People v Jacob Harrison Potts

The 1843 Hancock County plow case

An illustrated narrative with original documents and biographies

Highlights

- A missing plow brought a survivor of Hawn's Mill into a criminal courtroom in Carthage.
- The papers connect his Huntsman relatives with William and Wilson Law, George Bachman, James Harvey Ralston, and Lewis Robison.
- Subpoenas and attendance certificates reveal the people gathered for the case. The jury's own paper supplies the ending.

A plow and two prisoners

By the middle of May 1843, a plow had become a criminal case. A local officer reported recovering it and arresting two men: Jacob Potts and a man called Davison. Soon the clerk at Carthage was issuing subpoenas, a lawyer was writing out an indictment, and neighbors were being summoned to court. [1–2]

The object at the center of the case was ordinary farm equipment. The people around it were anything but an anonymous cast. One alleged owner, William Law, was a counselor to Joseph Smith. His brother Wilson commanded the Nauvoo Legion as major general. The accused Potts had survived the attack at Hawn's Mill less than five years earlier. His wife's family would now appear in the papers prepared for his defense. [1,3–5]

The file does not give us a courtroom transcript. It offers something more fragmentary and personal: crossed-out names, an officer's return, a witness's signature, another witness's mark, and finally the jurors' decision. Following those papers brings the people into view, one at a time.

Reading the documents. Facsimiles precede their transcripts. Brackets mark editorial explanations and uncertain readings. The narrative uses modern spelling; transcriptions retain the wording and spelling visible in the photographs. Longer profiles and source notes follow the verdict.

Before Carthage there was Hawn’s Mill

Jacob Harrison Potts was born in Ohio in 1813. Family histories place his origins in Knox County and his marriage to Catherine Elizabeth Huntsman about 1832. That marriage tied his life to a family whose movements carried its members through Ohio, Indiana, Missouri, and Illinois. By the Missouri years, Potts belonged to the Latter-day Saint community, though an exact baptism date has not been established. [3,6]

At Hawn’s Mill on 30 October 1838, he was caught in the attack on the settlement. In the redress papers he later helped make, Potts reported two wounds in his right leg. The injury survived in a different form in his 1839 claim: dollars assigned to wounds, lost work, animals, land, and the cost of leaving Missouri. [3]

His total was $1,420. Land accounted for $400; wounds, $500; eight months of lost labor, $240. The rest included cattle, horses, tack, other property, and removal expenses. This was his statement of what the upheaval had cost him, rather than a record of compensation received. A joint affidavit with Levi Stiltz in March 1840 described cultivated land and the forced departure from Missouri in February 1839. [3]



A memorial at the Hawn’s Mill site, photographed by George Edward Anderson in 1907. This later view records remembrance of the attack, not the mill as Potts saw it in 1838. Wikimedia Commons; public domain.

Those figures make Potts more than a name beneath a criminal charge. He had already put his losses before the authorities once, seeking redress. In Illinois he would face a very different paper bearing the authority of the state: an indictment accusing him of taking someone else’s property.

His suffering does not tell us why the plow disappeared. It tells us what he had lived through before the accusation arrived.

A new home and an old family connection

The Potts family became associated with Ramus, later called Macedonia, in Hancock County. Nauvoo was the best-known gathering place, but the surrounding settlements mattered too. Family members, farm workers, merchants, and officers moved through a county larger than the city at its western edge. The prosecution would be heard at Carthage, the county seat. [1,6–7]



Hancock County in A. T. Andreas's Illustrated Historical Atlas, 1874, map on printed page 8. Published thirty-one years after the trial; useful for county geography, not proof of 1843 roads, ownership, or buildings. BYU copy digitized by Internet Archive; public domain.

Catherine's brother Peter Huntsman supplies the strongest family connection in the witness papers. William Huntsman appears with him, but the name is less secure: Peter's son William, born in 1822, is one candidate; another William belonged to the older generation. The summons gives no age or relationship. The family connection is real, while the precise place of this William in it remains open. [1,6]

The search and the Law brothers

The preliminary search record survives separately from the photographed circuit-court file. BYU's description of a warrant in the Daniel H. Wells papers says that Wells sent constable Lewis Robison to search Potts and "one Davison" for a plow and clevis. A clevis was a fastening used to connect equipment. Robison's return, dated 17 May, reported recovery of the plow, both arrests, and $1.75 in expenses. These details come from the archive's catalog; the warrant itself is not reproduced here. [2]

Wells was a justice of the peace and an established Nauvoo civic figure. He had not yet joined the church: his baptism came in 1846. Robison was an officer used to practical municipal work, including tax collection. Their participation placed the accusation within the machinery of county law. [8–9]

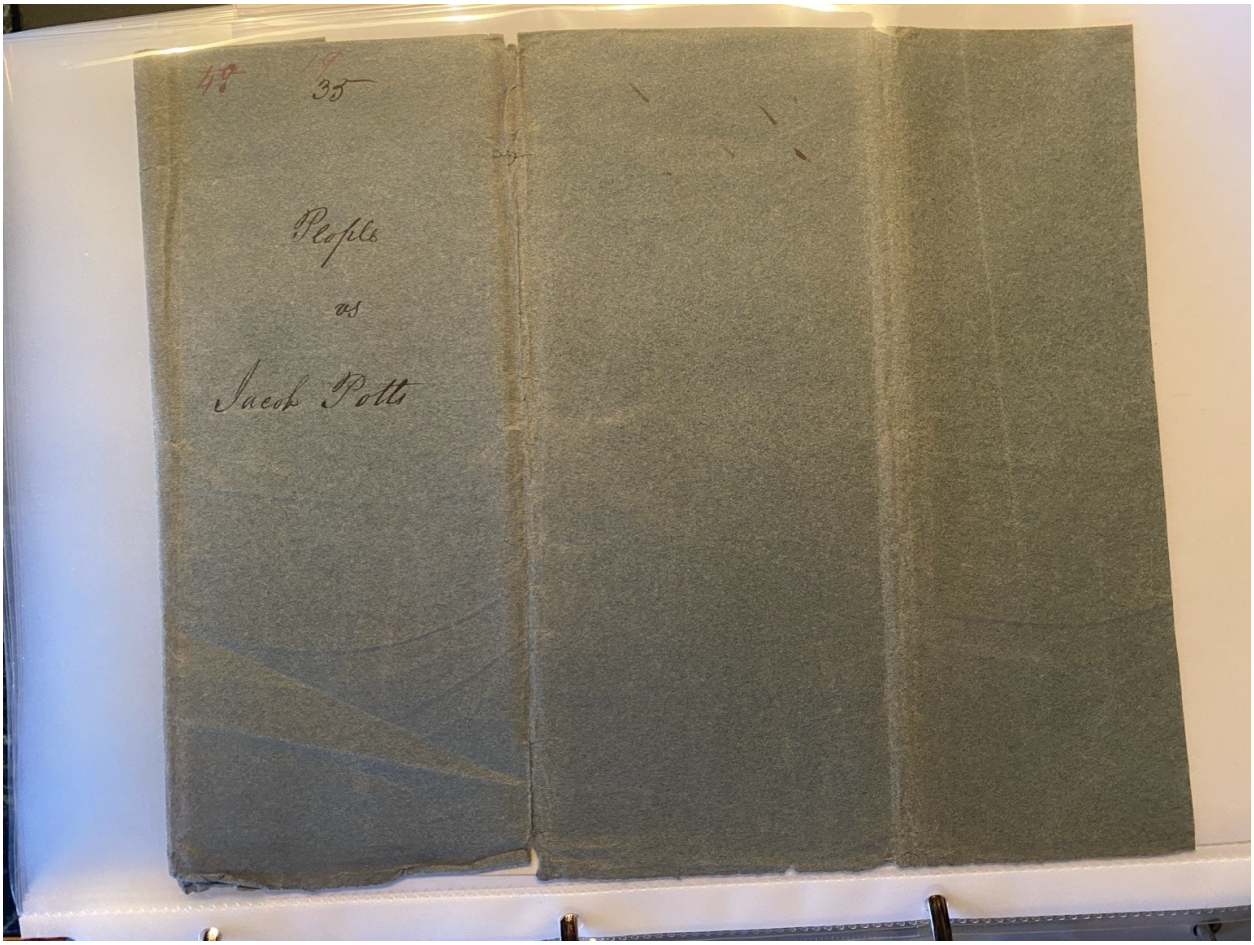


William Law in later life. Portrait reproduced by the BYU Religious Studies Center; date and photographer unspecified.

The indictment would name William and Wilson Law as joint owners. The brothers operated commercial and milling enterprises in Nauvoo. In May 1843, William still served in the First Presidency, and Wilson held the Legion's rank of major general. Their later break with Joseph Smith and involvement in the Nauvoo Expositor belong to 1844. In this story they enter as prominent men within Nauvoo's existing leadership. [4–5]

The dates do not line up perfectly. The indictment alleges a taking on 5 May; the BYU catalog describes a 7 May theft or complaint episode. Reading the original warrant may explain the difference. For now, each document keeps its own date.

Opening the case file

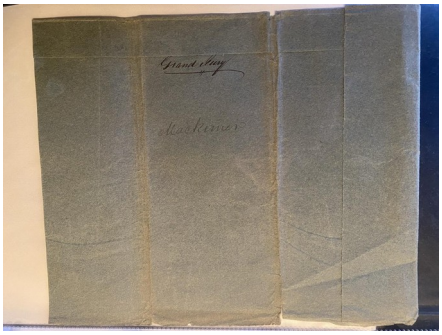


The file wrapper, IMG_3300. Its brief title places Jacob Potts at the center of the case.

Transcript of the wrapper

35
People
vs
Jacob Potts

A red number at the upper left appears to read 48. The number 35 recurs on individual case papers. These are filing marks, not additional charges.



Wrapper reverse, IMG_3301, rotated for reading.

Grand Jury
Jacob [surname unclear]

Ralston puts the accusation on paper

The next paper turns a reported theft into a formal charge. Its opening speaks in the name of the grand jurors and of the People of Illinois. It names Jacob Potts and George Davison and describes a plow and clevis worth ten dollars. [1]

James Harvey Ralston appears at the end as state’s attorney pro tempore: the lawyer acting for the state in this prosecution. He had already been a legislator and a circuit judge. Here his task was to frame the accusation. He was not the judge deciding the Potts case. [10]



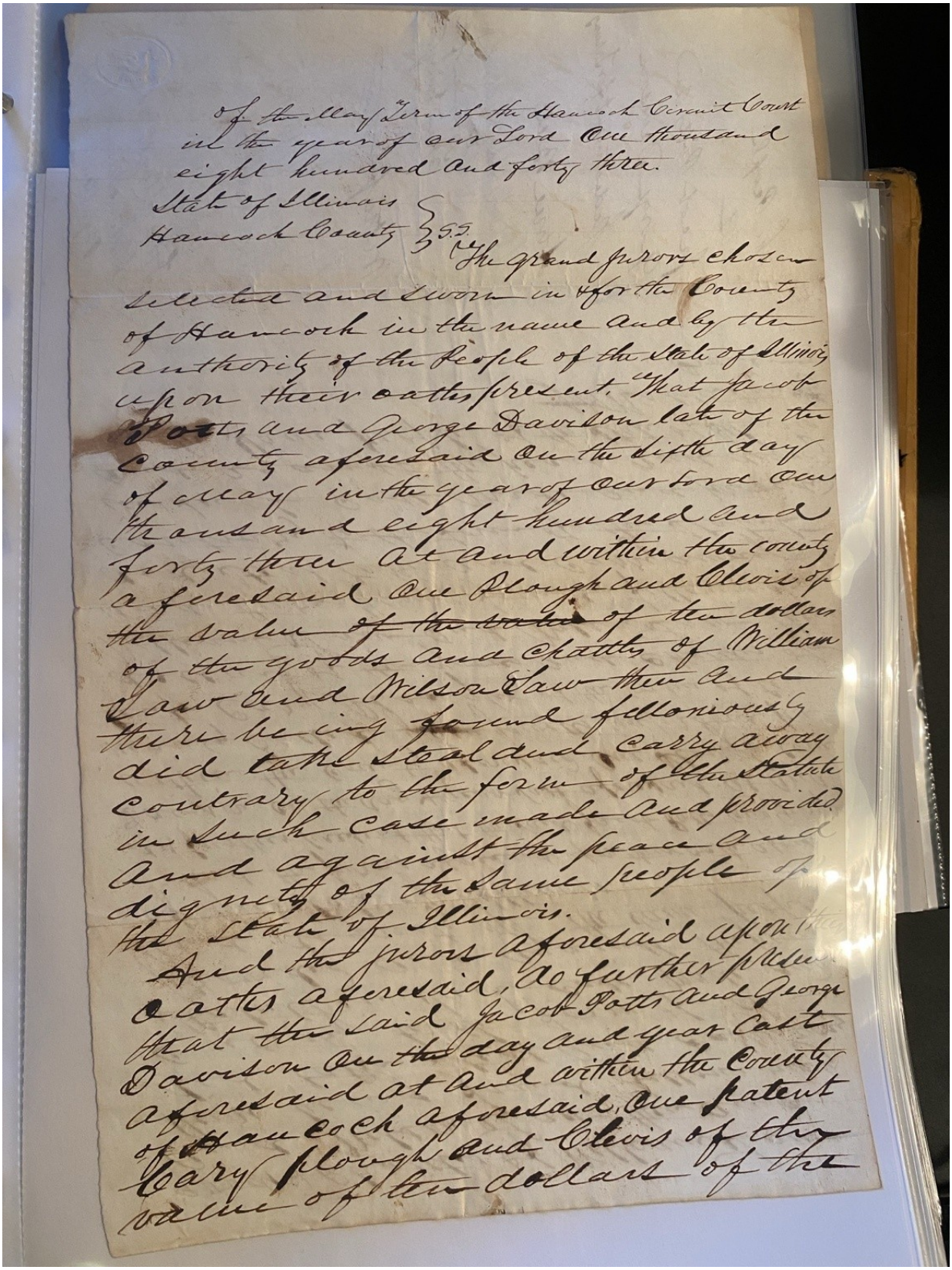
James Harvey Ralston. Historical portrait reproduced by Alamo Lodge No. 44; image date and maker unspecified.

The original indictment and its certified copy describe the property in three counts. Each alleges the same date, the same defendants, and property belonging to the Law brothers, while varying the description. These are alternative formulations of the accusation, not evidence that three plows were stolen.

The first sheet continues onto a second, where the grand-jury endorsement and a short witness list give the pleading its human attachments. Wesley Williams signs as foreman. Wilson Law, George B. Hicks, Isaac Alred, and Lewis Robison are listed as witnesses. Their presence on the paper does not preserve their testimony, but it shows whose names accompanied the charge. [1]

The lawyer’s revisions deserve attention. A repeated phrase is struck through, and the description of the plow is adjusted. The document is a working indictment, not the legal essay or motion that earlier summaries sometimes called it.

