https://archives.lib.byu.edu/repositories/ltpsc/resources/upb_msssc712

BYU Special Collections, Hancock County legal collections / MSS 1443 - https://archives.lib.byu.edu/

Illinois Regional Archives Depository (IRAD), Hancock County circuit-court holdings - https://www.ilsos.gov/departments/archives/IRAD/irad.pdf

Joseph Smith Papers, Bennett resignation / transfer of office papers - https://www.josephsmithpapers.org/paper-summary/letters-from-john-c-bennett-and-james-sloan-17-may-1842/1

Joseph Smith Papers, Jabez Durfee 2 Feb. 1841 agreement - https://www.josephsmithpapers.org/paper-summary/agreement-with-jabez-durfee-2-february-1841/1

Joseph Smith Papers, Hibbard promissory-note litigation involving Miller and Joseph Smith - https://www.josephsmithpapers.org/paper-summary/introduction-to-hibbard-for-the-use-of-hungerford-livingston-v-miller-and-js/1

Missouri redress petitions / Missouri legal records relating to Jabez Durfee - Joseph Smith Papers and Missouri State Archives references cited in project notes.

Kirtland elders' and priesthood records, 1836 - Contemporary Kirtland records as cited in the Joseph Smith Papers and related transcriptions.

Benjamin F. Johnson, My Life's Review - Retrospective reminiscence used cautiously for possible 1831 Jabez Durfee missionary activity.

William Clayton, history of the Nauvoo Temple - Used for Jabez Durfee's later temple-carpenter assignment.

Contemporary 1845 reports of Edmund Durfee's death - Nauvoo-era newspaper and church-history reports; later family reminiscence used only as supplementary context.

Editorial note

Spelling follows the form most commonly used in modern biographical sources, while recognizing nineteenth-century variants: Durfee/Durphy, Hibbard/Hibard, and Davison/Davidson. The phrase 'John C. Bennett Document' is used as the project title; the legal action itself is Jabez Durfee (Durphy) v. Davison Hibbard (Hibard).

This report intentionally distinguishes documented fact from inference. In particular, it does not claim that the promissory note arose from the 1839 stone-schoolhouse project, does not assign an exact baptism date to Jabez Durfee, does not identify the subpoenaed witness without the manuscript, and does not state a final circuit judgment that has not been found.

Sources for the narrative and illustrations

[1] Original appeal bond in Jabez Durphy v. Davison Hibard, December 1841, front and reverse photographs IMG_3236.jpeg and IMG_3237.jpeg, supplied by David Larsen. Newly transcribed for this edition. The paper itself supports the judgment, bond amount, parties, signatures, and filing endorsement; it does not specify the underlying consideration.

[2] The Joseph Smith Papers, “Bennett, John Cook,” biographical entry. https://www.josephsmithpapers.org/person/john-cook-bennett

[3] General conference minutes, April 7–11, 1841, Times and Seasons 2 (April 15, 1841), 386–388, especially 387 under “Thursday morning April 8th.” https://www.josephsmithpapers.org/paper-summary/minutes-7-11april-1841/2

[4] John C. Bennett and James Sloan, letters, May 17, 1842, and Bennett’s resignation of the same date, Joseph Smith Papers. https://www.josephsmithpapers.org/paper-summary/letters-from-john-c-bennett-and-james-sloan-17-may-1842/1 ; https://www.josephsmithpapers.org/paper-summary/resignation-from-john-c-bennett-17-may-1842/1

[5] The Joseph Smith Papers, “Durfee (Durphy), Jabez (Jabis).” https://www.josephsmithpapers.org/person/jabez-jabis-durfee-durphy

[6] John C. Bennett, The History of the Saints; or, An Exposé of Joe Smith and Mormonism (Boston: Leland & Whiting, 1842). Public-domain illustrations inspected directly in digitized copies. Bennett portrait, title page, and map: University of Illinois copy, third edition, scan pages 15, 17, and 202. https://libsysdigi.library.illinois.edu/oca/Books2008-08/historyofsaintso00benne/historyofsaintso00benne.pdf . Joseph Smith plate: Google digitized copy, scan page 68, between printed pages 56 and 57. https://archive.org/details/historysaints00benngoog . The University of Illinois scan skips the Smith plate; it was recovered from the alternate copy. No image in this report was generated or reconstructed.

[7] Jabez Durfee, agreement with Joseph Smith, February 2, 1841, and receipt, February 15, 1841, Joseph Smith Papers. https://www.josephsmithpapers.org/paper-summary/agreement-with-jabez-durfee-2-february-1841/1 ; https://www.josephsmithpapers.org/paper-summary/receipt-from-jabez-durfee-15-february-1841/1

[8] BYU L. Tom Perry Special Collections, MSS SC 712, Hancock County, Illinois Circuit Court Writ of Certiorari, 1842. Catalog description identifies an order to send the promissory note in Jabez Durphy v. Davison Hibard. Catalog-level evidence, not a new transcription of the writ. https://archives.lib.byu.edu/repositories/ltpsc/resources/upb_msssc712

[9] BYU Special Collections, “Jabez Durphy vs. Davison Hibbard subpoena, 1842 April 18.” https://archives.lib.byu.edu/repositories/ltpsc/archival_objects/684fab6182b921a7d5e5090020ac8785 . Other process dates in the retained chronology come from the prior project’s finding-aid research and have not been independently re-read from the manuscripts in this edition.

[10] Notice, May 11, 1842, withdrawal of fellowship from Bennett; transcript also presented by Wilford Woodruff Papers. https://wilfordwoodruffpapers.org/documents/b3cb2b72-4879-4981-8bf5-24ee766171da/transcript . See also Joseph Smith Papers, General Church Officers, May–August 1842. https://www.josephsmithpapers.org/back/general-church-officers-may-august-1842

[11] Joseph Smith Papers, historical introduction to Copyright for Map of the City of Nauvoo, December 17, 1842, especially the discussion of the Maudsley portrait, the map proof, the temple drawing, and their reproduction in Bennett’s book. https://www.josephsmithpapers.org/paper-summary/copyright-for-map-of-the-city-of-nauvoo-17-december-1842/1

How the earlier research is preserved

“Research Portfolio” references in the narrative point to the extended biographies and case reconstruction retained in this volume. These derive from John C Bennett Document Biographies and Case Study and John C Bennett Extended Biography, both saved August 30, 2026. Their source lists and unresolved research questions remain included. General statements from those reports should be distinguished from the newly inspected bond photographs and the specific sources numbered above. Broad source references in the older reports are not substitutes for manuscript-level citations.

The earlier report’s schoolhouse theory remains a hypothesis. The precise consideration for the promissory note, the testimony on appeal, and the final circuit-court judgment remain unknown. This completed narrative edition does not claim to close those historical gaps.

Guide to the volume

Opening highlights; original bond front and reverse; transcripts and plain-language explanation; narrative of Bennett and the case; Joseph Smith portrait; Nauvoo map; Bennett book title page; extended Bennett biography; biographies of Durfee, Hibbard, Robison, Davis, and Edmund Durfee; legal reconstruction and chronology; unresolved questions; source notes.