One Day in Custody

John Eagle and Robert D Foster
A fight over freedom in Nauvoo

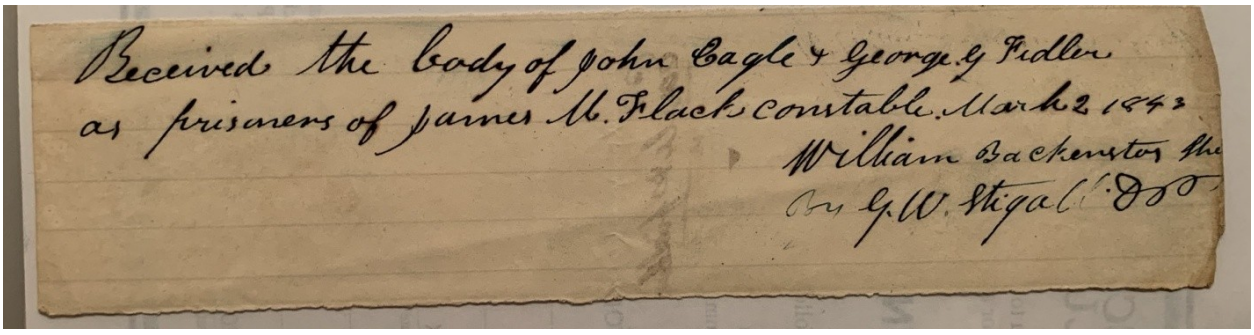
Hancock County Circuit Court • May Term 1843 • Case 97

The receipt begins with a man's body. "Received the body of John Eagle," the handwriting reads. Dated March 2, 1843, the small slip records Eagle's passage from a constable into the sheriff's custody. It tells us that officials held him. It does not tell us whether they had the right.[1]

Eagle took that question to court. He accused Dr. Robert D. Foster of imprisoning him without lawful cause and demanded one thousand dollars. Foster answered that he had acted as a justice of the peace in a gaming-house investigation. The jury found for Foster. Between those competing accounts lies a story of neighbors, public authority, and the difficulty of recovering one disputed day from a handful of papers.

Highlights • Why these people matter

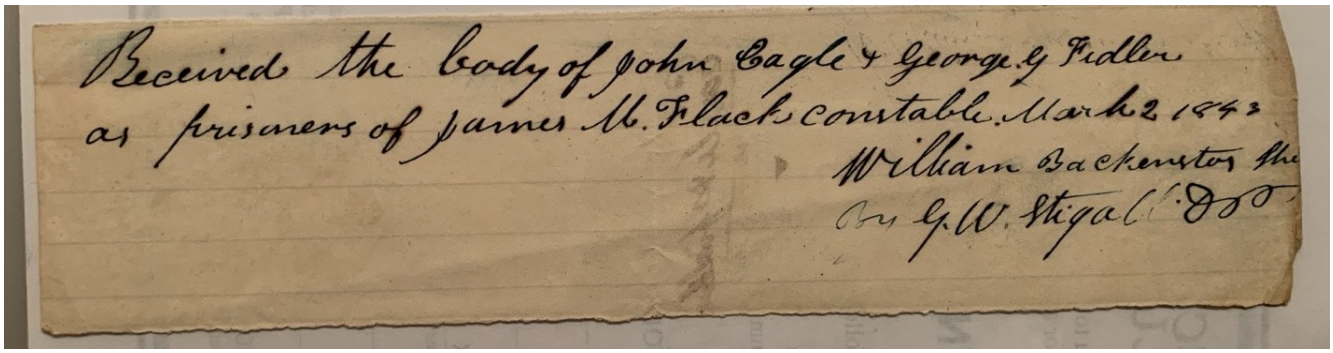
- **John Eagle —** A Nauvoo grocer who had already challenged city authority now asked a jury to decide whether his detention was lawful.
- **Robert D. Foster —** A physician and magistrate, once a traveling companion of Joseph Smith, later became one of the Nauvoo Expositor's publishers.
- **Horace Burgess —** The gaming-house accusation against him anchors Foster's defense; Burgess also appears among Eagle's witnesses.
- **James M. Flack —** The constable who delivered Eagle into custody later attended court as a witness for Eagle.
- **George Bachman —** Eagle's attorney turned the alleged detention into a demand for one thousand dollars in damages.
- **Onias C. Skinner —** Foster's young defense attorney would later sit on the Illinois Supreme Court.


Received the body of John Eagle & George G Fidler
as prisoners of James M. Flack constable. March 2 1843
William Backenstos the
by G W. Stigall Dep

The custody receipt, March 2, 1843. The documents reproduced here come from photographs in the Larsen collection. Crops retain the manuscript text; additional papers and endorsements appear in the supporting portfolio. [1]

The story follows the papers. Reading texts accompany the principal documents; fuller biographies, the juror research, a document portfolio, and source notes follow the narrative.

The sheriff receives two prisoners



Custody receipt. The handwriting names Eagle and a second prisoner whose name appears to read George G. Fidler. The deputy signs for Sheriff William Backenstos. [1]

Reading the receipt

Line endings below follow the short manuscript. Brackets identify a tentative name or an expansion; the surname in the deputy's signature is retained as written.

Received the body of John Eagle & [George G. Fidler?]
as prisoners of James M. Flack constable. March 2 1843
William Backenstos She[riff]
By G. W. Stigal D.S.

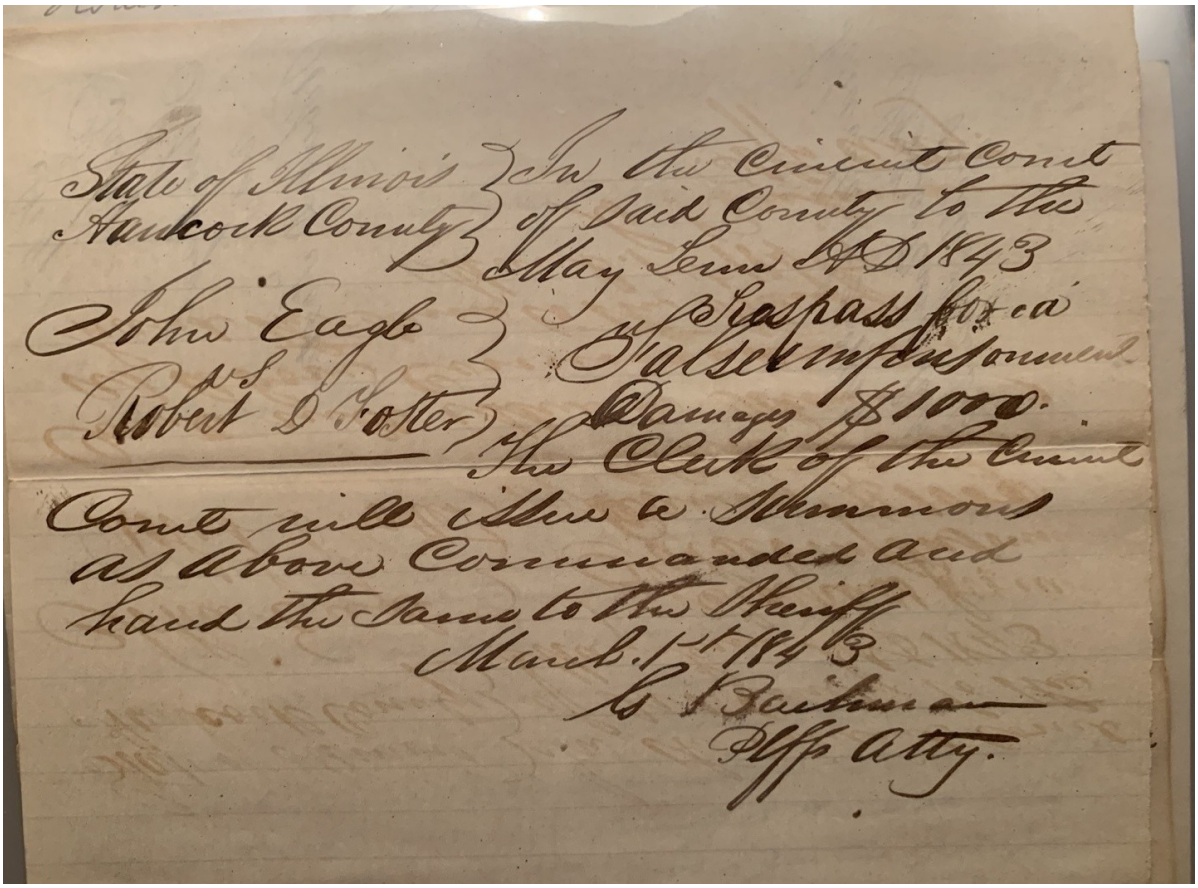
A constable named James M. Flack delivered the prisoners. The sheriff's office acknowledged them through G. W. Stigal, whose name appears elsewhere in the case as Stigall. The receipt is only a few lines long, but it brings the first people into view: the man detained, the officer who delivered him, and the deputy who received him.

Eagle's declaration placed the beginning of his alleged imprisonment on March 1. This receipt, dated the following day, supplies independent evidence of custody. It does not identify a cell, describe a beating, or state the legal authority for holding either prisoner. Those questions would have to be answered elsewhere.

By then Eagle's attorney was already setting the civil suit in motion. George Bachman's handwritten instruction to the circuit clerk is dated March 1. It names John Eagle as plaintiff, Robert D. Foster as defendant, and the proposed claim as trespass for false imprisonment. Beside it stands the amount: $1,000. The chronology is close enough that we cannot reconstruct the order of events within that first day. We can see how quickly the alleged detention became litigation.[1]

The second prisoner is an additional person in the story, not an explanation of it. His apparent name should be tested against other records before a biography or connection to the gaming-house complaint is attached to him. Eagle is the prisoner whose subsequent lawsuit lets us follow the paper trail.

The demand for one thousand dollars


State of Illinois } In the Circuit Court
Hancock County } of said County to the
May Term A D 1843
John Eagle } Trespass for a
vs } False imprisonment
Robert D Foster } Damages $1000.
The Clerk of the Court
Court will issue a Summons
as above Commanded and
hand the Same to the Sheriff
March 1st 1843
G Bachman
Plffs Atty.

Bachman's instruction to issue a summons, dated March 1, 1843. This is the lawyer's initiating request, not the later declaration setting out Eagle's allegations at length. [1]

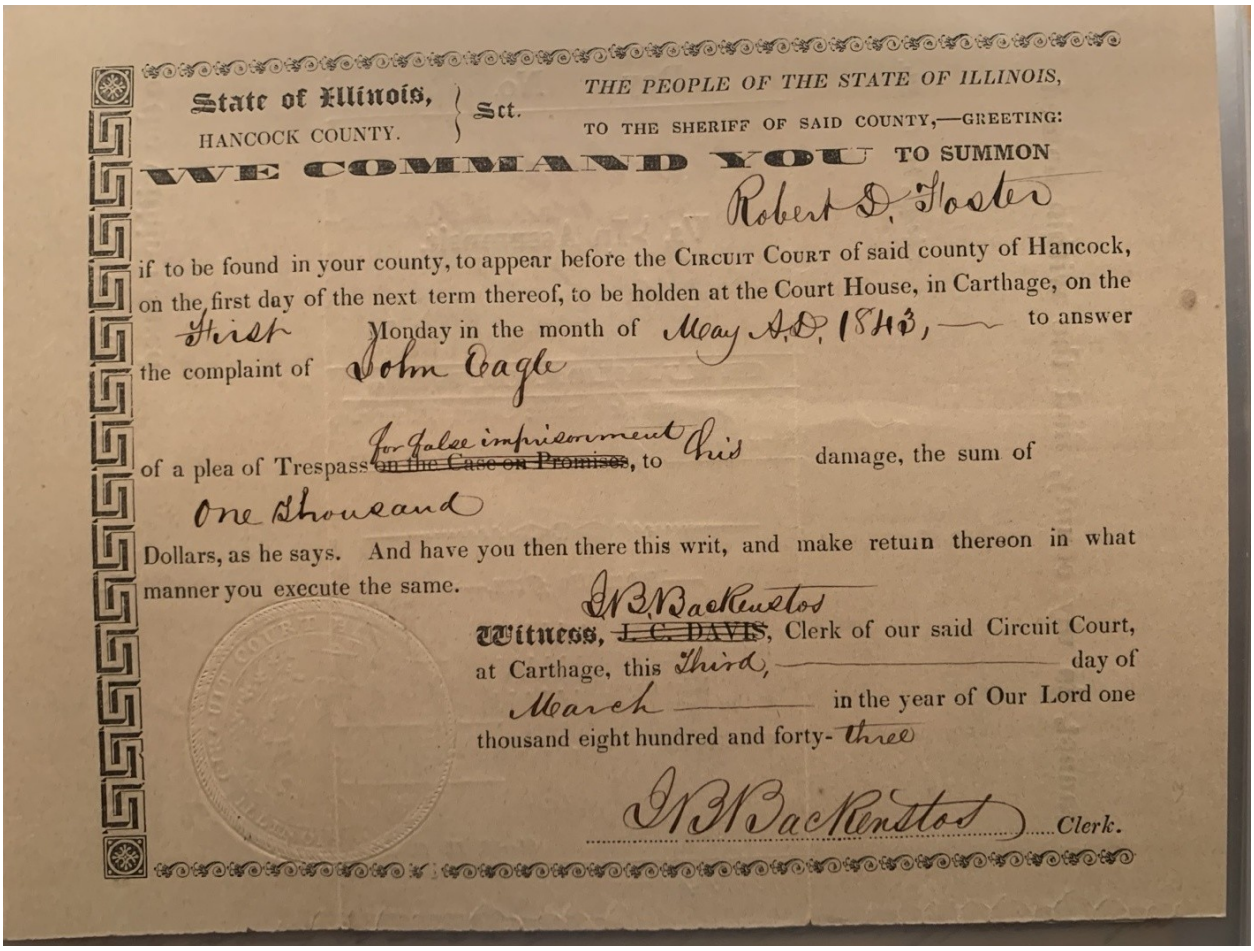
Reading text

State of Illinois / Hancock County
In the Circuit Court of said County to the May Term A D 1843
John Eagle vs Robert D Foster
Of Trespass for a False imprisonment
Damages $1000.
The Clerk of the Circuit Court will issue a Summons as above Commanded and hand the Same to the Sheriff
March 1st 1843
G Bachman / Plffs Atty.

The words were meant to produce an action: the clerk was to issue process, and the sheriff was to deliver it. Eagle was asking the county's ordinary civil court to make a public official answer for the use of his power.

The thousand dollars was the sum demanded, not an award or a documented measure of lost earnings. To the reader it conveys the scale of the claim; to the court it stated the damages Eagle sought. No conversion into modern dollars is needed to understand what was at stake. He wanted a jury to recognize an injury serious enough to justify compensation.