The original indictment



of the May Term of the Hancock Circuit Court
in the year of our Lord One thousand
eight hundred and forty three.
State of Illinois }
Hancock County } ss.
The grand jurors chosen
selected and sworn in & for the County
of Hancock in the name and by the
authority of the People of the State of Illinois
upon their oaths present. That Jacob
Potts and George Davison late of the
County aforesaid on the fifth day
of May in the year of our Lord One
thousand eight hundred and
forty three at and within the county
aforesaid One Plough and Clevis of
the value ~~of the sum~~ of ten dollars
of the goods and chattels of William
Law and Wilson Law then and
there being found feloniously
did take steal and carry away
contrary to the form of the Statute
in such case made and provided
and against the peace and
dignity of the same people of
the State of Illinois.
And the jurors aforesaid upon their
oaths aforesaid, do further present
that the said Jacob Potts and George
Davison on the day and year last
aforesaid at and within the County
of Hancock aforesaid, One patent
Cary Plough and Clevis of the
value of ten dollars of the

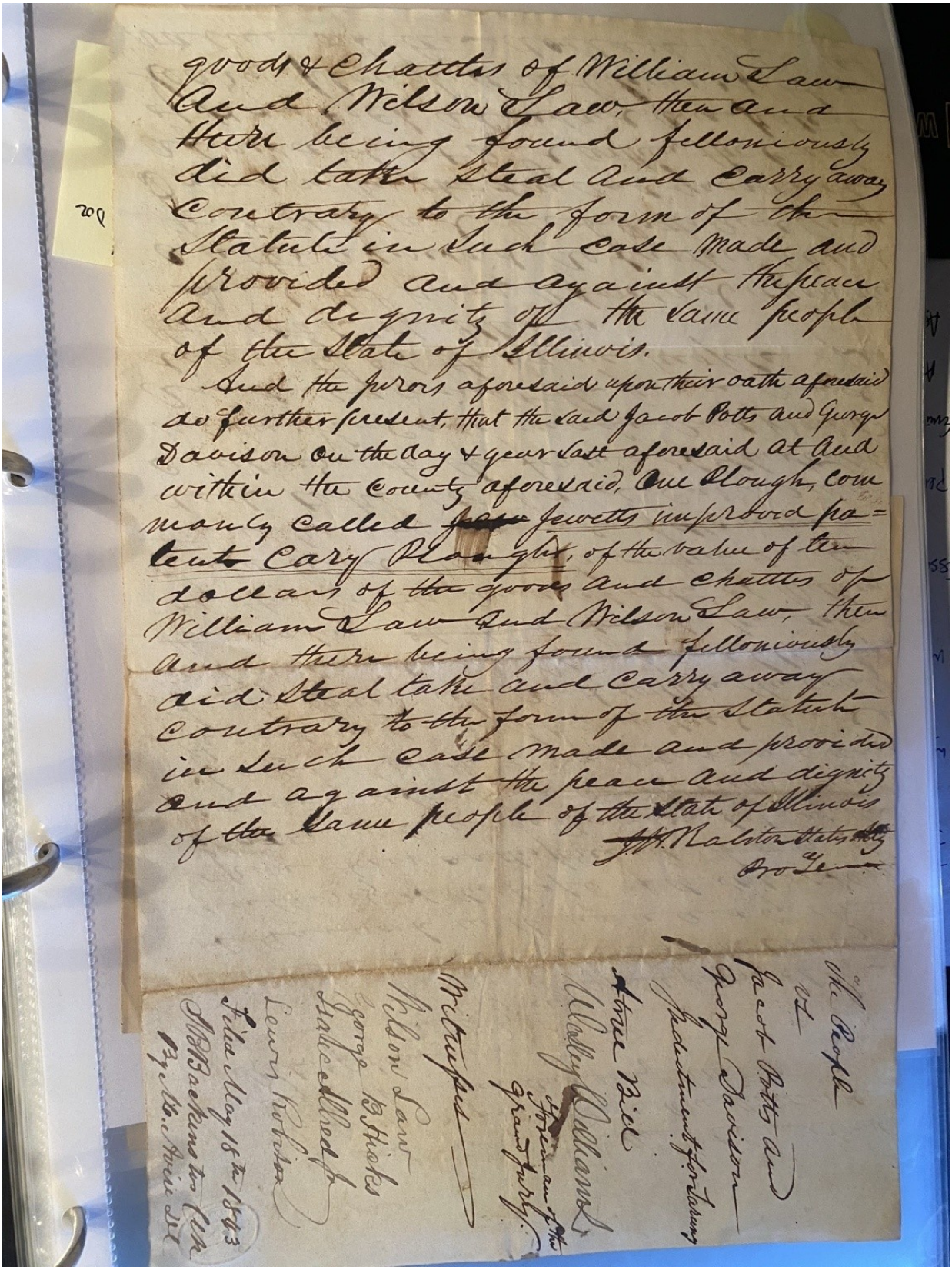
Original indictment, first sheet, IMG_3323. The following page preserves the visible manuscript line breaks.

Transcript of the first sheet

of the May Term of the Hancock Circuit Court
in the year of our Lord one thousand
eight hundred and forty three.
State of Illinois
Hancock County } S.S.
The grand Jurors chosen
selected and sworn in for the County
of Hancock in the name and by the
authority of the People of the State of Illinois
upon their oaths present That Jacob
Potts and George Davison late of the
County aforesaid on the fifth day
of May in the year of our Lord one
thousand eight hundred and
forty three at and within the county
aforesaid One Plough and Clevis of
the value [deleted: of the value] of ten dollars
of the goods and chattls of William
Law and Wilson Law then and
there being found feloniously
did take Steal and carry away
contrary to the form of the Statute
in such case made and provided.
And against the peace and
dignity of the same people of
the State of Illinois.
And the jurors aforesaid upon their
oaths aforesaid do further present
that the said Jacob Potts and George
Davison on the day and year last
aforesaid at and within the County
of Hancock aforesaid, One patent
Cary plough and Clevis of the
value of ten dollars of the

The phrase “upon their” at the end of the twenty-seventh line is partly affected by glare. The certified copy supplies a comparison, but the original remains the controlling image.

The indictment continues


goods & Chattles of William Law
and Wilson Law, then and
there being found feloniously
did take steal and carry away
contrary to the form of the
Statute in such case made and
provided and against the peace
and dignity of the same people
of the State of Illinois.

And the jurors aforesaid upon their oath aforesaid
do further present, that the said Jacob Potts and George
Davison on the day & year last aforesaid at and
within the County aforesaid, one Blough, com
monly called ~~John~~ Jewett's improved pa=
tent Carry Plough, of the value of ten
dollars of the goods and chattles of
William Law and Wilson Law, then
and there being found feloniously
did steal take and carry away
contrary to the form of the Statute
in such case made and provided
and against the peace and dignity
of the same people of the State of Illinois

J. H. Ralston States Atty
Pro Tem

Mr Rook
vs
Jacob Potts and
George Davison
Indictment for larceny
True Bill
Wesley Williams
Foreman of the
Grand Jury

Witnesses
Wilson Law
George B. Hicks
Isaac Caldwell
Lewis Rodgers

Filed May 15th 1843
Wm Baker Clerk
By D.C. Weir D.C.

Original indictment, continuation and endorsements, IMG_3324. The writing on the folded lower panel runs in a different direction.

Transcript of the continuation

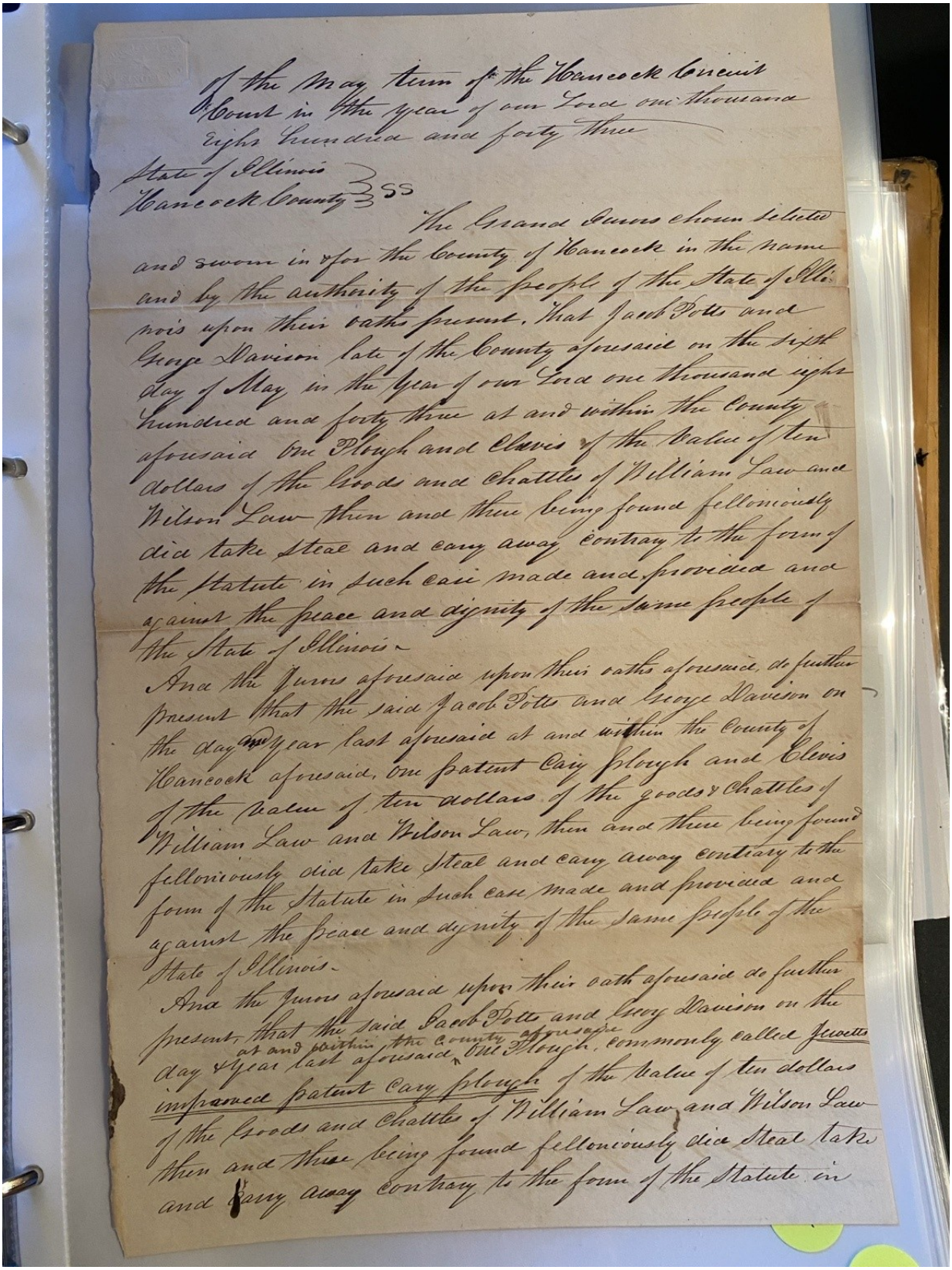
goods & Chattls of William Law
and Wilson Law then and
there being found feloniously
did take steal and carry away
Contrary to the form of the
Statute in such case made and
provided and against the peace
and dignity of the same people
of the State of Illinois.
And the jurors aforesaid upon their oaths aforesaid
do further present that the said Jacob Potts and George
Davison on the day & year last aforesaid at and
within the County aforesaid One Plough, com
monly called [deleted word] [Jewetts?] improved pa=
tent Cary Plough of the value of ten
dollars of the goods and chattls of
William Law and Wilson Law then
and there being found feloniously
did steal take and carry away
contrary to the form of the Statute
in such case made and provided
and against the peace and dignity
of the same people of the State of Illinois
J H Ralston States Atty
pro Tem

Endorsements on the folded panel

The People / vs / Jacob Potts and / George Davison
Indictment for Larceny
A true Bill / Wesley Williams / foreman of the grand jury
Witnesses / Wilson Law / George B Hicks / Isaac Alred / Lewis Robison
Filed May 18th 1843 / J B Backenstos Clk / By M. Avise DC

Slashes in this endorsement transcript separate lines. “Jewetts” is a tentative reading of a revised word, also visible in the copy. It is not silently expanded to “two horse.” A true bill records the grand jury’s approval of the indictment; it is not the trial verdict.

The clerk’s copy



of the May term of the Hancock Circuit
Court in the year of our Lord one thousand
eight hundred and forty three

State of Illinois }
Hancock County } ss

The Grand Jurors chosen selected
and sworn in & for the County of Hancock in the name
and by the authority of the people of the State of Illi-
nois upon their oaths present, that Jacob Potts and
Geoge Davison late of the County aforesaid on the sixth
day of May in the Year of our Lord one thousand eight
hundred and forty three at and within the County
aforesaid One Plough and Clevis of the value of ten
dollars of the Goods and Chattles of William Law and
Wilson Law then and there being found feloniously
did take steal and carry away contrary to the form of
the Statute in such case made and provided and
against the peace and dignity of the same people of
the State of Illinois.

And the Jurors aforesaid upon their oaths aforesaid, do further
present that the said Jacob Potts and Geoge Davison on
the day and year last aforesaid at and within the County of
Hancock aforesaid, One patent Cary Plough and Clevis
of the value of ten dollars of the goods & Chattles of
William Law and Wilson Law, then and there being found
feloniously did take steal and carry away contrary to the
form of the Statute in such case made and provided and
against the peace and dignity of the same people of the
State of Illinois.

And the Jurors aforesaid upon their oath aforesaid do further
present, that the said Jacob Potts and Geoge Davison on the
day & year last aforesaid at and within the County aforesaid One Plough commonly called Jewetts
improved patent Cary plough of the value of ten dollars
of the Goods and Chattles of William Law and Wilson Law
then and there being found feloniously did Steal take
and carry away contrary to the form of the Statute in

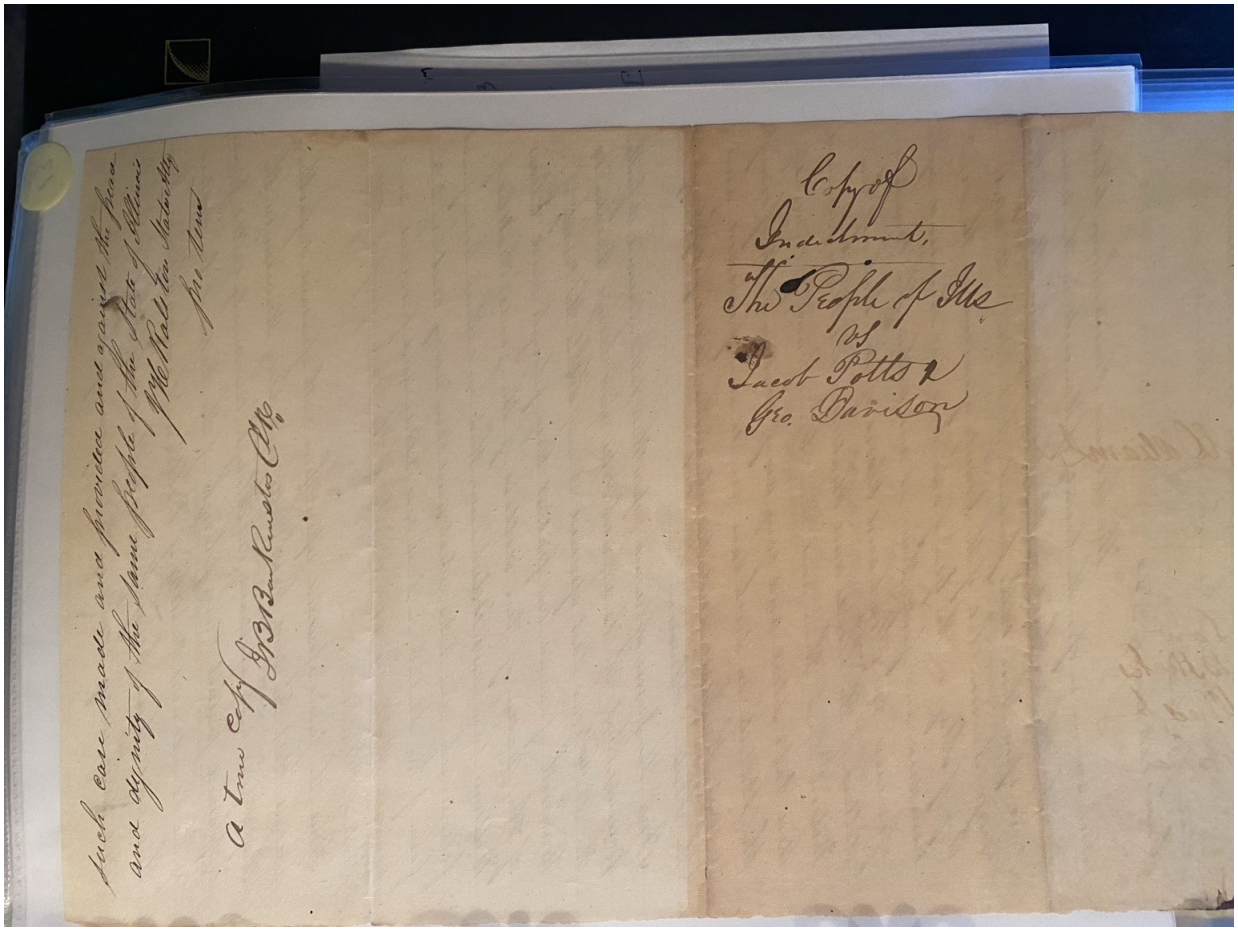
Certified indictment copy, IMG_3325. This copy offers a second reading of the charge and the revised property description.

Transcript of the indictment copy

of the May term of the Hancock Circuit
Court in the year of our Lord one thousand
Eight hundred and forty Three
State of Illinois
Hancock County } SS
The Grand Jurors chosen selected
and sworn in & for the County of Hancock in the name
and by the authority of the people of the State of Illi-
nois upon their oaths present, That Jacob Potts and
George Davison late of the County aforesaid on the fifth
day of May in the Year of our Lord one thousand eight
hundred and forty three at and within the County
aforesaid One Plough and Clevis of the Value of ten
dollars of the Goods and Chattels of William Law and
Wilson Law then and there being found feloniously
did take Steal and carry away contrary to the form of
the Statute in such case made and provided and
against the peace and dignity of the same people of
the State of Illinois.
And the Jurors aforesaid upon their oaths aforesaid do further
present that the said Jacob Potts and George Davison on
the day and year last aforesaid at and within the County of
Hancock aforesaid, One patent Cary plough and Clevis
of the value of ten dollars of the goods & Chattels of
William Law and Wilson Law, then and there being found
feloniously did take Steal and carry away contrary to the
form of the Statute in such case made and provided and
against the peace and dignity of the same people of the
State of Illinois.
And the Jurors aforesaid upon their oaths aforesaid do further
present That the said Jacob Potts and George Davison on the
day & year last aforesaid [inserted: at and within the County aforesaid]
One Plough. Commonly called [Jewetts?]
improved patent Cary plough of the value of ten dollars
of the Goods and Chattels of William Law and Wilson Law
then and there being found feloniously did Steal take
and carry away contrary to the form of the Statute in

The inserted county phrase sits above the last count's main line. The last count is reflowed here at that insertion so its wording can be followed without imitating the crowded writing.

Certifying the copy



Continuation and outer panel of the certified copy, IMG_3326.

Transcript

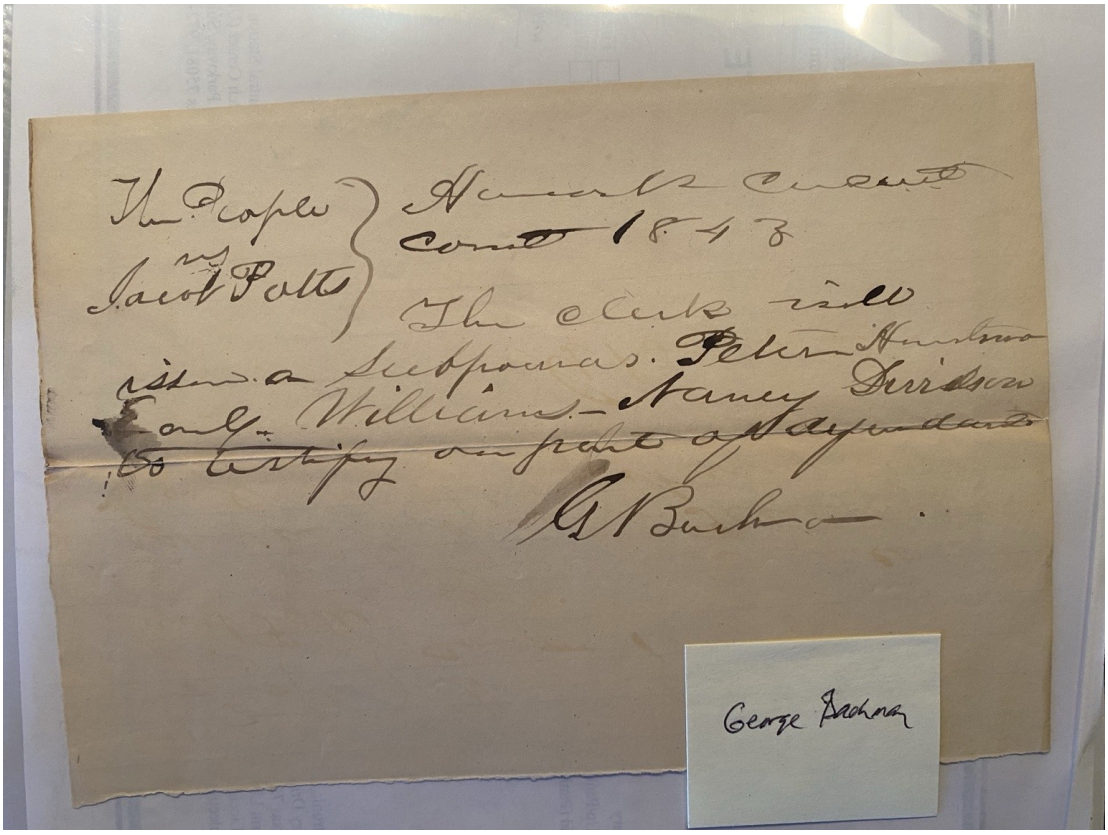
[Continuation, written along the left panel]
such case made and provided and against the peace
and dignity of the same people of the State of Illinois
J H Ralston States Atty
pro tem
A true copy J B Backenstos Clk

[Outer panel]
Copy of
Indictment.
of
The People of Ills
vs
Jacob Potts &
Geo. Davison

Jacob B. Backenstos was the circuit clerk. His certification identifies an official copy; it does not establish who penned every line. The sheriff named on the witness returns was William Backenstos, a different man. [1,11]

Bachman calls for the defense witnesses

Amid the elaborate printed forms is a short handwritten request. George Ogden Bachman tells the clerk to issue a subpoena for the defendant. It is a direct glimpse of the defense preparing its case. Bachman was a practicing lawyer in Springfield and Hancock County; his signature here gives him a specific role in Potts's story. [1,12]



Bachman's signed request, IMG_3322. The identifying sticky note is modern, not part of the court document.

Transcript

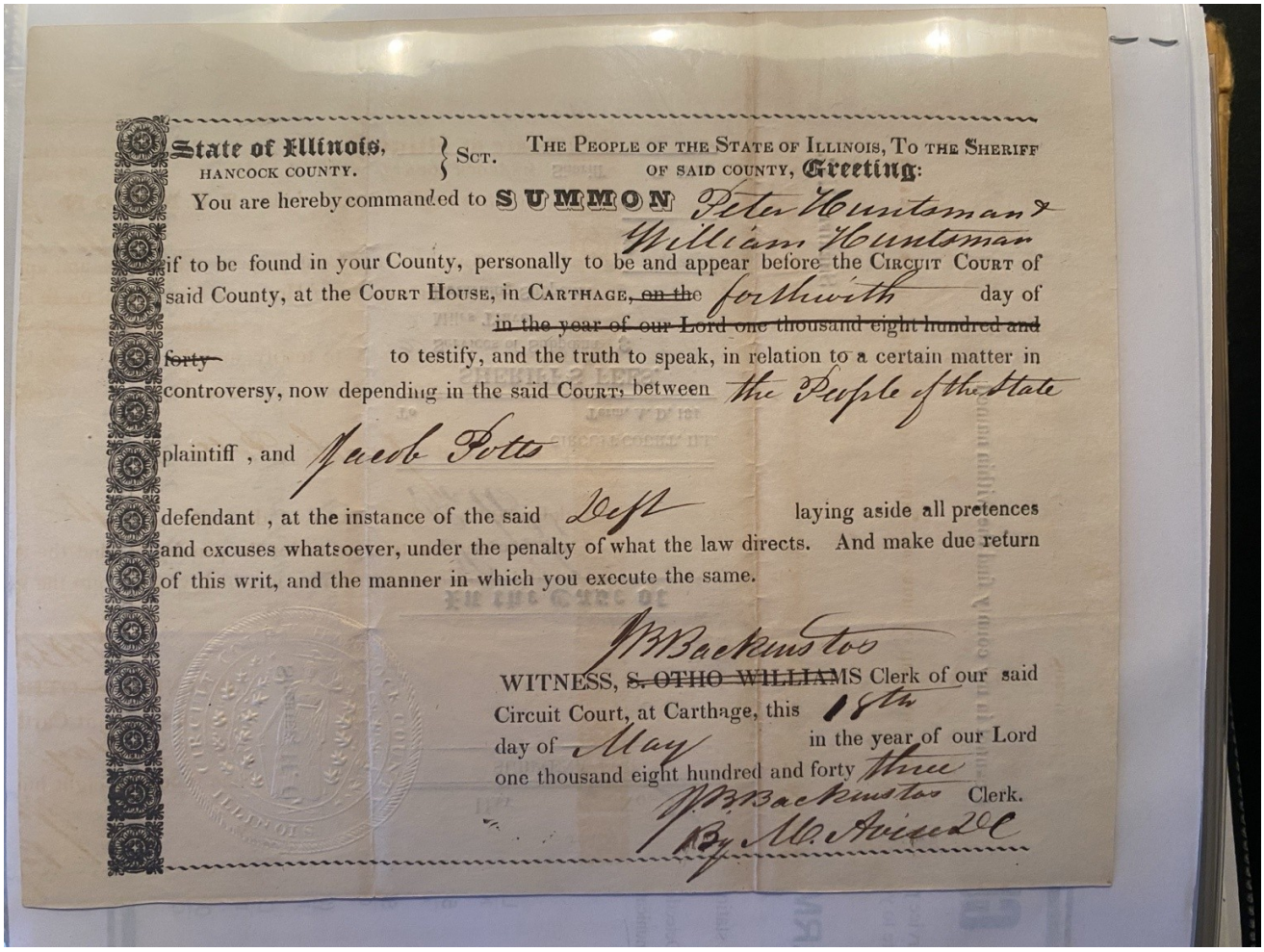
The People } Hancock Circuit
vs } Court 1843
Jacob Potts }
The clerk will
issue a subpoena. Peter Huntsman
Earl. William. Nancy Davison
to testify on part of defendant
G O Bachman

The abbreviated name sequence is left as written. The related subpoenas clarify several names, but they do not justify silently completing every fragment of this request.

The defense reaches into the family circle

Peter and William Huntsman were summoned together on 18 May. Peter’s appearance connects the case to Catherine Potts’s family. Later paperwork confirms that he attended for the defendant. The summons alone would not have told us that much. [1,6]

William may have been a younger member of that family circle. If the witness was Peter’s son, he was Potts’s nephew by marriage and was still twenty at the time of the summons, turning twenty-one on 23 May. The document leaves that relationship unstated. It tells us instead what the sheriff was to do: find the two Huntsmans and bring them into the case. [1,6]



State of Illinois, HANCOCK COUNTY. } Sct. The People of the State of Illinois, To the Sheriff of said County, Greeting:

You are hereby commanded to SUMMON Peter Huntsman & William Huntsman if to be found in your County, personally to be and appear before the Circuit Court of said County, at the Court House, in Carthage, ~~on the~~ forthwith day of ~~in the year of our Lord one thousand eight hundred and forty~~ to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between the People of the State plaintiff, and Jacob Potts defendant, at the instance of the said Defft laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and the manner in which you execute the same.

WITNESS, ~~S. OTHO WILLIAMS~~ W. Backenstoe Clerk of our said Circuit Court, at Carthage, this 18th day of May in the year of our Lord one thousand eight hundred and forty three

W. Backenstoe Clerk.

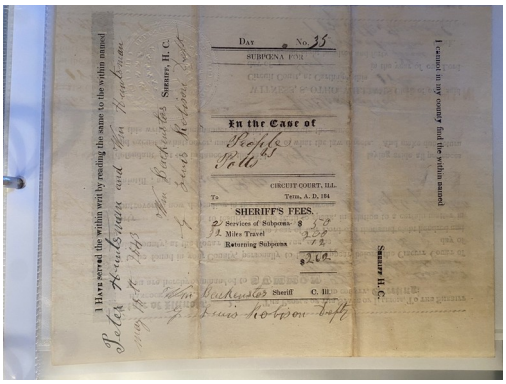
By M. Aviscott D.C.

Subpoena for Peter and William Huntsman, 18 May 1843, IMG_3318.

Reading the Huntsman summons

State of Illinois, HANCOCK COUNTY. Sct.
The People of the State of Illinois, To the Sheriff of said County, Greeting:
You are hereby commanded to SUMMON Peter Huntsman & William Huntsman
if to be found in your County, personally to be and appear before the Circuit Court of said County, at the Court House, in CARTHAGE, [printed date formula cancelled; inserted: forthwith] to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between the People of the State plaintiff, and Jacob Potts defendant, at the instance of the said Deft laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and of the manner in which you execute the same.
WITNESS, [deleted: S. OTHO WILLIAMS; inserted: J B Backenstos] Clerk of our said Circuit Court, at Carthage, this 18th day of May in the year of our Lord one thousand eight hundred and forty Three.
J B Backenstos Clerk. / By M. Avise DC

"Deft" means defendant. "Forthwith" means the witnesses were to appear without delay. The officer's return records service, not the words they eventually spoke.

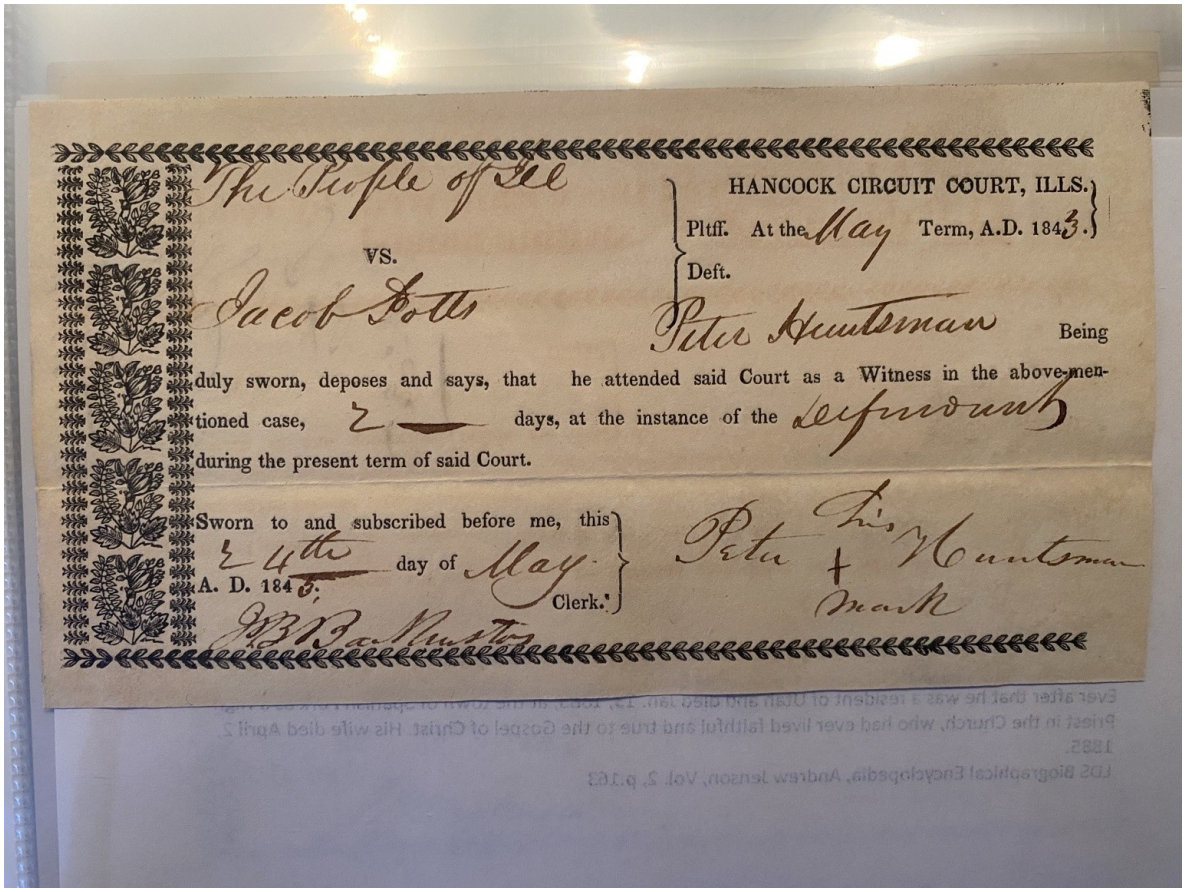


Service return, IMG_3319.