The court calls Foster to answer



State of Illinois, } Sct.
HANCOCK COUNTY. }

THE PEOPLE OF THE STATE OF ILLINOIS,
TO THE SHERIFF OF SAID COUNTY,—GREETING:

WE COMMAND YOU TO SUMMON Robert D. Foster

if to be found in your county, to appear before the Circuit Court of said county of Hancock, on the first day of the next term thereof, to be holden at the Court House, in Carthage, on the First Monday in the month of May A.D. 1843, — to answer the complaint of John Eagle

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

Witness, ~~J. C. DAVIS~~ J. B. Backenstos, Clerk of our said Circuit Court, at Carthage, this Third, ——— day of March ——— in the year of Our Lord one thousand eight hundred and forty-three

J. B. Backenstos ..... Clerk.

Circuit summons issued March 3, 1843. Handwritten changes adapt a printed form to Eagle's claim and substitute J. B. Backenstos for the former clerk's printed name. [1]

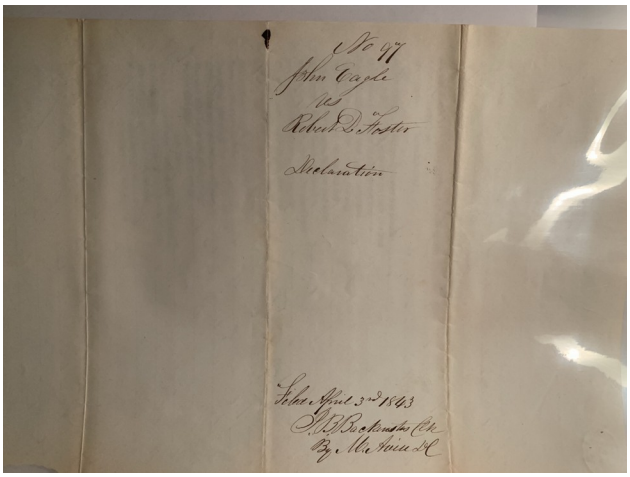
The summons in plain language

The sheriff was commanded to summon Robert D. Foster to the circuit court at Carthage for the May term. There he was to answer John Eagle's complaint of trespass "for false imprisonment," with damages claimed at "One Thousand" dollars. The document bears the date March 3, 1843, and the name of clerk Jacob B. Backenstos. The return records service on Foster on April 14.[1]

The alterations on the form help explain the proceeding. This was a civil demand for damages under Illinois law. It was neither a Church disciplinary hearing nor an appeal from the Nauvoo municipal court. The printed phrase describing a different sort of action was crossed out and Eagle's accusation written in its place.

The men behind those names had already lived through years of Nauvoo's growth. Their shared setting matters, because Eagle was not approaching the court as a stranger to the city, and Foster was still one of its prominent officials.

Eagle puts his complaint into words



The declaration wrapper identifies case 97 and records filing on April 3, 1843. The document face was not recovered among the photographs assembled for this edition. [1]

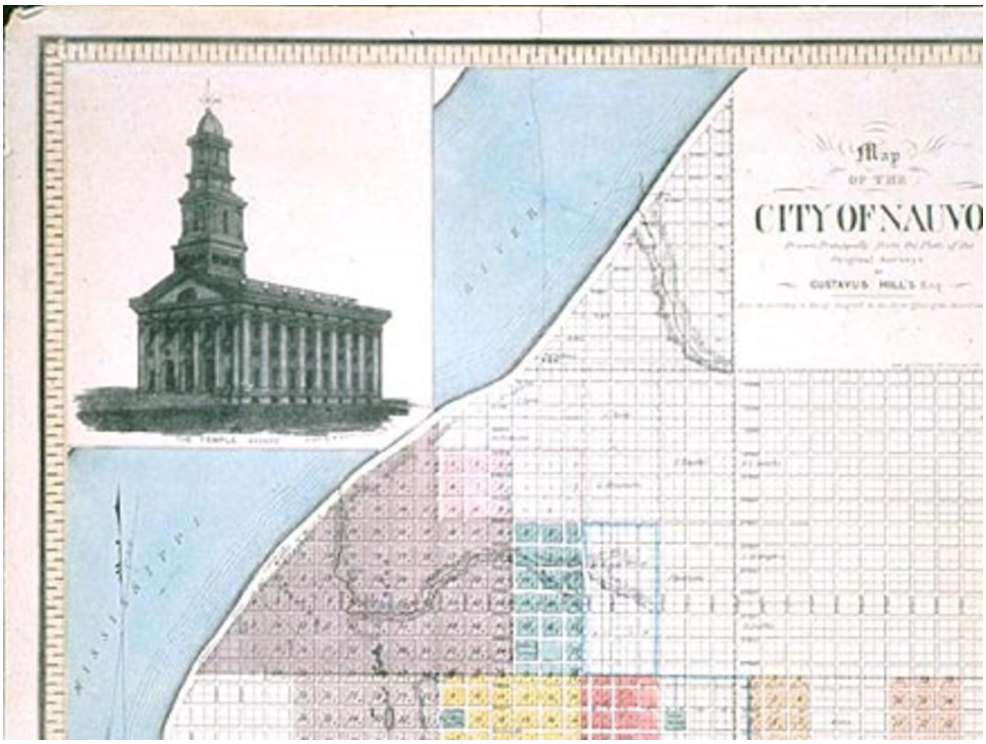
The declaration as preserved in the earlier report

This reading text carries forward the earlier project transcription. It is reflowed, with uncertain wording marked. It should not be treated as a newly verified line-for-line transcript of the missing manuscript face.

State of Illinois, Hancock County. In the Circuit Court of said county, of the May Term A.D. 1843. John Eagle vs. Robert Foster. Robert D. Foster was attached to answer John Eagle of a plea of trespass for a false imprisonment; and thereupon the said John Eagle complains against the said Foster, for that the said Foster, with force and arms, on the first day of March A.D. 1843, assaulted the said John Eagle, to wit, at the County of Hancock and State aforesaid, and then and there beat, bruised and ill treated him, and then and there imprisoned and kept and detained him in prison without any reasonable and probable cause whatsoever for a long time, to wit, one day, then and there, [uncertain word] following contrary to the laws and customs of this state and against the will of the said John Eagle; and other wrongs to the said Eagle then and there did, to the great damage of the said Eagle, and against the peace of the people of the State of Illinois; whereupon the said Eagle saith that he is injured and hath sustained damage to the amount of one thousand dollars, and therefore he brings suit. George Bachman, P.A.

The accusation of beating is part of Eagle’s pleading. The receipt corroborates custody; it does not independently prove the alleged violence. The earlier reading “not following” is doubtful and has not been silently repaired.

The grocer who had already fought city authority



Detail from Gustavus Hills's Nauvoo map, published by John Childs in 1844. The temple design in the inset belongs to the original lithograph. This city view was published a year after Eagle's suit; it does not locate the unidentified gaming premises. Church History Museum. [4]

John Eagle was thirty-eight when he brought his suit. Born in Pennsylvania, he had married Susannah Whitelock in Ohio and moved west into Illinois. In Nauvoo he worked as a grocer and laborer, held property interests, and appeared in the city's legal and civic records. His connections included the Nauvoo Legion and the Masonic lodge. The legal papers preserve a man already accustomed to doing business among the Saints.[2]

In October 1841, he had acquired an interest in a grocery building near the temple construction site. Pulaski Cahoon had erected it for a grocery and liquor business. After its closure, the city council declared the building a nuisance and ordered its destruction. Eagle opposed the demolition and allegedly assaulted legionary John Scott. A prosecution followed.[3]

This earlier confrontation helps us understand the setting of his 1843 claim. Local authority had already reached into a business in which he held an interest. It does not establish his private motives for suing Foster, or show that the later gaming-house accusation concerned the same building. The papers leave those connections unproved.

A physician with the power of a magistrate

Robert D. Foster's name carried several kinds of authority. He practiced medicine, invested in land, served as a university regent, and held a commission as surgeon general of the Nauvoo Legion. As a justice of the peace, he also exercised powers that could bring a neighbor before him in a criminal inquiry.[5]

Foster had been born in England in 1811. By the time he joined the Latter-day Saints, he was married to Sarah Phinney and working as a physician. He was ordained an elder in October 1839. Soon afterward he accompanied Joseph Smith and others on the journey to Washington seeking redress for the Missouri expulsions. The recent convert had entered the company of the Church's senior leaders.

The January 1841 revelation now included in Doctrine and Covenants 124 directed Foster to purchase stock in the Nauvoo House. His later appointments placed him among the people building the city's institutions. In April 1843, while Eagle's suit was developing, he received a mission assignment to Tioga County, New York. His standing within the Church had not yet collapsed.[5]

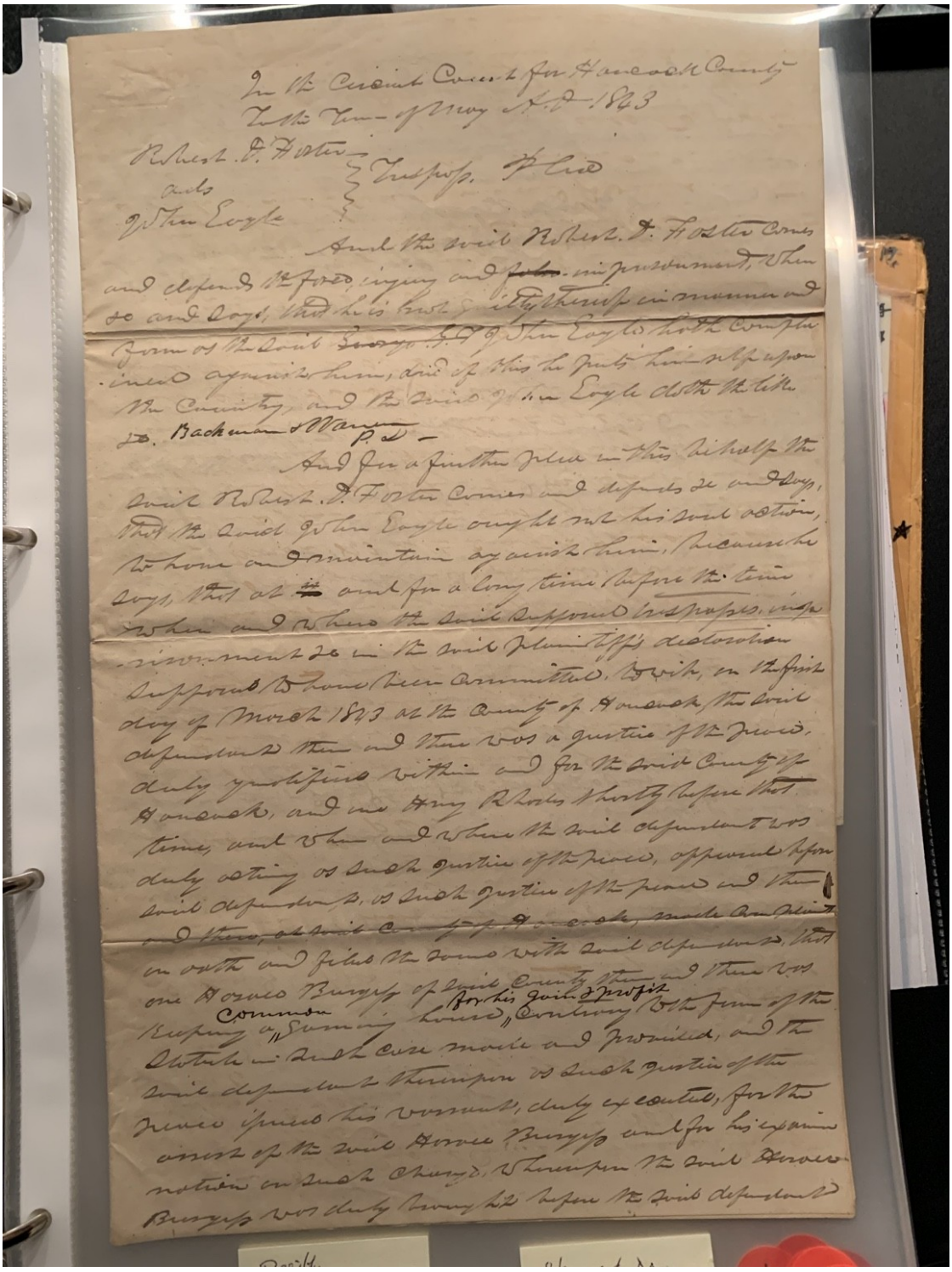
That standing did not make every relationship easy. Research on his dealings with Joseph Smith traces friction over building projects early in 1843, followed by renewed cooperation. Foster's path toward the open opposition of 1844 was not a straight line. To meet him here, in Eagle's lawsuit, is to meet a man still exercising office within Nauvoo, while also managing private ambitions and disagreements.[6]

His defense brought that public office to the center of the case. He first denied guilt in the conventional terms of a civil plea. He then offered a further justification: a sworn complaint had come before him about Horace Burgess and a common gaming house. According to the pleading, he issued a warrant to bring Burgess before him for examination.

The shift is crucial. Eagle's declaration describes a wrong done to him. Foster's plea describes the exercise of official duty. A jury would have to consider the competing accounts. Being a justice of the peace explained why Foster might issue legal process; it did not, by itself, answer every question about what happened to Eagle.[1]

The surviving page stops just as Burgess is brought before the magistrate. We do not have the rest of the explanation. The gap should remain visible to the reader, because it is the point where the case becomes most difficult to reconstruct.

Foster answers in the language of office



In the Circuit Court for Hancock County
At the Term of May A.D. 1843

Robert D. Foster } Trespass. Ca. sd
vs
John Engle

And the said Robert D. Foster comes and defends the force, injury and [illegible] in presence and [illegible] and says, that he is not guilty thereof in manner and form as the said John Engle hath complained against him, and of this he puts himself upon the country, and the said John Engle doth the like.

Backman & Warren P.Q.

And for a further plea in this behalf the said Robert D. Foster comes and defends &c and says, that the said John Engle ought not his said action, because he ought not maintain any action against him, because he says, that at the time and for a long time before the time when &c when the said supposed trespasses, injurious &c in the said plaintiff's declaration supposed to have been committed, to wit, on the first day of March 1843 at the County of Hancock, the said defendant was and was a justice of the peace duly appointed within and for the said County of Hancock, and no thing whereby he was disabled from that time, and then and there the said defendant was duly acting as such justice of the peace, and the said defendant as such justice of the peace and then and there, at said County of Hancock, made an affidavit on oath and filed the same with said defendant, that one Horace Burgess of said County then and there was keeping a Common Tavern, contrary to the form of the statute in such case made and provided, and the said defendant thereupon as such justice of the peace issued his warrant, duly executed, for the arrest of the said Horace Burgess and for his examination touching such charge, whereupon the said Horace Burgess was duly brought before the said defendant

Reading the surviving plea

Reading text of the visible page. Line endings are reflowed; abbreviations are retained where useful. Interlined words are incorporated into the text. Brackets mark doubtful readings or editorial explanation. The continuation has not been recovered.