I have served the within writ, by reading
the same to the within named Peter Huntsman and Wm Huntsman
May 19th 1843
Wm Backenstos Sheriff, H. C. Ills.
By Lewis Robison Deputy
[Docket] No. 35 / IN THE CASE OF / People / vs / Potts
[Fees] Service of Subpoena, $ .50; 32 Miles Travel, 2.00; Returning Subpoena, .12; total $2.62
[Uncompleted printed alternative] I cannot, in my county, find the within named [blank].

Peter Huntsman attends

Peter's next appearance is quieter. He certified two days of attendance at the defendant's request and signed by making a mark. The certificate is dated 24 May, after the date written on the verdict. It therefore records his attendance retrospectively; it does not require us to move the trial to the twenty-fourth. [1]



The People of Ill
VS.
Jacob Potts

HANCOCK CIRCUIT COURT, ILLS.

Pltff. At the May Term, A.D. 1843.

Deft.

Peter Huntsman Being duly sworn, deposes and says, that he attended said Court as a Witness in the above-mentioned case, 2 days, at the instance of the Defendant during the present term of said Court.

Sworn to and subscribed before me, this 24th day of May A. D. 1843.

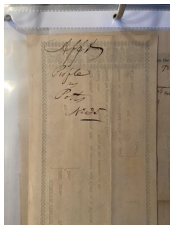
J B Backenstos Clerk.

Peter his + mark Huntsman

Peter Huntsman's attendance certificate, IMG_3312.

Transcript

The People of Ill / VS. / Jacob Potts
HANCOCK CIRCUIT COURT, ILLS. / At the May Term, A. D. 1843.
Peter Huntsman Being duly sworn, deposes and says, that he attended said Court as a Witness in the above-mentioned case, 2 days, at the instance of the Defendant, during the present term of said Court.
Sworn to and subscribed before me, this 24th day of May A. D. 1843.
J B Backenstos Clerk.
Peter [his + mark] Huntsman



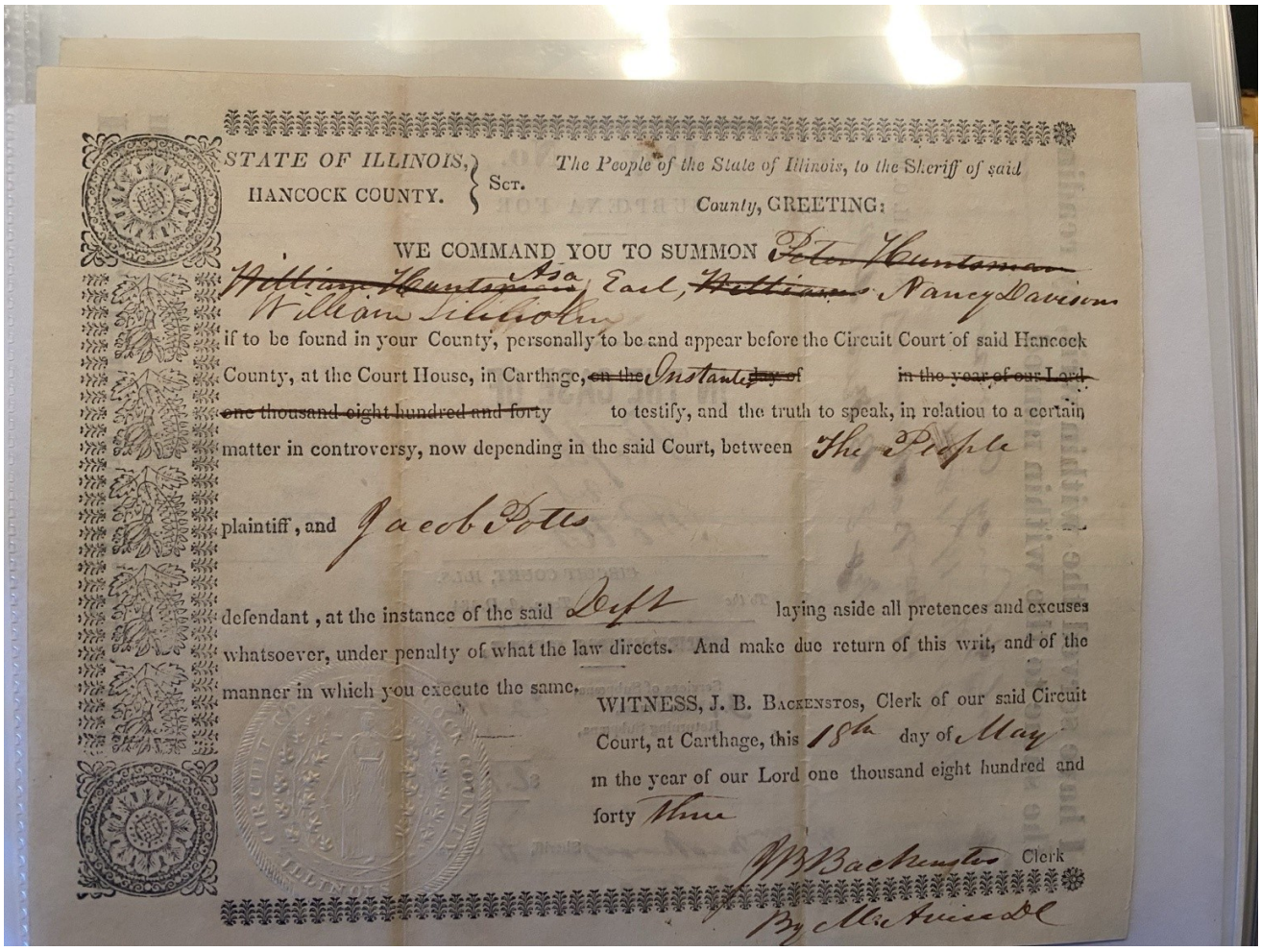
Reverse, IMG_3313.

[Docket on reverse] Aff / People / vs / Potts / No 35

More names on the defense list

Another subpoena shows the clerk changing course on the page. Peter and William Huntsman are crossed out; Asa Earl, Nancy Davison, and William Lincoln remain. The separate Huntsman writ explains why a cancelled name need not mean a witness vanished from the case. [1]

Asa C. Earl emerges more clearly in his signed attendance certificate. Earlier research connects that name with an adult Latter-day Saint in the Missouri period, but the case itself gives us the most secure fact: he attended for the defense. Nancy Davison may have belonged to the codefendant’s family, yet the shared surname does not establish the relationship. William Lincoln is also still largely a name on a writ. [1,19]



STATE OF ILLINOIS, HANCOCK COUNTY. } Scr.

The People of the State of Illinois, to the Sheriff of said County, GREETING:

WE COMMAND YOU TO SUMMON ~~Peter Huntsman~~ ~~William Huntsman~~ Asa Earl, ~~William~~ Nancy Davison William Lincoln

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~~ Instant ~~day of~~ ~~in the year of our Lord one thousand eight hundred and forty~~ to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The People

plaintiff, and Jacob Potts

defendant, at the instance of the said Defts 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, J. B. Backenstos, Clerk of our said Circuit Court, at Carthage, this 18th day of May in the year of our Lord one thousand eight hundred and forty three

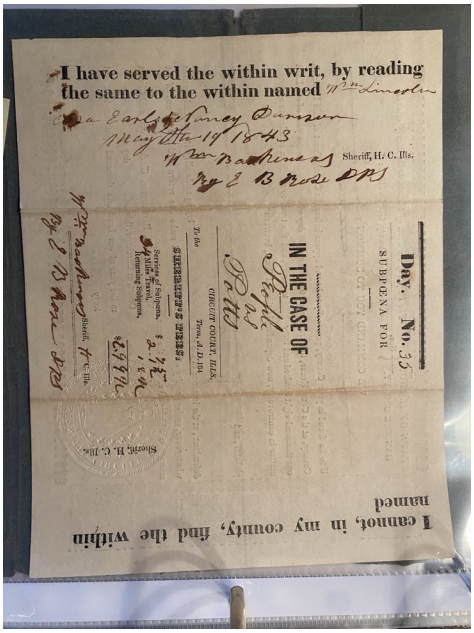
J B Backenstos Clerk

By Mc Innis D.C.

Revised defense subpoena, 18 May 1843, IMG_3302.

Reading the revised defense subpoena

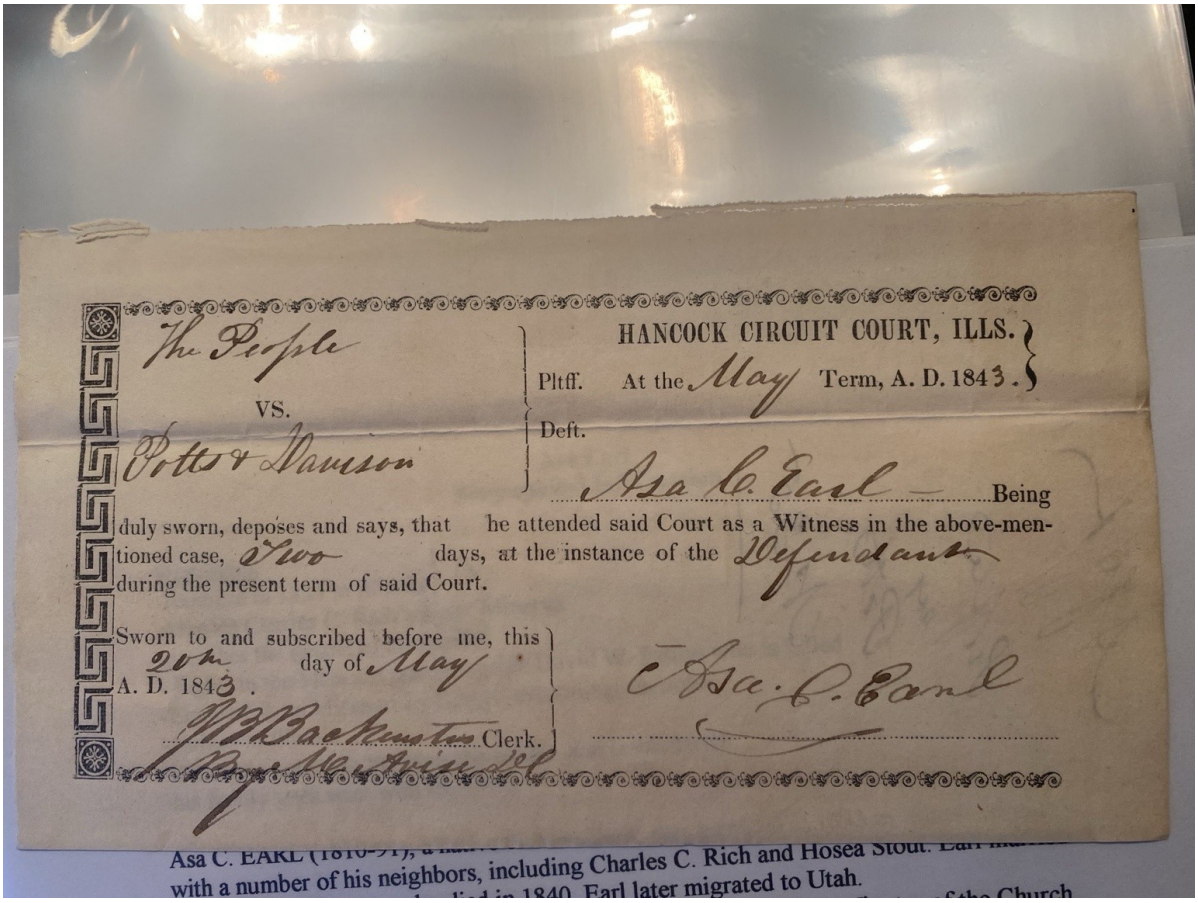
STATE OF ILLINOIS, HANCOCK COUNTY. Sct.
The People of the State of Illinois, to the Sheriff of said County, GREETING:
WE COMMAND YOU TO SUMMON [deleted: Peter Huntsman; William Huntsman] [inserted: Asa] Earl [deleted: William] Nancy Davison / William Lincoln
if to be found in your County, personally to be and appear before the Circuit Court of said Hancock County, at the Court House, in Carthage, [printed date formula cancelled; inserted: Instanter] to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The People plaintiff, and Jacob Potts 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, J. B. BACKENSTOS, Clerk of our said Circuit Court, at Carthage, this 18th day of May in the year of our Lord one thousand eight hundred and forty Three.
J B Backenstos Clerk / By M. Avise DC



Return by E. B. Rose, deputy sheriff, IMG_3303.

I have served the within writ, by reading
the same to the within named Wm Lincoln / Asa Earl & Nancy Davison
May the 19 1843
Wm Backenstos Sheriff, H. C. Ills.
By E B Rose D S
[Docket] No. 35 / IN THE CASE OF / People / vs / Potts
[Fees] Service of Subpoena, .75; 34 Miles Travel, 2.12½; Returning Subpoena, .12; total $2.99½ [reading of fee numerals tentative]
[Uncompleted printed alternative] I cannot, in my county, find the within named [blank].

Asa Earl signs for two days



HANCOCK CIRCUIT COURT, ILLS.

The People
Pltff.
VS.
Potts & Davison
Deft.
At the May Term, A. D. 1843.

Asa C. Earl Being duly sworn, deposes and says, that he attended said Court as a Witness in the above-mentioned case, Two days, at the instance of the Defendants during the present term of said Court.

Sworn to and subscribed before me, this 20th day of May A. D. 1843.

J B Backenstos Clerk.

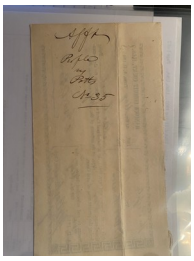
Asa. C. Earl

with a number of his neighbors, including Charles C. Rich and Hosea Stout. Earl later migrated to Utah.

Asa C. Earl's attendance certificate, IMG_3306.

Transcript

The People / VS. / Potts & Davison
HANCOCK CIRCUIT COURT, ILLS. / At the May Term, A. D. 1843.
Asa C. Earl Being duly sworn, deposes and says, that he attended said Court as a Witness in the above-mentioned case, Two days, at the instance of the Defendant during the present term of said Court.
Sworn to and subscribed before me, this 20th day of May A. D. 1843.
J B Backenstos Clerk. / By M. Avise DC
Asa. C Earl



Reverse, IMG_3307.