In the Circuit Court for Hancock County
To the Term of May A.D. 1843
Robert D. Foster ads John Eagle / Trespass / Plea

And the said Robert D. Foster comes and defends the force, injury and imprisonment when &c and says that he is not guilty thereof in manner and form as the said John Eagle hath complained against him, and of this he puts himself upon the Country, and the said John Eagle doth the like.
Geo. Bachman P.A.

And for a further plea in this behalf the said Robert D. Foster comes and defends &c and says that the said John Eagle ought not his said action to have and maintain against him, because he says that at [deletion] and for a long time before the time when and where the said supposed trespasses and imprisonment &c in the said plaintiff's declaration supposed to have been committed, to wit, on the first day of March 1843 at the County of Hancock, the said defendant then and there was a justice of the peace, duly qualified within and for the said County of Hancock, and one [Henry Rhoads?] shortly before the time when and where the said defendant was duly acting as such justice of the peace, appeared before said defendant as such justice of the peace and then and there, at said County of Hancock, made complaint on oath and filed the same with said defendant, that one Horace Burgess of said County, kept a common gaming house for his gain & profit, Contrary to a law of the Statute in such case made and provided, and the said defendant thereupon as such justice of the peace issued his warrant, duly executed, for the arrest of the said Horace Burgess and for his examination on such charge, whereupon the said Horace Burgess was duly brought before the said defendant [page ends].

What this page changes

The opening "ads" means "at the suit of"; it does not turn Foster into the plaintiff. The words putting the case upon "the Country" invoke trial by jury. Bachman's name appears where Eagle joins issue, while Skinner's name on the wrapper identifies counsel for the defendant.

Burgess is now more than a name. He is the person accused in the inquiry Foster cited as justification. But the pleading's allegation is not proof that Burgess ran a gaming house. Nor does the surviving page explain why Eagle was restrained. A witness's refusal to answer, participation in an alleged offense, or some other incident would each tell a different story. None should be supplied as fact.

The lawyers take their places



Onias C. Skinner, Foster’s attorney, in a later portrait. Image credited to the Abraham Lincoln Presidential Library by the Illinois Supreme Court Historic Preservation Commission. [7]

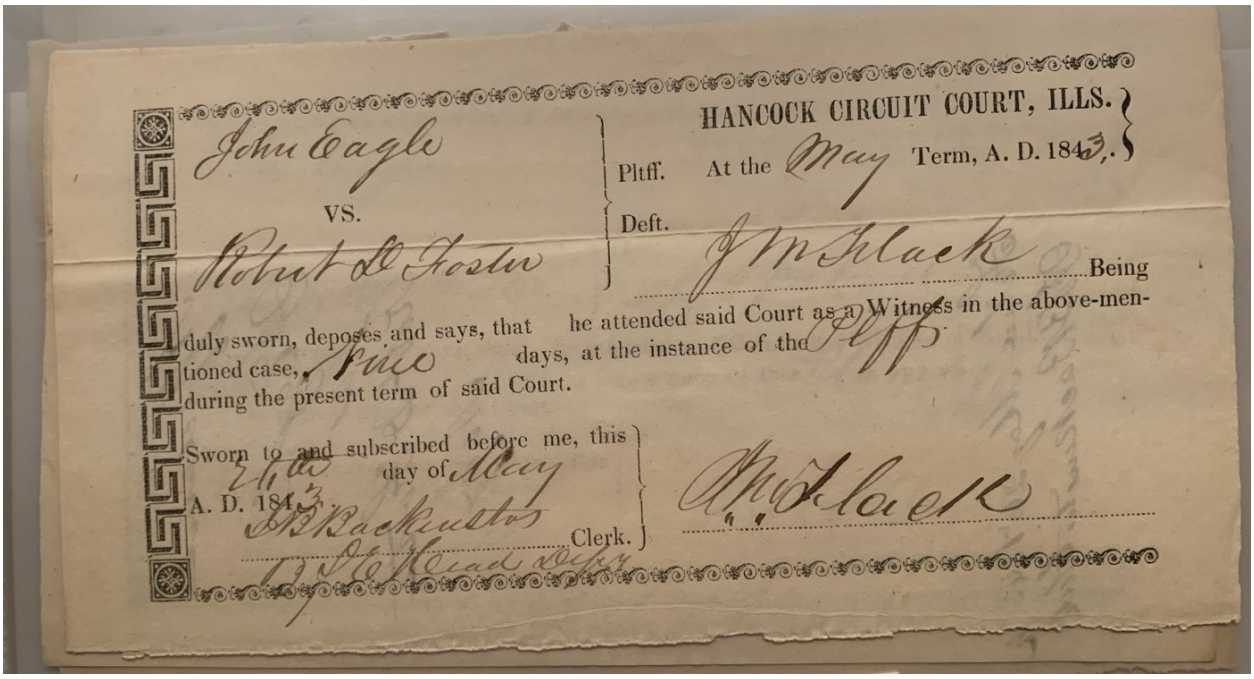
George Bachman’s handwriting starts the civil action. His March 1 requests sought both the summons for Foster and witnesses for Eagle. They make visible the practical work behind a lawsuit: choosing the claim, naming the people to be called, and asking the clerk to issue the necessary papers.

Onias Childs Skinner appears on the other side. Only twenty-five when the May term began, he was a young lawyer whose later career would lead to the Illinois Supreme Court. His name on the plea wrapper ties that future judge to Foster’s defense.[1,7]

Another short paper brings a more familiar Nauvoo name into the room. On May 20, Skinner asked the clerk to issue a subpoena for Chauncey L. Higbee, at the defendant’s instance, for Monday the 22nd. It establishes that Foster’s lawyer wanted Higbee’s evidence. It does not preserve what Higbee knew, whether he appeared, or what he said. His later association with Foster in opposition to Joseph Smith must not be substituted for missing testimony.[1]

The county clerk was Jacob B. Backenstos. The sheriff was William Backenstos. Their similar names recur across the packet, but their jobs were different: one issued and filed court papers, the other served process and received prisoners through his deputies. Following their titles prevents two brothers’ actions from collapsing into one biography.

The men Eagle wanted the jury to hear



HANCOCK CIRCUIT COURT, ILLS.

John Eagle — Pltff. — At the May Term, A. D. 1843.

VS.

Robert D. Foster — Deft.

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

Sworn to and subscribed before me, this 26th day of May A. D. 1843.

A. B. Buckmaster ..... Clerk.

J. M. Flack

James M. Flack's attendance certificate, sworn May 26, 1843. He reported nine days at court at Eagle's instance. This records attendance, not the substance of his evidence. [1]

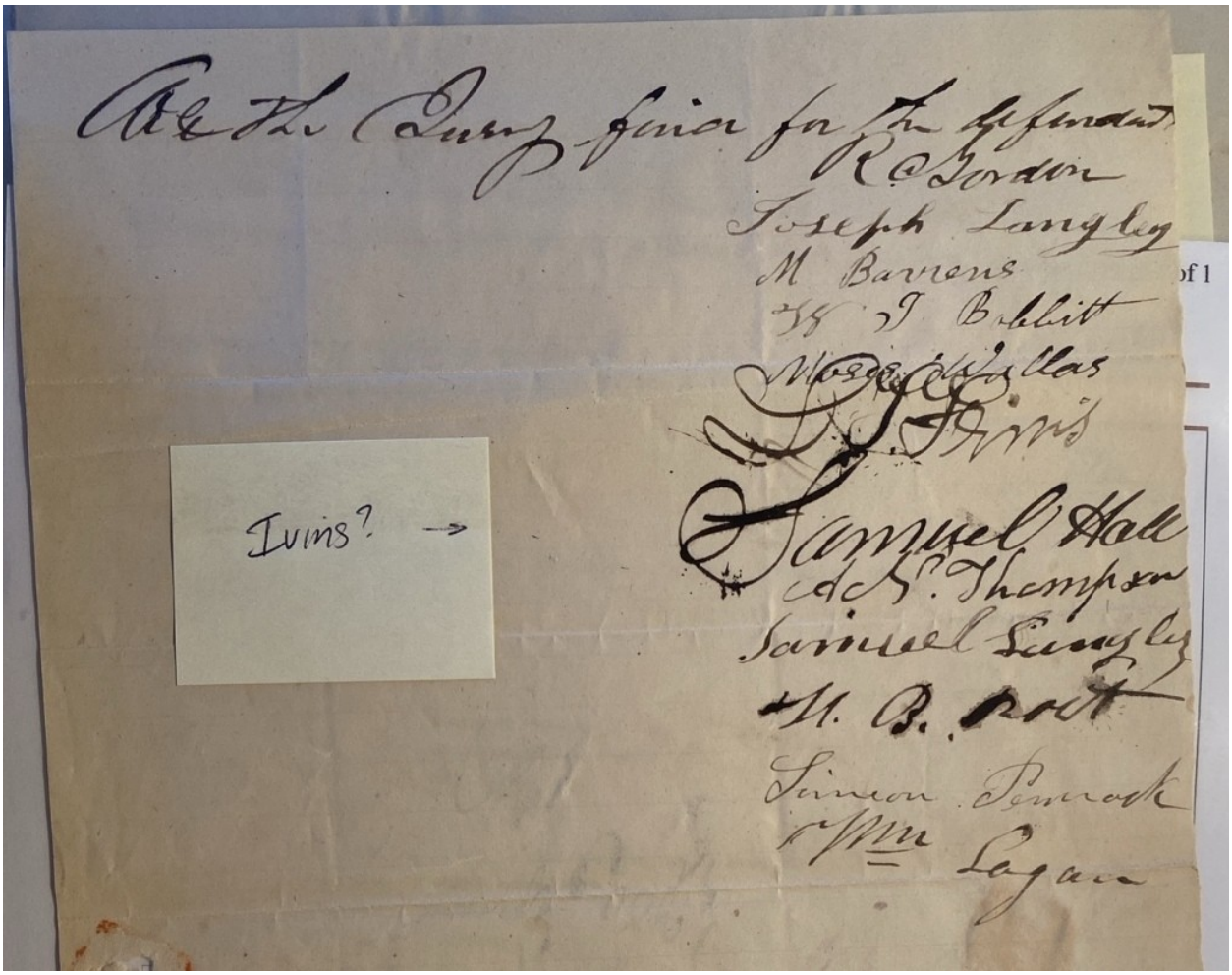
The constable returns to the story. In March, James M. Flack delivered Eagle into custody. In May, a certificate placed him at court as Eagle's witness. That does not tell us which parts of Eagle's account he supported. It does show that the man who carried out the transfer could also be someone the plaintiff wanted the jury to hear.

The same group of certificates records nine days for J. A. McCall, three for Charles Warner, and one each for William Allen and Horace Burgess. All five are marked as attending at the plaintiff's instance. Their forms were sworn on May 26. The accumulated days give the proceedings a human scale: appearing in court required time, and witnesses recorded it so they could claim their fees.[1]

Burgess's certificate is especially useful. The man accused in the gaming-house complaint appears in the civil packet as a witness for Eagle. The documents therefore connect him to both the asserted reason for Foster's actions and Eagle's effort to challenge those actions.

George W. Stigall was also sought as a witness for Eagle. His apparent signature on the custody receipt gives that summons a possible practical explanation: he could have known about the transfer. That is an inference from his two documentary roles, not surviving testimony. Other subpoenaed names include Charles Allen, H. Roberts, and Lewis C. Simons, with some readings still requiring corroboration.

Twelve signatures and one sentence



The signed verdict. Modern collection notes are visible at the left; they are not part of the jury's decision. Several signatures remain difficult to read. [1]

The verdict

We the Jury find for the defendant.

Working signature readings: R. C. Gordon; Joseph Langley; M. Barrens [or Barnes?]; W. J. Rabbitt [?]; [Moses Walker?]; [L. J. Ivins or Irwin?]; Samuel Hall; A. G. Thompson [?]; Samuel Langley; M. B. Pack [or Peck/Park?]; Simeon Pennock; Wm Logan.

Robert Foster prevailed. Eagle's demand for damages had not persuaded the jury to find in his favor.

The sentence is decisive about the result and silent about the route to it. The jurors did not write that they believed every word of Foster's plea, that no force was used, or that Eagle had committed an offense. We cannot choose among those explanations on their behalf.

The papers reproduced here place the litigation in the May term. The earlier report supplied May 17 as the verdict's filing date, but the newly examined packet includes a May 20 witness request, a May 25 subpoena, and May 26 attendance certificates. Until the verdict endorsement and court minutes are reconciled, the exact day should remain open.

The same men meet again in December

Seven months later Eagle again appeared before magistrates. This time he was accused of a crime, and Robert Foster was one of the officials hearing the case.

The proceeding arose from the December 10 attack on Richard and Hannah Badham. Two men with blackened faces entered their home, robbed them, and injured Richard. Joseph Smith subsequently made a complaint against Eagle. The accusation was serious, but it remained an accusation.[8]

On December 22, Aaron Johnson and Robert D. Foster presided over the inquiry. Eagle pleaded not guilty. The docket records testimony and then the outcome: the prisoner was discharged “for want of evidence.” Foster’s name appears with Johnson’s beneath the entry.[8]

The change in roles gives the year an unexpected ending. In the spring, Eagle had sued Foster over a detention. In December, Foster helped decide a proceeding that released him. Neither record establishes friendship or reconciliation. Together they show why these men’s dealings resist a simple story of fixed enemies.

The distinction between the two cases matters. Eagle’s civil defeat did not establish that he was guilty of the later robbery. The December dismissal did not reverse the jury’s decision in the false-imprisonment suit. Each proceeding had its own accusation, evidence, and result.

For the reader following the documents, the December docket is a useful final turn. A few words again determine what can be said about a man’s freedom. In March, the sheriff’s receipt recorded his custody. In December, a justice’s docket recorded his discharge.