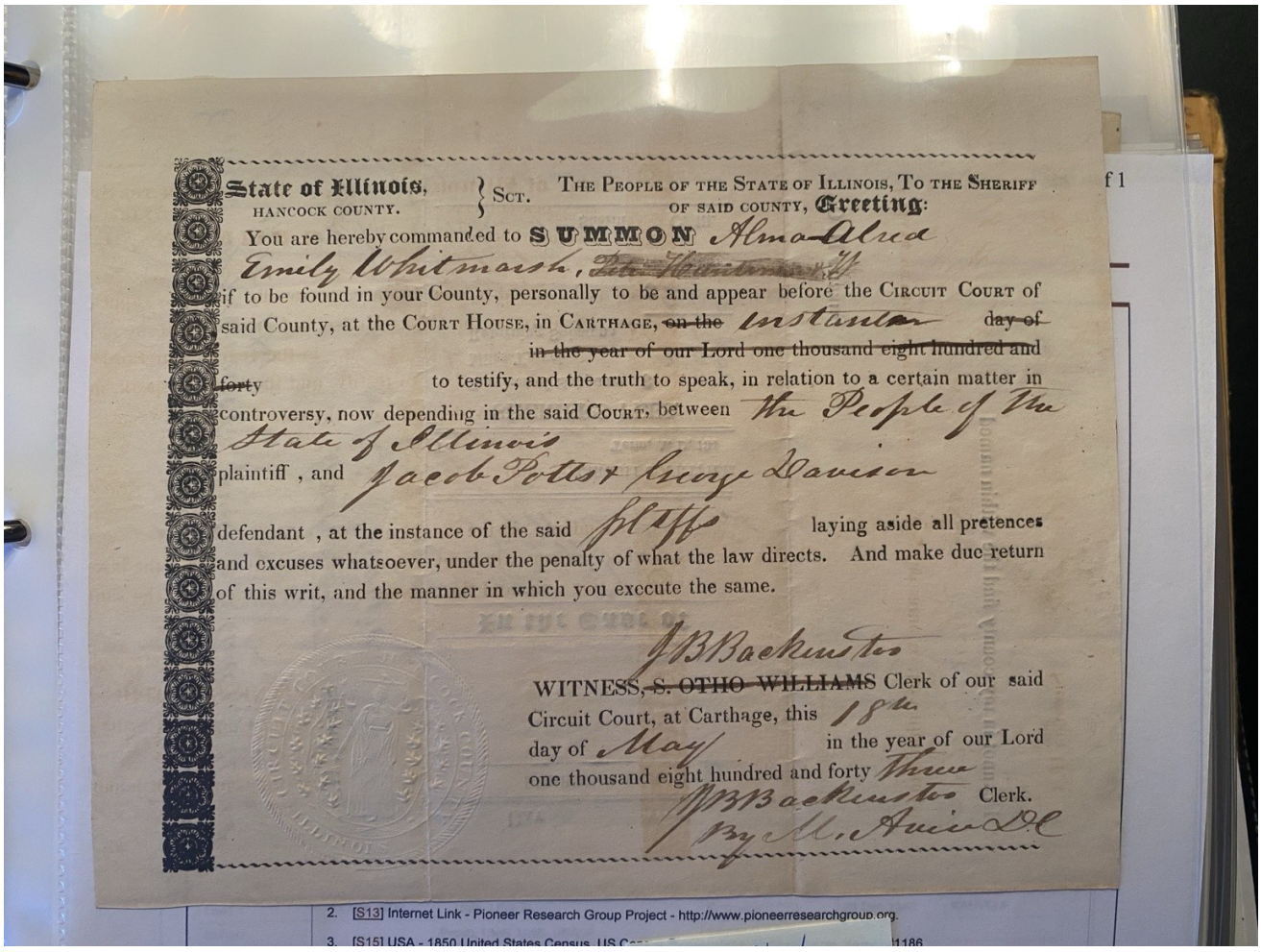
[Docket on reverse] Aff / People / vs / Potts / No 35

A fee certificate is modest evidence, but valuable evidence. It moves Earl from a name the defense wanted to summon to a witness who certified that he actually attended. It still does not reveal the substance of his testimony.

The prosecution summons Emily Whitmarsh

The prosecution's paperwork brings a woman into view. Emily Whitmarsh was summoned with Alma Alred; Peter Huntsman's name is crossed out on the same form. Robison reported serving Emily and Alma on 18 May. [1]

Emily's later certificate gives her a presence the subpoena alone cannot supply. The printed form was adjusted from "he" to "she," and she signed her name beneath a statement that she had attended for two days. Earlier research proposed Emily Haws Whitmarsh Chesley as the woman in the case. That remains a candidate identification here: the court paper gives no maiden name, husband, age, or address. We can put the witness into the story without attaching an uncertain life history to her. [1,19]



State of Illinois, HANCOCK COUNTY. } Sct. The People of the State of Illinois, To the Sheriff of said County, Greeting:

You are hereby commanded to SUMMON Alma Alred Emily Whitmarsh, ~~Peter Huntsman~~ if to be found in your County, personally to be and appear before the Circuit Court of said County, at the Court House, in Carthage, ~~on the~~ instanter ~~day of in the year of our Lord one thousand eight hundred and forty~~ to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between the People of the State of Illinois plaintiff, and Jacob Potter & George Davison defendant, at the instance of the said State laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and the manner in which you execute the same.

WITNESS, ~~S. OTHO WILLIAMS~~ J. B. Backenstos Clerk of our said Circuit Court, at Carthage, this 18th day of May in the year of our Lord one thousand eight hundred and forty Three J. B. Backenstos Clerk. By M. Ann D.C.

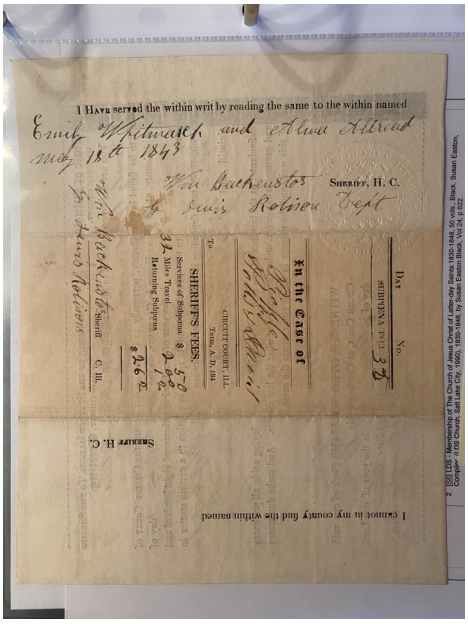
2. [S13] Internet Link - Pioneer Research Group Project - http://www.pioneerresearchgroup.org.

Subpoena naming Alma Alred and Emily Whitmarsh, IMG_3304.

Reading the Whitmarsh and Alred summons

State of Illinois, HANCOCK COUNTY. Sct.
The People of the State of Illinois, To the Sheriff of said County, Greeting:
You are hereby commanded to SUMMON Alma Alred / Emily Whitmarsh, [deleted: Peter Huntsman]
if to be found in your County, personally to be and appear before the Circuit Court of said County, at the Court House, in CARTHAGE, [printed date formula cancelled; inserted: instanter] to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between the People of the State of Illinois plaintiff, and Jacob Potts & George Davison defendant, at the instance of the said Pltffs laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and of the manner in which you execute the same.
WITNESS, [deleted: S. OTHO WILLIAMS; inserted: J B Backenstos] Clerk of our said Circuit Court, at Carthage, this 18th day of May in the year of our Lord one thousand eight hundred and forty Three.
J B Backenstos Clerk. / By M. Avise DC

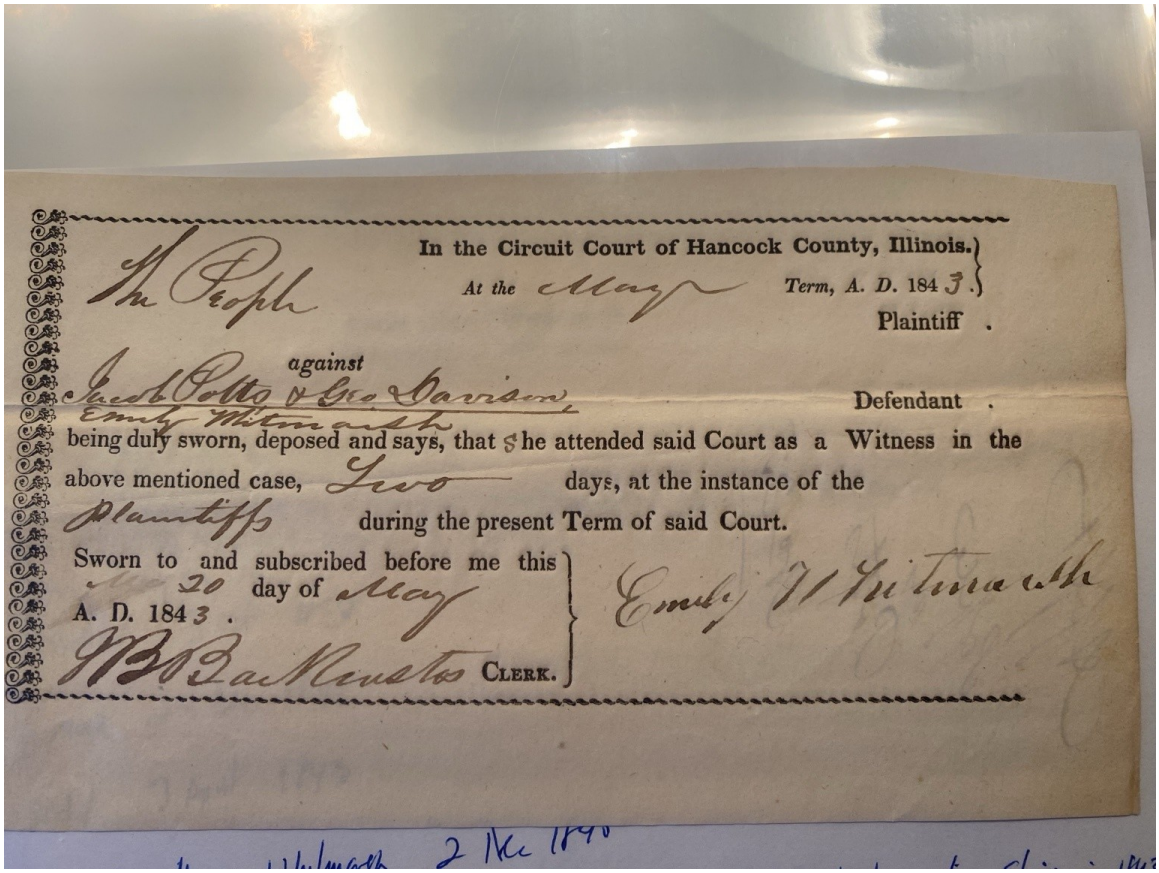
"Pltffs" is an abbreviation for plaintiffs. Here it denotes the People, the prosecution. "Alred" is the spelling on the form; the narrative uses Allred where appropriate.


I Have served the within writ by reading the same to the within named
Emily Whitmarsh and Alma Alred
May 18th 1843
Wm Backenstos Sheriff, H. C.
By Lewis Robison Dept
In the Case of
No. 35
SUBPŒNA, Fees
SHERIFFS FEES.
Service of Subpœna $ .50
32 Miles Travel 2.00
Returning Subpœna .12
$2.62
Sheriff, C. Ill.
Sheriff H. C.
I cannot, in my county, find the within named

Robison's return, IMG_3305. The alternate photograph IMG_3305(1) shows the same face.

I have served the within writ, by reading
the same to the within named Emily Whitmarsh and Alma Alred
may 18th 1843
Wm Backenstos Sheriff, H. C. Ills.
By Lewis Robison Dept
[Docket] No. 35 / IN THE CASE OF / People / vs / Potts
[Fees] Service of Subpoena, $ .50; 32 Miles Travel, 2.00; Returning Subpoena, .12; total $2.62
[Uncompleted printed alternative] I cannot, in my county, find the within named [blank].

Emily’s signature

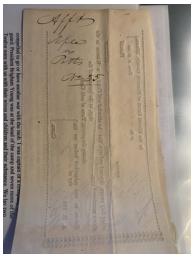


In the Circuit Court of Hancock County, Illinois.
At the May Term, A. D. 184 3.
The People
Plaintiff.
against
Jacob Potts & Geo Davison
Defendant.
Emily Whitmarsh being duly sworn, deposed and says, that she attended said Court as a Witness in the above mentioned case, Two days, at the instance of the Plaintiffs during the present Term of said Court.
Sworn to and subscribed before me this 20 day of May A. D. 1843.
J B Backenstos Clerk.
Emily Whitmarsh

Emily Whitmarsh’s attendance certificate, IMG_3308.

Transcript

The People / against / Jacob Potts & Geo Davison
In the Circuit Court of Hancock County, Illinois.
At the May Term, A. D. 1843.
Emily Whitmarsh being duly sworn, deposed and says, that [inserted s before printed he: she] attended said Court as a Witness in the above mentioned case, Two days, at the instance of the Plaintiffs during the present Term of said Court.
Sworn to and subscribed before me this 20 day of May A. D. 1843
J B Backenstos CLERK.
Emily Whitmarsh



Reverse, IMG_3309.

[Docket on reverse] Aff / People / vs / Potts / No 35

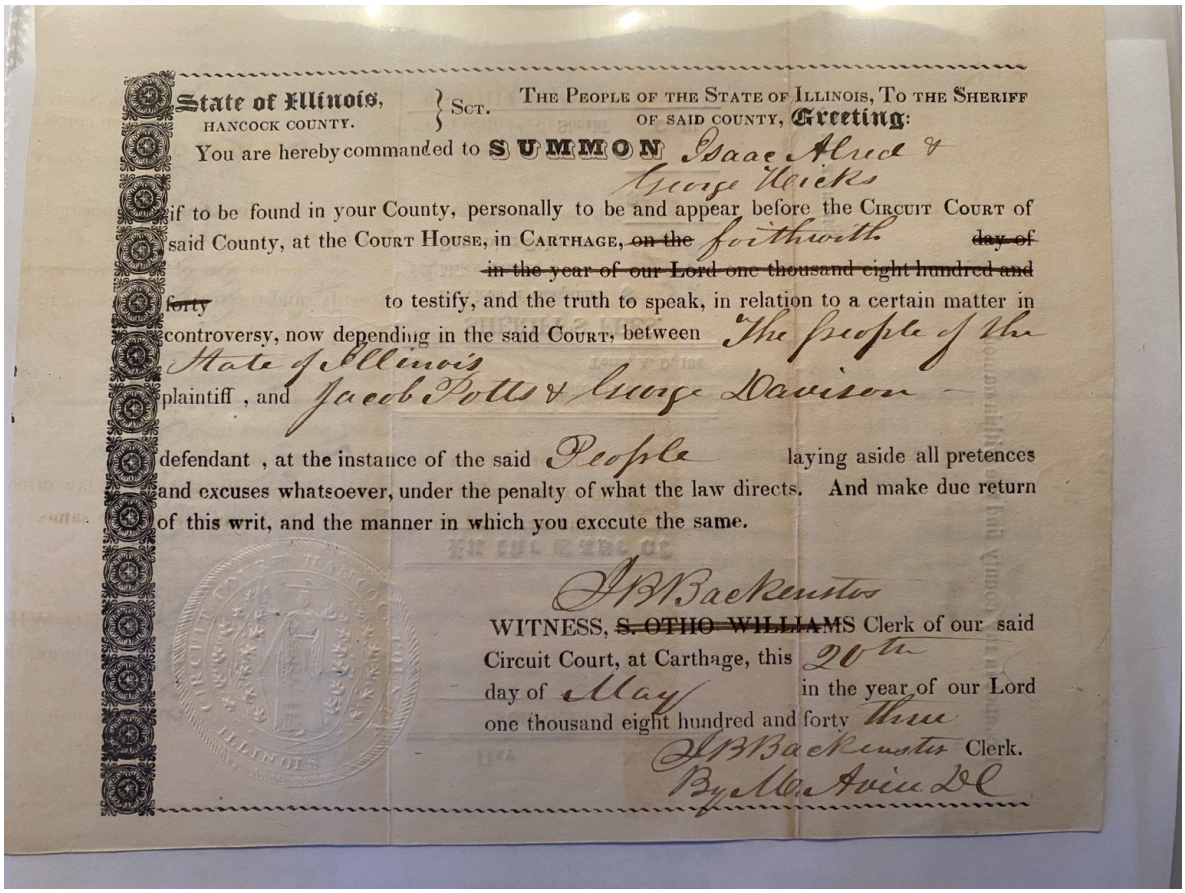
Her name is not background decoration. The People asked for her attendance, and she certified that she came. What she knew about the plow is one of the questions the surviving papers leave unanswered.

Isaac Allred and George Hicks

On 20 May the clerk issued process for Isaac Alred and George Hicks. Robison again made the return. Both names also appear, with fuller forms, on the indictment's witness endorsement. [1]

Isaac Allred, born in 1813, is the leading biographical candidate for this witness. His autobiography describes working for "Mr. Law," cutting one hundred cords of wood and then making a two-year arrangement to work on Law's farm. A family event in late 1843 helps place that employment in the period of the case. If the identification is right, his link to the Law household was economic as well as religious. The autobiography does not identify which Law brother employed him, and it does not tell us what he said about this plow. [13]

George B. Hicks was a documented Latter-day Saint elder; an elder's license dated November 1840 survives. The middle initial on the indictment helps connect that name with the shorter "George Hicks" on the summons. His testimony, too, has disappeared from view. [14]



State of Illinois, HANCOCK COUNTY. } Sct. The People of the State of Illinois, To the Sheriff of said County, Greeting:

You are hereby commanded to SUMMON Isaac Alred & George Hicks

if to be found in your County, personally to be and appear before the Circuit Court of said County, at the Court House, in Carthage, ~~on the~~ forthwith ~~day of in the year of our Lord one thousand eight hundred and forty~~ to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The people of the State of Illinois plaintiff, and Jacob Potts & George Davison defendant, at the instance of the said People laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and the manner in which you execute the same.

WITNESS, ~~S. OTHO WILLIAMS~~ J. B. Backenstos Clerk of our said Circuit Court, at Carthage, this 20th day of May in the year of our Lord one thousand eight hundred and forty three

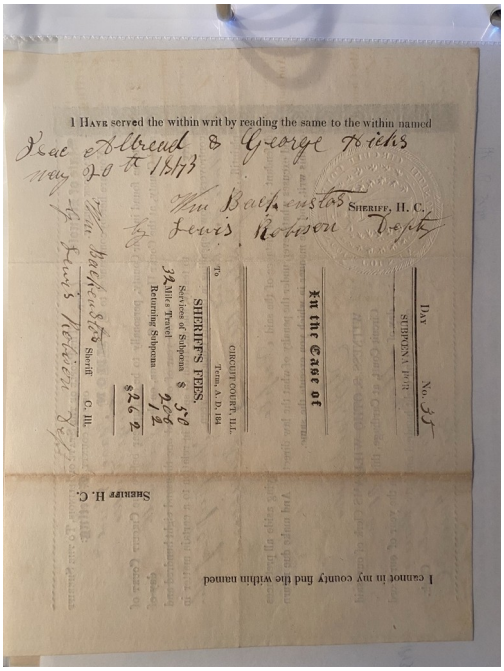
J. B. Backenstos Clerk.

By M. Avis D.C.

Subpoena for Isaac Alred and George Hicks, IMG_3310.

Reading the Allred and Hicks summons

State of Illinois, HANCOCK COUNTY. Sct.
The People of the State of Illinois, To the Sheriff of said County, Greeting:
You are hereby commanded to SUMMON Isaac Alred & / George Hicks
if to be found in your County, personally to be and appear before the Circuit Court of said County, at the Court House, in CARTHAGE, [printed date formula cancelled; inserted: forthwith] to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between the People of the State of Illinois plaintiff, and Jacob Potts & George Davison defendant, at the instance of the said People laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and of the manner in which you execute the same.
WITNESS, [deleted: S. OTHO WILLIAMS; inserted: J B Backenstos] Clerk of our said Circuit Court, at Carthage, this 20th day of May in the year of our Lord one thousand eight hundred and forty Three.
J B Backenstos Clerk. / By M. Avise DC

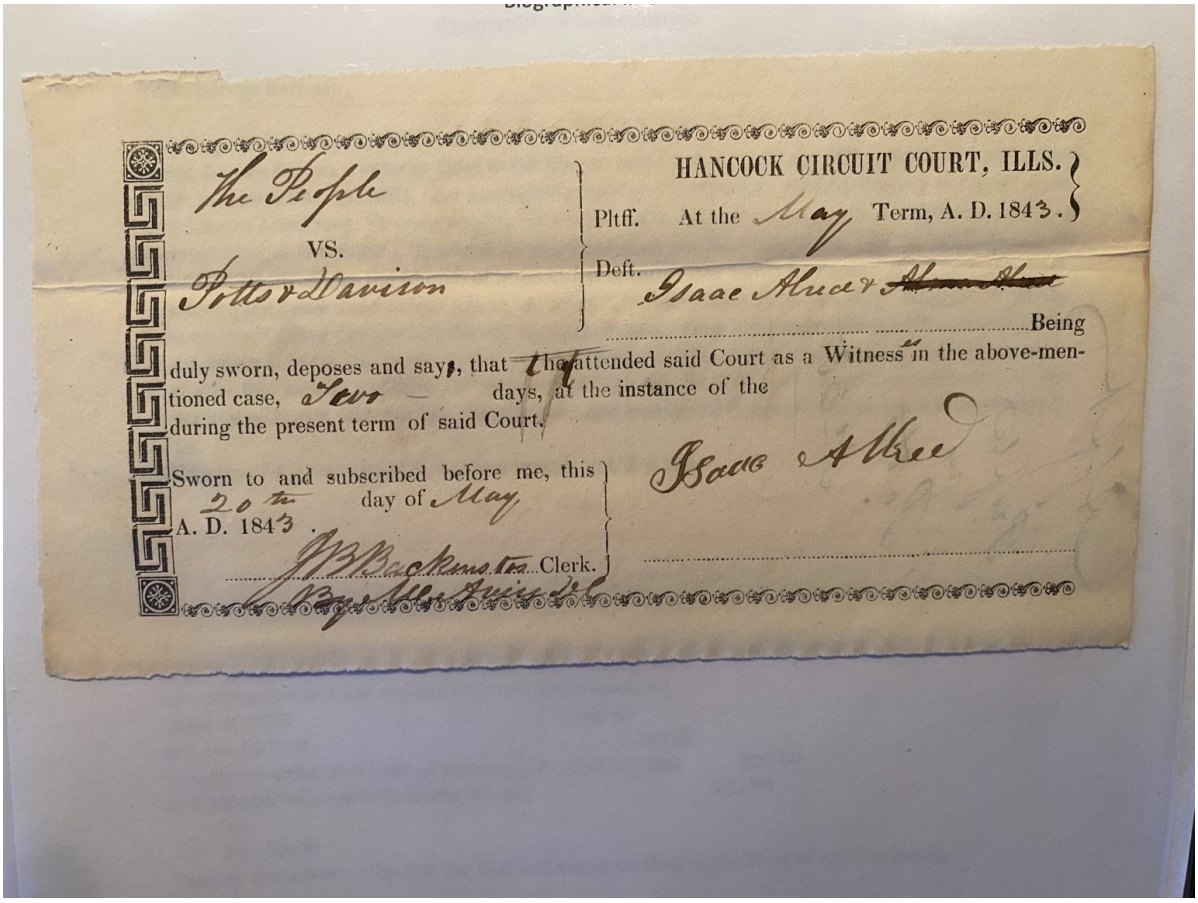


Robison's service return, IMG_3311.

I have served the within writ, by reading
the same to the within named Isaac Allred & George Hicks
May 20th 1843
Wm Backenstos Sheriff, H. C. Ills.
By Lewis Robison Deputy
[Docket] No. 35 / IN THE CASE OF / People / vs / Potts
[Fees] Service of Subpoena, $ .50; 32 Miles Travel, 2.00; Returning Subpoena, .12; total $2.62
[Uncompleted printed alternative] I cannot, in my county, find the within named [blank].

An officer's return establishes that the writ was served. It should not be mistaken for a record of the witness's examination in court.

A correction on Isaac’s certificate



HANCOCK CIRCUIT COURT, ILLS.

The People
Pltff. At the May Term, A. D. 1843.

VS.

Potts & Davison
Deft.

Isaac Alred & ~~Alma Alred~~

Being duly sworn, deposes and says, that he attended said Court as a Witness in the above-mentioned case, Two days, at the instance of the during the present term of said Court.

Isaac Allred

Sworn to and subscribed before me, this 20th day of May, A. D. 1843.

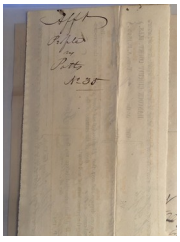
J B Backenstos Clerk.

By M. Avise D.C.

Attendance certificate bearing Isaac Allred’s signature, IMG_3314.

Transcript

The People / VS. / Potts & Davison
HANCOCK CIRCUIT COURT, ILLS. / At the May Term, A. D. 1843.
Isaac Alred & [deleted: Alma Alred] Being duly sworn, deposes and says, that [he altered toward they] attended said Court as a Witness [plural alteration] in the above-mentioned case, Two days, at the instance of the [blank] during the present term of said Court.
Sworn to and subscribed before me, this 20th day of May A. D. 1843.
J B Backenstos Clerk. / By M. Avise DC
Isaac Allred



Reverse, IMG_3315.

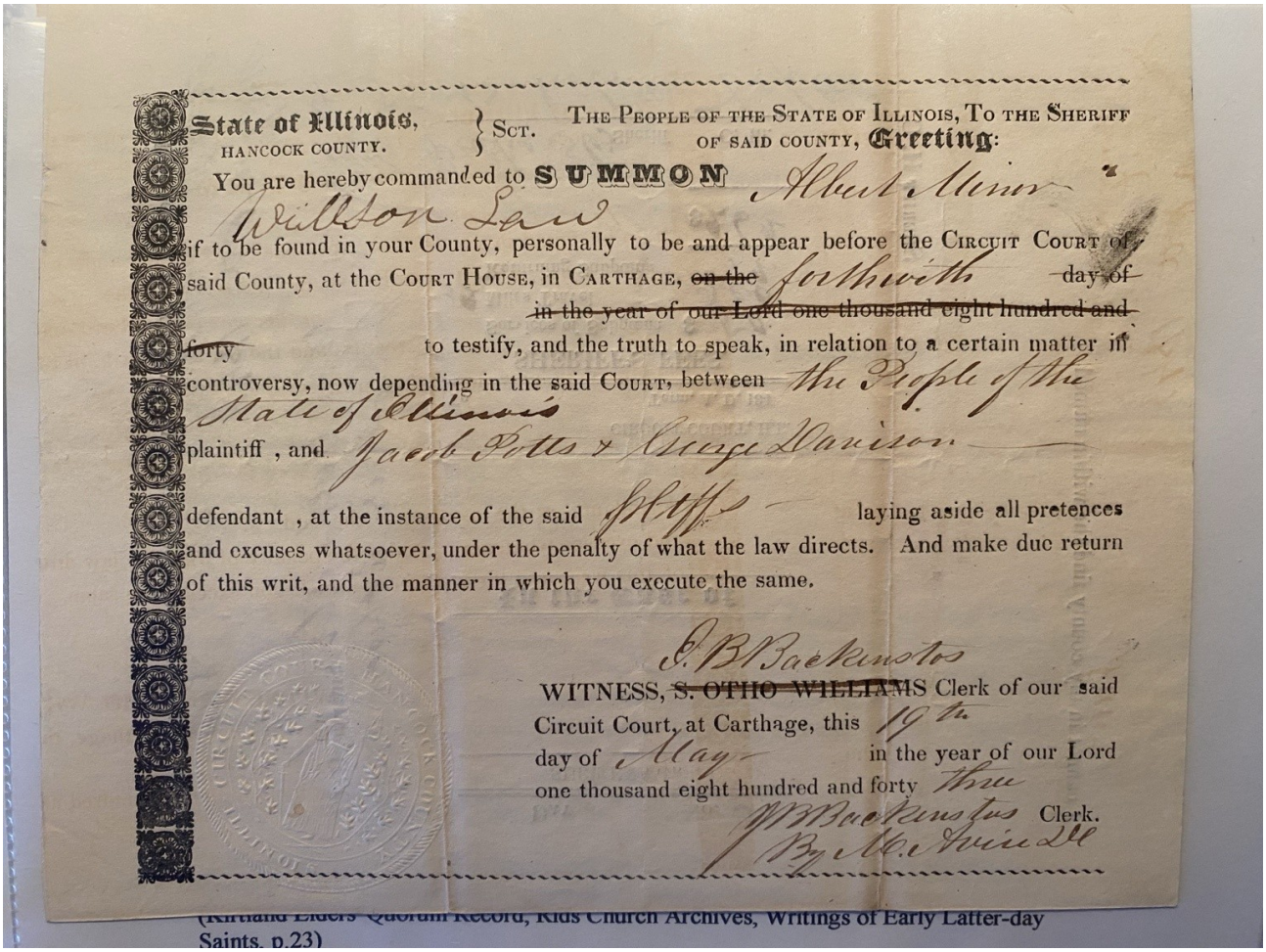
[Docket on reverse] Aff / People / vs / Potts / No 35

The certificate says two days. Its blank for the requesting side is unfilled, but Isaac’s prosecution subpoena supplies that connection. Alma’s cancelled name cannot establish Alma’s attendance. Nor should Alma be merged with Isaac: the papers treat them as separate names.

Wilson Law receives a summons

One of the most consequential names on a subpoena is already familiar. Wilson Law, an alleged owner of the property, was summoned with Albert Minor. The requesting side reads “Pltffs”: the prosecution wanted these men in court. The return records that Robison served them on 20 May. [1]

Albert Minor may be Albert Miner, the early Latter-day Saint whose family endured the Missouri and Illinois migrations. The spelling varies in historical records, but the identity still deserves qualification. Wilson’s identity is far firmer: the indictment names him as an owner, and the grand-jury witness endorsement names him again. His standing makes the summons interesting; it does not allow us to reconstruct his testimony or assume he controlled the result. [1,5,19]


State of Illinois, HANCOCK COUNTY. } Sct. The People of the State of Illinois, To the Sheriff of said County, Greeting:

You are hereby commanded to SUMMON Albert Minor Willson Law if to be found in your County, personally to be and appear before the Circuit Court of said County, at the Court House, in Carthage, ~~on the~~ forthwith ~~day of in the year of our Lord one thousand eight hundred and forty~~ to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between The People of the State of Illinois plaintiff, and Jacob Fotts & George Davison defendant, at the instance of the said Pltffs laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and the manner in which you execute the same.

WITNESS, ~~S. OTHO WILLIAMS~~ S. B. Backenstos Clerk of our said Circuit Court, at Carthage, this 19th day of May in the year of our Lord one thousand eight hundred and forty three

S. B. Backenstos Clerk.

By M. A. Devine D.C.

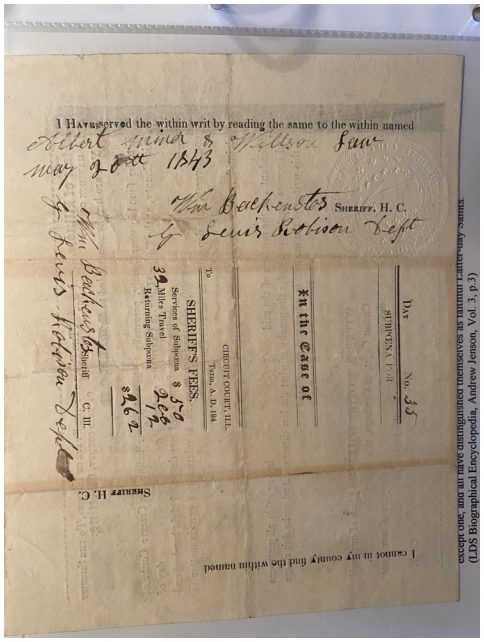
(Kirtland Elders' Quorum Record, Kids Church Archives, Writings of Early Latter-day Saints, p.23)

Subpoena for Albert Minor and Willson Law, apparently issued 19 May 1843, IMG_3316.