Nauvoo across the Mississippi. Steel engraving from Meyer’s Universum, cataloged 1853, Missouri History Museum, N29124. Published ten years after the lawsuit, it supplies a period view of the setting, not a record of the day Eagle was detained. [12]

The Foster brothers after the lawsuit

During 1844, Robert Foster's relationship with Joseph Smith broke down. Foster was excommunicated on April 18, became an apostle in William Law's dissenting church, lost his Nauvoo Legion position, and joined the publishers of the Nauvoo Expositor. These developments made his name familiar to later readers for reasons far removed from Eagle's 1843 claim.[5]

His brother Charles entered the public confrontations as well. Accounts of the April 26, 1844 encounter at the mayor's office describe Charles drawing a pistol during the dispute. The accounts were produced amid escalating hostility and should be identified as reports of that encounter. They do not make Charles a defendant in Eagle's earlier civil action.[6]

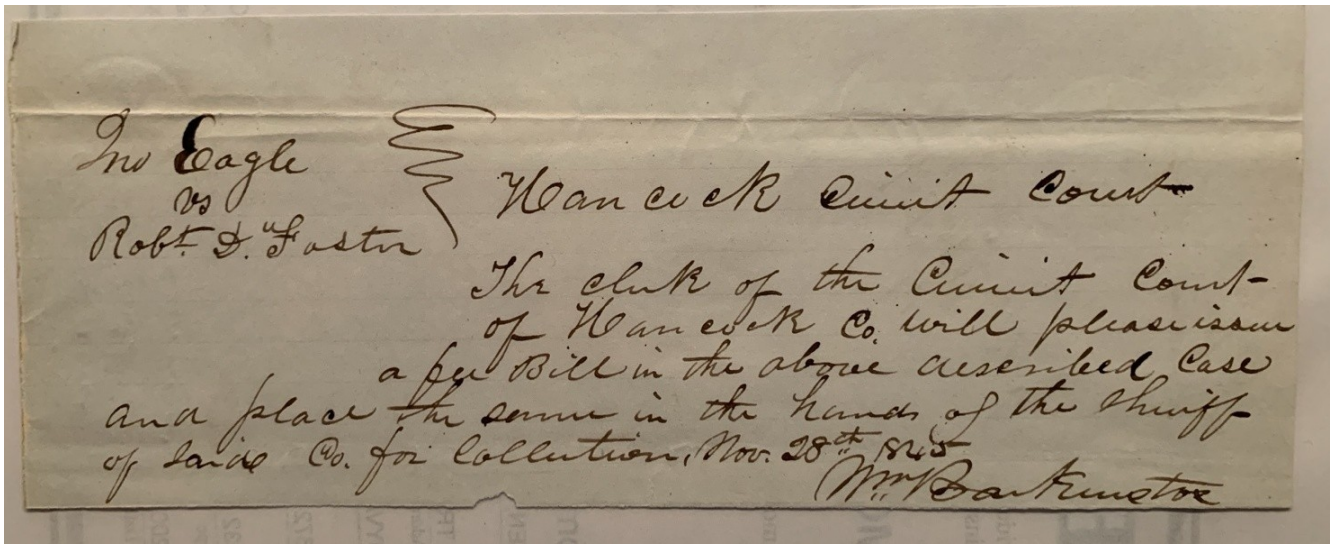
After Joseph and Hyrum Smith were killed, Robert Foster protested his innocence in a July 8 letter to the Nauvoo City Council. Two days later, Willard Richards recorded that Hyrum Smith's widow, John Taylor's wife, and other women asked Foster to leave the city. A later history expanded the account to a committee of nine women. The contemporary entry identifies Foster as the man confronted.[9]

Eagle belongs in a separate part of that aftermath. In an affidavit dated June 28, James C. Owens reported encountering him near Carthage and hearing a threatening remark about the wounded John Taylor. The affidavit is evidence of that reported encounter. It does not place Eagle among the men who attacked the jail. The December robbery accusation, the June encounter, and the July confrontation with Foster should remain three distinct episodes.[9]

Robert Foster was suspected by contemporaries of involvement in the murders, and he denied participation. He was not one of the nine people named in the October 1844 murder indictment or one of the five defendants tried and acquitted in May 1845. The earlier case report's statement that he was tried and acquitted has therefore been corrected.[10]

Eagle's later life took him to St. Louis by 1850. The Joseph Smith Papers biography places his probable death around 1854, while traveling toward the California gold fields. Foster returned to medical practice, lived in New York, and later settled at Loda, Illinois, where he died in 1878. Their lives continued long after the jury's short sentence, although the evidence for Eagle's final years remains much thinner.[2,5]

A bill still waiting to be collected



William Backenstos's request for a fee bill, November 20, 1845. This later paper extends the case's documentary trail beyond the 1843 trial. [1]

Reading text

Jno Eagle
vs
Robt D Foster
Hancock Circuit Court
The clerk of the Circuit Court of Hancock Co. will please issue a fee Bill in the above entitled Case and place the same in the hands of the Sheriff of said Co. for Collection. Nov. 20th 1845
Wm Backenstos

The request is ordinary courthouse business, and that is why it is useful. More than two years after the May term, someone still needed the machinery of collection. A jury verdict could settle which party prevailed without ending every transaction the litigation had produced.

This slip does not state the amount to collect, identify the person ultimately charged, or prove that payment followed. It should not be mistaken for the missing formal judgment or a complete assessment of costs. It nevertheless changes the closing image of the case: the packet ends with an official asking the clerk to make another paper.[1]

Eagle sought one thousand dollars for approximately one day of alleged unlawful confinement. Foster defended his conduct as the work of a magistrate. The jurors chose the defendant. Their decision survives, but the testimony and the full explanation of Eagle's detention do not. What remains is enough to follow the people from a prisoner's receipt to a lawsuit, from a lawsuit to a verdict, and finally to the unsettled business left on a clerk's desk.

The people beyond the courtroom

The following profiles retain the earlier project's biographical research while separating documented roles from uncertain identifications. New readings from the photographs are noted where they affect that research. [1–3, 5–7, 11]

John Eagle

Born January 19, 1805, at Alexandria in Huntingdon County, Pennsylvania, Eagle was a son of John Eagle and Catharine Spence. His family was in Porter Township by 1820. He married Susannah Whitelock on December 4, 1827, in Licking County, Ohio, moved to Illinois by 1835, and lived in Hancock County by 1840.

His work as a grocer and laborer placed him in Nauvoo's everyday economy. Agreements, a deed, a mortgage, and promissory notes from June 1841 connect him with Joseph Smith's property transactions. His Legion and Masonic associations, civic petitions, and repeated appearances in local proceedings show substantial community involvement. The present research does not establish a precise baptism date, priesthood ordination, or mission.

The 1841 grocery dispute deserves a fuller accounting than the earlier report supplied. The court imposed $65 in fines in all, including $30 for contempt and related offenses and $35 accompanying the jury's finding, plus $8 in costs. A later $30 damages voucher offset part of the obligation, leaving $43 to be handled in a separate civil action. The record should not be summarized simply as a $30 fine paid on November 30.[3]

By 1850 Eagle was in St. Louis. His probable death around 1854 in Utah Territory, while traveling toward California, remains qualified. No securely identified portrait, later mission, Utah office, or Nauvoo Temple ordinance has been established in this project.

Robert D Foster

Foster was born March 14, 1811, at Braunston, Northamptonshire, England, to John Foster and Jane Knibb. He married Sarah Phinney in Medina County, Ohio, on July 18, 1837. A physician, he joined the Church before October 1839 and was ordained an elder that month at Commerce, later Nauvoo.

His Washington journey, Nauvoo House association, university regency, Masonic membership, and Legion office belong to the years before his 1844 rupture with Joseph Smith. The earlier research also identifies him as a medical witness in Dana v. Brink in March 1843. His mission assignment to Tioga County followed on April 10. The civil suit thus catches him in the middle of active professional, civic, and religious commitments. By 1850 he was living at Canandaigua, New York; by 1860 he was at Loda, Illinois. He died there on February 1, 1878.

The witnesses and officers

Horace Burgess

The earlier project identified Burgess as born January 23, 1816, at Putnam, Washington County, New York, a son of William Burgess and Violate Stockwell. He married Almira Iona Pulsipher in Kirtland Township on March 6, 1836. His January 8, 1840 Missouri-redress affidavit records losses from the persecutions, placing him among the people rebuilding their lives in the Nauvoo region. The earlier research places his death in 1849; the precise circumstances remain to be established.

He acquired Hancock County property and appears in an 1844 criminal proceeding, but that later case has not been connected securely to Foster’s 1843 complaint. The gaming-house charge is an allegation recited in the defense. His May 26 attendance certificate independently places him among Eagle’s witnesses.

Bachman and Skinner

George Bachman, born about 1802 and living after March 1857, practiced in Springfield and Hancock County and handled Nauvoo-related business. The case papers identify him through his acts for Eagle: requesting process and witnesses and preparing the claim. Later testimony in the Smith-murder trial belongs to his subsequent career and cannot establish his motives in this suit.

Onias Childs Skinner was born July 21, 1817, in Floyd, New York. Before entering law he had worked in several occupations, including service on the Erie Canal and farming in Illinois. The Illinois court biography places his Carthage practice by 1840, earlier than the 1842 date given in the old report. He later defended men charged with the Smith murders and served on the Illinois Supreme Court from 1855 to 1858. He died February 4, 1877. Representation of a client should not by itself be treated as evidence of a lawyer’s personal allegiance.

The Backenstos brothers and their deputies

Jacob B. Backenstos served as circuit clerk in this packet. His later tenure as sheriff during the 1845 violence is a separate office and period. William Backenstos was the sheriff associated with service and custody in 1843. G. W. Stigal signed the receipt as deputy sheriff, and the case also contains a summons for George W. Stigall. The correspondence is strong, although the two spellings should be preserved when transcribing the respective papers.

The photographs name deputy clerks as well. “M. Avise” appears in the process papers; David E. Head’s name appears on the attendance certificates. Printed forms sometimes retain crossed-out names of earlier officeholders. A printed name alone is not proof that the person served in this case.

A guide to the remaining names

Person	What the papers establish
James M. Flack	Constable who delivered Eagle into custody; summoned for Eagle; certified nine days of attendance.
George W. Stigall	Requested as Eagle’s witness and served May 13; appears to be the G. W. Stigal who signed the custody receipt.
J. A. McCall	Summoned in the plaintiff’s group and certified nine days. The summons appears to expand his first name as Joseph.
Charles Warner	Summoned for Eagle and certified three days. A modern collection note proposes a later political role; it is not contemporary evidence.
Charles Allen	Named with Flack, Warner, and McCall in an early plaintiff’s witness request.
William Allen	Named in later witness process and certified one day for Eagle. He should not be silently merged with Charles Allen.
H. Roberts	Named in the subpoena group with Burgess and William Allen. Full identity remains unconfirmed.
Chauncey L. Higbee	Skinner requested a defense subpoena on May 20 for attendance on Monday the 22nd. No testimony is preserved here.
Lewis C. Simons	Apparent name on a defense subpoena issued May 25, commanding immediate attendance. Reading and identity remain provisional.
[George G. Fidler?]	Apparent second prisoner named with Eagle on the March 2 receipt. The nature of his involvement is unknown.
[Henry Rhoads?]	Tentative reading of the complainant named in Foster’s plea. It should be checked against the missing complaint and continuation.
Charles Foster	Robert’s brother appears in later Nauvoo controversies. The present civil case names Robert alone as defendant.

The presiding circuit judge has not been established from these photographs. An officeholder’s expected term is not a substitute for a case-specific court entry.

The jurors whose names can be followed

These profiles preserve the expanded juror research in the September 7 review edition. Its land, census, tax, and newspaper correlations have not all been rechecked against the original records in this narrative revision; identifications remain subject to the signature readings. [11]

R C Gordon

The earlier research associates the juror with a Warsaw civic officer: assessor in 1840, clerk of the town’s president and trustees in 1840–1841, administrator of Patrick Hudson’s estate, and secretary of a Washingtonian temperance society in February 1842. An R. C. Gordon later served as secretary of a Warsaw citizens’ meeting in July 1844. The exact initials and local continuity make the identification persuasive. The later meeting does not establish his views or the basis of his verdict in May 1843.

Joseph Langley and Samuel Langley

Joseph Langley’s reported May 30, 1836 purchase was the northwest quarter of the southeast quarter of section 24, township 5 north, range 6 west. The 1842 tax index places him in that area. The earlier research correlates him with a Pennsylvania-born farmer aged forty-seven in the 1850 census, with $400 in real estate and a household including Susannah and children Keziah, Lucinda, Elizabeth A., and Isaac.

Samuel Langley reportedly purchased two nearby tracts on December 28, 1835: the northeast quarter of the northeast quarter of section 36 and the southwest quarter of the southeast quarter of section 24, also in township 5 north, range 6 west. The tax index and an 1840 court reference support a county presence. Proximity suggests a family or neighborhood connection to Joseph, but precise kinship remains unproved.

William Logan

The earlier land research identifies purchases in sections 5, 6, and 7 of township 7 north, range 6 west, on November 25, 1835. County history associates Logan with early settlement in section 7, and later references connect him with service as a justice of the peace and the Pontoosuc militia community. A September 1847 Warsaw Signal notice reportedly identifies William H. Logan as administrator of his estate. These correlations are stronger than a name match alone.

Simeon Pennock

Pennock appears in the earlier research as a member of the Carthage courthouse community, with later service on an October 1844 coroner’s jury and summons to the May 1845 murder-trial venire. A January 1847 legal notice also names him. These records support local standing, while the proposed birth around 1810 and death in 1848 warrant continued source checking.

The signatures that remain uncertain

Samuel Hall

A Samuel Hall appears in a land-related list in the Warsaw Message of April 26, 1843. The earlier research did not securely connect that occurrence to a tax or land-purchase record for the juror. The common name prevents a firm identification.

Moses Walker

The proposed reading remains tentative. The prior review found no exact match in the selected 1842 tax, public-domain land, or Warsaw newspaper searches. That absence does not establish that no such person lived in the county; it is a limit of the searches and the uncertain signature.

A G Thompson and W J Rabbitt

The apparent initials A. G. Thompson did not yield a secure correlation in the earlier tax, land, or newspaper searches. Numerous other Thompsons cannot be substituted on that basis. The reading W. J. Rabbitt also remains unresolved; variant surname spellings are possible.

M Barrens or Barnes

The surname has been read as Barrens, Barrons, Barns, or Barnes. The earlier search found Michael Barns Jr., Thomas L. Barns, Jonathan Barnes, and Thomas L. Barnes in county-level records. None has been shown to be the signer. These are research candidates, not interchangeable identities.

L J Ivins or Irwin

Both surname families appear in local records. The earlier research found Charles Ivins and several Irwins, including Christopher, James, Samuel, and William. None securely matches the apparent initials. The surname and initials should remain bracketed in a diplomatic transcription.

M B Pack or Peck or Park

The ink and overwritten strokes make both the initials and surname uncertain. Prior searches did not produce a convincing Pack, Peck, or Park identification. The verdict image remains the first source to revisit.