Reading the Law and Minor summons

State of Illinois, HANCOCK COUNTY. Sct.
The People of the State of Illinois, To the Sheriff of said County, Greeting:
You are hereby commanded to SUMMON Albert Minor / Willson Law
if to be found in your County, personally to be and appear before the Circuit Court of said County, at the Court House, in CARTHAGE, [printed date formula cancelled; inserted: forthwith] to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between the People of the State of Illinois plaintiff, and Jacob Potts & George Davison defendant, at the instance of the said Pltffs laying aside all pretences and excuses whatsoever, under the penalty of what the law directs. And make due return of this writ, and of the manner in which you execute the same.
WITNESS, [deleted: S. OTHO WILLIAMS; inserted: J B Backenstos] Clerk of our said Circuit Court, at Carthage, this 19th day of May in the year of our Lord one thousand eight hundred and forty Three.
J B Backenstos Clerk. / By M. Avise DC

The date is read as 19th. The spelling “Willson” is retained from the subpoena.


I Have served the within writ by reading the same to the within named
Albert Minor & Willson Law
May 20th 1843
Wm Backenstos Sheriff, H. C.
By Lewis Robison Dept
Wm Backenstos Sheriff
By Lewis Robison Dept
Sheriff H. C.
I cannot in my county find the within named
In the Case of
To
CIRCUIT COURT, Ills.
Term, A. D. 184
SHERIFF'S FEES.
Service of Subpoena $ .50
32 Miles Travel 2.00
Returning Subpoena .12
$2.62
Sheriff C. Ill.
DAY
SUBPOENA FOR
No. 35
except one, and all have distinguished themselves as faithful Latter-day Saints.
(LDS Biographical Encyclopedia, Andrew Jenson, Vol. 3, p 3)

Return recording service on 20 May, IMG_3317.

I have served the within writ, by reading
the same to the within named Albert Minor & Willson Law
May 20th 1843
Wm Backenstos Sheriff, H. C. Ills.
By Lewis Robison Deputy
[Docket] No. 35 / IN THE CASE OF / People / vs / Potts
[Fees] Service of Subpoena, $ .50; 32 Miles Travel, 2.00; Returning Subpoena, .12; total $2.62
[Uncompleted printed alternative] I cannot, in my county, find the within named [blank].

The men who would decide

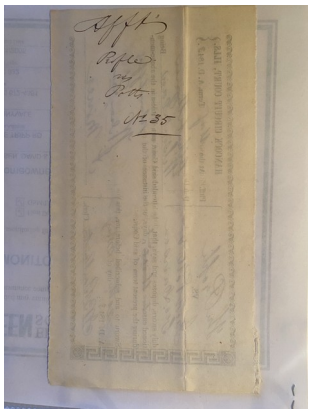
By now the papers have gathered a community around one implement: prominent owners, working officers, relatives, and witnesses whose lives remain only partly visible. The next task belonged to twelve jurors.

Their names survive on the verdict. J. H. Dame is identified in the earlier research as Janvrin Hayes Dame, a Hancock County resident who later received Nauvoo temple ordinances and moved west. John L. Avise has a plausible local identification as a postmaster and officeholder. Stephen Owen appears a few months later in a committee associated with the anti-Mormon cause. Those connections suggest a varied local jury, but they do not tell us what any juror thought in May. Several identifications remain tentative. [1,19]

Even the judge requires a small qualification. William Clayton wrote on 18 May that Stephen A. Douglas was presiding at court in Carthage. That is strong evidence for the judge at this term; a Potts-specific judgment entry would give the final confirmation. Ralston's name on the indictment belongs to the prosecutor. [10,15]

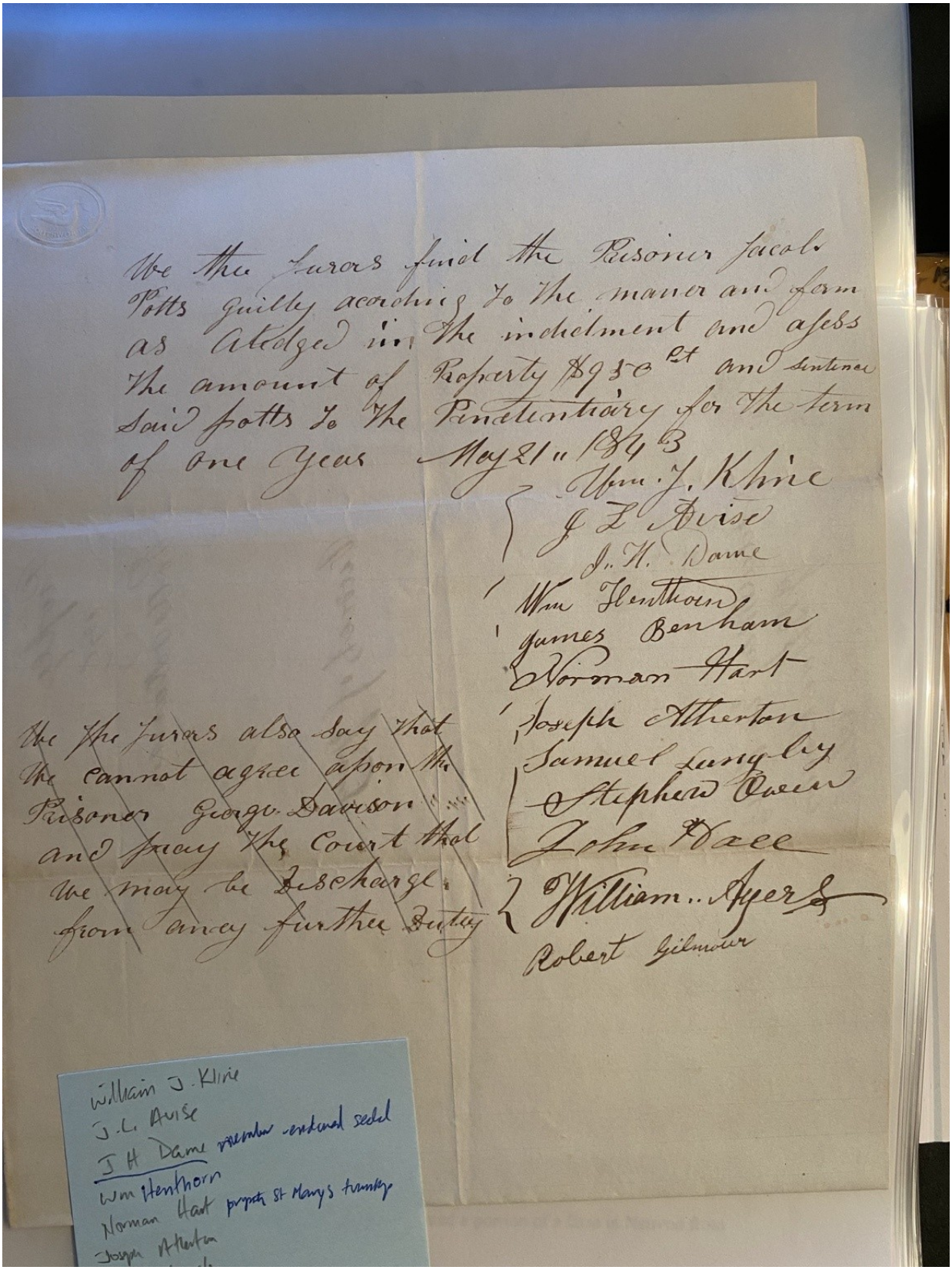
What happened between the calling of witnesses and the writing of the verdict is the largest silence in the file. No account of their testimony, no closing argument, and no record of the jurors' discussion accompanies these photographs. We cannot decide whether the contest turned on ownership, possession, identification, or an explanation offered by either accused man.

The surviving paper nevertheless gives a clear answer for Potts—and a different answer for Davison.



Loose affidavit docket, IMG_3321. Transcript: Aff / People / vs / Potts / No 35. Its corresponding face is not securely identified among the supplied photographs.

The jury's decision



Verdict and twelve signatures, IMG_3327. The modern notes at the lower left are separate from the original. The valuation reads $9 50 Ct, or $9.50.

Transcript of the verdict

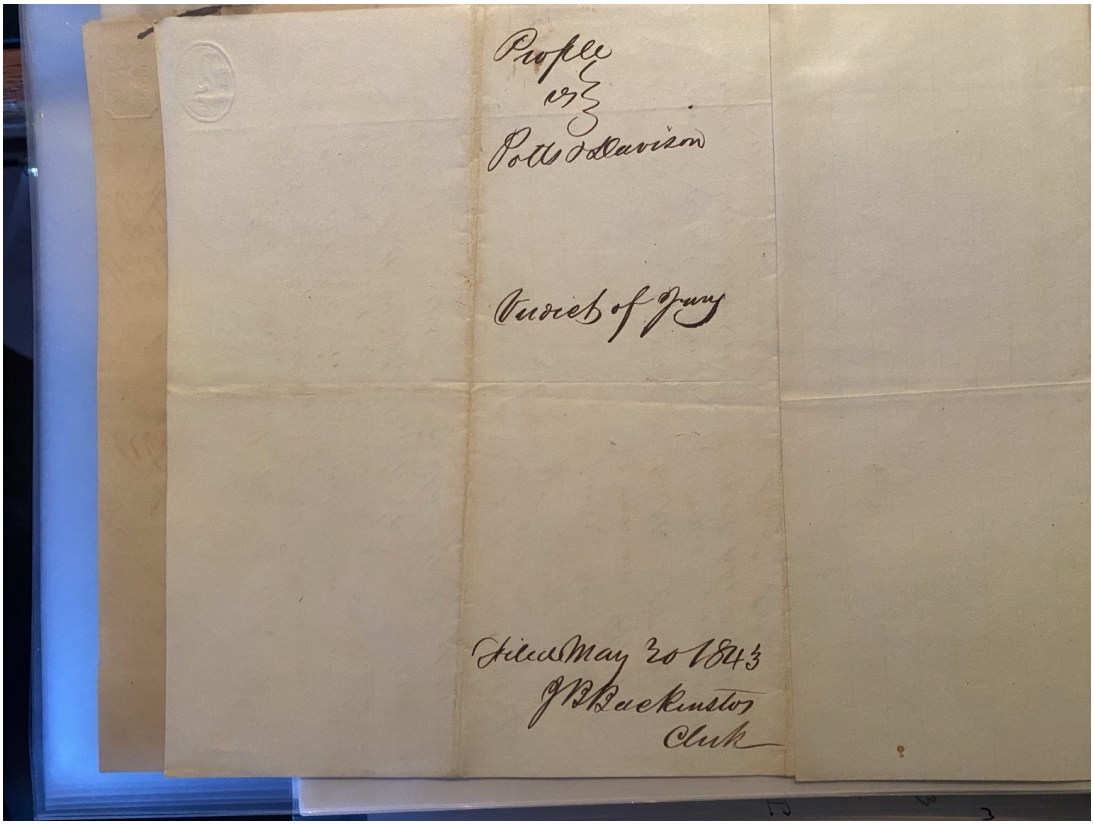
We the Jurors find the Prisoner Jacob
Potts guilty acording to the manner and form
as Alleged in the indictment and asess
the amount of Property $9 50 Ct and Sentence
said potts to the Penetintiary for the term
of One Year May 21 1843

Wm J. Kline
J L Avise
J. H. Dame
Wm [Henthorn?]
James [Benham?]
Norman Hart
Joseph Atherton
Samuel Loughery
Stephen Owen
John Price
William Ayers
Robert Gilmour

[At lower left]
We the Jurors also say that
We cannot agree upon the
Prisoner George Davison
and pray the Court that
We may be Discharged
from any further duty

The fourth and fifth surnames appear closer to Henthorn and Benham than to the Hamilton and Bennum of earlier transcripts. They are left tentative pending comparison with the jury list. The property valuation is $9.50, not $50 or $10. The misspellings in the verdict are retained.

One verdict and one unfinished case



Verdict wrapper, IMG_3328.

Transcript of the wrapper

People / vs / Potts & Davison
Verdict of Jury
Filed May 20 1843
J B Backenstos / Clerk

The jury found Jacob Potts guilty, valued the property at nine dollars and fifty cents, and fixed a penitentiary term of one year. That is the conclusion written on the surviving verdict. It did not decide the case against George Davison: the jurors reported that they could not agree and asked to be discharged. Disagreement was not an acquittal. Davison’s eventual disposition remains unknown. [1]

The wrapper appears to say 20 May; the verdict itself says 21 May. The mismatch is preserved here. A court minute or judgment entry may explain it. The papers also stop short of proving Potts’s reception at a penitentiary or the time he actually served.

For Potts, the distance between the indictment’s ten dollars and the jury’s nine dollars and fifty cents was small. The consequence written beside that valuation was not: one year. That is where this case’s surviving courtroom story ends.

Lives beyond the courtroom

These profiles extend the brief introductions in the narrative. A secure case role and a secure biographical identification are different things; the entries distinguish them. The later histories are context, not substitutes for missing testimony.

Jacob Harrison Potts and Catherine Elizabeth Huntsman Potts

Potts's story begins in the Ohio families from which many early Latter-day Saint migrants came. Compiled histories give his birth year as 1813, place him in Knox County, and date his marriage to Catherine Elizabeth Huntsman to about 1832. The civil records behind those details deserve preference whenever conflicting family trees appear. No exact baptism date, baptizer, priesthood office, or missionary appointment has been securely established for him in this project. [6,19]

His Missouri experience is supported more directly. The 1839 redress claim and the 1840 statement with Levi Stiltz connect land, forced removal, wounds, and lost labor. The claim is evidence of what Potts reported suffering. It should not be treated as an independently audited balance sheet, nor as a hidden explanation of the Illinois theft charge. [3]

Catherine's importance reaches beyond supplying a maiden name. Her relationship to Peter Huntsman helps explain why a family member could be drawn into Potts's defense. Yet the case photographs contain no testimony from Catherine and no account of her response to the arrest or verdict. Her feelings cannot responsibly be supplied by a narrator. The family history also distinguishes her from Peter's wife, Catherine Steltz; the two Catherines should not be merged. [6]

Later research places the Potts family in Elgin, Kane County, Illinois, by 1850, in Black Hawk County, Iowa, by the mid-1850s, and later in Nebraska. Compiled sources disagree over Jacob's death year, including 1888 and 1890. Those later movements show that his life continued well beyond the case, but they do not establish how the one-year punishment was carried out. [19]

Peter Huntsman and the unresolved William

Peter is identified in the family reconstruction as Catherine Potts's brother. His family moved from the Ohio and Indiana setting into Missouri and then Illinois, sharing the migrations that brought Potts to Hancock County. Compilations disagree over Peter's birth year, commonly giving dates in the 1790s. The court document supplies a more certain moment than those competing dates: his two days of defense attendance, certified on 24 May 1843. [1,6]

The William summoned alongside Peter has not been securely distinguished from other adult Huntsmans. Peter's son, born 23 May 1822, was old enough to be the witness. An older William in the extended family is another possibility. An age, residence, signature comparison, or household link would be needed to decide. No definite baptism chronology or relationship should be assigned to this witness before that identification is made. [6,19]

The owners and the other accused man

William Law

William Law was born in Ireland in 1809 and lived in North America before settling in the Nauvoo area in 1839. He married Jane Silverthorn and joined the Latter-day Saints during the Canadian period. His business experience helped make him a prominent figure in the growing city. [4]

He entered the First Presidency in 1841, served on the Nauvoo City Council, and participated in civic, military, and Masonic institutions. With Wilson, he operated mercantile and milling enterprises. The plow allegation therefore arose in a world where agriculture and commerce met, but no surviving case paper identifies the particular farm or business operation to which the implement belonged. [4–5]

His 1844 removal from church leadership, excommunication, and involvement with the Nauvoo Expositor made his name famous in another conflict. None of those later events had happened when Potts was tried. Keeping the chronology straight preserves the distinct character of this earlier case. [4]

Wilson Law

Wilson, born in Ireland in 1806, was William's older brother and business associate. He held civic responsibilities in Nauvoo and became major general of the Nauvoo Legion in August 1842. By the spring of 1843 he was a conspicuous local figure, not simply the owner of an anonymous farm tool. [5]

His role in this file is unusually well attested: alleged co-owner in the indictment, listed witness on its endorsement, and named recipient of a prosecution subpoena. Those are three documentary connections. They do not disclose his actual statements about ownership, value, or recovery. His later opposition to Joseph Smith is a separate chapter. [1,5]

George Davison

George Davison shared the indictment but not Potts's resolved verdict. The file gives no middle name, age, occupation, or household. Earlier work proposed George Washington Davidson, associated with Ramus and a wife named Nancy, as a candidate. Other contemporary Davison or Davidson references complicate that identification. A spelling resemblance and the presence of a Nancy Davison among the witnesses do not close the gap. [7,19]

The firm facts are narrower: he was one of the men targeted in the search catalog, was jointly charged with Potts, and was the prisoner about whom the jurors could not agree. No subsequent acquittal, conviction, dismissal, or retrial is established by this file. [1–2]

James Harvey Ralston

Ralston brought substantial experience to the prosecutor's table. Born in Bourbon County, Kentucky, in 1807, he moved to Quincy in 1828 and entered the Illinois legal profession around 1830. He served as a justice of the peace, volunteered during the Black Hawk War, represented Adams County in the Illinois House, and became a circuit judge in 1837. He later served in the state senate. [10]

That career makes the designation on the Potts indictment worth reading carefully. "States Atty pro tem" identifies a temporary prosecutorial assignment, not a judicial office in this trial. A man who had been a judge could serve in a different legal capacity. The document, rather than his most impressive previous title, determines his role here. [1]

The two indictment versions show the practical work of prosecution: naming the accused, alleging a date and county, identifying owners, describing the object, and stating its value. The language repeats because the accusation is presented in multiple counts. Ralston's participation does not by itself establish a contested legal motion, a ruling on the indictment, or a special theory argued to the jury. No such proceeding should be invented from the existence of a revised draft.