What the panel tells us

The stronger proposed identifications connect the jury with Warsaw, Carthage, northern Hancock County, and rural landholding neighborhoods. They suggest a county panel broader than Nauvoo’s own officeholders. They do not justify assigning every juror an anti-Mormon identity or explaining the verdict through later political alignments. The jury’s reasons remain unrecorded in this packet.

Chronology and the limits of the evidence

Date	Event
October 1841	Destruction of the Cahoon–Eagle grocery building and Eagle’s related prosecution.
March 1 1843	Date of alleged detention; Bachman dates his requests for a civil summons and plaintiff’s witnesses.
March 2	Receipt records Eagle and a second prisoner delivered by Constable Flack.
March 3	Circuit summons for Foster and an early witness subpoena issued.
April 3	Declaration filed as case 97, according to its wrapper.
April 10	Foster assigned to a mission in Tioga County, New York.
April 14	Sheriff’s return records service on Foster.
May 13	Return records service on George W. Stigall.
May 16	Foster’s pleas filed.
May 20	Skinner requests a subpoena for Chauncey L. Higbee for May 22.
May 24	Subpoena for Burgess, William Allen, and H. Roberts issued and served.
May 25	Defense subpoena for Lewis C. Simons issued for immediate attendance.
May 26	Five surviving attendance certificates sworn; several reverse endorsements also bear this date.
May Term	Jury finds for Foster; exact verdict date needs reconciliation with the later-May papers.
December 22	Johnson and Foster discharge Eagle in the separate Badham robbery inquiry for want of evidence.
November 20 1845	William Backenstos requests a fee bill for collection in Eagle v. Foster.

The chronology separates the dates a document was written, filed, served, or sworn. Witness attendance does not by itself establish the days on which testimony was heard.

Editorial decisions and remaining questions

The narrative is based on the earlier final and review reports, the later Carthage research correction, and direct examination of the additional case photographs. It preserves their useful research while revising claims contradicted or complicated by the images.

The deputy's receipt signature reads G. W. Stigal, replacing the earlier provisional "Pitfield." The second prisoner appears to be George G. Fidler, but that reading remains qualified. The declaration wrapper's deputy signature appears to be M. Avise; the earlier expansion to William Avise is not retained as established.

The old report's May 17 verdict date is suspended pending a clearer endorsement or court-minute entry. May 20, May 25, and May 26 documents now reproduced make a precise date especially important to verify. The jury's finding for Foster itself is clear.

The declaration's manuscript face has not been recovered in this assembly. Its text is carried forward transparently from the earlier project, with a doubtful word marked. The photographed plea is incomplete. Reading texts preserve substantive wording while reflowing long lines; they are not facsimile typography. Selected extracts are explicitly identified. Original photographs remain available for comparison.

Modern adhesive notes and labels in the photographs are collection research aids. They are not part of the nineteenth-century evidence. In particular, a note associating Charles Warner with later electioneering has not been adopted as a proven biographical identification.

The most useful next archival records are the complete plea and its continuation; the sworn complaint and warrant involving Burgess; any commitment, examination, or witness recognizance explaining Eagle's detention; the court minutes and judgment; and the fee bill requested in 1845. They could clarify who initiated the inquiry, why Eagle was restrained, where it occurred, the precise trial date, and who bore the costs.

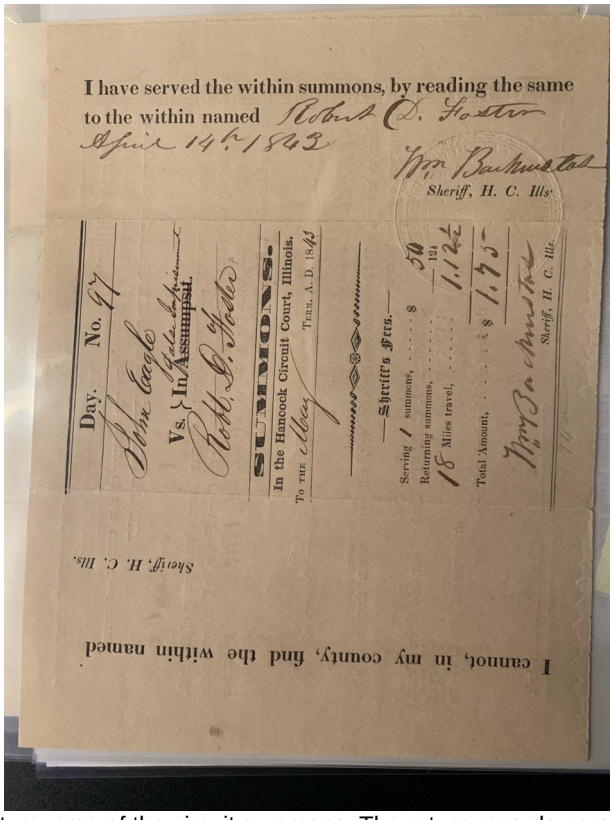
The 1844 Burgess prosecution and the earlier Eagle–Foster litigation remain separate leads unless their records establish a connection. The present account also keeps the March civil suit separate from Eagle's December criminal case and the later Carthage controversies. A missing document is a limit on the story, not permission to invent the event it might have described.

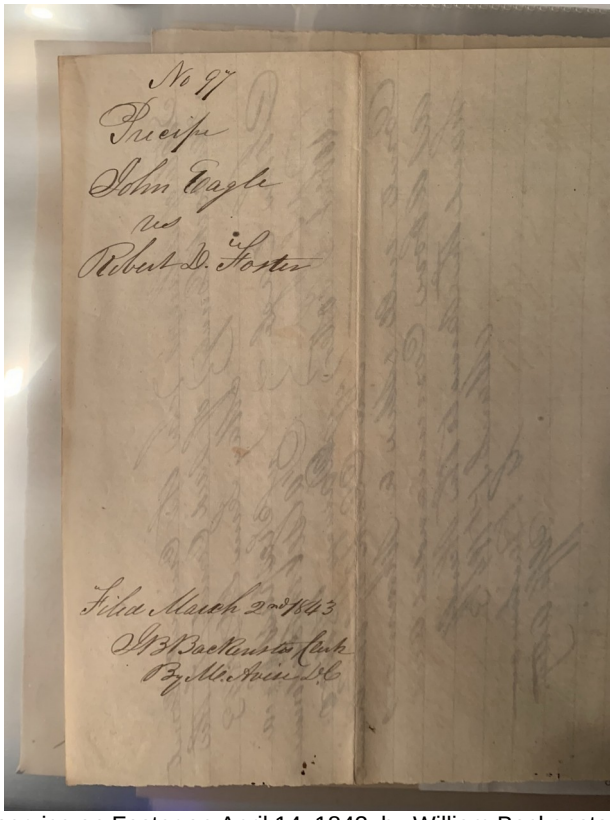
Images and identification

No verified likeness of John Eagle, Robert D. Foster, or Charles Foster was located for this edition. The narrative therefore uses their actual documents, the period Nauvoo map and engraving, and an identified later portrait of Skinner. Historical views are dated in their captions, and no reconstructed arrest scene or invented portrait is presented as evidence.

Document portfolio

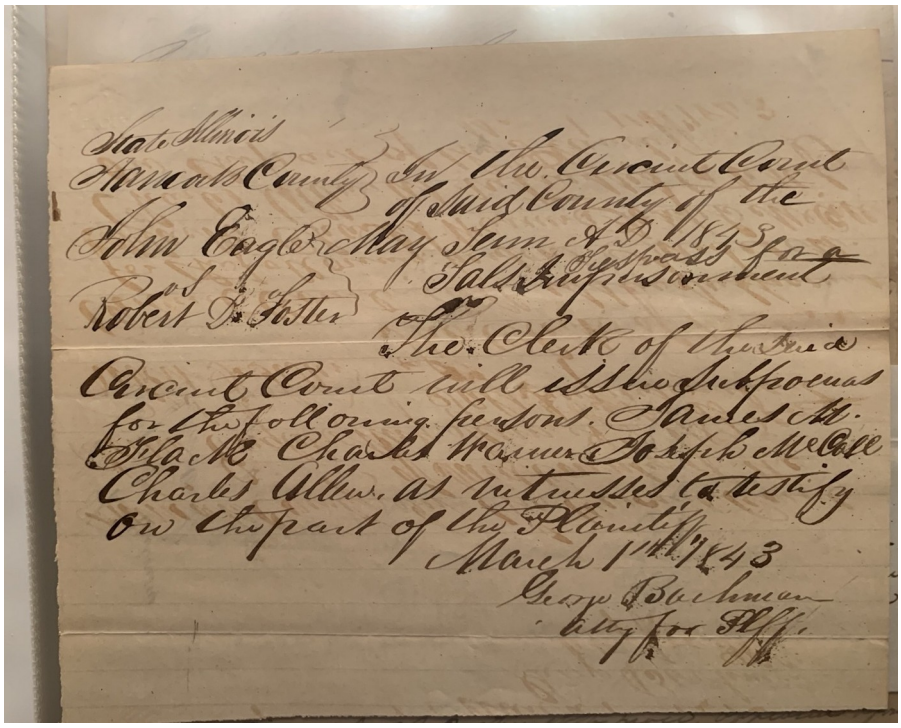
The principal documents have already appeared at the turns they create in the story. The following supporting views retain additional faces and endorsements, with short reading extracts or descriptions. Their order follows the work of bringing, defending, and administering the case. [1]





Left: reverse of the circuit summons. The return records personal service on Foster on April 14, 1843, by William Backenstos. The unused printed “I cannot … find” formula is not a report of failed service. Right: reverse of Bachman’s initiating request. Its case designation and March filing endorsement belong to that request, not the separately filed April declaration.

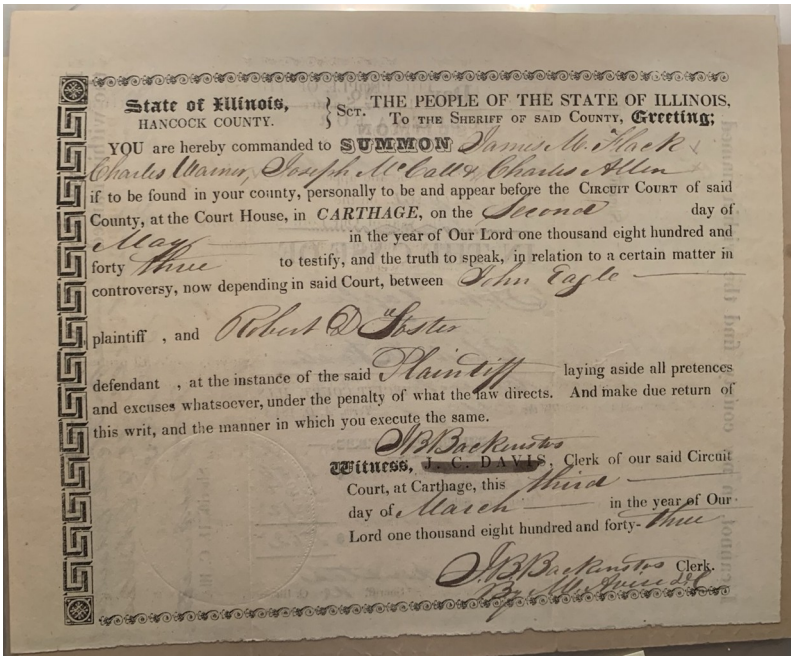
Calling the first witnesses



State Illinois
Hancock County } In the Circuit Court
of said County of the
John Eagle } May Term A.D. 1843 for a
vs } Sale in Replevin
Robert D. Foster } of
The Clerk of the said
Circuit Court will issue Subpoenas
for the following persons. James M.
Flack Charles Warner Joseph McCall
Charles Allen. as witnesses to testify
on the part of the Plaintiff
March 1st 1843
Geo. Bachman
Atty for Plff.

Bachman's March 1 witness request names James M. Flack, Charles Warner, Joseph McCall, and Charles Allen for the plaintiff.

Reading extract: "The Clerk of the said Circuit Court will issue Subpoenas for the following persons … as witnesses to testify on the part of the Plaintiff." The requested names became entries in the printed process reproduced below.



State of Illinois, } Sct. THE PEOPLE OF THE STATE OF ILLINOIS,
HANCOCK COUNTY. } To the Sheriff of said County, Greeting;

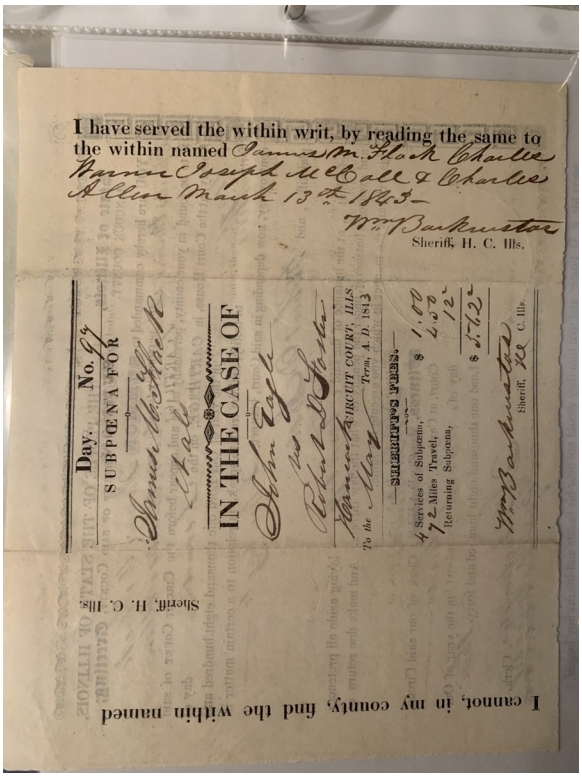
YOU are hereby commanded to SUMMON James M. Flack
Charles Warner, Joseph McCall, Charles Allen
if to be found in your county, personally to be and appear before the Circuit Court of said County, at the Court House, in CARTHAGE, on the Second day of May in the year of Our Lord one thousand eight hundred and forty Three to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in said Court, between John Eagle
plaintiff, and Robert D. Foster
defendant, at the instance of the said Plaintiff 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, ~~J. C. DAVIS~~ J. B. Backenstos, Clerk of our said Circuit Court, at Carthage, this Third day of March in the year of Our Lord one thousand eight hundred and forty-Three

J. B. Backenstos Clerk.
By [illegible] D.C.

Plaintiff's subpoena issued March 3. The printed name J. C. Davis is struck through and the name J. B. Backenstos supplied. A form's old printed name does not identify the acting clerk.