After Illinois, Ralston's career carried him through the Mexican-American War and the expanding western states. He served as an assistant quartermaster, worked at the Alamo, entered California public life, and later practiced in Nevada. He died in 1864 after becoming lost in severe weather near Austin. The later-life portrait reproduced earlier belongs to this broader career; it is not an image taken in the Potts courtroom. [10,18]

In the Potts story his importance is immediate and visible: the accusation ends with his name and office. That gives the reader a concrete place to meet him before turning to the rest of his biography.

George Ogden Bachman

Bachman was born about 1802 and practiced law in Springfield and Hancock County during the 1840s. Other surviving legal papers place him in the professional world that also included the Backenstos clerks and officers. His later connections include Nauvoo property transactions and service on the coroner's jury associated with the deaths of Joseph and Hyrum Smith. [12]

The strongest Potts connection is now the simplest: the signed instruction to summon witnesses for the defendant. It is stronger evidence than a resemblance between unidentified handwriting and an outside sample. The request establishes a defense-related act; it does not reveal Bachman's entire trial strategy, everything he said in court, or whether another lawyer also assisted. [1]

The officers and the probable judge

Daniel Hanmer Wells

Wells was born in New York in 1814 and settled in the Commerce area before it became Nauvoo. He held local civic responsibilities and served as a Hancock County justice of the peace from 1840 to 1844. In the Potts search catalog, that office made him the magistrate who issued the process. [2,8]

His later position as a counselor to Brigham Young can obscure the timing of his church membership. He was baptized in August 1846, three years after this prosecution. He should therefore enter this story as a civic associate of the Saints and a magistrate, not as a church officer exercising ecclesiastical power over Potts. [8]

Lewis Robison

The case documents spell the officer's name Robison. Contemporary Nauvoo records show a Lewis Robison carrying out municipal duties, including a tax-collection report in January 1843. The search-warrant catalog identifies him as the constable who reported recovering the plow and arresting the two men. His signatures on subpoena returns show his subsequent work as a deputy under the sheriff. [1–2,9]

This is one of the file's most continuous roles: he connects the preliminary search with the effort to bring witnesses to court. A complete birth-to-death identification is less secure than those acts. He should not be merged with a later Utah namesake merely because the names are similar.

Jacob B and William Backenstos

Jacob B. Backenstos was the circuit clerk, while William Backenstos was sheriff. The distinction is visible repeatedly: Jacob's name authorizes or certifies papers, and William's office appears on returns completed by deputies. M. Avise also signs for the clerk; E. B. Rose makes one of the defense returns. [1,11]

Jacob later became sheriff and a prominent participant in the violent Hancock County conflicts of 1845. That later reputation should not overwrite his 1843 position. Nor does his signature prove that all nearby writing is in his hand. [11]

Stephen A Douglas

Douglas, born in 1813, was still a young Illinois jurist in May 1843. William Clayton's statement that Douglas was presiding at Carthage on 18 May is strong evidence for this court term. It stops just short of naming him on a Potts-specific judgment. [15]

His later Senate career, debates with Abraham Lincoln, and presidential candidacy make him a recognizable figure for modern readers. For this case, the narrower fact matters: he is the strongly supported candidate for the judge overseeing the term in which these papers were filed.

Witnesses whose lives are partly visible

Isaac Allred and Alma Allred

Isaac Allred, born in 1813 and deceased in 1859, is the leading candidate for the signed witness certificate. His autobiography describes an early church conversion, later labor for Mr. Law, and missionary and migration experiences. The Law employment is the most relevant biographical detail here, because it supplies a plausible setting in which he could have known the owners' property. That remains an inference; the surviving case papers give no testimony. [13]

Alma is a separate name, served with Emily Whitmarsh and then crossed out on the certificate Isaac signed. A proposed identification with Isaac's young son William Alma has not been proved. A child's age alone would not make testimony impossible, but neither does kinship speculation identify the person. [1,19]

George B Hicks

The prosecution subpoena shortens the name to George Hicks, while the indictment endorsement gives George B. Hicks. Earlier research proposed George Barton Hicks, a Latter-day Saint later associated with western migration. The 1840 elder's license is a firm contemporary reference for a George B. Hicks in the community. Exact birth details and the complete life history should remain secondary to the identification problem. [1,14,19]

Emily Whitmarsh

Her attendance and prosecution role are secure. Her signed certificate is particularly useful because it gives a personal name form beyond a clerk's entry. The earlier proposed identification with Emily Haws Whitmarsh Chesley would add Relief Society and temple connections, but those details require a direct link to this witness. They are not asserted as established biography in this edition. [1,19]

Asa C Earl and Albert Minor

Asa's certificate proves two days of defense attendance. Earlier research associated him with an adult Latter-day Saint named Asa C. Earl whose Missouri-era record included church and militia references. Conflicting birth years and later-life identifications warrant caution before extending that biography. The signature on the certificate offers a useful future comparison. [1,19]

Albert Minor's summons was issued for the People. Albert Miner, associated with the early church and later Iowa migration, is a plausible candidate, but the subpoena alone does not prove the match. Nothing in the file justifies inventing a particular account of the plow for him. [1,19]

Nancy Davison and William Lincoln

Both appear on the served defense process. Nancy's relationship to George Davison remains unproved. William Lincoln has no demonstrated connection here to the better-known Lincoln family. The case gives their participation more securely than their life histories. [1]

The twelve names on the verdict

These are readings and identification notes, not a reconstruction of the jurors' deliberations. Earlier research supplies leads for some men; the verdict itself controls the names. [1,19]

Wm J Kline. The signature is legible, but a discriminating biography has not been established. Kline, Cline, and Klein variants require care.

J L Avise. John L. Avise, a Hancock County postmaster and local officeholder, is a plausible identification. Any relationship to the deputy clerk M. Avise remains unproved.

J H Dame. Janvrin Hayes Dame is the strongest identification in the earlier research. Later Nauvoo ordinance and western migration records give him a Latter-day Saint connection; they do not disclose his reasoning as a juror.

Wm Henthorn. Tentative manuscript reading. Earlier versions gave Hamilton. No biography should be attached until a jury list or signature comparison resolves the name.

James Benham. Tentative manuscript reading, replacing the earlier confident Bennum. The apparent letters should be checked against the court's juror list.

Norman Hart. Earlier work proposed a Hancock County landholder associated with St. Mary's Township. The verdict alone supplies no occupation or religious affiliation.

Joseph Atherton. A farmer and later local officeholder is a possible biographical match. The identification and claims about his politics or Masonic membership need a direct link to this juror.

Samuel Loughery. The surname is retained as read; fuller identification remains unresolved.

Stephen Owen. A same-name Hancock resident appears in an anti-Mormon committee in September 1843. Even if the identification is correct, later public activity does not prove his May deliberations.

John Price. A same-name Nauvoo property entry is a lead, not a completed identification.

William Ayers. Ayers and Ayres occur in local records. The precise juror remains unproved.

Robert Gilmour. The signature reads Gilmour. Gilmore family references in Hancock County do not by themselves identify this man.

Notes on the documents

The photographed file is the foundation of this edition. It contains an original indictment and a certified copy, witness process and returns, attendance affidavits, a signed defense request, wrappers, and the jury's verdict. These are not a verbatim record of the trial. A summons records a command to attend; a return records service; an attendance certificate records attendance. None is a transcript of testimony.

For handwritten sheets, the transcripts retain manuscript line breaks where practical. Printed forms are reflowed into paragraphs so they can be read comfortably; their printed wording and handwritten insertions are included. Brackets identify cancellations, insertions, uncertain letters, blanks, and editorial descriptions. Repeated printed filing fields are identified as docket information. Decorative borders, seals, and modern notes are not transcribed as case text.

The supplied photographs include alternate views of IMG_3305 and IMG_3324. Each underlying face is reproduced once. IMG_3321 is a loose docket face without a securely matched recto in the supplied set. Modern sticky notes and background genealogical sheets are not treated as part of the 1843 documents. Some images have been rotated for reading; none has been reconstructed.

Readings that change the earlier account

- The verdict values the property at $9.50. Earlier editions' $50 and $10 verdict readings are superseded. The indictment's value remains $10.
- The Wilson Law and Albert Minor subpoena was requested by the prosecution. It should not be used to construct a defense strategy involving a subpoena to Law.
- Bachman's signed request establishes a direct defense-related act. His involvement no longer rests only on uncertain handwriting comparison.
- Isaac Allred's certificate states two days. Peter Huntsman's certificate is dated 24 May. Names crossed out on one writ can appear on a separate, effective writ.
- The fourth and fifth jury signatures are provisionally read Henthorn and Benham. Earlier biographical assumptions based on Hamilton and Bennum should be suspended.
- The original indictment is an indictment, not a memorandum on pleading. The word before "improved patent Cary plough" is tentatively read Jewetts; it is not securely "two horse."

What the surviving record leaves open

The jury's decision is secure; the subsequent administration of the punishment is not. A formal judgment, commitment order, jail transfer, prison reception record, or release record has not been established for Potts. The accessible Alton prisoner-register material consulted in the earlier project has a gap covering the trial period, so an unsuccessful name search cannot prove either imprisonment or non-imprisonment. [16,19]

Davison's ultimate fate in this prosecution is also open. The jurors' inability to agree is the surviving trial result for him. It does not authorize an ending in which he was acquitted, convicted at a second trial, or quietly released.

The highest-value next record is the Hancock County Circuit Court minute or judgment entry for the May 1843 term, especially around 20–21 May. It could clarify the verdict dates, the judge, formal judgment, and any later action concerning Davison. A direct image of BYU's warrant would settle how faithfully the catalog reflects the original date and ownership language. Collateral sheriff, jail, and pardon records may be needed for Potts's prison history. [2,16–17]

These gaps do not erase the story already told by the papers. They define its boundary. Potts had survived violence and displacement in Missouri; in Illinois he was accused alongside another man, relatives and neighbors were called, and a jury returned a guilty verdict against him. The file allows that story to be told with people at its center while keeping the missing voices missing.

Illustration credits

Case facsimiles: photographs supplied for this project, identified individually by IMG number. Repository and reproduction-rights information should accompany any external publication if required by the owner of the originals.

Hawn's Mill memorial: George Edward Anderson, 1907, via Wikimedia Commons. Public domain. A later commemorative scene, not an 1838 view.

Hancock County map: A. T. Andreas, Illustrated Historical Atlas of Hancock County, Illinois, 1874, printed page 8 (PDF image 9). BYU copy via Internet Archive. Public domain.

William Law portrait: BYU Religious Studies Center, "William Law," in Prophets and Apostles of the Last Dispensation. Later-life portrait; date and maker not supplied on the image.

James Harvey Ralston portrait: Alamo Lodge No. 44 history page. Date and maker not supplied.

Sources and further reading

Numbers in the narrative refer to this list. Links identify the relevant source rather than serving as a claim that every biographical identification is final. Case photograph numbers supply the most precise references for manuscript readings.

[1] Original People v. Potts photographs supplied for this project. IMG_3300–3319 and IMG_3321–3328; alternate views IMG_3305(1), IMG_3324(1). Indictment 3323–3326; Bachman request 3322; verdict 3327–3328.

[2] BYU Special Collections, Daniel H. Wells search warrant, MSS SC 343. Catalog evidence for the preliminary search and Robison's return; original warrant image not reproduced.

Open source

[3] Mormon Redress Petitions, individual affidavits P–Z. Jacob H. Potts claim, 11 May 1839, and joint Potts–Levi Stiltz statement, 13 March 1840.

Open source

[4] Joseph Smith Papers, William Law. Biographical directory entry.

Open source

[5] Joseph Smith Papers, Wilson Law. Biographical directory entry.

Open source

[6] Shelley Dawson Davies, Peter Huntsman and Catherine Steltz Huntsman. A Family History, 2014; compiled genealogy. Used with qualification for the family relationships and migration setting.

Open source

[7] BYU Early Latter-day Saint settlements, Ramus residents. Settlement reconstruction, used as a biographical lead.

Open source

[8] Joseph Smith Papers, Daniel Hanmer Wells. Biographical directory entry.

Open source

[9] Joseph Smith Papers, Report from Lewis Robison. Circa 14 January 1843; contemporary municipal work.

Open source

[10] Joseph Smith Papers, James Harvey Ralston. Biographical directory entry.

Open source

[11] Joseph Smith Papers, Backenstos biographies. Jacob B., circuit clerk, and William, sheriff.

Open source

[12] Joseph Smith Papers, George Ogden Bachman. Biographical entry and associated contemporary legal documents.

Open source

[13] Isaac Allred autobiography. Transcription hosted by the Allred Family Organization; the Law employment passage is the relevant lead.

Open source

[14] Joseph Smith Papers, License for George Hicks. 25 November 1840, extract.

Open source

Sources continued

[15] William Clayton journal, 18 May 1843. Term-level evidence for Douglas at Carthage; the earlier report cites the journal transcription available through this collection.

Open source

[16] Illinois Digital Archives, Alton prisoner registers. Consult alongside the series coverage; not proof of Potts's reception or discharge.

Open source

[17] Hancock County court records. FamilySearch catalog for circuit-court records; a route to the missing judgment and docket entries.

Open source

[18] Alamo Lodge No 44, history. Ralston portrait and later career context.

Open source

[19] Earlier research supplied for this project. People v. Jacob Harrison Potts Final Research Report 2026; Final Consolidated Report; Project Dossier; Holographic Transcriptions. These preserve research leads but are superseded where direct manuscript inspection gives a different reading.

[20] George Edward Anderson, Hawn's Mill memorial. 1907 photograph and public-domain record.

Open source

[21] A T Andreas, Illustrated Historical Atlas of Hancock County. Chicago, 1874. County map, printed page 8.

Open source

[22] BYU Religious Studies Center, William Law. Source of the later-life portrait.

Open source

William Backenstos biography

Stephen Owen context in the Joseph Smith history

Edition prepared October 2026. The narrative and transcript corrections are incorporated in both the Word and PDF versions.