Service on the plaintiff witnesses



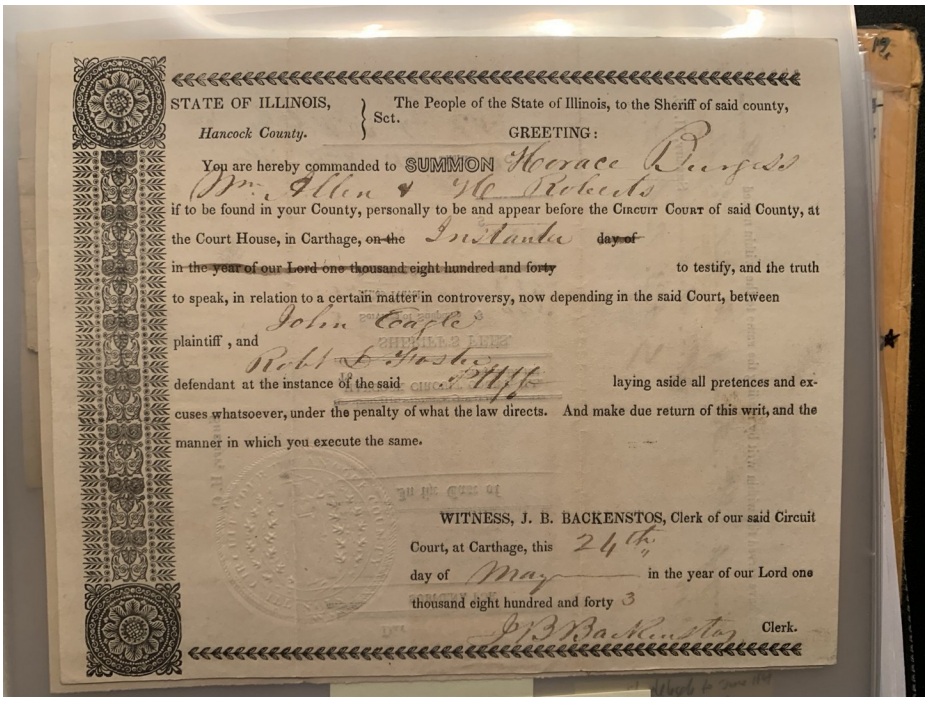
I have served the within writ, by reading the same to the within named James M. Flack Charles Bonne Joseph McCall & Charles Allen March 13th 1843

Wm Backenstos
Sheriff, H. C. Ills.

Day. No. 99
SUBPŒNA FOR
Charles Bonne et al
IN THE CASE OF
John Eagle
vs
Robert D. Foster
Hancock CIRCUIT COURT, ILLS
Term, A. D. 1843
To the Sheriff
SERVICE & TRAVEL
4 Services of Subpœna, $ 1.00
72 Miles Travel, returning Subpœna, 4.50
$ 5.62½
Wm Backenstos
Sheriff, H. C. Ills.

I cannot, in my county, find the within named
Sherif. H. C. Ills.

Reverse of the early plaintiff's subpoena. The endorsement records service on members of the named group; the remaining printed return formula was left unused.



STATE OF ILLINOIS, Hancock County. } The People of the State of Illinois, to the Sheriff of said county, Sct.

GREETING:

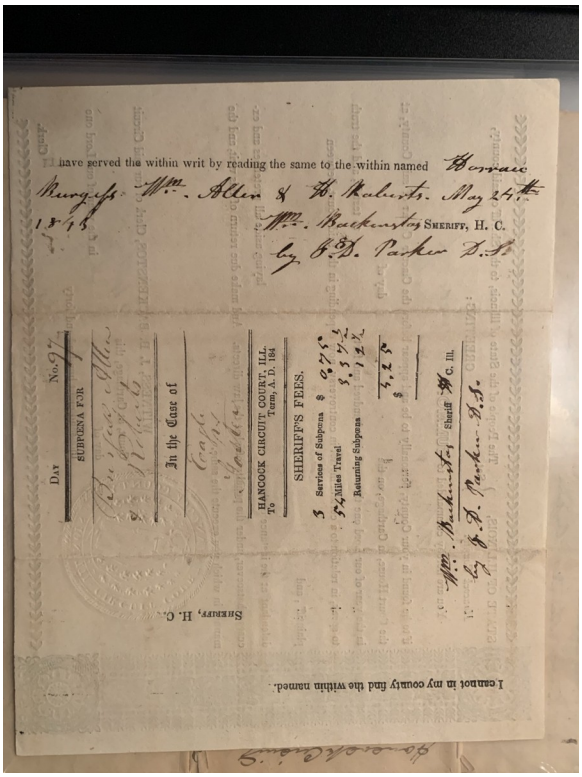
You are hereby commanded to SUMMON Horace Burgess Wm Allen & H. Roberts if to be found in your County, personally to be and appear before the CIRCUIT COURT of said County, at the Court House, in Carthage, ~~on the~~ Instant ~~day of~~ ~~in the year of our Lord one thousand eight hundred and forty~~ to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between John Eagle plaintiff, and Robt D. Foster defendant at the instance of the said Plff 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, J. B. BACKENSTOS, Clerk of our said Circuit Court, at Carthage, this 24th day of May in the year of our Lord one thousand eight hundred and forty 3

J B Backenstos Clerk.

Additional witness subpoena for Horace Burgess, William Allen, and H. Roberts, issued May 24, 1843. The return is reproduced on the following page.

The deputy called as a witness



have served the within writ by reading the same to the within named Horace Burgess Wm. Allen & H. Roberts. May 24th 1843

Wm. Backenstos, Sheriff, H. C.

by H. D. Parker D.S.

No. 97

Day

SUBPŒNA FOR

In the Cause of

HANCOCK CIRCUIT COURT, ILL. Term, A. D. 184

To

SHERIFF'S FEES.

Service of Subpœna $ 0.75

Miles Travel 5.5 7½

Returning Subpœna 1.12½

$ 2.12½

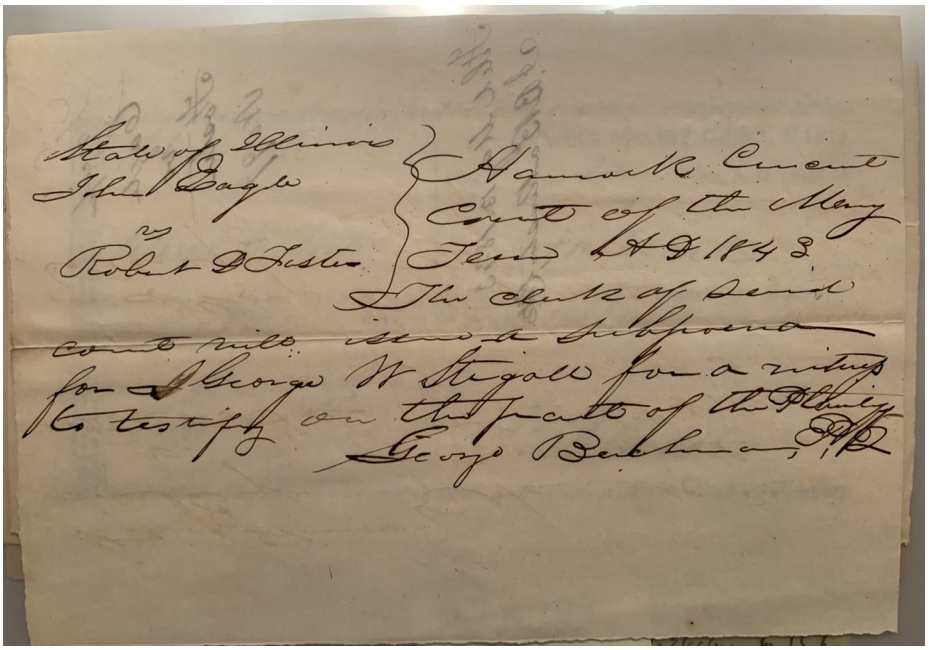
Wm. Backenstos, Sheriff H. C. Ill.

by H. D. Parker D.S.

Sheriff, H. C.

I cannot in my county find the within named.

Return naming Horace Burgess, William Allen, and H. Roberts, dated May 24, 1843. A deputy signs for Sheriff William Backenstos; the surname appears to read Parker, with the initials uncertain.



State of Illinois
John Eagle
vs
Robert D Foster

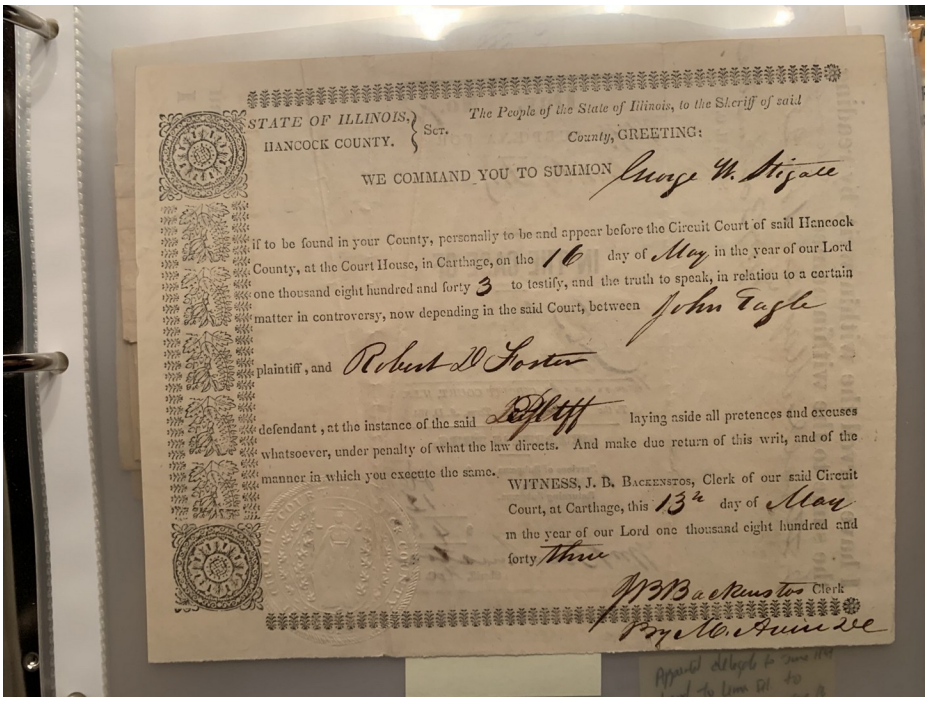
Hancock Circuit Court of the May Term A.D. 1843.

The clerk of said court will issue a subpoena for George W Stigall for a witness to testify on the part of the Plaintiff.

George Bachman, P.P.

Bachman's request that George W. Stigall be subpoenaed "to testify on the part of the Plaintiff." His apparent connection to the custody receipt makes this a particularly useful paper, although his evidence is not preserved.

Stigall receives his summons



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 George W. Stigall

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 16 day of May in the year of our Lord one thousand eight hundred and forty 3 to testify, and the truth to speak, in relation to a certain matter in controversy, now depending in the said Court, between John Eagle

plaintiff, and Robert D Foster

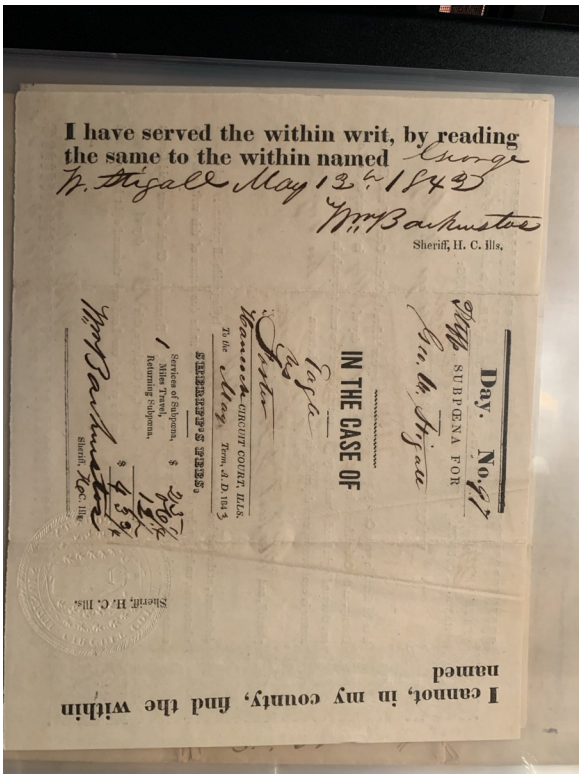
defendant, at the instance of the said Plaintiff laying aside all pretences and excuses whatsoever, under penalty of what the law directs. And make due return of this writ, and of the manner in which you execute the same.

WITNESS, J. B. Backenstos, Clerk of our said Circuit Court, at Carthage, this 13th day of May in the year of our Lord one thousand eight hundred and forty three

W B Backenstos Clerk

By M. Hunsaker

Subpoena for George W. Stigall, issued May 13, 1843, at Eagle's instance.



I have served the within writ, by reading the same to the within named George W. Stigall May 13th 1843

Wm Backenstos

Sheriff, H. C. Ills.

Day. No. 7

SUBPOENA FOR

Geo. W. Stigall

IN THE CASE OF

Eagle

vs.

Foster

To the May Term, A. D. 184 3

CIRCUIT COURT, ILLS.

SHERIFF'S FEES.

Services of Subpoena, Mile Travel, Returning Subpoena.

$ 1 25

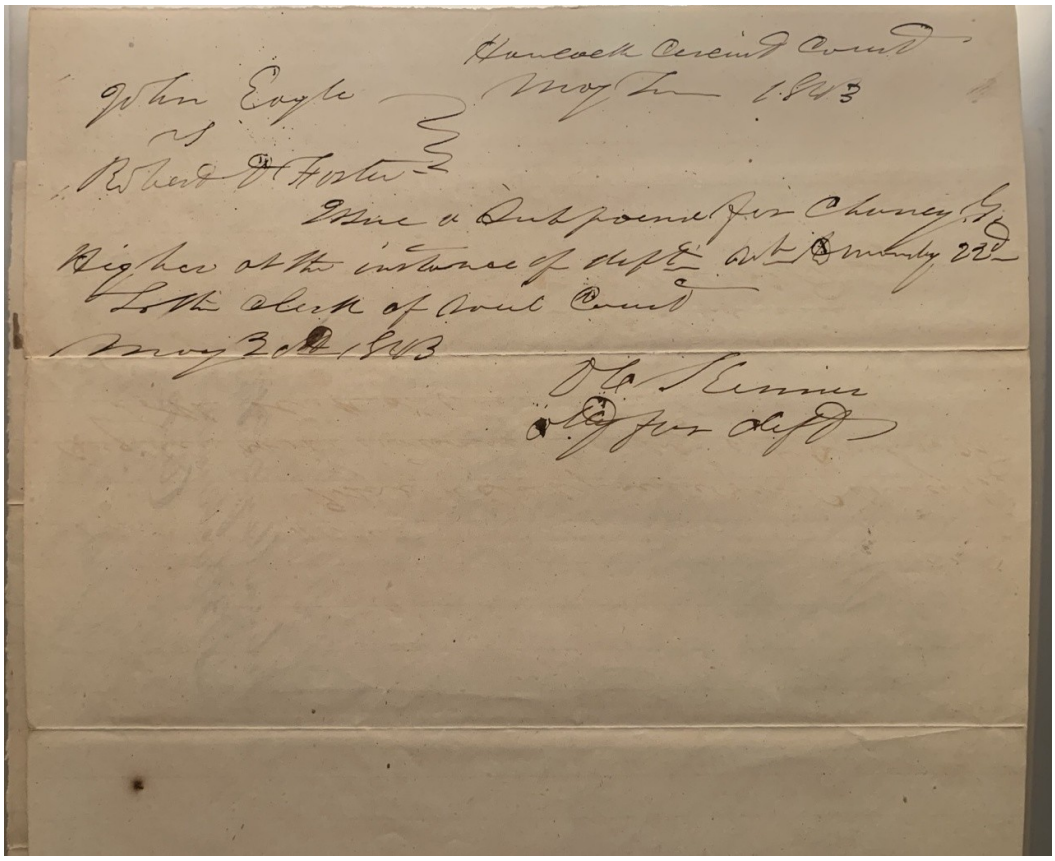
Wm Backenstos Sheriff, H. C. Ills.

I cannot, in my county, find the within named

Sheriff, H. C. Ills.

Return: "I have served the within writ, by reading the same to the within named George W. Stigall May 13th 1843." William Backenstos signs as sheriff. The case docket and fee entries occupy other panels.

The defense asks for witnesses



Hancock Circuit Court

John Eagle — May Term 1843

vs

Robert D. Foster

Issue a Subpoena for Chauncey L. Higbee at the instance of deft — dat — Monday 22d

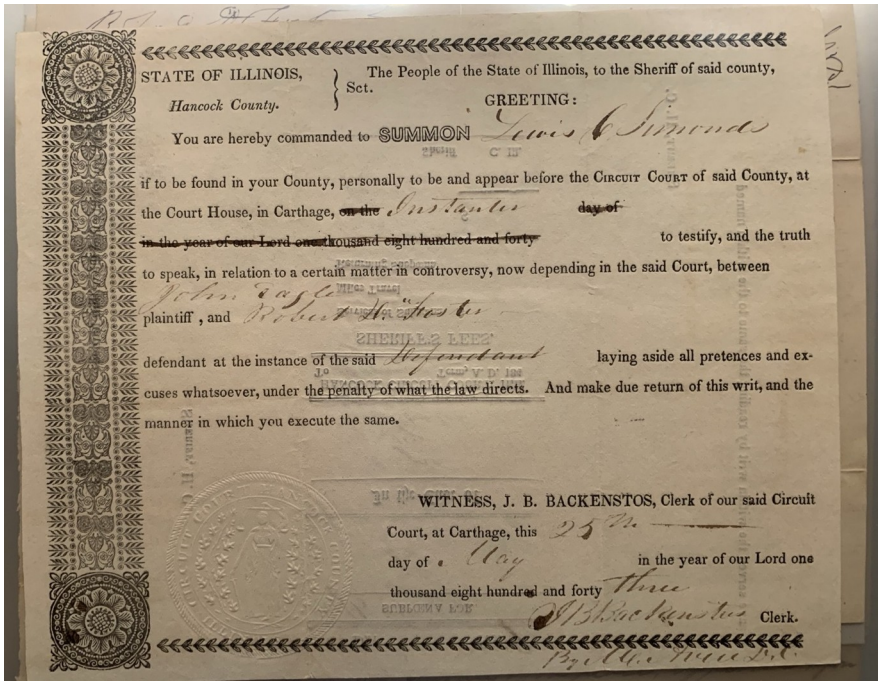
L. W. Clerk of Circuit Court

May 20th 1843

O. C. Skinner

Att'y for Deft

Skinner's May 20 request. Reading extract: "Issue a Subpoena for Chauncey L. Higbee at the instance of deft … Monday 22d." O. C. Skinner signs as attorney for the defendant.



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 Lewis C Simonds

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 John Eagle plaintiff, and Robert D. Foster defendant at the instance of the said Defendant 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.

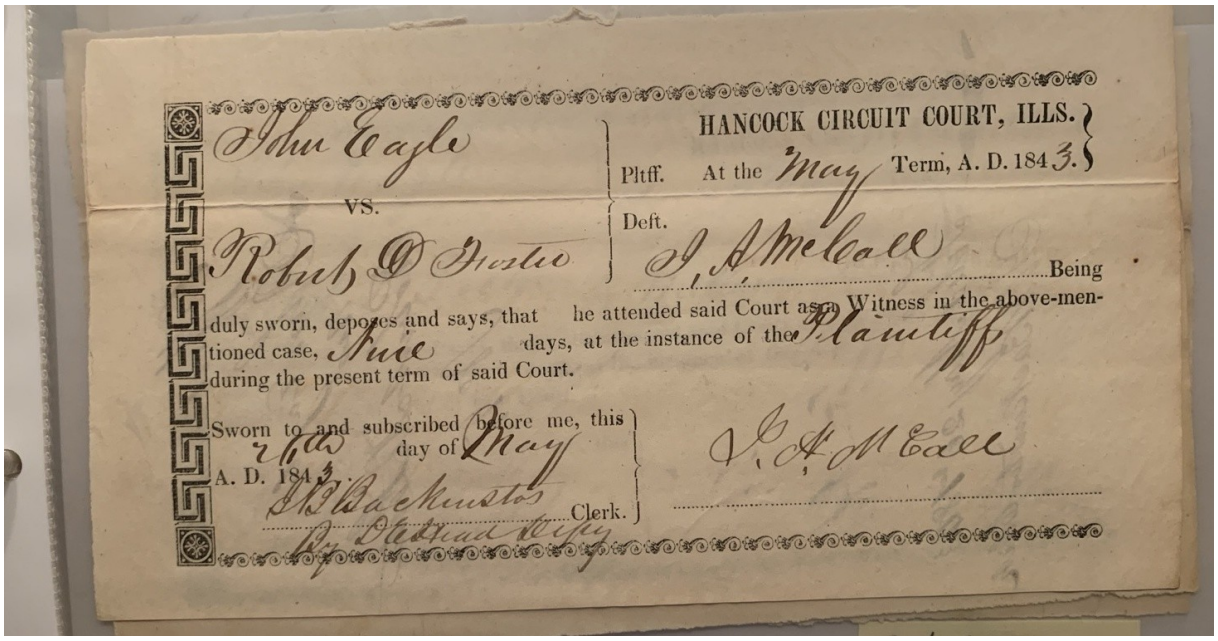
WITNESS, J. B. BACKENSTOS, Clerk of our said Circuit Court, at Carthage, this 25th day of May in the year of our Lord one thousand eight hundred and forty three

J. B. Backenstos Clerk.

By W. G. Ware D. C.

Defense subpoena for Lewis C. Simons, May 25, 1843. "Instanter" directs immediate attendance. His identity and the name reading warrant further checking.

Attendance becomes a record



HANCOCK CIRCUIT COURT, ILLS.

John Eagle — Pltff. — At the May Term, A. D. 1843.

VS.

Robert D Foster — Deft.

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

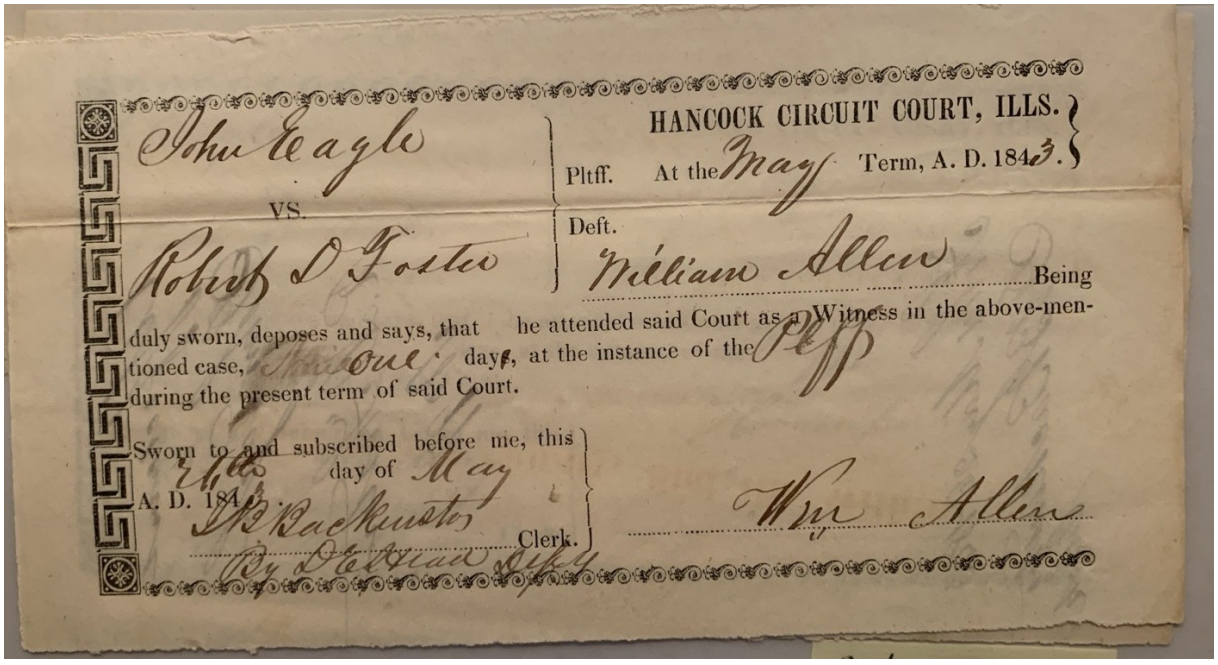
Sworn to and subscribed before me, this 26th day of May A. D. 1843.

D. B. Backus Jr. ..... Clerk.

By Deputy

I. A. McCall

J. A. McCall certifies nine days at court at the plaintiff's instance. Sworn May 26, 1843.



HANCOCK CIRCUIT COURT, ILLS.

John Eagle — Pltff. — At the May Term, A. D. 1843.

VS.

Robert D Foster — Deft.

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

Sworn to and subscribed before me, this 26th day of May A. D. 1843.

D. B. Backus Jr. ..... Clerk.

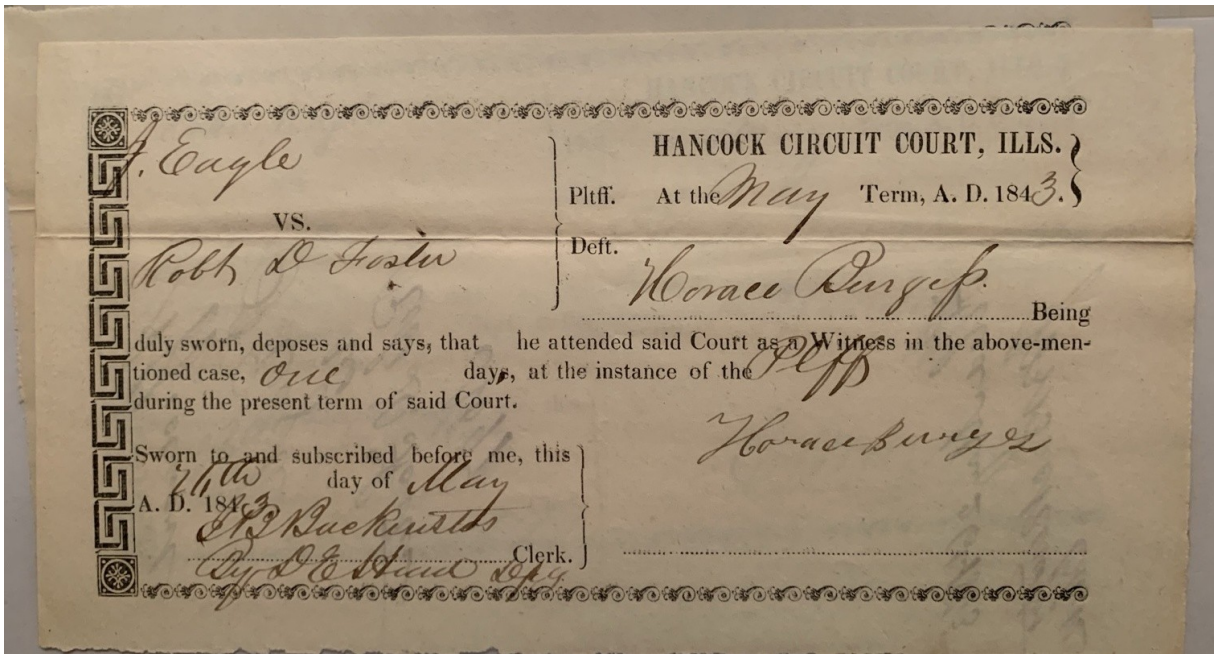
By Deputy

Wm Allen

William Allen certifies one day at court at the plaintiff's instance. Sworn May 26, 1843.

These forms establish the witness's claimed attendance and the party who requested it. They do not reproduce the testimony or prove that all certified days were trial days. The same limitation applies to Flack's certificate in the narrative and to those on the next page.

Burgess and Warner sign for their time



HANCOCK CIRCUIT COURT, ILLS.

J. Eagle — Pltff. — At the May Term, A. D. 1843.

VS.

Robt D Foster — Deft.

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

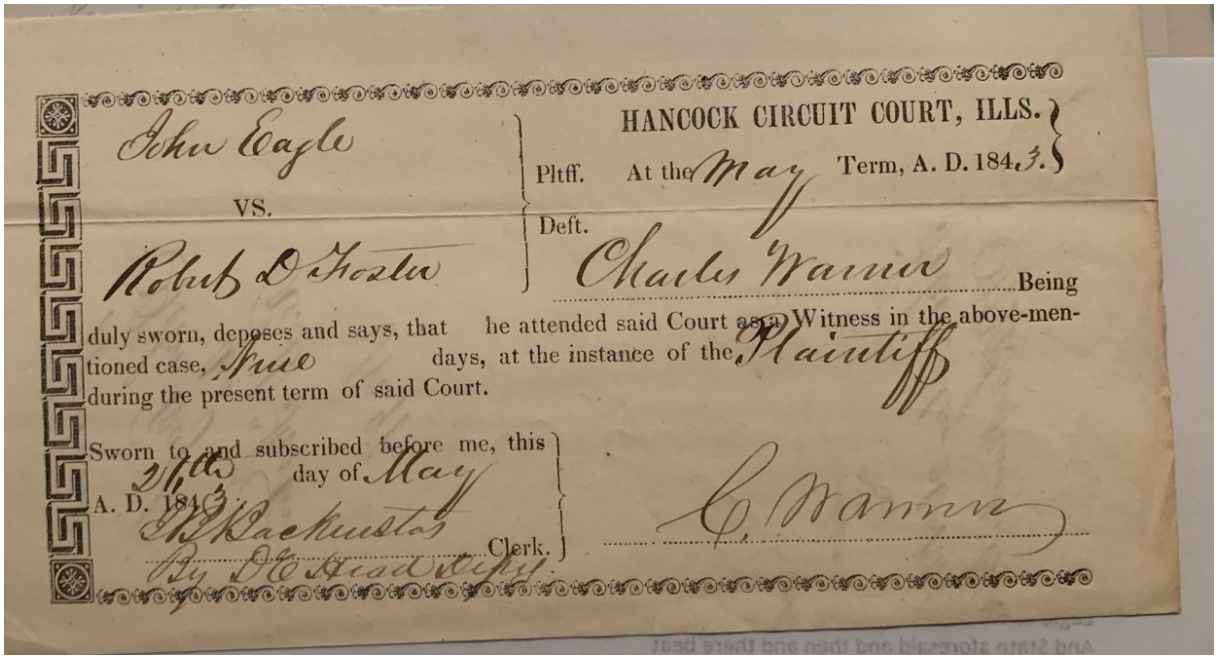
Horace Burgess

Sworn to and subscribed before me, this 26th day of May A. D. 1843

P. B. Backus Jr. Clerk.

By D. E. Head Dep.

Horace Burgess certifies one day at Eagle's instance. His signature connects the subject of the gaming-house allegation with the plaintiff's witness group.



HANCOCK CIRCUIT COURT, ILLS.

John Eagle — Pltff. — At the May Term, A. D. 1843.

VS.

Robt D Foster — Deft.

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

C. Warner

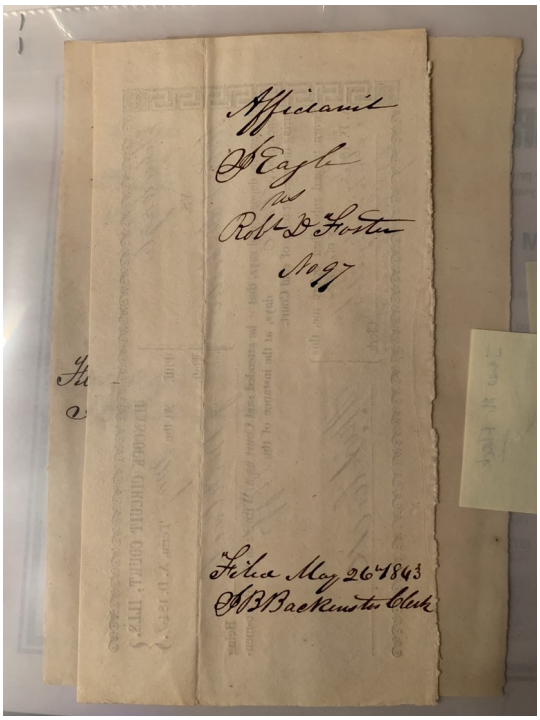
Sworn to and subscribed before me, this 26th day of May A. D. 1843

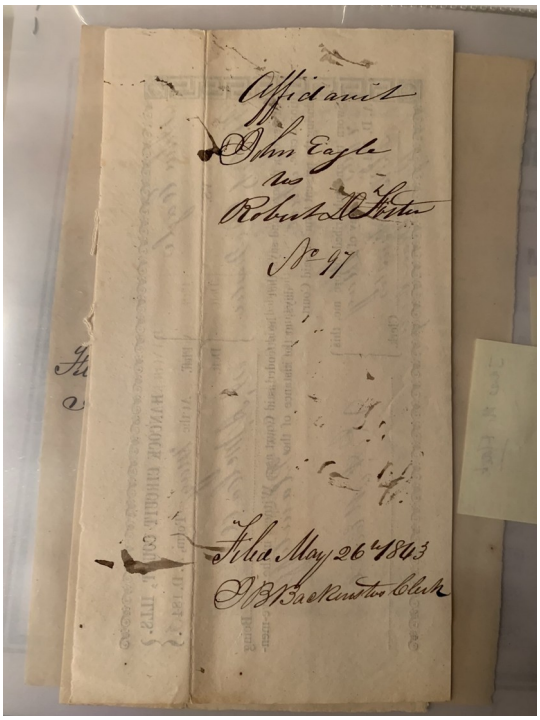
P. B. Backus Jr. Clerk.

By D. E. Head Dep.

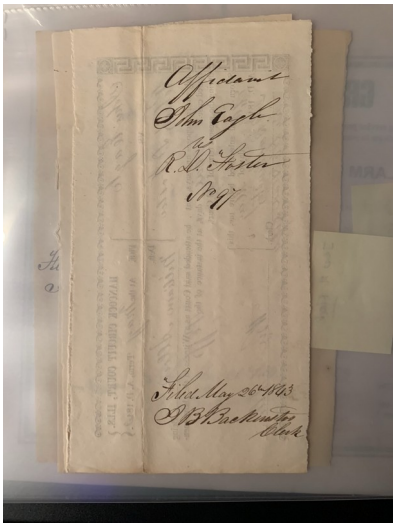
Charles Warner certifies three days at Eagle's instance. Both certificates were sworn May 26, 1843. Modern notes beneath the photographed documents are later research aids.

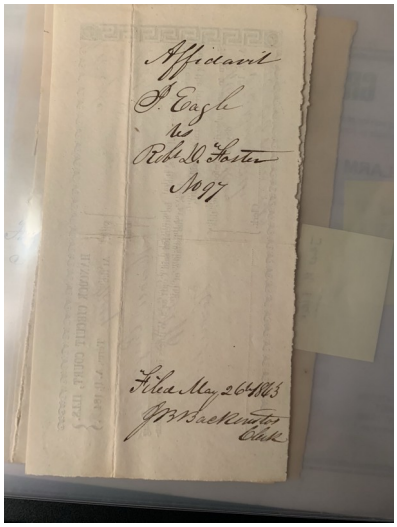
The clerk files the witness certificates

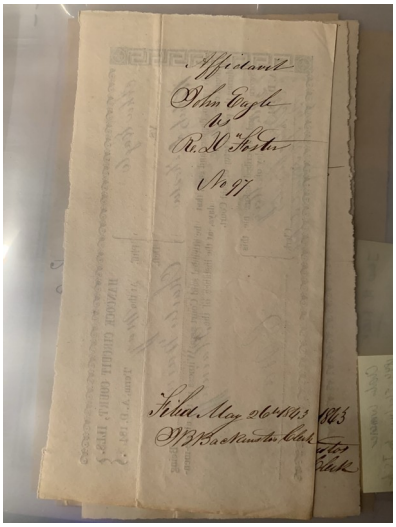




Reverse endorsements for the Flack and McCall certificates, identifying the case and recording filing. The manuscript panels are oriented for reading.



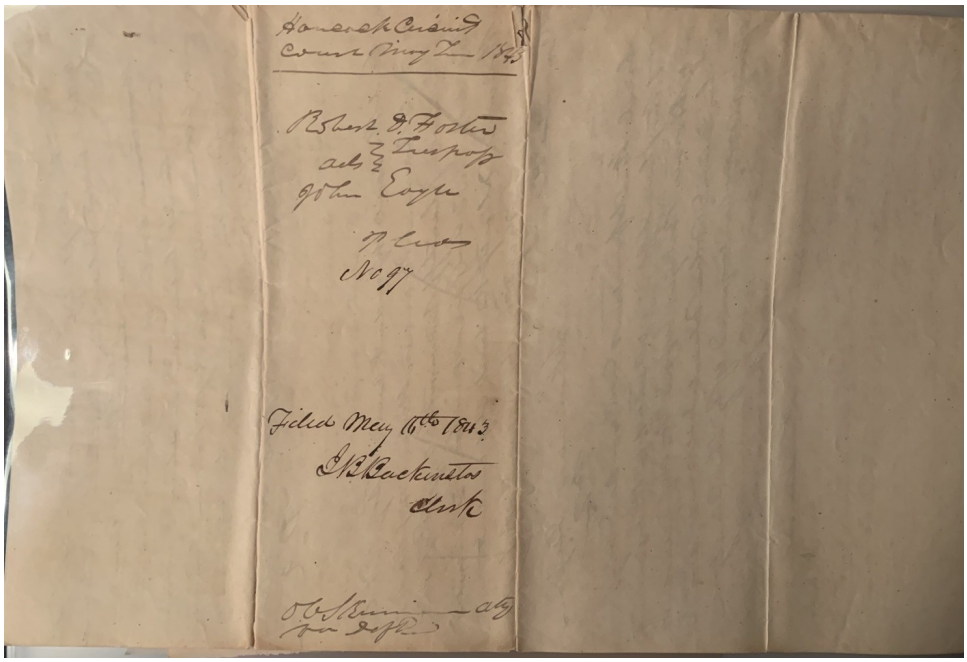




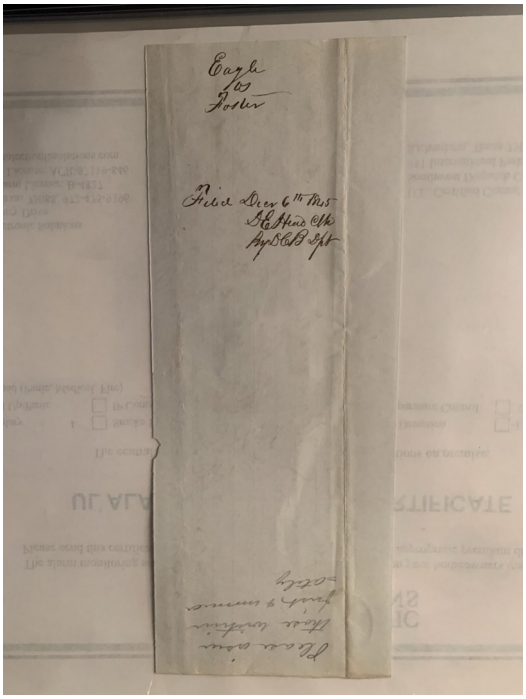
Reverse endorsements for Allen, Burgess, and Warner. All are preserved so the face of a document can be compared with the clerk’s filing information.

A witness certificate’s sworn date and its filing endorsement are related but distinct pieces of evidence. These later-May dates are one reason the old report’s precise verdict date requires fresh verification.

Wrappers and the later collection request



Plea wrapper. Reading: “Robert D. Foster ads John Eagle / Trespass / Pleas / No 97 / Filed May 16th 1843 / J. B. Backenstos Clerk / O. C. Skinner Atty for deft.”



Reverse of the fee-bill request. Its endorsement appears to record filing in December 1845. The body of the request is explicitly dated November 20, 1845; the two dates should not be conflated.

Source notes and image credits

1. Original case photographs, John Eagle v. Robert D. Foster, Hancock County Circuit Court, case 97, 1843, with later fee request dated November 20, 1845. Larsen collection. This edition directly examined photographs IMG_0461–IMG_0495, including duplicates, and the declaration-wrapper and verdict images embedded in the earlier report. IMG_0460 is an overview; IMG_0496 is a modern typed transcript. The custody receipt is IMG_0482; the initiating request IMG_0473; summons IMG_0463 and reverse IMG_0464; plea IMG_0476 and wrapper IMG_0477; fee request IMG_0471. Photographs are evidence of the displayed faces, not a claim that the complete original case file survives.

2. Joseph Smith Papers, John Eagle biography; property and civic references linked there. Read with the earlier project's expanded profile. The reported death remains approximate. Biography

3. Joseph Smith Papers, Introduction to State of Illinois v. Eagle–A, including its citations to the mayor's docket, city council minutes, Times and Seasons, and November 30 accounting. This supplies the corrected 1841 fines and voucher account. Case introduction

4. Gustavus Hills, draftsman, John Childs, lithographer, Map of the City of Nauvoo, 1844, hand-colored lithograph. Church History Museum exhibition identifies the map, Joseph Smith profile, and temple drawing. The image is reproduced as historical context, without proposed locations for unlocated premises. Museum record

5. Joseph Smith Papers, Robert D. Foster biography, with its references to his family, conversion, ordination, Washington journey, civic offices, mission assignment, break with the Church, and later residence. Biography

6. Andrew H. Hedges and Alex D. Smith, Enemies Within: Robert Foster, the Higbees, and the Martyrdom of Joseph Smith, Religious Studies Center, Brigham Young University. Used for the sequence of friction and cooperation in 1843 and the reported 1844 confrontations. The chapter's interpretations of motive are not adopted as established fact. Chapter and documentary references

Source notes continued

7. Illinois Supreme Court Historic Preservation Commission, Onias C. Skinner biography. Portrait credited there to the Abraham Lincoln Presidential Library. Reproduced as a later likeness, not an image made during the 1843 trial. Consult also the Joseph Smith Papers biographical entry. Court biography and portrait JSP biography

8. Joseph Smith Papers, Introduction to State of Illinois v. Eagle–B, and Docket Entry, circa December 22, 1843. The latter is in Aaron Johnson's handwriting, Robinson and Johnson Docket Book, p. 181, Chicago History Museum; the published transcription identifies both Johnson and Robert D. Foster as justices. The release was for want of evidence. Introduction Docket

9. Carthage Murder Research Update, September 10, 2026, retained project research. It separates the December 1843 Badham assault, James C. Owens's June 28, 1844 affidavit concerning Eagle, and the July 10, 1844 women's visit to Robert Foster. Contemporary and later accounts are distinguished. Owens affidavit Richards journal image Later history draft Foster letter

10. Indictment, October 26, 1844, State of Illinois v. Williams et al., Joseph Smith Papers. Robert Foster is not among its nine named defendants. This edition removes the old report's claim that he was tried and acquitted in the murder prosecution. Indictment

11. John Eagle v. Robert D. Foster, Final Report and expanded Draft Review, September 7, 2026. Retained research includes the juror profiles, participant biographies, Archives West reference to Horace Burgess's January 8, 1840 affidavit, FamilySearch family correlations, the Illinois public-domain land database, 1842 tax index, 1850 census, Warsaw newspapers, and county histories. Detailed correlations are retained as prior findings, not represented as new archival verification. New readings and corrections are identified in this edition.

12. Nauvoo (Mississippi), plate DCLXXXXII, steel engraving, cataloged 1853. Missouri History Museum, Meyer's Universum Collection, identifier N29124, resource 204190. Digital reproduction via Wikimedia Commons; its record identifies the image as public domain in the United States. Reused from the illustrated Brooks project, with the publication date distinguished from the date depicted. Image record

Narrative edition prepared October 3, 2026. Original spelling is retained in quoted documentary wording where legible. Narrative spelling and dates are standardized for readability.